



## **TOWN OF VINCENT**

### **ORDINARY COUNCIL MEETING 18 DECEMBER 2007**

#### **NOTICE OF MEETING AND AGENDA**

Notice is hereby given that an Ordinary Meeting of the Council of the Town of Vincent will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 18 December 2007** at 6.00pm.

**JOHN GIORGI, JP  
CHIEF EXECUTIVE OFFICER  
13 December 2007**

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*"Enhancing and celebrating our diverse community"*

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*This document is available in alternative formats upon request.*

## **“Enhancing and celebrating our diverse community”**

**PURPOSE** - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

***“To provide and facilitate services for a safe, healthy and sustainable community.”***

**VISION** – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the Town’s vision is:

***“A sustainable and caring community built with vibrancy and diversity.”***

### **GUIDING VALUES** (*Describes what values are important to us*)

- **Excellence and Service**

We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.

- **Honesty and Integrity**

We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.

- **Innovation and Diversity**

We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

- **Caring and Empathy**

We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.

- **Teamwork and Commitment**

Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Town of Vincent (Town) for any act, omission, statement or intimation occurring during Council meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the Town during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Town. The Town advises that anyone who has any application lodged with the Town must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

### **Copyright**

The Town wishes to advise that any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

## PROCEDURE FOR PUBLIC SPEAKING TIME

The Town of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or Town Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the Town's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy 4.2.3 - Recording of Council Meetings and Access to Recorded Information.

## ORDER OF BUSINESS

1. **Declaration of Opening**
  2. **Apologies/Members on Approved Leave of Absence/Attendance**
  3. (a) **Public Question Time and Receiving of Public Statements**  
(b) **Response to Previous Public Questions Taken on Notice**
  4. **Applications for Leave of Absence**
  5. **The Receiving of Petitions, Deputations and Memorials**
    - 5.1 Petition received from Business Owners situated between Brisbane and Newcastle Streets, Forbes Road and Wellman Street requesting that Council re-evaluate at its earliest convenience the parking listed times in these areas and requesting that the Town standardise its parking times to the same as the City of Perth for street parking, due to the negative impact on business operations that the current parking times are causing.
  6. **Confirmation of Minutes of Previous Meeting**
    - 6.1 Ordinary Meeting of Council held on 4 December 2007
  7. **Announcements by the Presiding Member (Without Discussion)**
  8. **Declaration of Interests**
  9. **Questions by Members of which Due Notice has been Given (Without Discussion)**

Nil.
  10. **Reports**
  11. **Motions of which Previous Notice has been Given**
    - 11.1 Cr Ian Ker – Use of Single Serve Water Bottles
  12. **Representation on Statutory Authorities and Public Bodies**
    - 12.1 WALGA Nominations (ORG0045):
      - (i) WALGA Member - Regional Development Council (Panel of 6 names) (Ministerial Approval);
      - (ii) WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Service Officer (1));
      - (iii) WALGA Metropolitan Member - FESA Bush Fire Brigade Capital Grants Committee (Ministerial Appointment - Panel of 4 required);
      - (iv) WALGA Metropolitan Member - FESA State Emergency Service Capital Grants Committee (Ministerial Appointment - Panel of 4 required); and
      - (v) WALGA Member - FESA Bush Fire Brigade Consultative Committee (Ministerial Appointment - Panel of 3 required)
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**13. Urgent Business**

Nil.

**14. Confidential Reports (*Behind Closed Doors*)**

14.1 CONFIDENTIAL REPORT – Chief Executive Officer’s Annual Performance Appraisal 2007

14.2 CONFIDENTIAL REPORT – Premier’s Australia Day Citizenship Awards – Nominations for 2008 (CVC0036)

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  - (ii) WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Service Officer (1));
  - (iii) WALGA Metropolitan Member - FESA Bush Fire Brigade Capital Grants Committee (Ministerial Appointment - Panel of 4 required);
  - (iv) WALGA Metropolitan Member - FESA State Emergency Service Capital Grants Committee (Ministerial Appointment - Panel of 4 required); and
  - (v) WALGA Member - FESA Bush Fire Brigade Consultative Committee (Ministerial Appointment - Panel of 3 required)

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## 10.1 DEVELOPMENT SERVICES

**10.1.1 Further Report - Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth - Proposed Demolition of Existing Warehouse and Construction of a Eight- Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two -Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2007
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3278; 5.2006.486.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	R Boardman, J Giorgi

### **CHIEF EXECUTIVE OFFICER AND DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Buljan on behalf of the owner North Perth Developments Pty Ltd for Proposed Demolition of Existing Warehouse and Construction of a Eight- Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two-Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park at Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth, and as shown on plans stamp dated 21 September 2007 and 12 November 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Residential Design Codes relating to:
  - (a) density;*
  - (b) plot ratio;*
  - (c) stores;*
  - (d) single bedroom dwelling plot ratio;*
  - (e) communal open space; and*
  - (f) privacy;**
- (iii) the non-compliance with the requirements of the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, relating to:
  - (a) density;*
  - (b) plot ratio;*
  - (c) residential/commercial ratio;*
  - (d) height;*
  - (e) car parking;*
  - (f) awning;*
  - (g) communal open space; and*
  - (h) Affordable Housing;**

- (iv) *the non-compliance with the requirements to justify a 33% bonus for Affordable Housing;*
- (v) *the non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access; and*
- (vi) *consideration of the objections received.*

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by S Buljan on behalf of the owner North Perth Developments Pty Ltd for Proposed Demolition of Existing Warehouse and Construction of a Eight Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two-Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park at Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth, and as shown on plans stamp dated 21 September 2007 and 12 November 2007, 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, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$110,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$110,000, subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 146-150 Fitzgerald Street and No. 49 Stuart Street/corner Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 146-150 Fitzgerald Street and No. 49 Stuart Street/corner Fitzgerald Street in a good and clean condition;*

- ~~(vi) 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;~~
- ~~(vii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Fitzgerald Street and the rear right-of-way (ROW), 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;~~
- ~~(viii) prior to the first occupation of the development, ten (10) class one or two and four (4) class three 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;~~
- ~~(ix) the on-site car parking area for the/non-residential component shall be available for the occupiers of the residential component outside normal business hours;~~
- ~~(x) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:~~
- ~~(a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;~~
  - ~~(b) a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;~~
  - ~~(c) the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and~~
  - ~~(d) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.~~
- ~~This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;~~
- ~~(xi) 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;~~
- ~~(xii) doors, windows and adjacent floor areas of the shop, eating house and office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;~~
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- ~~(xiii) — prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;~~
- ~~(xiv) — 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;~~
- ~~(xv) — all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;~~
- ~~(xvi) — the maximum gross floor area for the non-residential component shall be limited to as follows:~~
- ~~(a) — shop 73 square metres;~~
  - ~~(b) — office 1878 square metres; and~~
  - ~~(c) — eating house 60.5 square metres open to the public;~~
- ~~(xvii) — the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;~~
- ~~(xviii) — any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:~~
- ~~(a) — the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;~~
  - ~~(b) — decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;~~
  - ~~(c) — the maximum width, depth and diameter of posts and piers being 350 millimetres;~~
  - ~~(d) — the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and~~
  - ~~(e) — the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;~~
- ~~(xix) — the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;~~
- ~~(xx) — prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and/or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense;~~
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- ~~(xxi) any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;~~
- ~~(xxii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;~~
- ~~(xxiii) 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;~~
- ~~(xxiv) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$13,680 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;~~
- ~~(xxv) the undergrounding of power line(s) adjacent to the subject site and the installation of lighting on the eastern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision of this underground power and lighting on the eastern elevation of the building facing the ROW shall be met by the owner(s);~~
- ~~(xxvi) a pre and post dilapidation reports shall be carried out on the adjacent building (Art Gallery) to the north of the subject site at No. 49 Stuart Street/corner Fitzgerald Street sharing structural elements;~~
- ~~(xxvii) all car parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 "Off Street Parking";~~
- ~~(xxviii) 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 or 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;~~
- ~~(xxix) 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 \$9,612 for the equivalent value of 3.56 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR~~
- ~~(b) lodge an appropriate assurance bond/ bank guarantee of a value of \$9,612 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:~~
-

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

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

~~(xxx) — the incorporation of high quality environment sustainability measures that addresses issues such as building orientation, passive solar design, natural ventilation, shading, insulation, grey-water recycling sensitive to the high water table and energy efficient appliances; and~~

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

~~(a) — continuous and complementary awnings being provided over part of the Fitzgerald Street frontage adjacent to the retail area and adjacent to the commercial bin area in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Fitzgerald Street ;~~

~~(b) — the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;~~

~~(c) — each multiple dwelling being provided with open space/courtyard with a minimum area of 16 square metres and minimum dimensions of 4 metres in one specific area;~~

~~(d) — the openings to all balconies, living rooms and bedrooms, including the non-residential tenancies, complying with the privacy requirements of the Residential Design Codes. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. 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 to the north, east and south of the subject site respectively, stating no objections to the proposed privacy encroachment; and~~

~~(e) the smaller size stores being allocated to the single bedroom dwellings.~~

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

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 20 November 2007 considered the subject application and resolved the following:

*"That this Item be DEFERRED for further investigation."*

The applicant requested the proposal be further presented to and discussed at a Council Members Forum. The applicant presented the attached revised plans and accompanying submission at the Council Members Forum held on 11 December 2007.

The Town's Officers have not had an opportunity to undertake any technical assessment of the above revised proposal as scaled plans are currently not available. However, the assessment is no longer considered relevant, as the applicant has on 12 December 2007, requested the plans that were presented to the Ordinary Meeting of Council held on 20 November 2007, rather than the revised plans presented to the Council Members Forum held on 11 December 2007, be referred back to the 18 December 2007 Ordinary Meeting for determination by the Council.

In letter dated 12 December 2007 (copy attached), the applicant confirms the above and also advises as follows:

*"In an attempt to assist in the process of achieving Council approval, we agree to amend the Development Application of June 2007 as follows:*

1. *\*Reduce the plot ratio floor area of the one bedroom units to 60m<sup>2</sup>;*
2. *\*\*Reduce the number of units to 34 in total."*

<b>Chief Executive Officer and Director Development Services Comments:</b>			
The Chief Executive Officer and Director Development Services have further reviewed this development application. They have amended this report to recommend a "Refusal" as the proposed development is now considered unacceptable for the following reasons:			
<b>(i) Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>CEO and DDS Comments Pursuant to Clause 38(5) of TPS 1</b>
Density/Number of Dwellings	R160 (22.54 multiple dwellings)	R 212 (15 single bedrooms and 20 two-bedroom multiple dwellings) - 33 per cent density bonus.	<b>Not supported</b> – The Policy-Appendix No. 16 - Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, allows the density of the subject area to be increased from R80 (as prescribed by TPS 1) to R160, which is considered to already be a very generous density bonus. The Policy allows the Council the discretion to allow the

			density to increase over and above R160 only where affordable housing is proposed. The proposal does not include any affordable housing.
Building Height	Maximum of 3 storeys adjacent to primary streets and 8 storeys within the site and to Pental Lane.	8 storeys adjacent to Fitzgerald Street.	<b>Not supported -</b> The substantial height variation, especially so close to Fitzgerald Street, unduly affects the amenity and streetscape of the area.
Commercial-Residential Mix	66 per cent	60 per cent	<b>Not supported -</b> The vision for the Residential/Commercial zoning of the area is to transform the area from a predominately commercial area to an area of compatible residential and commercial uses with residential being the predominant use. This is further encouraged with the increase of density from R80 to R160. It is considered ambitious to assume the adjacent properties would be developed for residential purposes only (hence compensate for the residential shortfall in this proposal), unless Planning Approvals for such have been granted.
Stores	4 square metres	4 and 3.7 square metres	<b>Not supported -</b> An undue impact on the amenity of the occupiers of the development and the area. There is scope to comply with this requirement.
Single Bedroom Dwelling	60 square metres	68 square metres	<b>Not supported -</b> There is scope to comply with this requirement and its performance criteria - provide limited accommodation, suitable for one and two persons.

Car Parking for the Commercial Component	32.56 car bays	29 car bays	<b>Not supported</b> - Undue impact on the amenity of the area, especially given the vision for the Residential/Commercial zoning of the area to transform the area from a predominately commercial area to an area of compatible residential and commercial uses with residential being the predominant use.
Awning	Full length of building.	Only for part of length of building.	<b>Not supported</b> - Undue impact on pedestrian amenity, as there would be limited weather protection over the footpath. This will be exacerbated in the future when the area will accommodate a much greater amount of residents and visitors.
Communal Open Space	16 square metres	Part provided	<b>Not supported</b> - Undue impact on the occupiers' amenity, especially given the very high density proposed.
Building Setbacks			
West-ground floor	Nil	Nil to 7.8 metres	<b>Not supported</b> - Undue impact on the amenity of the area.
1st floor	Nil	Nil to 6.8 metres	<b>Not supported</b> - Undue impact on the amenity of the area.
2nd floor	Nil	Nil to 2.8 metres	<b>Not supported</b> - Undue impact on the amenity of the area.
3rd floor	Away from boundary.	Nil to 4.4 metres	<b>Not supported</b> - Undue impact on the amenity of the area.
4-7 floor	Away from boundary.	Nil to 4.6 metres	<b>Not supported</b> - Undue impact on the amenity of the area.
North Side-4-7 floor	Nil	2 metres to 5.6 metres	<b>Not supported</b> - Undue impact on the amenity of the area.
South side-4-7 floor	Nil	2.5 metres to 6 metres	<b>Not supported</b> - Undue impact on the amenity of the area.

East rear-floor 4-7	Nil	5 metres to 7.2 metres.	<b>Not supported -</b> Undue impact on the amenity of the area.
Privacy Setbacks	4.5 metres, 6 metres and 7.5 metres for major openings to bedrooms, living rooms & balconies respectively.	Some of the major openings are located closer than the required setback.	<b>Not supported -</b> Undue impact on the amenity of the affected neighbouring properties.
Affordable Housing	Affordable housing is encouraged, and is to be provided where density is greater than R80.	Nil	<b>Not supported -</b> The site is well located for affordable housing with its close proximity to central city, access to support services, public transport and employment. The significant 33 per cent density bonus is not commensurate with the provision of any affordable housing. It is considered most inappropriate for the proposal to take advantage of the significant density bonus without providing affordable housing, and expecting other landowners in the area to provide the much needed affordable housing.

(ii) The proposal involves a significant number and extent of variations to the relevant requirements of the Residential Design Codes and the Town's Policies relating to Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, and Parking and Access, as follows;

- (a) density;
- (b) plot ratio;
- (c) residential/commercial ratio;
- (d) height;
- (e) car parking;
- (f) awning ;
- (g) communal open space; and
- (h) Affordable Housing.

(iii) The non-compliance with the Residential Design Codes requirements as follows;

- (a) density;
- (b) plot ratio;
- (c) stores;
- (d) single bedroom dwelling plot ratio;
- (e) communal open space; and
- (f) privacy;

- (iv) The accumulation of the above variations to the requirements results in a development with a density, height, bulk and scale that “far exceeds” what is intended for the area, and unduly affects the amenity of the area;
- (v) When the proposal was considered at the Ordinary Meeting of Council held on 20 November 2007 and Council Members Forum held on 11 December 2007, same Council Members raised serious concerns regarding the proposal and the significant variations to the relevant requirements, namely excessive height, density, plot ratio, commercial floor space, and overall bulk and scale;
- (vi) Consideration should be given to the objections received from the public, namely height, density, use of right-of-way, residential/commercial mix; and
- (vii) Cognisance of Council Member comments provided at the Ordinary Meeting of Council held on 20 November 2007.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 November 2007.

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by S Buljan on behalf of the owner North Perth Developments Pty Ltd for Proposed Demolition of Existing Warehouse and Construction of a Eight- Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two-Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park at Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth, and as shown on plans stamp dated 21 September 2007 and 12 November 2007, 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, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$110,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$110,000., subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to*

*the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of Nos. 146-150 Fitzgerald Street and No. 49 Stuart Street/corner Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 146-150 Fitzgerald Street and No. 49 Stuart Street/corner Fitzgerald Street in a good and clean condition;*
- (vi) 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;*
- (vii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Fitzgerald Street and the rear right-of-way (ROW), 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;*
- (viii) prior to the first occupation of the development, ten (10) class one or two, plus four (4) class three 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;*
- (ix) the on-site car parking area for the/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
  - (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
  - (b) a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
  - (c) the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*
  - (d) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) 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;*
- (xii) *doors, windows and adjacent floor areas of the shop, eating house and office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiv) *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;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *the maximum gross floor area for the non-residential component shall be limited to as follows:*
- (d) shop-73 square metres;*  
*(e) office-1878 square metres; and*  
*(f) eating house-60.5 square metres open to the public;*
- (xvii) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
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- (xix) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
  - (xx) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and /or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense;*
  - (xxi) *any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
  - (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (xxiii) *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;*
  - (xxiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$13,680 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
  - (xxv) *the undergrounding of power line(s) adjacent to the subject site and the installation of lighting on the eastern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision of this underground power and lighting on the eastern elevation of the building facing the ROW shall be met by the owner(s);*
  - (xxvi) *a pre-and post-dilapidation reports shall be carried out on the adjacent building (Art Gallery) to the north of the subject site at No. 49 Stuart Street/corner Fitzgerald Street sharing structural elements;*
  - (xxvii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
  - (xxviii) *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 or 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;*
  - (xxix) *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 \$9,612 for the equivalent value of 3.56 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$9,612 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
  - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
  - (2) *to the owner(s) / applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
  - (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (xxx) *the incorporation of high quality environment sustainability measures that addresses issues such as building orientation, passive solar design, natural ventilation, shading, insulation, grey-water recycling sensitive to the high water table and energy efficient appliances; and*
  - (xxxi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (a) *continuous and complementary awnings being provided over part of the Fitzgerald Street frontage adjacent to the retail area and adjacent to the commercial bin area in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Fitzgerald Street ;*
    - (b) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
    - (c) *each multiple dwelling being provided with open space/courtyard with a minimum area of 16 square metres and minimum dimensions of 4 metres in one specific area;*
    - (d) *the openings to all balconies, living rooms and bedrooms, including the non-residential tenancies, complying with the privacy requirements of the Residential Design Codes. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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*
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*major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties to the north, east and south of the subject site respectively, stating no objections to the proposed privacy encroachment; and*

*(e) the smaller size stores being allocated to the single bedroom dwellings.*

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

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Moved Cr Farrell, Seconded Cr Youngman

*That the recommendation be adopted.*

*Debate ensued*

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Burns

*That new clause (xxxi)(f) be added as follows:*

*“(xxxi)(f) all single bedroom multiple dwellings being limited to a maximum plot ratio area of 60 square metres each.”*

AMENDMENT PUT AND LOST (1-7)

*Cr Ker was an apology for the meeting.*

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

*Debate ensued*

*Cr Messina departed the Chamber at 7.12pm*

*Debate ensued*

*Cr Messina returned to the Chamber at 7.13pm*

*Debate ensued*

*Chris Thomson departed the Chamber at 7.15pm*

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Messina

*That the item be DEFERRED for further investigation.*

PROCEDURAL MOTION PUT AND CARRIED (6-2)

*Cr Ker was an apology for the meeting.*

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

COUNCIL DECISION ITEM 10.1.1

*That this Item be DEFERRED for further investigation.*

<i>Landowner:</i>	<i>North Perth Developments Pty Ltd</i>
<i>Applicant:</i>	<i>S Buljan</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>Unoccupied Warehouse Building</i>
<i>Use Class:</i>	<i>Office Building, Eating House, Shop, Multiple Dwelling</i>
<i>Use Classification:</i>	<i>"AA", "SA", "AA", "P"</i>
<i>Lot Area:</i>	<i>1409 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 3.04 metres wide, sealed, Town owned</i>

**BACKGROUND:**

27 September 2005      *The Council at its Ordinary Meeting considered a development proposal for the partial demolition of existing warehouse and construction of a two-storey mixed use development comprising four (4) offices, one (1) eating house, one (1) showroom, one (1) serviced apartment and associated undercroft car parking, and resolved as follows:*

*"That the Item be DEFERRED to provide the applicant with the opportunity to submit a revised proposal for a more appropriately intense development on the subject site with direction being provided by the Town's Officers in regard to this matter.*

SUBSEQUENT MOTION

*That;*

- (i) *the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pendal Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:*
  - (1) *the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*

- (2) utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;
- (3) reports should consider the areas;
  - (a) proximity to public transport;
  - (b) proximity to open space;
  - (c) Council's previous approval of an eight storey development on the adjacent Maltings development site;
  - (d) the current R160 zoning adjacent and to the south of Newcastle Street; and
  - (e) flexibility in provision of commercial/residential mix; and
- (ii) the Town's officers meet with the applicants to discuss future development of the site."

**DETAILS:**

The proposal involves the demolition of the existing buildings and the construction of an eight storey building with 2 associated basement car parking areas. The mixed used development comprises 35 multiple dwellings made up of 15 single bedroom and 20 two-bedrooms dwellings, shop, office and eating house. Access to the site is via the rear right-of-way and entry and exit off Fitzgerald Street.

The applicant has also submitted a response to the matters raised in the public submissions (attached).

The applicant's comprehensive submission in relation to the development proposal 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/Number of Dwellings</i>	<i>R160 (22.54 multiple dwellings)</i>	<i>R 212 (15 single bedrooms and 20 two-bedroom multiple dwellings) - 33 per cent density bonus.</i>	<i>Supported – as the proposal is considered to enhance the amenity of the area given the current state of the site; the context of the site being along Fitzgerald Street; promotes housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community; and can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council. Also complies with the intention of the Policy-</i>

			<i>Appendix No. 16 - Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal lane, Perth.</i>
<i>Plot Ratio</i>	<i>2.0</i>	<i>2.0</i>	<i>Noted.</i>
<i>Commercial-Residential Mix</i>	<i>66 per cent</i>	<i>60 per cent</i>	<i>Supported- as the development has quite a substantial residential component. It is most likely that the redevelopment of the adjacent lots would compensate for the residential shortfall proposed in this proposal.</i>
<i>Stores</i>	<i>4 square metres</i>	<i>4 and 3.7 square metres</i>	<i>Supported- as the smaller size stores can be allocated to the single bedroom dwellings.</i>
<i>Single Bedroom Dwelling</i>	<i>60 square metres</i>	<i>68 square metres</i>	<i>Supported - as the increase in size is within acceptable limits. A condition has been applied to restrict number of bedrooms and occupants and the floor layout.</i>
<i>Car Parking for the Commercial Component</i>	<i>32.56 car bays</i>	<i>29 car bays</i>	<i>Supported- as the variation is considered minor in nature and a cash-in lieu payment is considered appropriate in this instance.</i>
<i>Awning</i>	<i>Full length of building</i>	<i>Only for part of length of building.</i>	<i>Not supported- undue impact on pedestrian amenity, and a condition is recommended for the additional length of the building to be provided with an awning</i>
<i>Communal Open Space</i>	<i>16 square metres</i>	<i>Part provided</i>	<i>Not supported - undue impact on occupant's amenity, and a condition requiring compliance has been recommended.</i>
<i>Building Setbacks</i>			
<i>West-ground floor</i>	<i>Nil</i>	<i>Nil to 7.8 metres</i>	<i>Supported - as the design of the proposal complies with the general intent for a "Nil" setback, except for a few areas.</i>
<i>1st floor</i>	<i>Nil</i>	<i>Nil to 6.8 metres</i>	<i>Supported- as the setback assist in reducing any undue impact of bulk and scale.</i>
<i>2nd floor</i>	<i>Nil</i>	<i>Nil to 2.8 metres</i>	<i>Supported - as above.</i>
<i>3rd floor</i>	<i>Away from boundary</i>	<i>Nil to 4.4 metres</i>	<i>Supported - as above.</i>
<i>4-7 floor</i>	<i>Away from boundary</i>	<i>Nil to 4.6 metres</i>	<i>Supported - as above.</i>

North floor	Side-4-7	Nil	2 metres to 5.6 metres	Supported - as above.
South floor	side-4-7	Nil	2.5 metres to 6 metres	Supported - as above.
East rear floor	4-7	Nil	5 metres to 7.2 metres.	Supported - as above.
Privacy setbacks	4.5 metres, 6 metres and 7.5 metres for major openings to bedrooms, living rooms and balconies respectively	Some of the major openings are located closer than the required setback		Not supported - undue impact on the effected neighbouring properties. A condition has been imposed to ensure that privacy considerations are complied with at Building Licence stage.
<i>Consultation Submissions</i>				
Support (1)		<ul style="list-style-type: none"> <li>No comments provided.</li> </ul>		Noted.
Objection (4)		<ul style="list-style-type: none"> <li>The 8 storey height is considered to be excessive and will adversely affect the surrounding properties and the streetscape.</li> </ul>		Not supported – as the proposal complies with the height requirements in Policy-Appendix No. 16 - Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth.
		<ul style="list-style-type: none"> <li>Loss of privacy to the windows facing the northwest and southwest windows and also afternoon shadow cast.</li> </ul>		Supported – as a condition has been proposed in the Officer Recommendation for all privacy aspect to be complied as per the Residential Design Codes requirements.
		<ul style="list-style-type: none"> <li>Whether the 8 storey development will affect environmental technology to be retrofitted to town house and impact to edible garden boxes and solar panels on terrace and garage roof.</li> </ul>		Noted –as the proposal complies with the requirements of the Residential design Codes. The Town’s Officers are not specifically required to assess the affect of the development on gardening related matters on an adjoining/adjacent property.
		<ul style="list-style-type: none"> <li>Concerned that the right-of way which is up against the living area and wall and windows will be become a thoroughfare and result in noise impact to living area. Will the ROW to be used as the main entrance or the front of the property?</li> </ul>		Noted.
		<ul style="list-style-type: none"> <li>Concerned about construction noise, dust and other impacts, as a development this size and scale would take a while to build, as the owners runs a small home business from home. Is there a contact person for adjoining residents to contact if guidelines during the construction phase are not followed?</li> </ul>		Noted – as all construction related noise is controlled by the relevant State legislation.

	<ul style="list-style-type: none"> <li>Disappointed to see that an 8 storey development, as prior to purchasing the property a year ago undertook a research of area and was prepared for a 3 storey development. Would like to be informed of rights as a close neighbour, possibility of compromise for all parties.</li> </ul>	<p>Not supported – as the proposal complies with the height requirements in the Policy-Appendix No. 16 - Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth affecting the site. The Policy was duly advertised in accordance with the public consultation requirements of the Town's Scheme and Policy.</p>
	<ul style="list-style-type: none"> <li>Under the impression that the heights were above the Town's planning requirements for building heights.</li> </ul>	<p>Not supported – as the heights are compliant with the Policy-Appendix No. 16 - Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth affecting the site.</p>
	<ul style="list-style-type: none"> <li>Proposal is too dense, and not in keeping with the history, designs of the area and would affect property values.</li> </ul>	<p>Not supported – as the upper floors have been setback from the street, and the development complies with the height and scale requirements for the precinct. The affect on property values is not a significant planning consideration.</p>
	<ul style="list-style-type: none"> <li>Building is significantly higher than any other building in the area, and would set a precedent for the adjoining lot.</li> </ul>	<p>Noted – as this site is within a separate precinct, where higher buildings are permissible.</p>
	<ul style="list-style-type: none"> <li>The road is not designed for additional traffic and there is also not enough car parking.</li> </ul>	<p>Not supported - as Fitzgerald Street is classified as an "Other Regional Road", hence has the capacity to accommodate higher traffic volumes.</p>
	<ul style="list-style-type: none"> <li>This area has a high crime rate, and such dense developments would exacerbate the problem.</li> </ul>	<p>Not supported – as this claim has not been substantiated with any relevant evidence.</p>
	<ul style="list-style-type: none"> <li>The commercial aspect will not be beneficial, as there are already vacant commercial sites in the vicinity.</li> </ul>	<p>Not supported – as above.</p>
	<ul style="list-style-type: none"> <li>Rear right-of-way which is 3.04 metres wide is too narrow to accommodate anticipated traffic volumes.</li> </ul>	<p>Not supported – as the Town's Technical Services is satisfied that the width of</p>

		<i>the ROW and the increased setback within the development site is sufficient for entry to the site and catering for the expected traffic flows.</i>
	<ul style="list-style-type: none"> <li>• <i>Serious potential excavation risk to the art gallery on the adjoining lot to the north of the subject site.</i></li> </ul>	<i>Noted - as a condition has been imposed to this effect.</i>
	<ul style="list-style-type: none"> <li>• <i>Right of access from right -of -way.</i></li> </ul>	<i>Noted – as each individual owners is required to ascertain their individual access rights from the rear right-of way.</i>
	<ul style="list-style-type: none"> <li>• <i>Developer to indemnify the owners of the adjoining art gallery any adverse affects to fabric of art gallery caused by construction and excavation and is to be quickly repaired at the developer's cost the required works. A copy of the legal indemnity should be lodged with the Town and copy given to affected owners.</i></li> </ul>	<i>Noted – as this is a civil matter and is to be resolved by both affected parties should damages arise as a result of the proposed development.</i>
	<ul style="list-style-type: none"> <li>• <i>Developer should provide a Structural Engineers' dilapidation report and photographic record at the developers' expense relating to the art gallery on adjoining lot which may be adversely affected by the excavation and construction work. A copy of the Structural Engineers' dilapidation report should be lodged with the Town and copy given to affected owners.</i></li> </ul>	<i>Supported – a condition to this effect is in the Officer Recommendation. It is to be noted that the above matters arising from works carried out at the above site is a civil matter between affected parties.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

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

**COMMENTS:**

**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 car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 35 car bays have been provided. The balance of car bays available for the commercial component in this instance is 29 car bays.*

<i>Car Parking- Commercial Component</i>	
<i>Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 1878 square metres) = 37.56 car bays. Café/Eating House -1 space per 4.5 square metres of public area</i>	<i>56 car bays</i>

(60.5 square metres) = 13.44 car bays. Shop: 1 car bay per 15 square metres of gross floor area (proposed 73 square metres) = 4.86 car bays.  Total = 55.86 car bays	
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces)</li> <li>• 0.90 (provision of "end of trip" facilities for bicycle users)</li> <li>• 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential)</li> </ul>	(0.5814)  32.56 car bays
Minus the car parking provided on-site	29 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop both sites.
Resultant shortfall	3.56 car bays

<i>Bicycle Parking Facilities</i>	
<i>Offices</i> <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 1878) square metres gross floor area (class 1 or 2) - 9.39 spaces.</li> <li>• 1 space per 750 (proposed 878) square metres over 1000 square metres for visitors (class 3) - 1.17 spaces.</li> </ul>	End of trip bicycle facilities provided.
<i>Shop</i> <ul style="list-style-type: none"> <li>• 1 space per 300 (proposed 73) square metres gross floor area (Class 1 or 2) - 0.24 space</li> <li>• 1 space per 200 (proposed 73) square metres (Class 3) - 0.37 space.</li> </ul>	
<i>Eating house</i> <ul style="list-style-type: none"> <li>• 1 space per 100 (proposed 60.5) square metres public area (class 1 or 2) - 0.61 space.</li> <li>• 2 spaces plus 1 space per 100 (proposed 60.5) square metres of public area (class 3) - 2.61 spaces.</li> </ul>	

*Western Australian Planning Commission Referral*

The proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Fitzgerald Street, which is classified as an "Other Regional Road" and also due to regional transport implications.

The Department for Planning and Infrastructure (DPI) in its letters dated 9 August 2007 has advised the subject Lots 1 and 2 are affected by a 3 metre wide Other Regional Road Reservation. As such the applicant is required to submit Transport Statement or Assessment for the DPI's further assessment, which has been submitted by the applicant.

In a further letter dated 24 October 2007, the DPI has further advised that additional clarification is required in terms of anticipated queuing of vehicles entering/exiting the site and the incorporation of parking bays and slip lane to alleviate car park entry build up.

*Technical Services Comments*

The above DPI's comments can be addressed and resolved between the Town, DPI and the applicant prior to the issue of the Building Licence. As such an appropriate condition has been recommended to this effect.

*Demolition*

*The subject property comprises a large concrete and fibro warehouse building at Nos. 152 - 158 Fitzgerald Street, Perth. The Metropolitan Sewerage Maps Plans indicate that prior to 1952 a small brick dwelling occupied the site. The City of Perth Building Licence cards document that the warehouse was constructed by 1969, when a planning application for factory additions was submitted by Grant Electrics.*

*The warehouse covers almost the entire site with the exception of a small rectangular car parking area and features a sawtooth roof, an articulated concrete panel façade to the north of the lot and a large roller door to the southern portion of the façade behind the car park area.*

*The subject property is not listed on the Town's Municipal Heritage Inventory. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and a full Heritage Assessment is not warranted.*

*Therefore it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.*

*Affordability*

*The applicants have advised that housing in the private sector can be affordable, however the current market trends reflects demand exceeding supply. The applicants are providing 15 single bedroom dwellings out of a total of 35 dwellings, which would cater for single/two persons households.*

*Moreover the adjoining property to the south at Nos.146-150 Fitzgerald Street has been recently acquired by the Department of Housing and Works, and it is highly likely that the property would be developed to mostly cater for those requiring affordable housing."*

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**10.1.2 Further Report - Nos. 257-261 (Lot: 1 D/P: 1925, Lot: 2 D/P: 1925) Oxford Street ,Corner Bourke Street, Leederville - Proposed Demolition of Existing Buildings and Construction of Three-Storey Mixed Use Development Comprising Office, Eight (8) Multiple Dwellings (Including 6 Single Bedroom Dwellings and 2 Two -Bedroom Dwellings) and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO2982; 5.2007.210.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Domination Homes on behalf of the owner Aralia Investments Pty Ltd for proposed Demolition of Existing Buildings and Construction of Three-Storey Mixed Use Development Comprising Office, Eight (8) Multiple Dwellings (Including 6 Single Bedroom Dwellings and 2 Two-Bedroom Dwellings) and Associated Car Parking, at Nos. 257-261 (Lot: 1 D/P: 1925, Lot: 2 D/P: 1925) Oxford Street, corner Bourke Street, Leederville and as shown on revised plans stamp-dated 7 December 2007, 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, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$30,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 263 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 263 Oxford Street in a good and clean condition;*
- (vi) *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;*
- (vii) *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 Oxford and Bourke Streets and the rear right-of-way (ROW), 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;*
- (viii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. 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;*
  - (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (d) *the floor plan layout for the single bedroom dwellings are to 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;*
- (xi) *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;*
- (xii) *doors, windows and adjacent floor areas of the office component fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with these streets;*
- (xiii) *prior to the first occupation of the development, 8 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;*
- (xiv) *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;*
- (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvi) *the gross floor area of the office component shall be limited to 190 square metres, and 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;*
- (xvii) *the car parking area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate between the Oxford Street and Bourke Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded,*
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*by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$3,780 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (xx) *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;*
- (xxi) *the pedestrian gate adjacent to Oxford Street, and any proposed vehicular gate for the basement car park visible from Bourke Street, being a minimum 50 percent visually permeable when viewed from the respective street;*
- (xxii) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (xxiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the openings to all balconies complying with the privacy requirements of the Residential Design Codes in terms of the western and northern neighbouring properties. These openings shall be screened with permanent obscure materials 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. 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 No.96 Bourke Street and No.263 Oxford Street respectively, stating no objections to the proposed privacy encroachment.*

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

#### **FURTHER REPORT:**

The Council at its Ordinary Meeting held on 4 December 2007 considered the subject application and resolved the following:

*"That the Item be DEFERRED for further investigation of the items raised by the members of the public, during public question speaking time."*

The applicants have submitted revised plans dated 7 December 2007 and addressed matters discussed at the Ordinary Meeting of Council held on 4 December 2007 in a written submission dated 10 December 2007, which is attached to this report and summarised as follows:

- Single bedroom dwelling (Unit 5) size has been reduced from 76 square metres to 67 square metres.

- Vehicular access to development is proposed in the same location as the previous approval at No.257 Oxford Street. Vehicular access from the right of way (ROW) is not possible until the ROW is widened from the other side as advised by the Town's Senior Officers at the Ordinary Meeting of Council held on 4 December 2007.
- The proposed ground floor level varies by 1.4 metres from corner to corner and 1.2 metres from Oxford Street down to the ROW. The lowering of the ground floor down to the ROW level would result in the commercial tenancy being below street level, resulting in passive surveillance and the street level interaction between the occupants of the tenancy and pedestrians being dramatically reduced. As the ROW is privately owned, the availability of using it to access the site may be questionable.
- The 1.0 metre wide strip of land along the ROW is being given up without cost to the Town. This was not a condition of the previous approval for No. 257 Oxford Street.
- Building articulation - A large courtyard has been provided at all levels along the Bourke Street elevation. All upper levels are set back off the street with balconies and terraces at staggered setbacks to provide an interesting and articulated building form.
- Parking levels - Due to the space required for vehicle ramps, it is not practically possible to provide subterranean car parking. The site is not large enough to accommodate vehicle ramps and the required car parking facilities. The excavation required for this type of parking structure could have resulted in residual damage to the adjoining properties.

**Assessment**

The Assessment Table below has been amended as indicated by the strikethrough and underline, to reflect the changes proposed in the revised plans dated 7 December 2007.

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	0.7 or 497 square metres.	<del>0.85</del> <u>0.837</u> or <del>604</del> <u>595</u> square metres.	Supported- as the increased plot ratio is as a result of the increase in the density proposed, and in mixed use developments, if too high standards are imposed, there is a probability that this would discourage the concept of mixed use developments. In the past, for mixed use developments, the Town has considered higher plot ratios provided that the "total development" is compatible with the surrounding development and the likely benefits to be achieved by such integrated developments, such as this proposal.

Single Bedroom Dwelling Plot Ratio	60 square metres	Unit 3-67.44 Unit 4-67.96 Unit 5- <del>76.31</del> <u>67</u> Unit 6- 63.44 Unit 7- 67.44 Unit 8- 67.96 <u>square metres</u>	Supported - as the variation is considered within acceptable size limits. Similar sized single bedroom dwellings have been approved by Council in other instances. A condition has been applied to restrict number of bedrooms and occupants and the floor layout.
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**Technical Services Comment**

Technical Services have advised that the undergrounding of power lines in this area is not required as previously recommended for the following reasons:

- The design complies with Western Power requirements for setbacks from openings to adjacent powerlines.
- It was not a condition of the original Planning Approval and is therefore an added imposition on the applicant.
- The section to be placed underground would be done in isolation and does not form part of a larger project nor continues an existing underground scheme, such as in Newcastle Street in the Oxford Centre Precinct.

The applicant has addressed matters raised at "Public Question Time" at the Ordinary Meeting of Council held on 4 December 2007, relating to the development not fitting in with the surrounding area in submission dated 10 December 2007.

On the above basis, the previous Officer Recommendation remains unchanged, except that condition (xiii) has been corrected and superseded condition (xxiv) has been deleted as part of this revised proposal.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 4 December 2007.

**"OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Domination Homes on behalf of the owner Aralia Investments Pty Ltd for proposed Demolition of Existing Buildings and Construction of Three-Storey Mixed Use Development Comprising Office, Eight (8) Multiple Dwellings (Including 6 Single Bedroom Dwellings and 2 Two-Bedroom Dwellings) and Associated Car Parking, at Nos. 257-261 (Lot: 1 D/P: 1925, Lot: 2 D/P: 1925) Oxford Street, corner Bourke Street, Leederville and as shown on revised plans stamp-dated 26 November 2007, 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, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
  - (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$30,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
  - (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
  - (v) *first obtaining the consent of the owners of No. 263 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 263 Oxford Street in a good and clean condition;*
  - (vi) *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;*
  - (vii) *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 Oxford and Bourke Streets and the rear right-of-way (ROW), 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;*
  - (viii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
  - (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
  - (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
    - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
-

- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. 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;*
- (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
- (d) *the floor plan layout for the single bedroom dwellings are to 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;*

- (xi) *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;*
  - (xii) *doors, windows and adjacent floor areas of the office component fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with these streets;*
  - (xiii) *prior to the first occupation of the development, ~~7~~8 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;*
  - (xiv) *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;*
  - (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
  - (xvi) *the gross floor area of the office component shall be limited to 190 square metres, and 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;*
  - (xvii) *the car parking area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
  - (xviii) *any new street/front wall, fence and gate between the Oxford Street, and Bourke Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
    - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
-

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$3,780 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xx) *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;*
- (xxi) *the pedestrian gate adjacent to Oxford Street, and any proposed vehicular gate for the basement car park visible from Bourke Street, being a minimum 50 percent visually permeable when viewed from the respective street;*
- (xxii) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxiv) *the undergrounding of power line(s) adjacent to the subject site and the installation of lighting on the western elevation of the building facing the rear right of way (ROW), and all associated costs shall be met by the owner(s); and*
- (xxv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the openings to all balconies complying with the privacy requirements of the Residential Design Codes in terms of the western and northern neighbouring properties. These openings shall be screened with permanent obscure materials 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. 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 No.96 Bourke Street and No.263 Oxford Street respectively, stating no objections to the proposed privacy encroachment.*
-

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

<i>Landowner:</i>	<i>Aralia Investments Pty Ltd</i>
<i>Applicant:</i>	<i>Domination Homes</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 60</i>
<i>Existing Land Use:</i>	<i>Vehicles sales premises and print shop</i>
<i>Use Class:</i>	<i>Office Building and Multiple Dwellings</i>
<i>Use Classification:</i>	<i>"SA" and "P"</i>
<i>Lot Area:</i>	<i>711 square metres</i>
<i>Access to Right of Way</i>	<i>West side, 2.73 metres wide, unsealed, privately owned</i>

Moved Cr Farrell, Seconded Cr Youngman

*That the recommendation be adopted.*

*Debate ensued.*

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Ker

*"That a new clause (xxvi) be added as follows:*

*(xxvi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the plot ratio floor area for multiple dwelling Unit 5 being reduced to 67 square metres.*

AMENDMENT PUT AND CARRIED (6-2)

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

*Cr Burns on approved leave of absence*

PROCEDURAL MOTION

*That the Item be DEFERRED for further investigation of the items raised by the members of the public, during public question speaking time.*

PROCEDURAL MOTION PUT AND CARRIED (6-2)

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

*Cr Burns on approved leave of absence*

**BACKGROUND:**

*There is an existing single storey office associated with the defunct vehicles sales premises (car yard) at No. 257 Oxford Street, which is listed on the Town's Non-Conforming Use Register. A print shop exists on No. 261 Oxford Street, Leederville.*

*14 June 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of vehicle sales premises and construction of three (3) two-storey grouped dwellings, at No. 257 Oxford Street, Leederville.*

*22 November 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of existing vehicle sales premises and construction of three (3) two-three storey multiple dwellings at No. 257 Oxford Street, Leederville.*

*27 June 2006 The Council at its Ordinary Meeting conditionally approved an application for the construction of three (3) two- storey plus basement multiple dwellings at No. 257 Oxford Street, Leederville.*

**DETAILS:**

*The proposal involves the demolition of the existing buildings on both the above sites, and the construction of a three-storey mixed use development comprising an office component and eight (8) multiple dwellings. Of the multiple dwellings, six (6) are single bedroom multiple dwellings and the remaining two (2) multiple dwellings have two bedrooms each. All vehicular access is via Bourke Street.*

*The applicant's comprehensive 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>4.3 multiple dwellings R60.</i>	<i>6 single bedroom and 2 two bedroom multiple dwellings at R84.38, resulting in a 40 per cent density bonus.</i>	<i>Supported - the increased density has resulted in the discontinuance of a non-conforming use at No. 257 Oxford Street, where a density bonus (up to 3.7 multiple dwellings or 5.5 single bedroom units on No.257 Oxford Street) can be considered under clause 20 of Town Planning Scheme No.1. In addition, the proposal is considered to enhance the amenity of the area given the current state of the site; the context of the site being along Oxford Street and near the Oxford &amp; Mount Hawthorn Centres, promotes housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community.</i>

<i>Plot Ratio</i>	<i>0.7 or 497 square metres.</i>	<i>0.85 or 604 square metres.</i>	<i>Supported- as the increased plot ratio is as a result of the increase in the density proposed, and in mixed use developments, if too high standards are imposed, there is a probability that this would discourage the concept of mixed use developments. In the past, for mixed use developments, the Town has considered higher plot ratios provided that the "total development" is compatible with the surrounding development and the likely benefits to be achieved by such integrated developments, such as this proposal.</i>
<i>Building Height</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>Supported- as the height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Moreover, the bulk and scale of the proposal has been evenly distributed across the site, which slopes down in a westerly direction from Oxford Street.</i>
<i>Stores</i>	<i>4 square metres</i>	<i>Stores of 3 square metres, 3.5 square metres and 4 square metres are proposed.</i>	<i>Supported – as the 4 square metres stores are provided for the two bedroom multiple dwellings, and the remaining 3 square metres and 3.5 square metres stores are proposed for the single bedroom multiple dwellings.</i>
<i>Single Bedroom Dwelling Plot Ratio</i>	<i>60 square metres</i>	<i>Unit 3-67.44 Unit 4-67.96 Unit 5- 76.31 Unit 6- 63.44 Unit 7– 67.44 Unit 8- 67.96</i>	<i>Supported - as the variation is considered within acceptable size limits. Similar sized single bedroom dwellings have been approved by Council in other instances. A condition has been applied to restrict number of bedrooms and occupants and the floor layout.</i>
<i>Building Setbacks: Ground Floor</i>			
<i>-East (Oxford Street)</i>	<i>4.0 metres</i>	<i>Nil</i>	<i>Supported - as it is considered that the variation does not unduly impact on the amenity of the adjoining neighbour or</i>

			<i>streetscape and is similar to the existing building setback applicable to No. 261 Oxford Street.</i>
<i>-South (Bourke Street)</i>	<i>1.5 metres</i>	<i>Nil to 1.3 metres</i>	<i>Supported - as the variation does not unduly affect the streetscape along Bourke Street. Moreover, a right of way separates the subject site and the immediate residential property along Bourke Street.</i>
<i>-West</i>	<i>1.5 metres</i>	<i>1.075 metres</i>	<i>Supported - as the western boundary abuts a right of way, which acts as a buffer. The reduced setback is considered not to have an undue impact on the amenity of the adjacent properties.</i>
<i>-North</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - as the reduced setback is considered not to have an undue impact on amenity of the adjacent properties.</i>
<i>First Floor</i>			
<i>-East (Oxford Street)</i>	<i>6.0 metres</i>	<i>2.08 metres</i>	<i>Supported - as it is further considered that the variation does not unduly impact on the amenity of the adjoining neighbour or streetscape, as the structure is mainly a "light weight" balcony.</i>
<i>-South (Bourke Street)</i>	<i>1.5 metres</i>	<i>Nil to 5.6 metres</i>	<i>Supported - as the variation does not unduly affect the streetscape along Bourke Street.</i>
<i>-West</i>	<i>5.0 metres</i>	<i>1.072 metres to 3.418 metres</i>	<i>Supported - as the western boundary abuts a right of way, which acts as a buffer. The reduced setback is considered not to have an undue impact on the amenity of the adjacent properties.</i>
<i>-North</i>	<i>5.7 metres</i>	<i>Nil to 3.5 metres</i>	<i>Supported - as the reduced setback is considered not to have an undue impact on the amenity of the adjacent properties.</i>
<i>Second Floor</i>			
<i>-East (Oxford Street)</i>	<i>6.0 metres</i>	<i>0.3 metre to 1.864 metres</i>	<i>Supported - as the variation does not unduly impact on the amenity of</i>

			<i>the adjoining neighbour or streetscape as the structure is mainly a "light weight" balcony.</i>
<i>-South (Bourke Street)</i>	<i>1.5 metres</i>	<i>1.3 metres to 3.15 metres</i>	<i>Supported - as the variation does not unduly affect the streetscape along Bourke Street. Supported - as the reduced setback is considered not to have an undue impact on the amenity of the adjacent properties. The building has been setback, and matters relating to privacy have been adequately addressed.</i>
<i>-North</i>	<i>6.6 metres</i>	<i>3.5 metres</i>	
<i>Communal Open Space</i>	<i>48 square metres.</i>	<i>Nil</i>	<i>Supported - as separate functional open space has been provided for each dwelling.</i>
<i>Boundary Walls</i>	<i>One boundary wall is permitted, behind setback area with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6 per cent of the length of boundary.</i>	<i>One external boundary wall proposed on northern side with maximum height of 4.8 metres and is 86 per cent of boundary length.</i>	<i>Supported - as there is strong likelihood that the adjoining property to the north when developed may also opt for walls on the boundary.</i>
<i>Privacy Setbacks- for First and Second Floor Balconies on the Northern and Western Elevations</i>	<i>7.5 metres</i>	<i>3.5 metres</i>	<i>Supported - as the applicant has proposed screening in accordance with the requirements of the R Codes, which is reinforced by way of a condition to this effect.</i>
<i>Consultation Submissions</i>			
<i>The revised proposal dated 26 November 2007 does not propose any further variation to the Town's Policies and the R Codes, and does not have an undue impact on the amenity of the area. It is therefore considered that there is no need to further re-advertise the revised proposal. Moreover, the amended plans are being referred to the Council for its consideration and determination. The comments raised in the submissions in relation to the original plans received on 22 August 2007, are as follows:</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"><li>• <i>No comments provided.</i></li></ul>		<i>Noted.</i>

<i>Objection (5)</i>	<ul style="list-style-type: none"> <li>• <i>Third storey will result in overlooking and negative impact on privacy and overshadowing.</i></li> </ul>	<i>Not supported- as a screening condition has been imposed on all privacy encroachments. There is also no overshadowing variation, as the overshadowing is over Bourke Street.</i>
	<ul style="list-style-type: none"> <li>• <i>Density being excessive and not warranted.</i></li> </ul>	<i>Not supported - as the increased density is within acceptable limits, and will result in a non-conforming use cease operating from the site, thereby improving the amenity of the area.</i>
	<ul style="list-style-type: none"> <li>• <i>Poorly designed.</i></li> </ul>	<i>Noted - as this is considered a subjective statement.</i>
	<ul style="list-style-type: none"> <li>• <i>Setback variations not supported and "ill resolved".</i></li> </ul>	<i>Not supported - see Officer Comments above.</i>
	<ul style="list-style-type: none"> <li>• <i>The three storey element will set an undesirable precedence in this mainly residential area.</i></li> </ul>	<i>Not supported – as the site is a corner lot and needs to have an appropriate height to be identified as a key corner location, and the development is well articulated to reduce the visual impact on this area.</i>
	<ul style="list-style-type: none"> <li>• <i>Not in keeping with residential scale of precinct.</i></li> </ul>	<i>Not supported -as above.</i>
	<ul style="list-style-type: none"> <li>• <i>Proposal will encroach on aesthetics of the street, be highly visible, adverse impact and interrupt the existing streetscape.</i></li> </ul>	<i>Not supported – as the proposal is considered to be appropriately designed.</i>
	<ul style="list-style-type: none"> <li>• <i>Undue increase in traffic.</i></li> </ul>	<i>Not supported- as the proposal will result in vehicular access off Bourke Street, rather than having access off Oxford Street.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

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

**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 11 car bays have been provided, of which a total of 8 car bays have been allocated for the residential component. The balance of car bays available for the commercial component in this instance is 3 car bays.*

<i>Car Parking- Commercial Component</i>	
<i>Car parking requirement (nearest whole number)</i> <ul style="list-style-type: none"> <li><i>• Office 1 space per 50 square metres of gross floor area (proposed 190 square metres) – 3.8 car bays</i></li> </ul>	<i>4 car bays</i>
<i>Apply the adjustment factors.</i> <ul style="list-style-type: none"> <li><i>• 0.85 (within 400 metres of a bus stop)</i></li> <li><i>• 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential)</i></li> </ul>	<i>(0.68)</i>  <i>2.72 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>3 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall</i>	<i>Not applicable as proposal is to redevelop both sites.</i>
<i>Resultant surplus</i>	<i>0.28 car bay</i>
<i>Bicycle Parking Facilities</i>	
<i>Office</i> <ul style="list-style-type: none"> <li><i>• 1 per 200 (proposed 190) square metres public area for employees (class 1 or 2) - 0.95 or 1 space.</i></li> <li><i>• 1 space per 750 square metres over 1000 square metres for visitors (class 3) - Not applicable in this instance.</i></li> </ul>	<i>No facilities provided on plans.</i>

**COMMENTS:**

**Strategic Planning**

*The subject site has been identified as a key development site and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level. Sole vehicle access from Bourke Street is essential and the use of crossovers onto Oxford Street should be prohibited as it is considered that they would seriously interrupt and unduly affect the continuity of pedestrian access in terms of convenience safety and the urban form.*

*The office component proposed is minor in nature and is not considered to compromise the overall intent and objectives as identified in the Town's Economic Development Strategy 2005-2010 and is also supported for the following reasons:*

- precedence with adjoining and nearby offices and other commercial uses;*
- the proposal in this instance is considered to be compatible with the uses of the immediate surrounding area and not to unduly intrude on the amenity of the neighbouring properties;*
- the proposal is considered to display an appropriate transitional mix of use as it is situated along a District Distributor Road and is in an area between two commercial zoned areas;*
- the residential component is the predominant use on-site;*
- the Economic Development Strategy discourages commercial development outside of the established Town Centres; however, given the nature of surrounding mixed uses in this instance, it is not considered that the proposal will detrimentally alter the encouragement of uses in the Mount Hawthorn or Leederville Town Centres;*

- *the proposal in this instance promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance through day time activity of the area; and*
- *adequate parking is provided.*

*Demolition*

*The Town's Heritage Services have advised as follows:*

*"The development application involves the proposed demolition of the office block located within the former caryard at No. 257 Oxford Street and the printery located at No. 261 Oxford Street, Leederville.*

*Preliminary research indicates that the office at No. 257 Oxford Street were constructed in the 1960's. In accordance with the Town's Policy relating to Heritage Management - Assessment, the office has little cultural heritage value and does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.*

*Preliminary research indicates that the printery at No. 261 Oxford Street was constructed during the Inter-War period in the Stripped Commercial Style. The building has a "nil" setback to Oxford Street and a gabled roof form hidden behind a simple stepped parapet frontage. The building features two shop windows flanked by single door entries with a green painted awning above. Signage that reads 'LONGSON PRINTING CO.' is located on the facade of the building.*

*Based on the preliminary research undertaken, the printery at No. 261 Oxford Street has little cultural heritage significance and in accordance with the Town's Policy relating to Heritage Management - Assessment, it does not meet the threshold for entry onto the Town's Municipal Heritage Inventory. It is considered that a full heritage assessment is not required.*

*In light of the above, it is considered that approval should be granted for demolition."*

*Technical Services*

*The Town's Technical Services have advised as follows:*

- *a 1.0 metre right of way (ROW) widening is required due to width of ROW being 2.73 metres only ( a condition has not been imposed, as the plans reflect this requirement. The Row will be widened at subdivision stage); and*
- *overhead powerlines to be removed.*

*Summary*

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

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**10.1.3 Further Report - No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth  
- Proposed Extension of Operating Hours to Existing General Industry  
(Hanson Concrete Batching Plant)**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Claisebrook North	<b>File Ref:</b>	PRO4024; 5.2007.312.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions and powers under 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 City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council REFUSES the application submitted by Allerding & Associates on behalf of the owner Hanson Construction Materials Pty Ltd for proposed Removal of Restrictions on the Hours of Operation of 7:00PM to 6:00AM Monday to Saturday for Existing General Industry Premises (Hanson Concrete Batching Plant), at No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth, and as shown on plans stamped 22 August 2007, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the significant increase in the adverse impact on the community;*
  - (c) *the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;*
  - (d) *the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
  - (e) *the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
  - (f) *the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
  - (g) *the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
  - (h) *consideration of the numerous objections received; and*

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

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 20 November 2007 considered the subject application and resolved the following:

*"That this Item be DEFERRED for further investigation."*

On 4 December 2007, the applicant and representatives of Hanson met with the Town's Officers to further discuss the above proposal and have submitted the following additional information dated 7 December 2007 in support of the proposal (italics) and Officer response in boxes below:

*"Proposal from Hanson to the Town of Vincent*

APPLICATION

*That the Hanson proposal currently before the Town of Vincent applying for restoration of the 24 hour trading option which had been approved by the City of Perth, be modified on the following basis:.*

1. *That the Company be approved to operate its business 24 hours a day Monday to Saturday (inclusive). The currently approved operations during the core operating hours of 6.00 am to 7.00 pm Monday - Saturday will remain unchanged. Hanson estimates, based on commissioned traffic studies, that about 4% of all truck movements would occur outside the core hours."*

Officer Response: The above details are noted.
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2. *That the Company proposes special conditions apply to defined/significant events of business outside the core hours, where such events will extend for 4 hours or more."*

Officer Response: The above details are noted.
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3. *That a prior notification process for defined/significant events be developed, from Hanson to the Town of Vincent to ensure it can meet the occasional demand for trading outside of the above core hours where a concrete pour and deliveries have commenced and its completion has been delayed or where the scale of a project and*

*the need to synchronise deliveries with other services on site requires out of core hours trading and deliveries."*

Officer Response: The above initiative has some merit and may be supportable.

"SUPPORTING STATEMENTS/CONCESSIONS BY APPLICANT

1. *The Company has agreed to modify its original application to address resident concerns (as described by the Town). At the same time the Company is anxious to ensure that Town of Vincent elected members and officers are aware of the commercial demands on it, from both CBD developments as well as nearby suburbs. Trucking concrete from other plants on the fringe of the Perth metropolitan area will result in additional traffic pressures on those neighbouring areas, longer travel times (with higher costs and risks of spoilage, increased vehicle emissions and environmental as well as safety issues)."*

Officer Response: The above comments are noted. However, from discussion with the applicant, deliveries from other concrete batching plants was achievable as after hours demand is currently being fulfilled from other concrete batching plants, at Landsdale, Canning Vale and Bellevue, which are accessible to the CBD.

2. *That the Company will provide prior notification to the Town of Vincent for work outside of the core hours of operation. Such a process will necessarily be limited to notification rather than a formal application, to ensure that deliveries can continue/occur (rather than risk refusal and spoilage etc)."*

Officer Response: The above details are noted. This suggestion is not considered to assure or appease residents who will still have uncertainties as to when these additional deliveries are likely to occur, including number and times of deliveries. Such approval would require stringent noise conditions to be met (as detailed further in the Health Services Comments section).

3. *The Company will review its operations outside of the proposed core hours of operation to assess whether audible devices such as PA system, beepers and sirens can be replaced with less intrusive devices, or turned off/down, whilst ensuring that occupational safety laws are addressed."*

Officer Response: The above initiative has some merit and may be supportable.

4. *In response to the request by your officers the Company has provided to the Town a copy of its Dust Management Plan (the Company has also written to DEC in relation to this Plan and related matters and is awaiting a reply)-copy attached."*

Officer Response: Dust monitoring was undertaken by DEC in September 2007, and reports have indicated that dust had 'left the Hanson site during the monitoring period', and that 'particulate matter may be causing impact on the surrounding community'. The report made a number of recommendations; however, the Town has not been advised of the proposed action to be taken by DEC in relation to this report.

5. *The Company is prepared to lodge an annual return to the Town, outlining the number of truck movements into and out of the site with special regard to those movements outside of the proposed core hours of operation."*

Officer Response: The above initiative has merit and is supportable.

- "6. *The Company will endeavour to limit truck movements of raw materials onto the site outside the core hours of operation by maximising opportunities to stockpile. In particular, the Company will endeavour to minimize/reduce truck movements with raw materials on Lord St outside core hours.*"

Officer Response: Truck deliveries for raw materials outside the approved hours are not supportable, as there is more room and flexibility to control this aspect of the operations.

- "7. *The Company proposes the establishment of a "precinct" committee or informal body of nearby residents and ratepayers, chaired by a South Ward Councillor and which would meet regularly (perhaps every 6 months) to discuss issues and any complaints.*"

Officer Response: The initiative has some merit, however is not supported as it would involve further ongoing monitoring to be undertaken by the Town and additional resources incurred by the Town.

- "8. *The Company, in conjunction with the Town, will advise nearby residents and ratepayers of a 24 hour phone number and an email address for lodging complaints and inquiries and will ensure an efficient and prompt complaint handing process to consider same. The Company will provide to the Town an annual summary of any complaints and the actions taken to remedy same.*"

Officer Response: The above initiative has merit and is supportable. Such approval would require stringent noise conditions to be met (as detailed further in the Health Services Comments section).

- "9. *The Company will designate specific routes to be taken by trucks outside core hours of operation (avoiding residential streets etc), in particular to restrict the use of Lord St North. The Company will provide an annual report to Council on traffic movements detailing agreed information.*"

Officer Response: The above initiative is noted; however, operations outside the approved hours are not supportable.

- "10. *The Company will arrange and offer an Open Day for residents and ratepayers to tour and inspect the plant.*"

Officer Response: The above initiative is noted.

#### **Technical Services Comments**

In respect of complaints received by Technical Services about the volume and class of vehicles accessing the batching plant, several Claisebrook property owners contacted the Town, both prior to, and since, the Town assumed responsibility for the area on 1 July 2007, voicing opposition to the plant's continued operations, and in particular its extended hours. The size of vehicles permitted to use the local road network was of specific concern. However, the complainants were generally aware that heavy vehicle licensing is a function of the Department for Planning and Infrastructure and Main Roads WA and that the Town had limited power to restrict access.

#### **Health Services Comments**

Health Services does not support the revised Hanson proposal due to concerns relating to excessive noise, and dust affecting nearby residents. Dust monitoring was undertaken by DEC in September 2007, and reports have indicated that dust had 'left the Hanson site during

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*the monitoring period*, and that *'particulate matter may be causing impact on the surrounding community'*. Subsequent to this, it is understood that Hanson has reviewed its Dust Management Plan, and are liaising with DEC.

The Town has requested advice and assistance from the Department of Environment and Conservation (DEC) in relation to the batching plant, and the report received from the DEC regarding dust monitoring (undertaken as a result of complaints received). No advice has been received regarding the proposed action to be taken by DEC in relation to the dust from Hanson.

Comment received from the DEC on 9 November 2007, advised as follows:

*"DEC is aware of ongoing complaints relating to noise and dust from these premises which have been jointly responded to by DEC and local government. DEC is concerned about the potential for 24 hour operation of these facilities to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents. Such issues must be fully resolved by the applicants and the Town before any decision is made on the application."*

*I wish to advise that should the Council permit 24 hour operation, and noise complaints arise as a result, DEC will be placed in a position where it must direct any noise complaints which may arise due to after hour operations to the Town of Vincent for resolution. Further, should it be established that the decision to permit 24 hour operation has caused or allowed pollution or unreasonable emissions of noise to occur, then the Town may be placed in a situation of some liability."*

The Town requested further details from DEC (the principal agency responsible for pollution investigation), so that an informed decision could be made. The information and documentation provided by the DEC is detailed as follows:

- DEC was only able to provide details of when site visits were conducted as a result of a complaint, not the number of complaints received due to its type of records management system, which records specific incident reports, and then investigations (not ongoing issues).
- Five site visits were made of the Hanson site on 14 March 2006, 14 March 2007, 15 March 2007, 15 April 2007 and 8 September 2007 in relation to dust.
- A copy of the report relating to dust was provided upon request (as detailed above, no advice has been received regarding the proposed action to be taken by DEC in relation to the dust from Hanson).

Further email correspondence was received on 12 December 2007 advising as follows:

*"DEC has investigated a number of issues and confirmed dust emissions, spillages of cement material onto the roadway, and non-compliances which have been followed up, including the issuing of a penalty infringement notice. DEC dust monitoring of one facility indicated some fugitive dust emissions."*

*Noise has not been formally assessed, however observations in the early morning have indicated that noise from some operations could be a nuisance to residences, however as this usually occurs during the day, it is unlikely to generate complaints. The same level of noise occurring at night will be likely to cause annoyance."*

*The concern is that, unless noise emissions are ensured to be in compliance with the assigned levels in the Environmental Protection (Noise) Regulations 1997, then the Town could be approving a land use which condones, causes or allows a breach of the regulations."*

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Furthermore, should a "concrete pour" of 'significance' need to take place out of hours, the applicant would need to demonstrate full compliance with the *Environmental Protection (Noise) Regulations 1997*, or if noise levels are predicted to exceed assigned levels, a formal Regulation 18 application must be lodged with the Town for the Chief Executive Officer's (CEO) approval. The CEO can only approve two Regulation 18 (non-conforming events) each year, unless a survey of the community indicates support for more than two events.

### **Conclusion**

The application is still not considered acceptable and would result in an undue impact on the amenity of the surrounding area and for other reasons stated in the Officer Recommendation. The previous Officer Recommendation for refusal remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 November 2007.

### **"OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions and powers under 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 City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council REFUSES the application submitted by Allering & Associates on behalf of the owner Hanson Construction Materials Pty Ltd for proposed Removal of Restrictions on the Hours of Operation of 7:00PM am to 6:00AM Monday to Saturday for Existing General Industry Premises (Hanson Concrete Batching Plant), at No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth, and as shown on plans stamp-dated 22 August 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (ii) the significant increase in the adverse impact on the community;*
  - (iii) the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;*
  - (iv) the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
  - (v) the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
  - (vi) the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
  - (vii) the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
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- (viii) *consideration of the numerous objections received; and*
- (ix) *it is considered that there are alternative concrete batching plants within close proximity of the Perth metropolitan area and CBD to cope with outside business hours demands for concrete.*

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Moved Cr Farrell, Seconded Cr Burns

*That the recommendation be adopted.*

*Debate ensued*

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Youngman

*That this Item be DEFERRED at the request of the applicant and for further investigation.*

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

PROCEDURAL MOTION PUT CARRIED (6-2)

*Cr Ker was an apology for the meeting.*

COUNCIL DECISION ITEM 10.1.7

*That this Item be DEFERRED for further investigation.*

ADDITIONAL INFORMATION:

*The letter dated 20 November 2007 from Allerding & Associates concerning this matter was tabled and circulated to all Council Members.*

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

BACKGROUND:

*In June 1996*                      *The Hanson Concrete Batching Plant (previously Pioneer Constructions Materials) has operated in the area for around 40 years. The East Perth Redevelopment Authority (EPRA) approved the above plant to its current location to make way for the Graham*

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*Farmer Freeway for a period 16 years, subject to the hours of operation being limited from 6 am to 7pm, Monday to Saturday.*

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

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

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

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

*19 April 2007 A notice was served on Hanson Concrete Batching Plant with a \$250 fine for dust tracking caused by trucks leaving residue on the road.*

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

*“That the Council;*

- (i) ADVISES the City of Perth that the Council STRONGLY OBJECTS to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday (to 24 hour operation) at No. 71 (Lot 199) Edward Street, Perth, in relation to the Hanson Concrete Batching Plant, due to the detrimental impact on nearby residential areas within the Town of Vincent;*
- (ii) REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday (to 24-hour operation) at No. 71 (Lot 199) Edward Street, Perth, regarding the Hanson Concrete Batching Plant, for the following reasons:*
  - (a) it is acknowledged that the East Perth Redevelopment Authority (EPRA) in June 1996 approved the current use for a period of sixteen (16) years and that the hours restrictions have been removed on an annual application basis since 2002 however, also acknowledge that the permanent and original approval was subject to the hours of operation being restricted from 6.00am to 7.00pm Monday to Saturday; and*
  - (b) complaints have been lodged with the City of Perth, EPRA, Town of Vincent and Department of Environment and Conservation (DEC) in relation to insufficient community consultation, unreasonable noise, dust emissions, and increased heavy haulage traffic flow; and*
- (iii) in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the*

*following Conditions of Approval and confirm the conditions in writing to the Town;*

- (a) prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
- (b) a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
- (c) a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 7.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*
- (d) a review of conditions by June 2008 including community consultation within a 250 metre radius; and*
- (e) the removal of restrictions of the hours of operation of 6.00am to 7.00pm Monday to Saturday being limited to a maximum period of twelve (12) months of notification to the applicant by the City of Perth."*

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

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

*"1.the removal of the operating time restrictions being valid until 4 November 2007, to allow a review of the impact of the plant and associated vehicle movements on the surrounding area, by the relevant authority, at the conclusion of this period;*

*2. a management plan that addresses community concerns regarding traffic impacts, environmental and health concerns, being submitted to the City and the Town of Vincent prior to 29 June 2007. The management plan should include, but not limited to the following:-*

*2.1 noise management for on-site activities;*

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

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

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

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2.5 *the implementation of a complaint handling system that includes a procedure to log and deal with complaints from residents and owners allegedly affected by the concrete batching plant's operations."*

- 1 July 2007                      *The subject site is transferred to the Town of Vincent.*
- 28 September 2007          *Additional information as requested received by the Town.*
- 12 October to  
9 November 2007              *Advertising of application undertaken by the Town (Serial 5.2007.312.1).*
- 5 and  
6 November 2007              *The Town's administration did not object to the temporary removal of the restriction on the hours of operation on 5 and 6 November 2007.*
- 6 November 2007              *The Council considered the temporary removal of the restriction on the hours of operation from 7 November 2007 to 20 November 2007 (Serial No. 5.2007.438.1) for the Hanson Concrete Batching Plant at the above site and resolved to refuse the proposal for the following reasons:*
- "1.        Negative impact on residents.  
2.        Noise.  
3.        Pollution."*
- 7 November 2007              *Letter received from the Department of Environment and Conservation (DEC) (attached) stating that the 24 hours operation of the subject concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents.*

**DETAILS:**

*Approval is sought for the continued removal of restrictions on the hours of operation of 7.00 pm to 6.00 am from 20 November 2007 to 26 June 2012. The above extension of time is sought by the Hanson Concrete Batching Plant to continue its obligation to its customers and cope with current industry demands for the supply of concrete to CBD locations and also other sites within close proximity of the plant. The proposal does not involve any changes to the plant itself. The applicant's letters dated 20 August 2007 and 7 May 2007 (received 26 September 2007) are attached to this effect.*

*A summary of the applicant's application submission are as follows:*

- *The proposal does not result to any changes to the Hanson plant.*
- *The intention of the application is not to increase the customer base but to facilitate existing customers (both private and government) and the larger community by reducing peak hour traffic and minimise disruption to CBD during peak hour.*
- *There is also a "shelf life" for the concrete to be delivered to the required destination.*
- *Number of deliveries during past 2 years was 42,248 deliveries per year and amounts to 84,496 total movements.*
- *The above equates to an average of 84.1 deliveries per day or 168.2 movements per day.*
- *The number of movements outside the 6 am to 7 pm existing approved operating hours is 4 per cent or 4.63 deliveries or 9.26 movements per day, based on the last 2 years.*

- *TARSC consulting undertook a traffic analysis on 28 October 2004, and confirmed that there is “nothing required to be implemented to accommodate the increase in traffic and the addition of the second loading facility is supported”*
- *ENV Australia confirmed that noise and dust measurements undertaken on 28 October 2004 demonstrated that the Hanson plant complies with the relevant regulatory standards.*
- *The removal of the hours of restriction will not impact on the amenity of the surrounding locality, as the after hours use is infrequent and used when necessary.*

*The applicant has submitted additional information in response to the public submissions received in letter dated 11 November 2007 (attached).*

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

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Operating Hours</i>	<i>6.00 am to 7.00 pm, Monday to Saturday. The City of Perth conditionally approved the removal of the above restrictions on the hours of operation of Hanson Concrete Batching Plant until 4 November 2007, to allow a review of the impact of the plant and associated vehicle movements on the surrounding area, by the relevant authority, at the conclusion of this period.</i>	<i>Permanent removal of restriction on the hours of operation of Hanson Concrete Batching Plant from 20 November 2007 to 26 June 2012. Such a permanent removal will effectively result in an extension of the Plant's operating hours, that is removal of restriction of the 7.00 pm to 6.00 am operating times.</i>	<i>Not supported - for the reasons stated in the Officer Recommendation.</i>
<i>Consultation Submissions</i>			
<i>The proposal was advertised by way of letters to residents and occupiers of properties within 300 metres of the subject site.</i>			
<i>Support (7)</i>	<ul style="list-style-type: none"> <li>• <i>No comments provided.</i></li> </ul>		<i>Noted</i>
<i>Objection (52)</i>	<ul style="list-style-type: none"> <li>• <i>Already generous hours have been approved beyond business hours. Council should restrict hours of operation, with a view of phasing out the operation as soon as feasible and relocating the use to an industrial area.</i></li> </ul>		<i>Supported - as the current operating times are adequate for the plant, for the reasons stated in the Officer Recommendation.</i>

	<ul style="list-style-type: none"> <li>• <i>Proximity of premises to residential dwellings; East Perth is being redeveloped into a prime residential and commercial area. Industrial uses are not inappropriate for this inner city location.</i></li> </ul>	<p><i>Supported - for the reasons stated in the Officer Recommendation.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Further planning approval should not be issued so that they do not encourage the continued use of the site, and only then will there be sufficient incentive to encourage operators to seek other more appropriate locations.</i></li> <li>•</li> </ul>	<p><i>Supported - as above.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Presence of batching plants is holding back the redevelopment of the area.</i></li> </ul>	<p><i>Supported - as above.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Presence of batching plants has a negative effect on surrounding property values.</i></li> </ul>	<p><i>Not supported – as impact on property values is not a significant planning consideration.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Operations and trucks are creating unacceptable levels of dust pollution.</i></li> </ul>	<p><i>Supported - as above.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Trucks entering and exiting the premises along Edward Street are excessively noisy.</i></li> </ul>	<p><i>Supported - as above.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Trucks entering and exiting the premises along Claisebrook Road are a traffic hazard to pedestrians and other vehicles.</i></li> </ul>	<p><i>Supported - as above.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Extended trading hours constitute an unacceptable intensification of the operations and further compounds associated problems.</i></li> </ul>	<p><i>Supported - as above.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Previous condition of approval for open discussions on addressing environmental and health concerns has not been complied with.</i></li> </ul>	<p><i>Noted - as this was when the plant was under the jurisdiction of the City of Perth.</i></p>
	<ul style="list-style-type: none"> <li>• <i>The Town is responsible for protecting human health in the area.</i></li> </ul>	<p><i>Supported - as this is one of the objectives of the Town of Vincent Town Planning Scheme No.1</i></p>
	<ul style="list-style-type: none"> <li>• <i>Fumes from trucks are contributing to unacceptable odours.</i></li> </ul>	<p><i>Noted.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Trucks queuing to enter and exit premises are causing traffic congestion along Edward Street.</i></li> </ul>	<p><i>Supported - as not considered acceptable within an emerging residential neighbourhood.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Operations are having an undue impact on amenity of area for residents.</i></li> </ul>	<p><i>Supported - for the reasons stated in the Officer Recommendation.</i></p>
	<ul style="list-style-type: none"> <li>• <i>Edward Street is not suitable for heavy vehicles due to street parking.</i></li> </ul>	<p><i>Supported - as above.</i></p>

	<ul style="list-style-type: none"> <li>Extended trading hours will increase traffic along Edward Street.</li> </ul>	Supported - as above.
	<ul style="list-style-type: none"> <li>Concrete residue is being left on the road and at times on cars parked along the streets.</li> </ul>	Noted.
	<ul style="list-style-type: none"> <li>Premises are an eyesore.</li> </ul>	Supported – as the plant does not contribute to the positive visual amenity of the area.
	<ul style="list-style-type: none"> <li>Neighbouring property(s) are suffering cracks from vibrations of passing trucks.</li> </ul>	Noted.
	<ul style="list-style-type: none"> <li>Far preferable to have Sunday operation.</li> </ul>	Not supported – as this would further inconvenience and unduly affect the living amenity and environment of residents who would most likely be at home on this day.
	<ul style="list-style-type: none"> <li>Proposal should be referred to the EPA under Section 38 of the Environmental Protection Act.</li> </ul>	Noted – as the increase in the operating times, in this instance, is for an existing approved use and it is considered not likely if implemented to have a significant impact on the environment for a requirement to undertake a referral to the Environmental Protection Authority (EPA). Furthermore, the proposal was formally referred to the Department of Environment and Conservation (DEC) for comments.
<i>Other Implications</i>		
Legal/Policy		<p>TPS1 - City of Perth Planning Scheme No.2; Environmental Protection (Cement Manufacturing and Concrete Batching) Regulations 1998.</p> <p>The Regulations address issues such as minimisation of dust, control of dust from trafficable areas and storage of materials.</p>

<i>Strategic Implications</i>	<i>Strategic Plan 2006-2011: "1.1.4-Minimise negative impacts on the community and environment."</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>

*\* 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:**

*Under the City of Perth Scheme No.2, general industrial uses are an 'unlisted' use within the Claisebrook Road North Precinct. The Statement of Intent for this Precinct indicates "the Precinct should continue to provide a location for commercial and light industrial activities providing services to the businesses and residents of the inner city, as well as ongoing and potentially increased residential use".*

*Health Services Comments*

Noise

*The Hanson plant is setback from the road and is located behind commercial land use that fronts onto Edward Street. The plant is in close proximity to nearby properties which in turn causes a noise impact attributed mainly to concrete pouring activities and trucks entering and leaving the premises.*

*The greatest concern regarding noise management is attributed to the movement of trucks in and out of the facility and on nearby roads. On-site assessment by Environmental Health Officers and Statutory Planning Officers (from 5am to 7pm on 31 October 2007) has revealed that concrete (finished product) trucks generate a greater noise impact than raw materials trucks and that the braking of trucks contributes to an increased noise level with a potentially higher frequency. Generally, most truck drivers did drive responsibly which ensured that associated noise was minimised.*

*There is a secondary noise impact associated with the concrete batching plant being that the Environmental Protection (Noise) Regulations 1997 prohibit construction noise from occurring prior to 7am and after 7pm on Monday to Saturday and all Sundays and public holidays in the Perth metropolitan area, unless an exemption is granted. It is therefore recommended that restrictions be put in place to ensure that concrete trucks do not leave the premises between 7pm and 6am as this will encourage prohibited noise causing works on various construction sites throughout the metropolitan area. Should out of hours works be approved by other Local Authorities, traffic will be considerably less than during the hours of 7am to 7pm, and subsequently it is anticipated that concrete could be supplied by another batching plant without difficulty.*

Dust

*Monitoring of the site between 5am and 7pm on Wednesday, 31 October 2007 by the Town's Environmental Health Officers and Statutory Planning Officers revealed that the visual dust impact was fairly minimal. The main concern held is that the movement of trucks on the road has potential to stir up dust associated with the works.*

*Dust and other environmental issues are regulated by the Department of Environment and Conservation (DEC) under the provisions of the Environmental Protection (Concrete Batching and Cement Products) Regulations 1998. Whilst DEC views noise as a greater impact with respect to these sites, concerns regarding dust management are also held.*

*DEC was invited to comment on this development application with regards to dust management in particular, as recent monitoring has been undertaken by the DEC.*

*The response is attached, and more notably, DEC has signalled its intention of referring complaints to the Town of Vincent Officers should this development application be approved, as follows:*

*“I wish to advise that should the Council permit 24 hour operation, and noise complaints arise as a result, DEC will be placed in a position where it must direct any noise complaints which may arise due to after hours operations to the Town of Vincent for resolution. Further, should it be established that the decision to permit 24 hour operation has caused or allowed pollution or unreasonable emissions of noise to occur, then the Town may be placed in a situation of some liability.”*

*Technical Services Comments*

*The concrete batching plant can be accessed via either Edward Street or Claisebrook Road, both of which are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy.*

*Given that Hanson’s operation is located adjacent to Lord Street it would be expected that the majority of traffic generated by the plant would access directly off Lord Street.*

*Traffic data collected in October 2007 indicated that the average weekday traffic (AWT) using Edward Street, in the vicinity of the intersection with Lord Street, was 980 vehicles of which 13 per cent were commercial. Of these vehicles trips 92 per cent or 890 were between the hours 6 am and 7.00 pm. Edward Street provides a direct link to Lord Street which is classified as a District Distributor A Road and connects with the on/off ramp to the Graham Farmer Freeway and East Parade thus providing direct access to the Primary Distributor Road Network.*

*The location of the batching plant is in close proximity to a number of Access Roads and the percentage of commercial vehicles is higher than would generally be expected. However, these roads also provide access to a large number of commercial properties and intersect with higher order roads. These factors could also contribute to a higher percentage of commercial vehicles in these roads.*

*Strategic Planning Services Comments*

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

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

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

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*Conclusion*

*The after hours demands by industry can be adequately accommodated by other concrete batching plants located in appropriately zoned general industrial areas, as traffic along major roads during these times would have been significantly reduced during this period, contrary to the advice and opinion of the applicant.*

*There is also significant undue impact on the community in terms of traffic, dust, noise, safety and other matters as stated in the Officer Recommendation.*

*It is considered that the proposal to enable the operation of the Hanson Concrete Batching Plant outside of the current restricted hours until 26 June 2012 is unwarranted and not supported for the above mentioned reasons."*

**10.1.4 Further Report - No. 120 (Lot: 1001 D/P: 29129) Claisebrook Road, East Perth - Proposed Extension of Operating Hours to Existing General Industry Premises (Readymix Concrete Batching Plant)**

<b>Ward:</b>	South	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	Claisebrook North	<b>File Ref:</b>	PRO0733; 5.2007.314
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

- (i) *in accordance with the provisions and powers under 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 City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council REFUSES the application submitted by Allerding & Associates on behalf of the owner Readymix Group Australia Ltd for proposed Removal of Restrictions on the Hours of Operation of 7.00 pm to 6.00 am Monday to Saturday for Existing General Industry Premises (Readymix Concrete Batching Plant) at No. 120 (Lot: 1001 D/P: 29129) Claisebrook Road, East Perth, and as shown on plans stamped 22 August 2007, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the significant increase in the adverse impact on the community;*
- (c) *the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;*
- (d) *the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
- (e) *the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
- (f) *the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
- (g) *the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
- (h) *consideration of the numerous objections received; and*
- (i) *it is considered that there are alternative concrete batching plants within close proximity of the Perth metropolitan area and CBD to cope with outside business hours demands for concrete;*

- (ii) *the Council ADVISES the owners of the Readymix Concrete Batching Plant that with the preparation of the Town's new Town Planning Scheme, and its intended vision for the area, and the incompatibility of the use, the Council is unlikely to favourably consider a further planning approval at the expiry of the current planning approval in 2012 for the batching plant to operate beyond 2012; and*
- (iii) *the Council ADVISES the owners of the Readymix Concrete Batching Plant that the Town would be prepared to consider after hours operations for concrete deliveries for projects of a Regional and State significance such as bridges, stadiums, railways, and the like, subject to the lodgement of a new planning application and associated procedures for each such project.*

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 20 November 2007 considered the subject application and resolved the following:

*"That this item be DEFERRED for further investigations."*

On 4 December 2007, the applicant and representatives of Readymix met with the Town's Officers to further discuss the above proposal and have submitted the following additional information dated 7 December 2007 in support of the proposal (italics) and Officer response in boxes below:

*"Revised Proposal from Readymix to Town of Vincent"*

APPLICATION

1. *That the Readymix proposal currently before the Town of Vincent and requesting restoration of the 24 hour trading option which had been previously approved by the City of Perth, be withdrawn."*

Officer Response: The above details are noted.

- "2. *That this proposal seeks the right to operate the business within core hours of operation between 5.00 am-8.00 pm Monday-Saturday and non core hours of operation of 8.00 pm-11.00 pm Monday-Saturday and on a maximum of 10 days within the proposed blackout period."*

Officer Response: The above details are noted and is considered a better proposition than originally applied for, being a 24 hour operation, however the deliveries after hours is still not supported, as this suggestion is not considered to assure or appease residents who will still have uncertainties as to when these additional deliveries are likely to occur including the number and times of deliveries.

- "3. *That Readymix proposes blackout hours of 11.00 pm- 5.00 am Monday-Saturday during which time no truck movements will occur (except as described below)."*

Officer Response: The above details are noted and is considered a better proposition than originally applied for, being a 24 hour operation.

- "4. *That Readymix seek the right to operate the business within the blackout hours on a maximum of 10 days per annum, with the provisions proposed to apply to operations during non core hours to also apply."*

Officer Response: The above details are noted, but is not supported. This suggestion is not considered to assure or appease residents who will still have uncertainties as to when these additional deliveries are likely to occur, including the number and times of deliveries.

"5. *That a prior notification process be developed, from Readymix to the Town of Vincent to facilitate the occasional demand for trading within non core hours/blackout times where a concrete pour and deliveries have commenced and its completion has been delayed or other circumstances demand deliveries be synchronised with other services on site.*"

Officer Response: The above initiative has merit, but is not supported, as this suggestion is not considered to assure or appease residents who will still have uncertainties as to when these additional deliveries are likely to occur, including number and times of deliveries.

"SUPPORTING STATEMENTS/CONCESSIONS BY APPLICANT

1. *The Company has agreed to modify its original application to address resident concerns (as described by the Town) and also to ensure there is no perception that it intends to operate a 24 hour a day, 6 days a week business. At the same time the Company is anxious to ensure that Town of Vincent elected members and officers are aware of the commercial demands on it, from both CBD developments as well as nearby northern suburbs. Trucking concrete from other plants on the fringe of the Perth metropolitan area will result in additional traffic pressures of those neighbouring areas, longer travel times (with higher costs and risks of spoilage, increased vehicle emissions and environmental as well as safety issues).*

Officer Response: The above comments are noted. However, from discussion with the applicant, deliveries from other concrete batching plants is achievable as after hours demand is currently being fulfilled from another concrete batching plant, at Welshpool, which is accessible to the CBD.

"2. *In addition the Company proposes a blackout period between 11.00 pm- 5.00 am Monday-Saturday during which time no truck movements will occur, except on a maximum of 10 days per annum. This concession further addresses resident and Town concerns about the perception of a 24 hour per day operation.*"

Officer Response: The above initiative is noted. Refer to comments above.

"3. *The Company envisages that the total number of truck movements within the proposed hours of operation (5.00 am-8.00 pm) will be similar to those which currently occur within the existing hours of 6.00 am - 7.00 pm.*"

Officer Response: The above details are noted; however, extended hours of operation are not supported and have not been justified.

"4. *The Company has met with the DEC to discuss its letter to the Town of 7 November 2007 and the issues raised therein. DEC did not appear to be aware of all the circumstances regarding the Company's operations (for example that 24 hour operations had been permitted by the City of Perth) and has been requested to review its advice to the Town and clarify a number of elements. The Company has requested the DEC clarify in writing to the Town/Company the matters and clarifications discussed at that meeting.*"

Officer Response: The above details are noted. DEC has further advised concerns regarding

excessive noise which is likely to cause annoyance (detailed further in the Health Services Comments section).

"5. *The Company has never been the subject of a Notice from the City of Perth (nor since its incorporation into the Town of Vincent, by the latter), nor the State Government Department of Environment and Conservation. The Company takes very seriously its role within the community as a good neighbour and corporate citizen and is determined to continue doing so.*"

Officer Response: The above details are noted. The Town encourages corporate environmental responsibility and expects compliance with legislative requirements.

"6. *The Company has previously had 24 hour trading hour approval from the City of Perth, without major issues arising or complaints being sustained against the Company.*"

Officer Response: The above details are noted. No formal complaints have been lodged with the Town, however issues have been raised by residents during the advertising period for this development proposal. DEC has also indicated concerns regarding noise emissions if 24 hour operation is approved.

"7. *The Company is prepared to work with the Town in relation to the development of the prior notification process outlined above for non core/blackout hours of operation. In doing so the Company urges that such a process be limited to notification rather than a formal application, to ensure that deliveries can continue/occur (rather than risk refusal and spoilage etc).*"

Officer Response: The above details are noted, but not supported, as the operations outside the current hours of operation require a formal planning application to be lodged and approved by the Town. Such approval would require stringent noise conditions to be met (as detailed further in the Health Services Comments section).

"8. *The Company has commissioned independent evaluations of noise and dust emissions from the site and will endeavour to provide the results to the Town of Vincent before the 18 December 2007 meeting, in the event that this is not possible, such results will be provided as soon as possible afterwards. The Company is willing for such an undertaking to be a condition of Council consideration/approval.*"

Officer Response: The above details are noted. The Town has not received these independent evaluations at the time of writing the report. DEC have advised that 'observations in the early morning from some operations could be a nuisance to residences... the same level at night will be likely to cause annoyance.'

"9. *If the independent evaluations identify issues, the Company undertakes to take appropriate action in conjunction with the Town to remedy the causes. The Company undertakes to also commission regular (as agreed with the Town) noise and dust evaluations, in addition to any that the DEC or Town may undertake.*"

Officer Response: The above details are noted. The Town has not received these independent evaluations to date.

"10. *The Company is prepared to discuss with the Town the provision of additional vegetation as screening for dust and noise, as well as to address amenity issues.*"

Officer Response: The above initiative has merit and is supportable.

"11. *The Company will review its operations outside of the proposed hours to assess whether audible devices such as PA system, beepers and sirens can be replaced with less intrusive devices, or turned off/down, whilst ensuring that occupational safety laws are addressed.*"

Officer Response: The above initiative has merit and is supportable.

"12. *The Company is prepared to lodge a quarterly return to the Town, outlining the number of truck movements into and out of the site with special regard to those movements outside of the proposed hours of ordinary operation.*"

Officer Response: The above initiative is noted and is supportable.

"13. *The Company will endeavour to limit truck movements of raw materials onto the site in the early morning by maximising opportunities to stockpile.*"

Officer Response: The above initiative is noted.

"14. *The Company proposes the establishment of a "precinct" committee or informal body of nearby residents and ratepayers, chaired by a South Ward Councillor and which would meet regularly (perhaps every 3 months) to discuss issues and any complaints.*"

Officer Response: The initiative has some merit, however, is not supported as it would involve further ongoing monitoring to be undertaken by the Town and additional resources incurred by the Town.

"15. *The Company, in conjunction with the Town, will advise nearby residents and ratepayers of a 24 hour phone number and an email address for lodging complaints and inquiries and will ensure an efficient and prompt complaint handing process to consider same. As part of the prior notification process, the Company will endeavour to notify residents and ratepayers by mailbox delivery of forthcoming truck movements likely to occur during non core hours.*"

Officer Response: The above initiative has merit and is supportable.

"16. *The Company, in conjunction with the Town, will assess opportunities to designate specific routes to be taken by trucks outside ordinary hours (avoiding residential streets etc).*"

Officer Response: The above initiative is noted.

"17. *The Company will arrange and offer an Open Day for residents and ratepayers to tour and inspect the plant.*"

Officer Response: The above initiative is noted.

### **Technical Services Comments**

In respect of complaints received by Technical Services about the volume and class of vehicles accessing the batching plant, several Claisebrook property owners contacted the Town, both prior to, and since, the Town assumed responsibility for the area on 1 July 2007, voicing opposition to the plant's continued operations, and in particular its extended hours. The size of vehicles permitted to use the local road network was of specific concern. However, the complainants were generally aware that heavy vehicle licensing is a function of the Department for Planning and Infrastructure and Main Roads WA and that the Town had limited power to restrict access.

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### **Health Services Comments**

Health Services does not support the revised Readymix proposal due to concerns relating to excessive noise, and the potential for dust to affect nearby residents.

The Town has requested advice and assistance from the Department of Environment and Conservation (DEC) in relation to the batching plant. Comment received from the DEC on 9 November 2007, advised as follows:

*“DEC is aware of ongoing complaints relating to noise and dust from these premises which have been jointly responded to by DEC and local government. DEC is concerned about the potential for 24 hour operation of these facilities to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents. Such issues must be fully resolved by the applicants and the Town before any decision is made on the application.*

*I wish to advise that should the Council permit 24 hour operation, and noise complaints arise as a result, DEC will be placed in a position where it must direct any noise complaints which may arise due to after hour operations to the Town of Vincent for resolution. Further, should it be established that the decision to permit 24 hour operation has caused or allowed pollution or unreasonable emissions of noise to occur, then the Town may be placed in a situation of some liability.”*

The Town requested further details from DEC (the principal agency responsible for pollution investigation), so that an informed decision could be made. The information and documentation provided by the DEC is detailed as follows:

- DEC was only able to provide details of when site visits were conducted as a result of a complaint, not the number of complaints received due to its type of records management system, which records specific incident reports, and then investigations (not ongoing issues).
- No record exists for Readymix.

Further email correspondence was received on 12 December 2007 advising as follows:

*“DEC has investigated a number of issues and confirmed dust emissions, spillages of cement material onto the roadway, and non-compliances which have been followed up, including the issuing of a penalty infringement notice. DEC dust monitoring of one facility indicated some fugitive dust emissions.*

*Noise has not been formally assessed, however observations in the early morning have indicated that noise from some operations could be a nuisance to residences, however as this usually occurs during the day, it is unlikely to generate complaints. The same level of noise occurring at night will be likely to cause annoyance.*

*The concern is that, unless noise emissions are ensured to be in compliance with the assigned levels in the Environmental Protection (Noise) Regulations 1997, then the Town could be approving a land use which condones, causes or allows a breach of the regulations.”*

Furthermore, should a "concrete pour" of 'significance' need to take place out of hours, the applicant would need to demonstrate full compliance with the *Environmental Protection (Noise) Regulations 1997*, or if noise levels are predicted to exceed assigned levels, a formal Regulation 18 application must be lodged with the Town for the Chief Executive Officer's (CEO) approval. The CEO can only approve two Regulation 18 (non-conforming events) each year, unless a survey of the community indicates support for more than two events.

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### **Conclusion**

The application is still not considered acceptable and would result in an undue impact on the amenity of the surrounding area and for other reasons stated in the Officer Recommendation. The previous Officer Recommendation for refusal remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 November 2007.

#### *"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions and powers under 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 City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council REFUSES the application submitted by Allerding & Associates on behalf of the owner Readymix Group Australia Ltd for proposed Removal of Restrictions on the Hours of Operation of 7.00 pm to 6.00 am Monday to Saturday for Existing General Industry Premises (Readymix Concrete Batching Plant), at No. 120 (Lot: 1001 D/P: 29129) Claisebrook Road, East Perth, and as shown on plans stamp-dated 22 August 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (ii) the significant increase in the adverse impact on the community;*
  - (iii) the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;*
  - (iv) the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
  - (v) the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
  - (vi) the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
  - (vii) the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
  - (viii) consideration of the numerous objections received; and*
  - (ix) it is considered that there are alternative concrete batching plants within close proximity of the Perth metropolitan area and CBD to cope with outside business hours demands for concrete.*
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*Moved Cr Farrell, Seconded Cr Youngman*

*That the recommendation be adopted.*

*Debate ensued*

**PROCEDURAL MOTION**

*Moved Cr Messina, Seconded Cr Maier*

*That this Item be DEFERRED at the request of the applicant and for further investigation.*

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

**PROCEDURAL MOTION PUT AND CARRIED (5-3)**

*Cr Ker was an apology for the meeting.*

**COUNCIL DECISION ITEM 10.1.6**

*That this Item be DEFERRED for further investigation.*

**FURTHER INFORMATION:**

*This letter dated 20 November 2007 from Allering & Associates, concerning this matter was tabled and circled to all Council Members.*

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

**BACKGROUND:**

*1987 The Readymix Concrete Batching Plant relocated to current location from its previous site on Trafalgar Road, East Perth. Approval expires in October 2012.*

*1992 to 25 January 2002 East Perth Redevelopment Authority (EPRA) was the responsible planning authority for the subject property.*

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

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

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

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

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

*"That the Council;*

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

*after 10.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*

- (d) the City of Perth commits to assist Town of Vincent residents with any complaints or queries raised in relation to the Plant and that the City of Perth's Environmental Health Officers undertake noise investigations including attending Town of Vincent properties for the purpose of undertaking sound level measurements; and*
- (e) a review of conditions by April 2008 including community consultation within a 250 metre radius."*

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

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

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

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

*2.1 noise management for on-site activities;*

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

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

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

*2.5 the implementation of a complaint handling system that includes a procedure to log and deal with complaints from residents and owners allegedly affected by the concrete batching plant's operations."*

*The above approval expired on 4 November 2007.*

*1 July 2007*

*The subject site is transferred to the Town of Vincent.*

- 12 October to  
9 November 2007*      *Advertising of application undertaken by the Town (Serial 5.2007.314.1).*
- 5 and  
6 November 2007*      *The Town's administration did not object to the temporary removal of the restriction on the hours of operation on 5 and 6 November 2007.*
- 6 November 2007*      *The Council considered the temporary removal of the restriction on the hours of operation from 7 November 2007 to 20 November 2007 (Serial No. 5.2007.437.1) for the Readymix Concrete Batching Plant at the above site and resolved to refuse the proposal for the following reasons:*
- "1.      Negative impact on residents.  
2.      Noise.  
3.      Pollution."*
- 7 November 2007*      *Letter received from the Department of Environment and Conservation (DEC) (attached) stating that the 24 hours operation of the subject concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents.*

**DETAILS:**

*Approval is sought for the continued removal of restrictions on the hours of operation of 7.00 pm to 6.00 am from 20 November 2007 to October 2012. The above extension of time is sought by the Readymix Concrete Batching Plant to continue its obligation to its customers and cope with current industry demands for the supply of concrete to CBD locations and also other sites within close proximity of the plant. The proposal does not involve any changes to the plant itself. The applicant's letters dated 20 August 2007 and 24 September 2007 are attached to this effect.*

*A summary of the applicant's application submission are as follows:*

- The proposal does not result to any changes to the Readymix plant.*
- The intention of the application is not to increase the customer base but to facilitate existing customers (both private and government) and the larger community by reducing peak hour traffic and minimise disruption to CBD during peak hour.*
- There is also a "shelf life" for the concrete to be delivered to the required destination.*
- Number of deliveries during past 2 years was 25,296 deliveries per year and amounts to 50,592 total movements.*
- The above equates to an average of 69 deliveries per day or 138 movements per day.*
- The number of movements outside the 6 am to 7 pm existing approved operating hours is 2.4 per cent or 2 deliveries or 4 movements per day, based on the last 2 years.*
- The removal of the hours of restriction will not impact on the amenity of the surrounding locality, as the after hours use is infrequent and used when necessary.*

*The applicant has submitted additional information in response to the public submissions received in letter dated 11 November 2007 (attached).*

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

**ASSESSMENT:**

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<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Operating Hours</i>	<i>6.00 am to 7.00 pm, Monday to Saturday. The City of Perth conditionally approved the removal of the above restrictions on the hours of operation of Readymix Concrete Batching Plant until 4 November 2007, to allow a review of the impact of the plant and associated vehicle movements on the surrounding area, by the relevant authority, at the conclusion of this period.</i>	<i>Permanent removal of restriction on the hours of operation of Readymix Concrete Batching Plant from 20 November 2007 to October 2012. Such a permanent removal will effectively result in an extension of the Plant's operating hours, that is removal of restriction of the 7.00 pm to 6.00 am operating times.</i>	<i>Not supported - for the reasons stated in the Officer Recommendation.</i>
<i>Consultation Submissions</i>			
<i>The proposal was advertised to residents and occupiers by way of letters to properties within 300 metres of the subject site.</i>			
<i>Support (5)</i>	<ul style="list-style-type: none"> <li>• <i>No comments provided.</i></li> </ul>		<i>Noted.</i>
<i>Objection (49)</i>	<ul style="list-style-type: none"> <li>• <i>Already generous hours have been approved beyond business hours. Council should restrict hours of operation, with a view of phasing out the operation as soon as feasible and relocating the use to an industrial area.</i></li> </ul>		<i>Supported - as the current operating times are adequate for the plant, for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li>• <i>Proximity of premises to residential dwellings; East Perth is being redeveloped into a prime residential and commercial area. Industrial uses are not inappropriate for this inner city location.</i></li> </ul>		<i>Supported - for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li>• <i>Further planning approval should not be issued so that they do not encourage the continued use of the site, and only then will there be sufficient incentive to encourage operators to seek other more appropriate locations.</i></li> </ul>		<i>Supported - as above.</i>
	<ul style="list-style-type: none"> <li>• <i>Proximity of premises to residential dwellings.</i></li> </ul>		<i>Noted.</i>
	<ul style="list-style-type: none"> <li>• <i>Noise from operations and trucks is having an undue impact on neighbouring properties.</i></li> </ul>		<i>Supported- for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li>• <i>Trucks entering and exiting the premises along Claisebrook Road are a traffic hazard to pedestrians and other vehicles.</i></li> </ul>		<i>Supported - for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li>• <i>East Perth is being redeveloped into a prime residential and commercial area. Industrial uses are not in keeping with this.</i></li> </ul>		<i>Supported - as above.</i>
	<ul style="list-style-type: none"> <li>• <i>Premises are an eyesore.</i></li> </ul>		<i>Supported - as the plant</i>

		<i>does not contribute to the positive visual amenity of the area.</i>
	<ul style="list-style-type: none"> <li><i>Operations and trucks are creating unacceptable levels of dust pollution.</i></li> </ul>	<i>Supported - for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li><i>Neighbouring property(s) are suffering cracks from vibrations of passing trucks.</i></li> </ul>	<i>Noted.</i>
	<ul style="list-style-type: none"> <li><i>Presence of batching plants is holding back the redevelopment of the area.</i></li> </ul>	<i>Supported - for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li><i>Presence of batching plants has a negative effect on surrounding property values.</i></li> </ul>	<i>Not supported - as impact on property values is not a significant planning consideration.</i>
	<ul style="list-style-type: none"> <li><i>Extended trading hours constitute an unacceptable intensification of the operations.</i></li> </ul>	<i>Supported - as above.</i>
	<ul style="list-style-type: none"> <li><i>Previous condition of approval for open discussions on addressing environmental and health concerns has not been complied with.</i></li> </ul>	<i>Noted - as this was when the plant was under the jurisdiction of the City of Perth.</i>
	<ul style="list-style-type: none"> <li><i>The Town is responsible for protecting human health in the area.</i></li> </ul>	<i>Supported-as this is one of the objectives of the Town of Vincent Town Planning Scheme No.1</i>
	<ul style="list-style-type: none"> <li><i>Fumes from trucks are contributing to unacceptable odours.</i></li> </ul>	<i>Noted.</i>
	<ul style="list-style-type: none"> <li><i>Trucks queuing to enter and exit premises are causing traffic congestion along Claisebrook Road.</i></li> </ul>	<i>Supported - as not considered acceptable within an emerging residential neighbourhood.</i>
	<ul style="list-style-type: none"> <li><i>Operations are having an undue impact on amenity of area for residents.</i></li> </ul>	<i>Supported - for the reasons stated in the Officer Recommendation.</i>
	<ul style="list-style-type: none"> <li><i>Trucks are causing damage to Claisebrook Road and Lord Street.</i></li> </ul>	<i>Noted.</i>
	<ul style="list-style-type: none"> <li><i>Concrete residue is being left on the road and at times on cars parked along the streets.</i></li> </ul>	<i>Noted.</i>
	<ul style="list-style-type: none"> <li><i>Proposal should be referred to the EPA under Section 38 of the Environmental Protection Act</i></li> </ul>	<i>Noted – as the increase in the operating times, in this instance, is for an existing approved use and it is considered not likely if implemented to have a significant impact on the environment for a requirement to undertake a referral to the Environmental Protection Authority (EPA). Furthermore, the proposal was formally referred to the Department of Environment and Conservation (DEC) for comments.</i>

<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPSI - City of Perth Planning Scheme No.2; Environmental Protection (Cement Manufacturing and Concrete Batching) Regulations 1998. The Regulations address issues such as minimisation of dust, control of dust from trafficable areas and storage of materials.</i>
<i>Strategic Implications</i>	<i>Strategic Plan 2006-2011: "1.1.4-Minimise negative impacts on the community and environment."</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>

*\* 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:**

*Under the City of Perth Scheme No.2, general industrial uses are an 'unlisted' use within the Claisebrook Road North Precinct. The Statement of Intent for this Precinct indicates "the Precinct should continue to provide a location for commercial and light industrial activities providing services to the businesses and residents of the inner city, as well as ongoing and potentially increased residential use".*

*Health Services Comments*

*Noise*

*The Readymix Concrete Batching Plant is in close proximity to nearby residential and commercial properties which in turn causes a noise impact attributed mainly to concrete pouring activities and trucks entering and leaving the premises.*

*The greatest concern regarding noise management is attributed to the movement of trucks in and out of the facility and on nearby roads. On-site assessment by Environmental Health Officers and Statutory Planning Officers (from 5am to 7pm on 31 October 2007) has revealed that concrete (finished product) trucks generate a greater noise impact than raw materials trucks and that the braking of trucks contributes to an increased noise level with a potentially higher frequency. Generally, most truck drivers did drive responsibly which ensured that associated noise was minimised.*

*There is a secondary noise impact associated with the concrete batching plant being that the Environmental Protection (Noise) Regulations 1997 prohibit construction noise from occurring prior to 7am and after 7pm on Monday to Saturday and all Sundays and public holidays in the Perth metropolitan area, unless an exemption is granted. It is therefore recommended that restrictions be put in place to ensure that concrete trucks do not leave the premises between 7pm and 6am as this will encourage prohibited noise causing works on various construction sites throughout the metropolitan area. Should out of hours works be approved by other Local Authorities, traffic will be considerably less than during the hours of 7am to 7pm, and subsequently it is anticipated that concrete could be supplied by another batching plant without difficulty.*

*Dust*

*Monitoring of the site between 5am and 7pm on Wednesday, 31 October 2007 by the Town's Environmental Health Officers and Statutory Planning Officers revealed that the visual dust*

*impact was fairly minimal. The main concern held is that the movement of trucks on the road has potential to stir up dust associated with the works.*

*Dust and other environmental issues are regulated by the Department of Environment and Conservation (DEC) under the provisions of the Environmental Protection (Concrete Batching and Cement Products) Regulations 1998. Whilst DEC views noise as a greater impact with respect to these sites, concerns regarding dust management are also held.*

*DEC was invited to comment on this development application with regards to dust management in particular, as recent monitoring has been undertaken by the DEC. The response is attached, and more notably, DEC has signalled its intention of referring complaints to the Town of Vincent Officers should this development application be approved, as follows:*

*“I wish to advise that should the Council permit 24 hour operation and noise complaints arise as a result, DEC will be placed in a position where it must direct any noise complaints which may arise due to after hours operations to the Town of Vincent for resolution. Further, should it be established that the decision to permit 24 hour operation has caused or allowed pollution or unreasonable emissions of noise to occur, then the Town may be placed in a situation of some liability.”*

#### *Technical Services Comments*

*The concrete batching plant can be accessed via either Edward Street or Claisebrook Road, both of which are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy.*

*The Readymix plant is located on the junction of Claisebrook Road and Edward Street, and can be accessed from either one of these roads.*

*For Claisebrook Street, the average weekday traffic (October 2007) was in the order of 720 vehicles of which 12 per cent were commercial. Of these vehicle trips, and as with Edward Street, 92 per cent or 665 were between the hours 6 am and 7.00 pm. Claisebrook Road intersects with Summers Street which is also an Access Road.*

*The location of the batching plant is in close proximity to a number of Access Roads and the percentage of commercial vehicles is higher than would generally be expected. However, these roads also provide access to a large number of commercial properties and intersect with higher order roads. These factors could also contribute to a higher percentage of commercial vehicles in these roads.*

#### *Strategic Planning Services Comments*

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

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

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

#### *Conclusion*

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*The after hours demands by industry can be adequately accommodated by other concrete batching plants located in appropriately zoned general industrial areas, as traffic along major roads during these times would have been significantly reduced during this period, contrary to the advice and opinion of the applicant.*

*There is also significant undue impact on the community in terms of traffic, dust, noise, safety and other matters as stated in the Officer Recommendation.*

*It is considered that the proposal to enable the operation of the Readymix Concrete Batching Plant outside of the current restricted hours until October 2012 is unwarranted and not supported for the above mentioned reasons."*

**10.1.5 Further Report – No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Three-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2095; 5.2007.291.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Parker		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Mondello on behalf of the owner S & G Mondello for proposed Three-Storey Single House at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 6 August 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the setbacks, privacy and open space requirements of the Residential Design Codes, and the setbacks, privacy and building height requirements of the Town's Policy relating to the Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley, respectively; and*
- (iii) consideration of the objections received.*

**FURTHER REPORT:**

The Council considered the subject application at its Ordinary Meeting held on 20 November 2007 and resolved as follows:

*“That the Item be DEFERRED at the request of the applicant.”*

The applicant has provided a submission supporting the proposed development, which includes a copy of the plans conditionally approved by the Council on 13 September 2005 for a three-storey single house including basement and undercroft car parking, as well as a contextual elevation of the subject proposal in relation to the Bream Cove and Joel Terrace streetscapes. The applicant’s submission, which is *“Laid on the Table,”* has been considered by the Town’s Officers and is not considered to warrant any alteration to the previous Officer Recommendation.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 November 2007.

*“OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Mondello on behalf of the owner S & G Mondello for proposed Three-Storey Single House at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 6 August 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the setbacks, privacy and open space requirements of the Residential Design Codes, and the setbacks, privacy and building height requirements of the Town's Policy relating to the Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley, respectively; and*
- (iii) consideration of the objections received.*

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*COUNCIL DECISION ITEM 10.1.4*

*Moved Cr Farrell, Seconded Cr Messina*

*That this Item be DEFERRED at the request of the applicant.*

*CARRIED (7-1)*

*Cr Ker was an apology for the meeting.*

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

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<i>Landowner:</i>	<i>S &amp; G Mondello</i>
<i>Applicant:</i>	<i>S Mondello</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 20</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>352 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

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**BACKGROUND:**

17 December 2002      *The Council at its Ordinary Meeting resolved to conditionally approve an application for a two-storey single house on the subject lot.*

13 September 2005      *The Council at its Ordinary Meeting resolved to conditionally approve an application for a three-storey single house including basement and undercroft car parking on the subject lot.*

**DETAILS:**

*The proposal involves the construction of a three-storey single house on the subject property which is currently a vacant site. The subject lot was created as part of the subdivision of Lots 229-232 Pakenham Street and is subject to the Town's Policy relating to the Walters Brook Design Guidelines.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Building Setbacks:</i>			
<i>-Ground Floor North-West</i>	<i>1.5 metres</i>	<i>1.0 metre</i>	<i>Supported - not considered to have an undue impact on adjoining property.</i>
<i>-First Floor East</i>	<i>4.2 metres</i>	<i>1.4 - 2.8 metres</i>	<i>Not supported - considered to have an undue impact on adjoining property.</i>
<i>North-West</i>	<i>4.1 metres</i>	<i>1.2 - 3.21 metres</i>	<i>Not supported - as above.</i>
<i>-Second Floor East</i>	<i>5.9 metres</i>	<i>1.4 - 3.7 metres</i>	<i>Not supported - as above.</i>
<i>North-West</i>	<i>5.7 metres</i>	<i>1.386 - 3.9 metres</i>	<i>Not supported - as above.</i>
<i>Open Space</i>	<i>50 per cent</i>	<i>42.8 per cent</i>	<i>Not supported - considered to have an undue impact on adjoining properties and the streetscape as a consequence of the development's excessive bulk and size by way of inadequate open space provision.</i>

<i>Building Height</i>	<i>Height of dwellings is to be sympathetic to adjacent properties and streetscape.</i>	<i>Bream Cove elevation - top of the wall ranges from 10.109 - 10.451 metres.</i>	<i>Not supported - considered to have an undue impact on neighbouring properties</i>
		<p><i>Joel Terrace elevation - top of the wall ranges from 8.9 - 10.571 metres.</i></p> <p><i>East elevation - top of the wall ranges from 8.5 metres - 9.5 metres.</i></p> <p><i>North-West elevation - top of the wall ranges from 9.88 - 10.43 metres.</i></p>	<p><i>and the two-storey streetscape of Bream Cove.</i></p> <p><i>Not supported - as above.</i></p> <p><i>Not supported - as above.</i></p> <p><i>Not supported - as above.</i></p>
<i>Privacy Setbacks: Eastern Elevation</i>	<i>Setback 7.5 metres within the cone of vision in the case of balconies.</i>	<p><i>First Floor- setback 4.4 metres and 6 metres to eastern boundary in lieu of 7.5 metres.</i></p> <p><i>Second Floor- setback 4.4 metres and 6 metres to eastern boundary in lieu of 7.5 metres.</i></p>	<p><i>Not supported - considered to have an undue impact on adjoining property.</i></p> <p><i>Not supported - as above.</i></p>
<i>North-West Elevation</i>	<p><i>Setback 6 metres within the cone of vision in the case of habitable rooms other than bedrooms.</i></p> <p><i>Setback 4.5 metres within the cone of vision in the case of bedrooms.</i></p>	<p><i>First Floor- activity room setback 3 metres and 4 metres to north-western elevation in lieu of 6 metres.</i></p> <p><i>Second Floor- bedroom 3 setback 2.5 metres and 4 metres to north-western elevation in lieu of 4.5 metres.</i></p>	<p><i>Supported - overlooking is to the Bream Cove road reserve and the driveway/garage area of a dwelling currently under construction at No. 4 Bream Cove. This area functions as part of the front setback area of the dwelling and, therefore, overlooking is not considered to have an undue impact on this property.</i></p> <p><i>Supported - as above.</i></p>

<i>Consultation Submissions</i>		
<i>Support</i>	<i>Nil</i>	<i>Noted</i>
<i>Objection (6)</i>	<i>Excessive building height</i>	<ul style="list-style-type: none"> <li><i>Supported - the proposed structure is inconsistent with the existing streetscape and is considered to have an undue impact on adjoining properties.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>Inadequate open space surrounding the dwelling</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - the development does not meet the minimum 50 per cent total open space requirement of the R Codes and is considered to have an undue impact on adjoining properties.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>The building will result in a feeling of confinement on adjacent properties due to its excessive height and reduced setbacks.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - the height and bulk of the development is considered to have an undue impact on adjoining properties.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>Other home owners were required to comply with development requirements.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Not supported - the Town has the discretion to consider variations to its Policy, and the R Codes as per clause 1.3.3 of the R Codes.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>A three-storey house is not in keeping with the character of Bream Cove which is a predominantly two-storey streetscape.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - the development is not sympathetic to the scale and character of existing development along Bream Cove and is considered to have an undue impact on the streetscape.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>The house is too large for the block of land.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - as above.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>The building clearly contravenes development requirements.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - the development's non-compliance with the development requirements is considered to have an undue impact on adjacent properties.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>The bulk and size of the building will have an adverse impact on existing homes in Pakenham Street and the rear block.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - adjoining properties fronting Pakenham Street and Bream Cove are considered to be unduly impacted upon by the proposed development.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>There is potential for overshadowing on the street as well as</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - the plans have incorrectly shown the overshadowing of the proposed</i></li> </ul>

	<i>adjacent properties and this has not been</i>	<i>development falling north across No. 4 Bream Cove and several</i>
	<i>adequately demonstrated on the plans.</i>	<i>lots fronting Pakenham Street. The majority of overshadowing falls across the Bream Cove and Joel Terrace road reserves, with potential for overshadowing on No. 1 Bream Cove.</i>
	<ul style="list-style-type: none"> <li><i>The building does not minimise overshadowing, overlooking or visual intrusion and is not in accordance with the requirements of the Residential Design Codes or the Walters Brook Design Guidelines.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported – the development proposes extensive privacy encroachments on an adjoining property and does not meet the provisions of the Walters Brook Design Guidelines or the R Codes.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>The balcony and window location is not designed to avoid overlooking and will encroach significantly into the privacy of adjacent properties.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported - as above.</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>The proposal should be made to comply with setbacks, open space and building height to reduce the impact of the proposal on neighbouring properties and the streetscape in general.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Supported in part- the proposal does not meet the development requirements of the Town, and a relaxation of these requirements to the extent proposed by the development is considered to be unreasonable and at the detriment of the locality. An alternative or revised proposal which increases compliance with the Town’s requirements and can be demonstrated to be sympathetic to the amenity of the locality and the streetscape is encouraged.</i></li> </ul>

*Other Implications*

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

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

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

**COMMENTS:**

*The proposed development will create an undue impact on the amenity of the existing two-storey streetscape of Bream Cove and although isolated examples of three-storey development exist along Joel Terrace, the location of the subject site at the corner of Bream Cove and Joel Terrace means the potential for adverse impacts on the streetscape is enhanced. The proposed development would create an unbalanced entry statement to Bream Cove and would create a further sense of enclosure for residents in what is already considered to be a constrained streetscape environment. In light of the above and in consideration of the objections received and variations to the R Codes and the Town's Policies, the proposed development is recommended for refusal."*

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**10.1.6 Further Report - No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use from Recreational Facility (Pool Hall) to Tavern and Associated Alterations**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Mount Lawley; P11	<b>File Ref:</b>	PRO0710; 5.2007.308.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hospitality Total Services Pty Ltd on behalf of the owner E & M D'Aurizio & G A & M Gimondo for proposed Change of Use from Recreational Facility (Pool Hall) to Tavern, at No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley, and as shown on front elevation stamp-dated 19 September 2007 and floor plan stamp-dated 8 November 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No.3.7.1), the Mount Lawley Centre Precinct (Policy No. 3.1.11), and Waste Management (Policy No.2.2.18); and*
- (iii) consideration of the objections received.*

**FURTHER REPORT**

The Council considered the subject application at its Ordinary Meeting held on 20 November 2007 and resolved as follows:

*"That the item be DEFERRED for further investigation."*

The Town's Officers met with the applicant to discuss the proposal on 3 December 2007. At this meeting the applicant indicated willingness to reduce the public floor area of the Tavern from 262 square metres to 200 square metres and reduce the maximum number of people for the use from 200 people to 172 people. These figures are comparable to the approved numbers for the nearby Must Wine Bar at No. 519 Beaufort Street, Mount Lawley (151 square metres of floor area and a maximum of 172 people). The applicant has advised that an application for a small bar, which requires a maximum of 120 people, as opposed to the current Tavern proposal would not cater for the applicant's needs nor would it be financially viable.

In light of the above, the following revised car parking table has been prepared. As can be seen from the table, there remains a significant car parking shortfall (24 car bays).

Car Parking Requirement (nearest whole number) Tavern -1 space per 3.8 square metres of public floor area (200 square metres) - 52.63 car bays; OR - 1 space per 4.5 persons of maximum number of persons approved for the site(172) - 38.22 car bays; whichever is the greater	53 car bays
Apply the adjustment factors • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces)	(0.7225)  38.29 car bays
Minus the car parking on-site	0 car bay
Minus the most recently approved on-site parking shortfall (20) - 14.45 car bays after adjustment factors.	14.45 car bays
Resultant Shortfall	23.84 car bays

During public question time at the Ordinary Meeting held on 20 November 2007, the applicant referred to the application of a 88 per cent rule to the car parking calculation for the Must Wine Bar. The Town's Officers have reviewed the Town Planning Scheme and Parking and Access Policy and can find no specific reference to this matter.

Notwithstanding this, a review of the Must Wine Bar application was undertaken. At the Ordinary Meeting of Council held on 26 September 2006, the Council considered an application for alterations and additions to the existing Tavern for the place at No. 519 Beaufort Street, Highgate. There was a 5.06 car bay shortfall for the proposal.

In determining whether a proposed development should be refused on car parking grounds, the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution. In this instance for the Must Wine Bar, the requirement was not met (2.4 bays required as a guide, nil bays provided). The shortfall was considered by the Town's Officers to be contrary to the orderly and proper planning and the preservation of the amenities of the locality and the Town's Policy relating to Parking and Access, and the Officers recommended refusal of the application. However, the Council used its discretion to approve the application and required a cash in lieu contribution.

The subject application for No. 560 Beaufort Street has a total car parking requirement of 38.29 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, for the place at No. 560 Beaufort Street, a total of 5.74 car bays are required to be provided on site and the balance should be provided as a cash-in-lieu contribution. This requirement has not been satisfied as there are no car bays provided on site.

Whilst the applicant has reduced the floor area and maximum number of people for the premises, the Town's Officers still consider that its scale and nature will have an undue impact on the amenity of the area and particularly the adjacent residences. The Town's Officers acknowledge that the applicant has operated a successful restaurant along Beaufort Street, which has contributed to the area's success and vitality over the years. However, in the pursuit of orderly and proper planning it is important that the Town manage the future land uses in a

manner that ensures the amenity of the nearby residential area are not unduly impacted upon by car parking spill over and also to ensure that visitors to the area are inconvenienced by acceptable levels of available parking.

In light of the above, it is recommended that the application be refused as per the Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 November 2007:

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hospitality Total Services Pty Ltd on behalf of the owner E & M D'Aurizio & G A & M Gimondo for proposed Change of Use from Recreational Facility (Pool Hall) to Tavern, at No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley, and as shown on front elevation stamp-dated 19 September 2007 and floor plan stamp-dated 8 November 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No.3.7.1), the Mount Lawley Centre Precinct (Policy No. 3.1.11), and Waste Management (Policy No.2.2.18); and*
- (iii) consideration of the objections received.*

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COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Maier

*That the recommendation be adopted.*

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Youngman

*That the item be DEFERRED for further investigation*

PROCEDURAL MOTION PUT AND CARRIED (7-1)

*Cr Ker was an apology for the meeting.*

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

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*Journalist Lindsay McPhee departed the Chamber at 7.45pm.*

<i>Landowner:</i>	<i>E &amp; M D'Aurizio &amp; G A &amp; M Gimondo</i>
<i>Applicant:</i>	<i>Hospitality Total Services Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Recreational Facility</i>
<i>Use Class:</i>	<i>Tavern</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>459 square metres</i>
<i>Access to Right of Way</i>	<i>Eastern side, 3 metres wide, sealed, Town owned.</i>

**BACKGROUND:**

*16 November 1992 The City of Perth approved the change of use of the subject site from retail (furniture store) to amusement centre. This approval was granted for a period of twelve months as it was considered 'undesirable for the premise to remain unoccupied.'*

*A total of 34 car bays were required for the proposed amusement centre at this time. However, the applicant complained that this requirement was too excessive and that the Council should reduce the requirement to a level that could be achieved. The Council considered a 20 car parking bay requirement more appropriate, even though there was no car parking provided on-site.*

*14 March 1993 The then Minister for Planning, Richard Lewis JP MLA upheld an appeal in relation to the twelve month restriction on the use.*

*3 December 1993 In response for a request to increase the maximum number of occupants of the place to 150 persons, the applicant was advised that the maximum number of occupants of the place shall be 50 persons due to insufficient parking for the site.*

**DETAILS:**

*The subject site comprises an existing Recreational Facility (Pool Hall), which is built out to all four site boundaries and has no provision for car parking on-site.*

*Approval is sought for the change of use of the existing Recreational Facility (Pool Hall), to Tavern with associated alterations.*

*During the period of community consultation a number of submissions were received regarding the proposed change of use, as outlined in the below table. The applicant has prepared a submission in response to the objections, which is "Laid on the Table" and summarised below. In addition to this submission, the applicant obtained the signatures of six persons who work or operate premises along Beaufort Street in support of the proposal.*

- There is not an issue with the car parking shortfall, as a precedent has been established.*
- Consideration should be given to the Council's prior decision to provide dispensation for 34 bays as per the previous tenants.*
- A restriction of 200 patrons will be placed on the capacity of the venue.*
- The usage will not contribute to a considerable number of vehicles utilising the Right of Way given that it is utilised by other traders for service and delivery vehicles currently.*

- *Matters such as noise and anti-social behaviour will be addressed through a Public Interest Assessment as part of the Department of Racing, Gaming and Liquor Tavern Licence application process.*
- *It is not anticipated that the venue will be a 'pub' style venue. The venue will trade as a modern food and beverage venue specialising in the service of quality food and beverage products.*
- *The applicant will fully comply with all Council requirements to provide the necessary bin storage facilities.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Mount Lawley Centre Precinct</i>	<i>Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.</i>	<i>Nil on-site car parking.</i>	<i>Not supported - the proposal is considered to have an undue impact on the amenity of the area.</i>
<i>Waste Management Policy No. 2.2.18</i>	<i>3 general waste bins and 1 recycling bin contained within a MGB enclosure, in accordance with the provisions of the Town of Vincent Local Laws Relating to Health.</i>	<i>The current proposal does not indicate a suitable bin store area.</i>	<i>Supported - the Environmental Health Officer has advised that, whilst the minimum requirements are for 3 general waste bins and 1 recycling bin, more bins will need to be supplied to accommodate the Tavern use.</i>  <i>Notwithstanding the above, the current proposal does not indicate a suitable bin store area for the minimum bin store requirement.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<i>- Support in principle provided. However, concerns about noise, traffic, parking, privacy, loitering and waste services were expressed.</i>		<i>Noted.</i>
<i>Objection (6)</i>	<i>- Parking problems in an already congested area.</i>		<i>Supported - considered to have an undue impact on the amenity of the area.</i>
	<i>- Increase in traffic utilising ROW, which will further damage boundary walls.</i>		<i>Not supported - the right of way will not be directly</i>

	<ul style="list-style-type: none"> <li>- Increase in noise, anti-social bad behaviour and loitering.</li> <li>- Insufficient Bin Store.</li> <li>- The area has enough pub type venues.</li> </ul>	<p>utilised by patrons.</p> <p>Supported in part- in the event of an approval the applicant will need to prepare and implement a Management Plan to address such problems.</p> <p>Supported - the current proposal does not indicate a suitable bin store area. The applicant has advised that the bin store requirements will be complied with at the Building Licence stage.</p> <p>Not supported - the Town's Town Planning Scheme No. 1 does not have the power to control the number of a particular use class in an area.</p>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>
<i>Car Parking</i>		
<i>Car Parking Requirement (nearest whole number)</i> <i>Tavern</i> <i>-1 space per 3.8 square metres of public floor area or (262) - 68.94 car bays; OR</i> <i>- 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater (200) - 44.44 car bays</i>		<i>69 car bays</i>
<i>Apply the adjustment factors</i> <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a car park within excess of 75 car parking spaces)</li> </ul>		<i>(0.7225)</i>  <i>49.85 car bays</i>
<i>Minus the car parking on-site</i>		<i>0 car bay</i>
<i>Minus the most recently approved on-site parking shortfall (20) - 14.45 car bays after adjustment factors.</i>		<i>14.45 car bays</i>
<i>Resultant Shortfall</i>		<i>35.4 car bays</i>

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

*COMMENTS:*

*It is considered, for the reasons outlined above, a proposal of this scale and nature will have an undue impact on the amenity of the area and particularly the adjacent residences. It is therefore recommended that the application be refused."*

**10.1.7 Nos. 53 - 65 (Lot(s) 12, 134-136 ) Wasley Street, Corner Norfolk Street, and No. 88 (Lot 4) Forrest Street, North Perth – Proposed Demolition of Existing Independent Living Units and Nursing Home and the Construction of Additional Nursing Home, Part Undercroft Car Parking, Shade Sails and Carports to the Existing Independent Living Units and Nursing Home(Reconsideration of Condition)**

<b>Ward:</b>	South	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	Norfolk;P10	<b>File Ref:</b>	PRO2045; 5.2007.508.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, N Wellington		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owner Iles Investments Pty Ltd for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at No(s). 53 - 65 (Lot(s) 12, 134 - 136) Wasley Street, corner Norfolk Street, and No.88 (Lot 4) Forrest Street, North Perth (Reconsideration of Condition), and as shown on plans stamp-dated 21 November 2007, 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 first occupation of the development, eight (8) class- one or two, and five (5) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two bicycle parking facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (iii) a detailed management plan for the operation of the nursing home addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances), traffic, right of way access to adjoining properties, rubbish collection and litter, shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (iv) prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services*

*Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
  - (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street;*
  - (b) *the overall height to the top of pitched roof of the buildings being a maximum of 9 metres when measured from natural ground level; and*
  - (c) *the building frontages (including roof structure) to the public streets being further articulated, "broken up" by incorporating significant and appropriate design features to reduce the institutional appearance, visual bulk and scale of the building.*

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

- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
  - (vii) *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) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (ix) *any new street/front wall, fence and gate between the Wasley Street, Norfolk Street and Forrest Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
    - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
    - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
    - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
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- (x) *a detailed landscaping plan, including a list of plants and the landscaping of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, inclusive of the area occupied by the temporary angle car bays within the Wasley Street road verge shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges 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);*
  - (xi) *a construction management plan addressing noise, hours of construction, traffic, use of right of way (ROW), car parking, collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
  - (xii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (xiii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
  - (xiv) *prior to the first occupation of stage 3 of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
  - (xv) *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;*
  - (xvi) *all development and uses on site shall be directly associated with the nursing home on site;*
  - (xvii) *the proposed additional parallel verge car parking shall be subject to a separate application to the Town and referral to an Ordinary Meeting of Council for determination, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*
  - (xviii) *the carports shall be one hundred (100) percent open on all sides and at all times (open style gates/panels are permitted);*
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- (xix) *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;*
  - (xx) *the independent living units and nursing home shall accommodate a maximum of 115 beds at any one time;*
  - (xxi) *all temporary verge car bays along Wasley Street shall be removed upon construction and occupation of the basement car park on-site, and the landscaping installed as per condition (x) above, at the owner's cost;*
  - (xxii) *the buildings facing the northern and eastern boundaries shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation from all sources of sound shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The acoustic report, including sound insulation recommendations, shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
  - (xxiii) *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/owner 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;*
  - (xxiv) *for the entire duration of the construction period for stages 2 and 3 all construction related vehicles shall be accommodated on site where physically and practically possible to do so. On arrival at the site, and after registering at the site office, all construction related vehicles shall be attended to by the builder and are allowed to be parked in the temporary verge car bays, and a maximum of 2 large vehicles which are not capable of being accommodated in the temporary verge car bays are allowed to be parked along the adjacent Wasley Street for a maximum period of 2 hours each, per day;*
  - (xxv) *no service vehicle access or parking is permitted along the rear right of way adjacent to the subject property;*
  - (xxvi) *24 temporary car bays at Nos.64A and 64B Wasley Street, North Perth for employees, customers and visitors shall be provided prior to the commencement of construction of the remaining stages, and shall be maintained throughout the construction period;*
  - (xxvii) *the carports adjacent to Forrest Street shall be used by residents and visitors of the nursing home, and not for any deliveries;*
  - (xxviii) *all deliveries to the site shall be via the basement car park or through the front of the building off Wasley Street;*
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- (xxix) *no delivery vehicles associated with the nursing home shall be parked along the verge car parking bays or along the Wasley Street, Norfolk Street and Forrest Street frontages, unless prior approval under exceptional circumstances is obtained from the Town;*
- (xxx) *delivery times to the nursing home shall be restricted to 7am to 7pm, inclusive, daily, unless in cases of an emergency;*
- (xxxi) *a dedicated temporary pedestrian footpath shall be provided, constructed and set aside for the full duration of the construction period along the Wasley Street and Norfolk Street frontages to the satisfaction of the Town's Technical Services Division, at the applicant's/owner's cost;*
- (xxxii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xxxiii) *within 14 days of the date of notification of this approval, the applicant(s)/owner(s) shall advise nearby residents along Wasley Street between Fitzgerald Street and Norfolk Street and along Norfolk Street between Forrest Street and Burt Street of a 24 hour phone number and an email address for lodging complaints and inquiries and will ensure an efficient and prompt complaint handling process to consider same. The applicant(s)/owner(s) shall provide to the Town a quarterly summary of any complaints and the actions taken to remedy issues;*
- (xxxiv) *the applicant(s)/owners(s) shall endeavour to limit construction related vehicle movements arriving at the above construction site, so that there is no continuous queue of such vehicles awaiting delivery of materials being parked along Wasley Street and the surrounding streets within the vicinity of the above construction site;*
- (xxxv) *within 14 days of the date of notification of this approval, the applicant(s)/owners(s) shall advise and encourage all workers on-site in writing to car pool where possible, and a copy of this letter shall be provided for the Town's record; and*
- (xxxvi) *the applicant(s)/owners(s) shall ensure the basement car park when completed to be used for the car parking of construction related vehicles, where physically possible.*

<b>Landowner:</b>	Iles Investments Pty Ltd
<b>Applicant:</b>	Edgar Idle Wade Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Institutional Building (Nursing Home and Independent Living Units)
<b>Use Class:</b>	Institutional Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	7068 square metres
<b>Access to Right of Way</b>	South side, 5.03 metres wide, unsealed, privately owned

**BACKGROUND:**

18 January 2005

The Council at its Ordinary Meeting held on 18 January 2005 resolved "That the Item be DEFERRED for further investigation and for the matter to be considered as part of a future Elected Members Forum."

- 15 March 2005 Development proposal presented to an Elected Members Forum. This did not include the proposed associated temporary car park at Nos.64A and 64B Wasley Street, North Perth, which is a separate Agenda Item for the Ordinary Meeting of Council on 25 July 2006.
- Revised plans dated 8 April 2005 The revised plans were advertised and 8 objections were received.
- 4 July 2005 Public meeting held at the North Perth Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005.
- 15 September 2005 Further public meeting held at the North Perth Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005.
- 9 November 2005 Petition received in relation to basement car park access off Wasley Street.
- 21 December 2005 Revised plans received from the applicant/owners of St Michael Nursing Home.
- 17 March 2006 The Town's Officers advised by the St Michael Nursing Home owners that a new planning application is to be submitted for No.64 Wasley Street, North Perth for the provision of additional car parking bays.
- 21 April 2006 Written Direction under Section 214 (3) of the Planning and Development Act for the non-compliance with the Approval to Commence Development (No. 00/33/1092) issued on 17 April 2003.
- 15 May 2006 Owner/applicant applied to SAT for a review of the abovementioned Written Direction.
- 9 June 2006 SAT direction hearing held.
- 14 June 2006 Public meeting held at the North Perth Town Hall Lesser Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005 and application serial 5.2006.143 relating to proposed demolition of the western grouped dwelling and construction of a temporary car park, and change of use of the eastern grouped dwelling to temporary storage and administration purposes associated with the institutional building (St Michael Nursing Home and independent living units) at Nos.53-65 Wasley Street, corner Norfolk Street, and Forrest Street, North Perth.
- 22 June 2006 SAT mediation held on-site.
- 29 June 2006 Submission received from applicant on matters raised at the above mediation.
-

25 July 2006

The Council at its Ordinary Meeting conditionally approved proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home, subject to the following conditions:

*"That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owner Iles Investments Pty Ltd for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at No(s). 53 - 65 (Lot(s) 12, 134 - 136) Wasley Street, corner Norfolk Street, and No.88 (Lot 4) Forrest Street, North Perth, and as shown on plans stamp-dated 22 May 2006, 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 first occupation of the development, eight (8) class- one or two, and five (5) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two bicycle parking facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
  - (iii) a detailed management plan for the operation of the nursing home addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances), traffic, right of way access to adjoining properties, rubbish collection and litter, shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
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- (iv) *prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
  - (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
    - (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street;*
    - (b) *the overall height to the top of pitched roof of the buildings being a maximum of 9 metres when measured from natural ground level; and*
    - (c) *the building frontages (including roof structure) to the public streets being further articulated, "broken up" by incorporating significant and appropriate design features to reduce the institutional appearance, visual bulk and scale of the building.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
  - (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
  - (vii) *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) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (ix) *any new street/front wall, fence and gate between the Wasley Street, Norfolk Street and Forrest Street boundaries and the main building, including along the*
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*side boundaries within this front setback area, shall comply with the following:*

- (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (x) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, inclusive of the area occupied by the temporary angle car bays within the Wasley Street road verge shall be submitted and approved prior to the issue of a Building Licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken at the owner's cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) a construction management plan addressing noise, hours of construction, traffic, use of right of way (ROW), car parking, collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
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- (xii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (xiii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
  - (xiv) *prior to the first occupation of stage 3 of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
  - (xv) *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;*
  - (xvi) *all development and uses on site shall be directly associated with the nursing home on site;*
  - (xvii) *the proposed additional parallel verge car parking shall be subject to a separate application to the Town and referral to an Ordinary Meeting of Council for determination, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*
  - (xviii) *the carports shall be one hundred (100) percent open on all sides and at all times (open style gates/panels are permitted);*
  - (xix) *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;*
  - (xx) *the independent living units and nursing home shall accommodate a maximum of 115 beds at any one time;*
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- (xxi) *all temporary verge car bays along Wasley Street shall be removed upon construction and occupation of the basement car park on-site, and the landscaping installed as per condition (x) above, at the owner's cost;*
  - (xxii) *the buildings facing the northern and eastern boundaries shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation from all sources of sound shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The acoustic report, including sound insulation recommendations, shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
  - (xxiii) *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/owner 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;*
  - (xxiv) *all construction related vehicles shall be accommodated on site for the entire duration of the construction period;*
  - (xxv) *no service vehicle access or parking is permitted along the rear right of way adjacent to the subject property;*
  - (xxvi) *25 temporary car bays at Nos.64A and 64B Wasley Street, North Perth for employees, customers and visitors shall be provided prior to the commencement of construction of the remaining stages, and shall be maintained throughout the construction period;*
  - (xxvii) *the carports adjacent to Forrest Street shall be used by residents and visitors of the nursing home, and not for any deliveries;*
  - (xxviii) *all deliveries to the site shall be via the basement car park or through the front of the building off Wasley Street;*
  - (xxix) *no delivery vehicles associated with the nursing home shall be parked along the verge car parking bays or along the Wasley Street, Norfolk Street and Forrest Street frontages, unless prior approval under exceptional circumstances is obtained from the Town;*
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- (xxx) *delivery times to the nursing home shall be restricted to 7am to 7pm, inclusive, daily, unless in cases of an emergency;*
- (xxxi) *the shade cloth shall be complementary in design and colours with the existing building and be made of permeable material;*
- (xxxii) *a dedicated temporary pedestrian footpath shall be provided, constructed and set aside for the full duration of the construction period along the Wasley Street and Norfolk Street frontages to the satisfaction of the Town's Technical Services Division, at the applicant's/owner's cost; and*
- (xxxiii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s)."*

25 July 2006

The Council at its Ordinary Meeting also considered a Confidential Report relating to a State Administrative Review Matter DR 160 of 2006 relating to the above mentioned site.

Site inspections undertaken by the Town's Development Compliance Officer revealed the following:

<b>Date</b>	<b>Time</b>	<b>Comment</b>
16 October 2007	10.20am	No obvious construction vehicles associated with the building site, parked on Wasley Street.
22 October 2007	9.00am	No obvious construction vehicles associated with the building site, parked on Wasley Street.
24 October 2007	3.15pm	No obvious construction vehicles associated with the building site, parked on Wasley Street.
25 October 2007	11.20am	No obvious construction vehicles associated with the building site, parked on Wasley Street.
29 October 2007	2.30pm	Bobcat truck parked across 3 angle car parking bays, 1 utility vehicle parked on Wasley Street.
31 October 2007	9.25am	1 crane temporarily parked on Wasley Street - motor running, 1 utility vehicle parked on Wasley Street.
31 October 2007	1.15pm	No obvious construction vehicles associated with the building site, parked on Wasley Street.
1 November 2007	11.10am	No obvious construction vehicles associated with the building site, parked on Wasley Street.
2 November 2007	12.50pm	1 utility vehicle parked on Wasley Street.*
6 November 2007	10.30am	2 utility vehicles parked in angle bays on Wasley Street.*
7 November 2007	8.20am	3 utility vehicles parked in angle bays on Wasley Street, 1 utility vehicle parked on Wasley Street.*
8 November 2007	9.50am	2 utility vehicles parked in angle bays on Wasley Street, 2 utility vehicles parked on Wasley Street.*
14 November 2007	8.30am	2 utility vehicles parked in angle bays on Wasley Street.*
15 November 2007	9.25am	2 utility vehicles parked in angle bays on Wasley Street.*

16 November 2007	3.45pm	No obvious construction vehicles associated with the building site, parked on Wasley Street.
19 November 2007	11.30am	3 utility vehicles parked in angle bays on Wasley Street.*
21 November 2007	11.30am	2 utility vehicles parked in angle bays on Wasley Street, 1 utility vehicle parked on Wasley Street.*
22 November 2007	1.20pm	No obvious construction vehicles associated with the building site, parked on Wasley Street.
23 November 2007	8.20am	No obvious construction vehicles associated with the building site, parked on Wasley Street.
28 November 2007	2.00pm	No obvious construction vehicles associated with the building site, parked on Wasley Street.

\* No evidence obtained directly linking utility vehicles with construction site.

**DETAILS:**

The proposal the subject of this application is identical to the proposal conditionally approved at the Ordinary Meeting of Council held on 25 July 2006. The application involves amendment of condition (x), the reconsideration of condition (xxiv), and deletion of condition (xxxi), imposed by the Council at its Ordinary Meeting held on 25 July 2006, for the demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home, for the following reasons (attached):

“(x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, inclusive of the area occupied by the temporary angle car bays within the Wasley Street road verge shall be submitted and approved prior to the issue of a Building Licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken at the owner's cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*”

The applicant has requested that the above condition (x) be amended as below as the immediate plans to extensively landscape and reticulate the verges may be inappropriate in view of water restrictions and current climatic conditions:

Amended condition (x) proposed by applicant:

“(x) *a detailed landscaping plan, including a list of plants, shall be submitted and approved prior to the issue of a Building Licence. Wasley Street, Norfolk Street and Forrest Street verges, adjacent to the subject property, inclusive of the area occupied by the temporary car bays within the Wasley St road verge (if required by the Town of Vincent), shall be reinstated with appropriate lawn. All such works shall be undertaken at the owners cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*”

“(xxiv) *all construction related vehicles shall be accommodated on site for the entire duration of the construction period;*”

The applicant has requested that the above condition (xxiv) be amended for the following reasons:

- The current construction site is able to accommodate a 6 wheeler truck, together with 2 or 3 utilities/vans depending on size, with any overlapping delivery trucks (concrete pours, bricks, pavers, roofing timber and sheeting), including larger “semi-trailer” being accommodated in the designated temporary street parking bays adjacent to site;
- Workers cars not able to be accommodated on site are to be parked in designated public parking spaces, away from the development site; and
- The builder will make reasonable attempts to avoid undue obstruction or interference with the “normal” usage of the street.

Amended condition (xxiv) proposed by applicant:

*“(xxiv) for the entire duration of the construction period (i.e. from the date of possession of site by the builder to the date of practical completion), all construction related vehicles will be accommodated on site where it is physically possible to do so. On arrival at the site, and after registering at the site office, all construction related vehicles are to be attended to, by the builder, in a reasonably expedient manner;”*

The applicant has requested that the below condition be deleted, as a Building Licence has been issued for a “Vergola” shade structure, to be constructed in stage 3.

*“(xxxi) the shade cloth shall be complementary in design and colours with the existing building and be made of permeable material;”*

#### **COMMENTS:**

On 14, 17 and 18 September, 8, 9, 23 and 31 October, and 5, 12 and 13 November 2007, the Town received complaints from a resident alleging the abovementioned condition (xxiv) imposed by the Council at its Ordinary Meeting held on 25 July 2006 was not being complied with.

A site inspection by the Town's Co-ordinator Statutory Planning and Development Compliance Officer (DCO) on 18 September 2007 revealed a number of construction related vehicles were being parked along Wasley Street. Dates of other inspections carried out by the DCO are stated in the above "Background" section of this report. The Town wrote to the owner and applicant on 24 September 2007 requesting compliance with the requirement for construction vehicles to be contained within the construction site.

As the proposed reconsideration of the conditions does not result in any greater variations, the matter does not require to be re-advertised. However, the Town's Officers have notified all those landowner/occupiers who previously lodged submissions on the original development proposal considered at the Ordinary Meeting of Council on 25 July 2006 that the above conditions are being reconsidered at the Ordinary Meeting of Council on 18 December 2007.

The Town's Officers generally support the modification of condition (x) as imposed at the Ordinary Meeting of Council on 25 July 2006, such that it reads as follows, in an effort to conserve water use age at a time when there is scarcity of the resource:

*“(x) a detailed landscaping plan, including a list of plants and the landscaping of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, inclusive of the area occupied by the temporary angle car bays within the Wasley Street road verge shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed*

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*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)."*

The Town's Officers generally support the modification of condition (xxiv) as imposed at the Ordinary Meeting of Council on 25 July 2006, such that it reads as follows, taking into consideration the site constraints, limited parking on-site, and nature of deliveries involving heavy haulage vehicles associated with a development of this scale, so as to address the on-going complaints being received and to practically consider and resolve the issues faced by residents, builders, owners of the site and the Town's administration in an equitably and fair approach to the problem at hand:

*"(xxiv) for the entire duration of the construction period for stages 2 and 3 all construction related vehicles shall be accommodated on site where physically and practically possible to do so. On arrival at the site, and after registering at the site office, all construction related vehicles shall be attended to by the builder and are allowed to be parked in the temporary verge car bays, and a maximum of 2 large vehicles which are not capable of being accommodated in the temporary verge car bays are allowed to be parked along the adjacent Wasley Street for a maximum period of 2 hours each, per day."*

The Town's Officers support the deletion of condition (xxxii) as imposed at the Ordinary Meeting of Council on 25 July 2006, as the condition is no longer relevant and replaced by a "vergola" structure which has been approved as a minor nature development.

The following additional conditions to supplement the revised condition (xxiv) above are recommended to further manage the issue of construction vehicles attending the above site:

*"(xxxiii) within 14 days of the date of notification of this approval, the applicant(s)/owner(s) shall advise nearby residents along Wasley Street between Fitzgerald Street and Norfolk Street and along Norfolk Street between Forrest Street and Burt Street of a 24 hour phone number and an email address for lodging complaints and inquiries and will ensure an efficient and prompt complaint handling process to consider same. The applicant(s)/owner(s) shall provide to the Town a quarterly summary of any complaints and the actions taken to remedy issues;*

*(xxxiv) the applicant(s)/owners(s) shall endeavour to limit construction related vehicle movements arriving at the above construction site, so that there is no continuous queue of such vehicles awaiting delivery of materials being parked along Wasley Street and the surrounding streets within the vicinity of the above construction site;*

*(xxxv) within 14 days of the date of notification of this approval, the applicant(s)/owners(s) shall advise and encourage all workers on-site in writing to car pool where possible, and a copy of this letter shall be provided for the Town's record; and*

*(xxxvi) the applicant(s)/owners(s) shall ensure the basement car park when completed to be used for the car parking of construction related vehicles, where physically possible."*

In light of the above, it is recommended that the Council support the above amendments, as the changes would improve the management of construction vehicles parking associated with the above development site and would not further unduly affect the amenity of the area.

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**10.1.8 No. 145 (Lot: 349 D/P: 2355) Walcott Street, Corner William Street, Mount Lawley- Proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Four (4) Offices and Nine (9) Single Bedroom Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO3807; 5.2007.392.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner S B & M T Dey , D L Beetson , A G Tighe and others for proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Four (4) Offices and Nine (9) Single Bedroom Multiple Dwellings, at No. 145 ( Lot: 349 D/P: 2355) Walcott Street, corner William Street, Mount Lawley, and as shown on plans stamp-dated 9 October 2007 , subject to the following conditions:*

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$13,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iii) 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;*
- (iv) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$19,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$19,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with*

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

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *first obtaining the consent of the owners of No. 147 Walcott 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. 147 Walcott Street in a good and clean condition;*
- (vii) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *any proposed vehicular gate adjacent to the William Street being a minimum 50 percent visually permeable when viewed from William Street;*
  - (b) *the awnings being a minimum height of 2.75 metres from the Walcott Street and William Street footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Walcott Street and William Street;*
  - (c) *the residential car parking for each unit being clearly marked for the exclusive use of the respective residential unit;*
  - (d) *each store having a minimum area of 4 square metres;*
  - (e) *additional design features using colour and/or relief being incorporated on the visible portions of the north-west face of the building wall facing No.147 Walcott Street to reduce the visual impact of that wall; and*
  - (f) *the corridor on the first and second floors on the south west elevation with cone of vision setback less than 7.5 metres from the north-west 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owner of No.147 Walcott Street stating no objections to the proposed privacy encroachment.*

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

- (ix) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*

- (x) *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;*
  - (xi) *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;*
  - (xii) *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;*
  - (xiii) *doors, windows and adjacent floor areas on the ground floor fronting Walcott and William Streets shall maintain an active and interactive relationship with these streets;*
  - (xiv) *the maximum total gross floor area of the offices shall be limited to 253 square metres;*
  - (xv) *prior to the first occupation of the development, nine (9) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
  - (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
  - (xvii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
  - (xviii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
  - (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (xx) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
    - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
    - (b) *the Town of Vincent will not issue a 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; and*
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- (c) *the land owners shall not seek from either the Town or the Western Australian Planning Commission compensation for any loss, damage or expense to remove the approved works (awning, landscaping and paving) which encroaches the Other Regional Road reservation/road widening requirement when the road reservation /road widening/road upgrade is required.*

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

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

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (xxii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the William 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);*

- (xxiii) *any proposed vehicular entry gates adjacent to the commercial car parking area shall 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 and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and*

- (xxiv) *prior to the commencement of any construction works on site, investigation for soil and groundwater contamination and completion of any remediation, including validation of remediation, shall be carried out to the satisfaction of the Town and the Department of Environment and Conservation to ensure that the subject lot can*

*accommodate the proposed development. The investigation, remediation and validation of remediation, shall be carried out in accordance with the guidelines adopted by the Department of Environment and Conservation (DEC), as detailed in the DEC's Contaminated Sites Management Series.*

<b>Landowner:</b>	S B & M T Dey & D L Beetson & A G Tighe & others
<b>Applicant:</b>	Oldfield Knott Architects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Roads Town Planning Scheme No.1 (TPS 1): Local Centre and Other Regional Roads
<b>Existing Land Use:</b>	Service Station
<b>Use Class:</b>	Office Building and Multiple Dwellings
<b>Use Classification:</b>	"P" and "AA"
<b>Lot Area:</b>	999 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

13 February 2007      The Council at its Ordinary Meeting deferred its decision on an application for proposed demolition of existing building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings on the subject property to allow for heights to be checked.

27 February 2007      The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings on the subject property.

**DETAILS:**

The main difference between the new plans submitted and the previous Planning Approval plans are summarised by the applicant as follows:

*"The entire layout of studio apartment (unit 1,2, 3 ,4 ,5,6,7 and 8) together with the balcony (ies) have been push back to the boundary without changing on the layout/floor area.*

*Units 4 and 8 Store has been relocated to stair 1.*

*Awnings have been provided continuously along the front of the office units facing William Street.*

*Parapet wall between Lot 349 and Lot 348 was extended to provide fire protection.*

*We advised that no other variation has been made to our original approved plan in terms of siting design and streetscape, and confirmed that the maximum building height of 10.5 m for general building envelope and 12 m for feature blade wall from ground level are maintained."*

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R60 or 9 single bedroom multiple dwellings	R60 or 9 single bedroom multiple dwellings dwellings	Noted – no variation.
Plot Ratio	0.7- 699 square metres	0.63 – 626 square metres	Noted-no variation
No. of Storeys as per Non-Residential/Residential Development Interface Policy	2 storeys are strongly encouraged. Three (3) storeys can be considered provided the amenity of adjacent residential area is protected.	3 storeys	Supported- as the subject Local Centre allows for 3 storey development and (lofts) to be considered, provided the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk, in which this development complies with and given the context of the site being within a Local Centre, along two district distributor roads and in close proximity to public transport. It also gives prominence to this strategically located corner site.
Stores	4 square metres	Units 2,3, 6,7- 3.74 square metres Unit 9- 3.87 square metres	Not supported- an undue impact on the amenity of occupiers and has been conditioned to comply.
Boundary Wall	Nil  Boundary Wall Length Approved= 16.975 metres	Nil  Boundary Wall Length= 34.898 metres	Supported-a nil side setback is permitted; however, the plans were advertised to the adjoining neighbours to show the extension of the boundary wall along the north-west boundary and no objections were received.

Height of Building	10 metres	10.5 metres in height to the boundary wall on the north-west corner.  10.5 metres in height for all other walls  12 metres for the feature blade wall	Supported- at the Ordinary Meeting 27 February 2007, the Council approved a similar proposal subject to the height of buildings being a maximum of 10.5, excluding the feature blade wall on the eastern corner of the building which can be a maximum height of 12 metres, from the natural ground levels. The plans submitted for this application comply with the height requirement of 10.5 metres and 12 metres. The height of 10.5 metres is supported, being a corner site and to give prominence to this gateway into the Town.
Landscaping	10 per cent	9.1 per cent	Supported- on the basis that the applicant is required to contribute to the Town's Percentage for Art Scheme and the upgrading of the adjacent footpath, each dwelling has been provided with an adequate and functional area of outdoor living area (balconies) and the nil setbacks proposed, any further landscaping to be provided is not considered to benefit the wider community.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted

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

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

### **Residential Car Parking**

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 9 car bays, based on the standard of one (1) car bay for each of the 9 proposed single bedroom multiple dwellings. A total of 14 car bays have been provided for the entire development; therefore, resulting in five (5) car bays available for the commercial component.

### **Commercial Car Parking**

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 253 square metres) = 5.06 car bays.	5 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> </ul>	(0.68) 3.4 car bays
Car parking provided on-site for commercial component	5 car bays
Resultant surplus	1.6 car bays

### **Bicycle Parking**

Requirements	Required	Provided
Office 1 per 200 (proposed 253) square metres public area for employees (class 1 or 2).	1.265 space	Bicycle parking shown on plans, within the service access.
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A

### **COMMENTS:**

#### **Department of Planning and Infrastructure Comments**

The proposal has been referred to the Department for Planning and Infrastructure (DPI) - Urban Transport System- as the proposal abuts Walcott Street and William Street, which are both classified as Other Regional Roads (ORR) and also due to regional transport implications. The DPI has advised that the encroachments (canopy, landscaping and paving) within the William Street road reserve was supportable, subject to the landowner agreeing that

the presence of the landscaping strip and paving which are located in the ORR Reservation, at that time when the reserved land is required for upgrading of the regional road, shall not be taken into consideration in determining any land acquisition cost or compensation that may be payable by the Town or the Western Australian Planning Commission.

#### **Department of Environment and Conservation Comments**

In letter dated 25 September 2007, the Department of Environment and Conservation (DEC) has informed the Town that the subject site is classified in the category of Contaminated-remediation required. The classification is due to the fact that the subject site has historically been used as a service station which has the potential to cause contamination. Therefore, the Town has to take into account the advice from DEC before taking a decision on the proposed development on the subject site.

Given the above, if this application is supported, one of the conditions of Planning Approval will be prior to the commencement of any construction works on-site, investigation for soil and groundwater contamination and completion of any remediation, including validation of remediation, shall be carried out to the satisfaction of the Town and DEC to ensure that the subject lot can accommodate the proposed development.

#### **Demolition**

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town released a draft list of places considered to have cultural heritage value on 21 June 2006, for community consultation. The subject place at No. 145 (Lot 149) Walcott Street, Mount Lawley ('Bongiorno's Garage') was recognised on the draft list. After a period of community consultation, a revised MHI was adopted by the Council at its Ordinary Meeting held on 12 September 2006. The adopted list comprises places which had received no objection from the owners.

The subject place was identified by Heritage consultants, the Hocking Planning and Architecture Collaboration as a "Category A" place as a rare surviving example of a service station/garage of the Inter-war period, which demonstrates the nature and standard of these early service station/garage facilities. The place was also recognised for its landmark value. The owner of the subject place objected to the proposed listing of the place onto the MHI for various reasons including:

- Disappointment in consultation process adopted by the Town;
- Detrimental impact upon the landowners impending plans for the redevelopment and use of the property;
- Adverse impact on the financial value of the site and the loss of opportunity to develop site in a way that better contributes to the amenity of the area; and
- Wider planning concerns including proposed widening of Walcott and William Streets and the requirement to remove underground fuel storage tanks in accordance with DOIR.

During the consultation period, the Town's Heritage Officers met with the owner of the subject place and their representative and visited the subject place so as to conduct a full heritage assessment. A full heritage assessment was prepared by the Town's Heritage Officers with the information available and presented a draft copy to the owner for comment. The heritage assessment found the place to have some historic value in demonstrating the advent of the motor car in the first half of the twentieth century in the locality and early designs applied to the newly emerging motor service industry. However, it was not considered that the place had sufficient historic value to warrant allocation of a 'Category A' management recommendation. It was also considered that the adaptive reuse capacity of the place as a whole was extremely limited considering the planning controls affecting road widening, location, environmental considerations and the reduced authenticity of the place.

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A detailed Heritage Assessment is contained in the attachment to this report.

The proposed listing of the place onto the MHI was considered by the Council at its Ordinary Meeting held on 7 November 2006. The Council resolved to exclude the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') from the Town's Municipal Heritage Inventory. In light of the recent consideration of the place onto the Town's MHI, it is recommended that the Council conditionally approve the demolition of the subject place in accordance with the Officer Recommendation. Whilst the place was not formally listed onto the Municipal Heritage Inventory, to recognise the places historic value, it is recommended that a plaque or an alternative form of interpretation be created and displayed in the redevelopment of the site.

**Conclusion**

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

**10.1.9 No.145 (Lot: 332 D/P: 2001) Joel Terrace, Mount Lawley -Additions and Alterations to Existing Single house (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO4105; 5.2007.402.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner L P and K M Murphy for Additions and Alterations to Existing Single House (Application for Retrospective Approval), at No.145 (Lot: 332 D/P: 2001) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 October 2007 , 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) *within 28 days of the date of notification of this Planning Approval, all the windows and doors on the south-western elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respected finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, this screening is not required if the Town receives written consent from the owners of No. 143 Joel Terrace stating no objection to the respective proposed privacy encroachments;*
- (iii) *the use of the dwelling shall comply with the definitions of a ‘dwelling’ and a ‘single house’ in the Residential Design Codes;*
- (iv) *the garage shall not be used for industrial, commercial or habitable purposes and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (v) *any new street/front wall, fence and gate between the Joel Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

<b>Landowner:</b>	L P & K M Murphy
<b>Applicant:</b>	Rechichi Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	490 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

8 November 1999      The Council at its Ordinary Meeting conditionally approved alterations and a second storey addition to the existing dwelling and the addition of a garage on the subject property.

22 February 2000      Building Licence issued for above redevelopment.

**DETAILS:**

The proposal involves an application for retrospective approval for alterations and additions to the existing single house.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	Not applicable	Not applicable	Noted.
Setbacks:  Ground and First Floor: South-West	Required setback under Residential Design Codes 2002:  Ground Floor= 3.9 metres  First Floor= 6.1 metres	1.335 metres (existing)	Supported-refer to 'Comments' below.

	Approved setback on November 1999= 2.314 metres		
Building Height	<p>Required under Residential Design Codes 2002:</p> <p>Wall Height= 6 metres from the natural ground level.</p> <p>Pitched Roof Height = 9 metres from the natural ground level.</p> <p>Approved height from the floor level to the pitched roof on November 1999= 7 metres</p>	<p>Wall Height= 7 metres</p> <p>Pitched Roof Height= 9 metres</p> <p>Existing height from the floor level to the pitched roof on November 1999= 7.782 metres</p>	Supported-refer to 'Comments' below.
Open Space	<p>Required under Residential Design Codes 2002= 50 per cent</p> <p>Approved Open Space= 48 per cent</p>	43.4 per cent or an effective variation of 32.34 square metres (existing)	Supported-in this instance, there is adequate provision for private open space in terms of a front area, rear garden area and the site is also within 200 metres of the Banks Reserve.
Overshadowing	Required under Residential Design Codes 2002= 25 per cent	33 per cent (existing)	Supported-Refer to 'Comments' below.
<b>Consultation Submissions</b>			
Support (1)	Signed plans for existing development.		Noted.
Objection (2)	<p>Existing building does not conform to the R20 Residential Design Code of 1991 or 2002 in relation to setbacks to side boundaries.</p> <p>Building is over height which results in considerable overshadowing.</p> <p>Streetscape of the building does not fit in with the local character.</p>		<p>Not supported- the Council at its meeting on 8 November 1999 supported the side setback variations. Refer to 'Comments' below.</p> <p>Not supported-refer to 'Comments' below.</p> <p>Not supported- the Council at its meeting on 8 November 1999 generally supported the development.</p>

	<p>Building has clear glass windows and doors in side of wall which overlooks the adjoining property.</p> <p>The building plan shows 2 laundries which indicate that the existing house can be used as two separate units.</p> <p>A wall so close to the adjoining property contravenes the Building Code of Australia.</p> <p>The lack of consultation before the building was constructed is unfair.</p> <p>As an alternative to the development the following compromised development option with respect to the wall affecting the adjoining property is acceptable, namely:</p> <p><i>“(a) Remove the 1<sup>st</sup> floor window in the side wall facing our property.</i></p> <p><i>(b) Remove the 2 glass doors(1 pair of doors) at the ground floor level in the side wall facing our property. There are existing entry doors in the front and rear walls and also the side wall facing 147 Joel Terrace, which are adequate.</i></p> <p><i>(c) The 2 windows at ground floor level in the side wall facing our property changed from clear glass to obscure glass.</i> <i>The following two options would also be acceptable.</i></p> <p><i>1. brick up every major opening, major and minor, along this wall</i></p> <p><i>2. remove the building and ensure any construction as proposed complies with the</i></p>	<p>Supported- refer to ‘Comments’ below.</p> <p>Supported-the development was approved for a single house on November 1999 and conditioned to comply with the definition of a Single House.</p> <p>Not supported-the existing south-west wall complies with the setback requirements under Building Code of Australia.</p> <p>Not supported-as per the Town’s records, the development was advertised to the objector on 14 September 1999. No comments were received by the objector at this time.</p> <p>Supported- refer to ‘Comments below.</p>
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	<p><i>minimum R code requirement, to be 4.5 metres from the boundary.”</i></p> <p>Rear balcony- privacy and noise to the north-west property.</p>	<p>Not supported-the existing rear balcony complies with the required privacy setback from north-west boundary. With respect to the noise, the landowner of the subject site has to comply with the Noise Regulations.</p>
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

**COMMENTS:**

**Setbacks**

With regards, to the objection to the wall along the south-eastern boundary, the applicant is willing to address items (a), (b) and (c) mentioned in the above Consultation Submission Table as follows:

*“(a) Permanently fixed obscure glazing to this window, providing the same degree of privacy as removing the window.*

*(b) Provide obscure glazing to the glass panels of the two doors in lieu of removal. This would ensure privacy when closed and are screened by obscure shade cloth to 2.1 m high in front of the doors ensuring privacy when opened.*

*(c) Permanently fixed obscure glazing to these windows.”*

As shown above, the applicant has addressed the concerns of the objection except for item (b), where the door will be opened. If the application is supported, it is suggested that the door shall be permanently closed and obscured up to 1.6 metres from the floor level. The subject kitchen will still be accessible internally.

Given that the subject windows and the door panels will be obscured and fixed then the variation to south-western setback is supported.

**Height**

The variation to the height from the floor level to the pitched roof is 0.782 metres. However, if the height would be measured from the natural ground level then the wall and pitched roof heights would be 7 metres and 9 metres respectively. The Residential Design Codes 2002 requires wall and pitched roof heights to be 6 metres and 9 metres respectively. Therefore the existing development complies with the pitched roof height and not with the wall height.

Part of the wall length of the existing building complies with the required 6 metres. The topography of the site slopes down from the rear to the front and wall height is non-compliant at the front where the land slopes down. Moreover the building complies with the required front setbacks and therefore it is not expected to unduly impact on the streetscape. In this instance, the variation is supported.

**Overshadowing**

The overshadowing will impact on a relative small area of the rear outdoor living area of the south-western adjoining property. Moreover, it can be argued that the existing building was approved under the Residential Planning Codes 1991 (R-Codes 1991). Under the R-Codes 1991, 50 per cent of an adjoining lot to be in shadow was permitted. Therefore this existing development would comply with the overshadowing requirements under the R-Codes 1991. In this instance, the variation is supported.

**Conclusion**

In light of the above, the application is supported, subject to standard and appropriate conditions to address the above matters.

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**10.1.10 No. 226 (Lot: 180 D/P: 3845 ) Scarborough Beach Road Corner Egina Street, Mount Hawthorn - Proposed Demolition of Existing Shops and Construction of Two-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, Two (2) Shops and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	Mount Hawthorn, P01	<b>File Ref:</b>	PRO4014; 5.2007.225.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo, K Jackson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Marocchi Engineer Group on behalf of the owner D & N Rondas for proposed Demolition of Existing Shops at No. 226 (Lot: 180 D/P: 3845 ) Scarborough Beach Road, corner Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 14 June 2007, 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 redevelopment proposal for 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 Marocchi Engineer Group on behalf of the owner D & N Rondas for proposed Construction of Two-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, Two (2) Shops and Associated Car Parking, at No.226 (Lot: 180 D/P: 3845) Scarborough Beach Road, corner Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 19 November 2007, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the minimum front setback requirement of 6 metres for the second storey as prescribed in the Town's Policy relating to the Alma Locality, building height requirements of the Residential Design Codes, and the Town's Policies relating to Street Setbacks and Parking and Access, respectively; and*
- (c) *consideration of the objection received.*

<b>Landowner:</b>	D & N Rondas
<b>Applicant:</b>	Marocchi Engineer Group
<b>Zoning:</b>	Metropolitan Region Scheme:Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Shops
<b>Use Class:</b>	Shop and Multiple Dwellings
<b>Use Classification:</b>	"SA" and "P"
<b>Lot Area:</b>	359 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing shops and construction of a mixed-use development. The proposed retail shops will be located on the ground floor and the multiple dwellings on the first floor. Access and egress to the site will be from Egina Street. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 60 or 2 multiple dwellings	R60 or 2 multiple dwellings	Noted – no variation
Plot Ratio	0.7= 251.37 square metres	0.46= 166.39 square metres	Noted – no variation
Setbacks			
Ground Floor: South- Front-Scarborough Beach Road	4 metres or maintaining existing setback is strongly encouraged.	Nil	Supported- maintaining the existing setback, and no undue impact on streetscape.
East-Boundary Wall	Walls on boundary for 2/3 of boundary behind street setback up to 6 metres height.	Within the street setback	Supported- maintaining the existing side setback and no undue impact on neighbouring property.

	Maximum Height= 3.5 metres	Maximum Height= 7.87 metres	Not supported-undue impact on neighbouring property.
	Average Height= 3 metres	Average Height= 7.04 metres	Not supported- undue impact on neighbouring property.
West-Secondary Street- Egina Street			
Building	1.5 metres	Nil	Supported- maintaining the existing setback, and no undue impact on streetscape.
<u>First Floor</u>			
South-Front-Scarborough Beach Road	6 metres	Nil	Not supported- variation will have an undue visual impact on the streetscape.
West-Secondary Street- Egina Street	1.5 metres	Nil	Not supported- the variation will have an undue visual impact on the streetscape.
Height	7 metres	Maximum Height= 8.8 metres Design Feature= 9.5 metres	Not supported- variation will have an undue visual impact on the amenity of the surrounding area.
Stores	Minimum dimension of 1.5 metres and an internal area of at least 4 square metres	Dimensions= 1.2 metres Areas= 3.75 square metres and 2.94 square metres	Not supported- will not be adequate for the needs of residents.
Car Parking	Each tenancy is to be provided with parking spaces which can be used independently of each other.	Tandem parking provided for residential and retail.	Not supported- each tenancy cannot use the parking spaces independently of each other. However, it is to be noted that the layout of parking can be changed so as to avoid the conflict between residential and retail.

Bins Store	Location should not impact on the streetscape	Located along Egina Street boundary.	Not supported- the bin stores will have an undue impact on the streetscape along Egina Street.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection	Excessive height		Supported- refer to comments above.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

### Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 2 car bays, based on the standard of one (1) car bay for each of the 2 proposed multiple dwellings. A total of 7 car bays have been provided for the entire development (including 2 pairs of tandem bays); therefore, resulting in five (5) car bays available for the commercial component.

### Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Retail-1 car bay per 15 square metres gross floor area (proposed 125 square metres) = 8.3 car bays.	8 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.95 (bicycle parking)</li> </ul>	(0.646) 5.17 car bays
Car parking provided on-site for commercial component	5 car bays
Resultant shortfall	0.17 car bays

If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bays or cash-in lieu of parking is required for shortfall (Policy No.3.7.1-Parking and Access).

### Bicycle Parking

Requirements	Required	Provided
Retail 1 per 200 (proposed 125) square metres gross floor area for visitor/shopper(class 3).	0.625= 1 space	6 spaces

## **COMMENTS:**

### **Demolition**

The place at No. 226 Scarborough Beach Road, Mount Hawthorn, was built circa 1953. Prior to then, the lot appeared vacant, as there is no occupant recorded for No. 226 Scarborough Beach Road in the final publication of the Wise Post Office Directory in 1949. This reflects the relatively late development of parts of the Mount Hawthorn area. The place is a modest example of a brick corner shop built in the Post-war International style, which is characterised by uninterrupted surfaces and large areas of glazing. The internal layout contains two main commercial floor areas running parallel to Egina Street, and a storeroom and tearoom located to the rear of the eastern area. The main entry is located on the Egina Street frontage. A square parapet distinguishes the eastern exterior facing onto Scarborough Beach Road from the front west area.

A preliminary assessment indicates that the subject place at No. 226 Scarborough Beach Road 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. Therefore, it is considered that approval should be granted for demolition subject to standard conditions.

### **Redevelopment**

With regards, to the first floor street setback variation (nil street setback in lieu of 6 metres), the applicant has argued that the existing multiple dwellings in Mount Hawthorn Centre have a nil street setback from Scarborough Beach. It is true that these existing multiple dwellings have a nil setback; however, the site for the existing multiple dwellings is located within Mount Hawthorn Centre Precinct and is zoned District Centre, whereas, No.226 Scarborough Beach is located within the Mount Hawthorn Precinct, Bondi Locality and is zoned Residential R60. Therefore, there are different setbacks applicable for the two sites. It is to be noted that within the Bondi Locality, along Scarborough Beach Road, there are no existing two-storey buildings with nil street setback. Therefore, the variation cannot be supported as it will have an undue impact on the streetscape.

### **Conclusion**

In light of the above, the development proposal is recommended for refusal.

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**10.1.11 No. 66 (Lot 137 D/P: 2334) Eton Street, North Perth - Partial Demolition of and Alterations and Additions, Including Carport and Ancillary Accommodation Additions, to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	North Perth; P15	<b>File Ref:</b>	PRO4119; 5.2007.333.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Parker		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T & H L Luu on behalf of the owner T & H L Luu for proposed Partial Demolition of and Alterations and Additions, Including Carport and Ancillary Accommodation Additions, to Existing Single House, at No. 66 (Lot 137 D/P: 2334) Eton Street, North Perth, and as shown on plans stamp-dated 5 September 2007, 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) any new street/front wall, fence and gate between the Eton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (a) *the provision of three car parking bays with a minimum width of 2.4 metres and minimum depth of 5.4 metres, each. The subject car bays are to be wholly located within the boundaries of the subject property; and*
- (b) *the window to Bedroom 1 on the southern elevation of the ancillary accommodation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. The whole window(s) can be top hinged and the obscure portion of the window(s) 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 window(s) not exceeding one square metre in aggregate in the respective subject wall(s), so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required, if the Town receives written consent from the owner(s) of No. 64 Eton Street stating no objection to the proposed privacy encroachment.*

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

- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the 0.9 metre high wall on the northern elevation;*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vi) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification being registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the ancillary accommodation structure on the land:*
  - (a) *the ancillary accommodation structure shall only be occupied by a member or members of the family of the occupier of the main dwelling;*
  - (b) *the ancillary accommodation structure shall not be used or rented out as a separate dwelling to the main dwelling;*
  - (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and shall be used for no other purposes or by other persons; and*
  - (d) *the ancillary accommodation structure shall not be occupied by any more than two (2) occupiers at any one time.*

*This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner.*

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<b>Landowner:</b>	T & H L Luu
<b>Applicant:</b>	T & H L Luu
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	596 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

Approval is sought for the partial demolition of and alterations and additions, including carport and ancillary accommodation additions, to the existing single house on the subject property.

The applicant has submitted a submission supporting the proposed development. The applicant's submission is summarised below:

- The existing dwelling currently has only two bedrooms and the additions to the dwelling are required to accommodate the applicant's family of four persons.
- The ancillary accommodation is to be used by the applicant's elderly father, whom suffers from language barriers, and wishes to be in the care of family members rather than in a nursing home or other aged persons accommodation.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: -East (ancillary accommodation)	1.5 metres	1.0 metre	Supported - not considered to have an undue impact on adjoining property and no objections to setback variations were received.

-South (main house)	1.5 metres	1.0 metre (in line with existing house).	Supported - not considered to have an undue impact on adjoining property and additions follow the line of the existing building.
-North (carport)	1.0 metre	Nil	Supported - not considered to have an undue impact on adjoining property and no objections were raised to the proposed carport.
Boundary Walls: -North (carport and associated retaining wall)	Walls not higher than 3.0 metres with an average of 2.7 metres up to 9.0 metres in length, to one side boundary, behind the front setback.	Setback 3.047 metres (2.953 metres incursion into front setback area) (height and length compliant).	Supported - the wall is 0.9 metre high and not considered to have an undue impact on adjoining properties or the streetscape and similarly located carports exist along Eton Street.
Retaining Walls Setbacks: -North	1.0 metre	Nil	Supported - due to the south-westerly slope of the site, retaining is required as the adjoining property at No. 68 Eton Street is higher than the subject site. The retaining wall is not considered to have an undue impact on adjoining properties or the streetscape.
Privacy Setbacks: Ground Floor (Ancillary Accommodation) -South (Bed 1)	Setback 4.5 metres within the cone of vision.	Setback 1.53 metres to southern boundary.	Not supported - considered to have an undue impact and has been conditioned to comply accordingly.



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

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

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

**COMMENTS:**

**Car Parking**

Although the applicants have only indicated the provision of two car parking bays on the plans, the ability to park three motor vehicles on the site has been confirmed by a site visit of the subject property and this has been conditioned to comply accordingly. Furthermore, the ancillary accommodation structure is not expected to generate increased car parking demand as the applicants have indicated that it is to be used to house an elderly family member.

**Proposed Development**

The proposal is not considered to present any undue impact on adjoining properties, the streetscape or locality and is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

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**10.1.12 No. 120 (Lot 803 D/P: 43513) Joel Terrace, Mount Lawley - Proposed Retaining Wall Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO3041; 5.2007.181.1
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	L Parker		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M A Sonogo on behalf of the owner M A & D Sonogo for proposed Retaining Wall Additions to Existing Single House, at No. 120 (Lot 803 D/P: 43513) Joel Terrace, Mount Lawley, and as shown on the amended plans stamp-dated 22 November 2007, 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) any new street/front wall, fence and gate between the Joel Terrace boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all costs associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *planting shall be undertaken in the lower retaining wall to lessen the impact of the walls on the viewscape from the river and the Parks and Recreation reserve. Such planting shall occur within two (2) months of the completion of construction of the retaining walls or within twelve (12) months of the issue of a Building Licence, whichever occurs first;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the species and density of planting to be undertaken within the lower retaining wall to the satisfaction of the Town, on advice from the Swan River Trust. The planting of local native species to reduce water requirements and fertiliser application is recommended;*
- (vi) *first obtaining the consent of the owner(s) of Nos. 116 B and 128 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (retaining) wall(s) facing Nos. 116B and 128 Joel Terrace and the river and Parks and Recreation reserve in a good and clean condition; and*
- (vii) *prior to the issue of a Building Licence, a notification shall be lodged and registered on the Certificate of Title of the subject property under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

*“For the purposes of any proposed future development application submitted to the Town of Vincent, the deemed natural ground level of the site shall be determined from the natural ground level existing immediately prior to the construction of the retaining walls and associated filling, located adjacent to the eastern, northern and southern boundaries of the property. The calculation of building height shall be determined from this deemed natural ground level and shall not be calculated from the finished ground level of the site following the construction of the subject retaining walls and associated filling. The deemed natural ground level shall be as per the natural ground level indicated on the amended plans submitted for Planning Approval (Serial No. 5.2007.181.1) and stamp dated 22 November 2007.”*

<b>Landowner:</b>	M A & D Sonogo
<b>Applicant:</b>	M A Sonogo
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1551 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

28 February 2007

The Town, under delegated authority from Council, refused planning application for retaining wall additions to the existing single house.

**DETAILS:**

The proposal involves the construction of boundary retaining walls and associated filling along the northern, southern and eastern boundaries of the property. The site abuts the Swan River Foreshore Reserve and the Town has, therefore, referred the application to the Swan River Trust (SRT) for comment and recommendation. A copy of the SRT's advice in regard to the subject proposal is attached to this report.

The applicant has submitted a detailed submission supporting the proposed development. The applicant's submission is summarised below:

- The property previously enjoyed unrestricted access to the Swan River foreshore, with its boundaries extending up to the Swan River. 1,398 square metres of land has since been resumed by the Department for Planning and Infrastructure for the creation of publicly accessible foreshore reserve and this resumption has left the property with a highly sloping backyard which is difficult to use.
- The neighbour adjacent to the southern boundary of the site has existing boundary retaining walls abutting both the Parks and Recreation reserve and the dividing boundary, which currently creates an imbalance and subterranean feel on the property.
- The resumption of land has left the rear of the property susceptible to trespassers and reduced the security of the site.
- Both the front and rear of the property are exposed from Joel Terrace and the dual use paths of the Parks and Recreation Reserve, which has resulted in a loss of privacy.
- The height of the retaining wall is to approximately match the existing retaining walls located to the south-eastern boundary of the site. A finished ground level of 5.37 is proposed so that a level recreational area can be achieved.
- The proposed retaining wall may or may not form part of future long term development intentions involving the subdivision of the property.
- The proposed retaining walls will make the land more comfortable, usable and accessible for recreation and less dangerous for elderly people and children.

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

**ASSESSMENT:**

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

Setbacks: -East (boundary wall)	1.5 metres	Nil	Supported - not considered to have an undue impact on adjoining property, the Swan River Trust has indicated support of the proposal, and retaining walls of a similar scale abut the Parks and Recreation reserve on the southern neighbour's property.
-East (upper wall setback from the boundary)	1.5 metres	Nil	Supported - as above.
-North	1.5 metres	Nil	Supported - not considered to have an undue impact on adjoining property and the Swan River Trust has indicated support of the proposal.
-South	1.5 metres	Nil	Supported - not considered to have an undue impact on adjoining property as retaining walls of a similar scale on the southern neighbouring property abut both the dividing boundary of the two properties and the Parks and Recreation reserve.
<b>Consultation Submissions</b>			
Support	Nil.		Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Approval of the retaining walls would be inconsistent to previous Town of Vincent decisions, is contrary to the setback requirements of the R Codes and would set a precedent for future development.</li> </ul>		Not supported - the Town has the discretion to consider variations to its Policy and the R Codes as per clause 1.3.3 of the R Codes, and standard and appropriate conditions have been recommended to limit the potential for undue impact on adjoining properties and the locality.

	<ul style="list-style-type: none"> <li>An independent arboricultural and hydrological report should be requested to ascertain the impact and</li> </ul>	<p>Not supported - Appendix A - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace specifies</p>
	<p>assure the long term preservation of the significant tree (Camphor Laurel) located next door at No. 128 Joel Terrace as a result of the proposed works.</p>	<p>that the design of any future dwelling should ensure that the exterior walls of the dwelling are at least 3.0 metres from the perimeter of the trunk of the significant tree. The proposed retaining walls have a distance in excess of 10 metres from the subject tree and an arboricultural/hydrological report is not considered necessary as the guidelines were prepared by the Town in consultation with a certified arboricultural consultant.</p>
	<ul style="list-style-type: none"> <li>The development be referred to the Swan River Trust (SRT) for comment and consideration.</li> </ul>	<p>Noted - any proposed development abutting the Swan River Foreshore Reserve is required to be referred to the SRT for comment, as has been undertaken.</p>
	<ul style="list-style-type: none"> <li>The increased height as a result of the retaining will encourage developers of sites in similar circumstances to follow suit to gain views and reintroduce this issue as a problem for the locality and the Town of Vincent.</li> </ul>	<p>Noted - the Town's Officers are aware that approval of the retaining walls and associated filling has potential to create a precedent whereby developers may gain greater height for future development as natural ground level is determined from the finished ground level of approved retaining/filling on a site, as per the R Codes. A condition which effectively ensures that building height and natural ground level is determined from the existing natural ground level of the site has been recommended to prevent such a situation arising.</p>

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

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

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

## **COMMENTS**

### **Swan River Trust Advice**

The previous planning application proposed retaining walls to a height of 2.0 metres abutting the foreshore reserve and was refused on the basis of undue visual impact on the river foreshore and lack of reasonable setback from the Parks and Recreation Reserve. The applicant has amended this original proposal so that the retaining wall is stepped back adjacent to the foreshore reserve to reduce undue visual impact and the SRT has indicated conditional support for this amended proposal. These conditions have been reflected in the Officer Recommendation of this report, and relate to the planting of vegetation along the eastern boundary to reduce the visual impact of the walls.

### **Future Development Potential**

The proposed retaining walls and associated filling will increase the finished ground level of the site, and may contribute to the possible future development and/or subdivision of the subject property as indicated by the applicant's submission. An appropriate condition has been recommended which effectively removes the potential for unwarranted building/wall height advantages for the possible future development of the site.

### **Development Proposal**

Whilst it is understood that the Town is not responsible for any undue impact as a result of the resumption of land for the creation of the adjacent Parks and Recreation reserve, the owners of the subject property have nevertheless been left with a highly sloping backyard, which is potentially hazardous and is of little practical use for recreational purposes. Existing retaining walls exist along the southern boundaries of properties fronting Joel Terrace including the neighbouring property to the south, and the proposed development is not considered to have an undue impact on adjoining properties. In light of the above, it is recommended that the development proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.13 Nos. 217-221 (Lot 6 D/P: 1239) Oxford Street, Corner Richmond Street, Leederville - Proposed Change of Use from Shop and Recreational Facility to Unlisted Use (Small Bar) and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO3498; 5.2007.328.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall, T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by G Griffin on behalf of the owner M P McCann and V A Parolo for proposed Change of Use from Shop and Recreational Facility to Unlisted Use (Small Bar) and Associated Alterations and Additions, at Nos. 217-221 (Lot 6 D/P: 1239) Oxford Street, corner Richmond Street, Leederville, and as shown on plans stamp-dated 8 October 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Non-Residential/Residential Development Interface and Parking and Access; and*
- (iii) consideration of the objections received.*

<b>Landowner:</b>	M P McCann & V A Parolo
<b>Applicant:</b>	G Griffin
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Shop and Recreational Facility
<b>Use Class:</b>	Unlisted Use (Small Bar)
<b>Use Classification:</b>	Unlisted Use
<b>Lot Area:</b>	413 square metres
<b>Access to Right of Way</b>	Western side, 3 metres wide, sealed, privately owned

**BACKGROUND:**

21 February 2007

The Town under delegated authority from the Council conditionally approved an application for change of use from shop and consulting rooms to shop and recreational facility and associated alterations and additions.

**DETAILS:**

The proposal involves the change of use from shop and recreational facility to unlisted use (small bar). The subject place is on the Town's Municipal Heritage Inventory as a Category A - Conservation Essential.

**Small Bar Licence**

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a small bar licence as a form of hotel licence. A small bar licence differs from hotel and tavern licences by the conditions imposed to restrict the scope of the licence. A small bar licence is a form of a hotel licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

The proposed small bar at the subject property will be named "Bar Rosso" and will primarily be used as a premium wine bar and cocktail venue with associated gourmet food. The target clientele is the over thirties who live and work in Leederville and the surrounding suburbs. Whilst it is intended for the premises to be available for corporate meetings and private pre-arranged functions during the day prior to 3pm, the following details represent the main hours of operation:

- Tuesday to Saturday from 3pm to 12pm; and
- Sunday from 3pm to 10pm.

In response to the period of community consultation, the applicant has provided a submission in support of the proposal, which is "*Laid on the Table*" and summarised in part below:

- Bar Rosso will play background music only and no live bands or DJ's will be at the venue.
- The premises have been designed so that the entry/exit points are from Oxford Street eliminating patrons noise when arriving or leaving in the evening.
- Strict rules apply to the licences of nightclubs, hotels etc in regard to the amount of noise that can be made in residential areas.
- Bar Rosso has applied for opening hours as per the legally permitted trading hours (as set out by the Department of Racing, Gaming and Liquor).
- Bar Rosso will have a House Management Policy, Code of Conduct and Management Plan.
- Bar Rosso's main trading hours will be after 4pm when considerable parking becomes available opposite TAFE and along Oxford Street behind the Re Store.
- The Leederville area has been identified as lacking in intimate meeting facilities and the business community has very little to choose from, particularly with regard to a venue which is licensed.

**ASSESSMENT:**

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

<p>Policy No. 3.4.3 - Non-Residential/Residential Development Interface</p>	<p>The new development or redevelopment will not create undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution;</p>	<p>The proposed use will attract a maximum of 120 people the area.</p>	<p>Not supported - the development has the potential to significantly increase the volume of traffic in the vicinity, which will have an undue impact on the amenity of the surrounding residential area.</p>
<p>Local Law relating to Verandahs and Awnings over Streets</p>	<p>The lowest edge of the fascias of the awning shall not be more than 3.15 metres above the footpath.</p> <p>No part of any awning shall project for more than 600 millimetres less than the width of the footpath, whichever is the lesser.</p>	<p>The lowest edge of the fascias of the awning - 3.6 metres</p> <p>Approximately 500 millimetres</p>	<p>Supported - the positioning of the awning is restricted by the original architectural detailing of the façade. Any changes to reduce the height of the awning will impact on the aesthetics of the place.</p> <p>Not supported - the proposed setback from the kerb is required to ensure adequate clearance for passing vehicles. However, this aspect of the proposal can be conditioned to comply in the event of an approval.</p>
<p><b>Consultation Submissions</b></p>			
<p>Support (2)</p>	<ul style="list-style-type: none"> <li>- Leederville needs more small and refined establishments;</li> <li>- The bar will enhance the atmosphere of the area; and</li> <li>- The development is less likely to cause problems than the hotels in the vicinity.</li> </ul>	<p>Not supported - refer to the Comments section.</p> <p>Not supported - refer to the Comments section.</p> <p>Not supported - refer to the Comments section.</p>	

<p>Objection (5 - including one petition with 15 signatures).</p>	<ul style="list-style-type: none"> <li>- Noise emanating from the club/bar will adversely affect private residence;</li>   <li>- Hours of operation are unacceptable, it is against the interest of the public and breaches duty of care;</li>   <li>- Parking - the shortfall will put pressure on an already difficult situation;</li>   <li>- Behavioural problems associated with the consumption of alcohol will exist regardless of the target clientele; and</li>   <li>- Small Bars should be restricted to the entertainment precinct as outlined in the Council's Masterplan document.</li> </ul>	<p>Supported in part - in the event of an approval the applicant will need to prepare and implement a Management Plan to address such problems.</p> <p>Supported in part - refer to the Comments section.</p> <p>Supported in part - refer to the Comments section.</p> <p>Supported in part - refer to the Comments section.</p> <p>Supported - refer to the Comments section.</p>
<b>Other Implications</b>		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
<b>Car Parking</b>		
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> <li>- Small Bar (Tavern) – 1 space per 3.8 square metres of public floor area.</li> <li>- Public floor area = 163 square metres</li> <li>- Requires 42.89 car bays</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>- 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</li> <li>- Maximum number of persons proposed for the site - 120 people</li> <li>- Requires 26.67 car bays</li> </ul>	43 car bays	
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> <li>- 0.85 (within 800 metres of a railway station)</li> <li>- 0.85 (within 400 metres of a bus stop)</li> <li>- 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> </ul>	(0.614125)  26.41 car bays	
Minus the car parking provided on-site.	8 car bays	
Minus the most recently approved on-site car parking shortfall.	Nil	
Resultant shortfall	18.41 car bays	

\* 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, the former IOOF Buffaloes Lodge is considered to have aesthetic value as a rare example of the Federation period building and as a landmark along Oxford Street. It has close associations with the establishment of the International Order of Oddfellows in Perth in 1898 and later the Friendly Societies Health Services (FSHS).

Whilst it is preferable that a heritage place continue to be used for the purpose for which it was built, or for a use with which it has a long association, there are instances where alternative uses are considered acceptable. Such circumstances are considered acceptable where it ensures the long-term care and maintenance of the place.

The owners of the subject place have liaised closely with the Town's Heritage Officers and are currently undertaking a large schedule of conservation works to make the place viable for ongoing use. Such works involve; remediation and tuck pointing of the original limestone of the front façade and significant structural works. In this instance, the Town's Heritage Officers consider that the proposed small bar will not have an undue impact on the heritage values associated with the site.

##### **Car Parking**

The Town's Policy relating to Parking and Access states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors). In this instance, this requirement has been met (3.96 car bays required as a guide, 8 car bays provided).

##### **Summary**

The subject property is within the 'Oxford Street North' Precinct of the draft Leederville Masterplan study area. This Precinct is proposed as primarily a transition area from Town Centre to suburb and marks the northern extent of the Masterplan area. The Leederville Masterplan also proposes an Entertainment Precinct within the general area of the Leederville Hotel within which night entertainment uses will be encouraged and to an extent quarantined from residential uses.

The proposed small bar is considered more in keeping with the intent of the proposed Entertainment Precinct than the transitional commercial/residential precinct it is proposed within. Further, the Town is mindful of the impact of licensed premises on adjoining residential areas and the potential for conflict after hours. In this respect, it is considered that whilst the subject property is within a precinct of the proposed urban regeneration area of Leederville, a licensed premises adjoining residential uses is not an appropriate use of the property.

##### **Conclusion**

Accordingly, for the reasons outlined above, it is considered that the proposed use will have an undue impact on the amenity of the adjacent residential area and it is recommended that the application be refused.

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**10.1.14 Further Report - Amendment No. 46 to Planning and Building Policies – Draft Policy Relating to Single Bedroom Dwellings**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0185
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Fox, H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further amended version of the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 001;*
- (ii) *ADOPTS the further amended version of the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the further amended version of the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the further amended version of the Draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the further amended version of the Draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 9 October 2007 considered the subject matter and resolved the following:

*“That the Item be DEFERRED for consideration at a Forum.”*

In light of the decision of the Council at its Ordinary Meeting held on 9 October 2007, the Draft Policy was considered at the Council Members Forum held on 13 November 2007. A number of issues pertaining to the Draft Policy relating to Single Bedroom Dwellings were discussed, in particular, the assumed automatic density bonus, floor area, car parking and voids. It was determined that some matters within the Draft Policy needed to be further addressed prior to the Draft Policy being again considered at an Ordinary Meeting of Council. The following are the key issues that were raised at the Council Members Forum:

### **Site Area**

In accordance with clause 3.1.3 A3 (i) of the Residential Design Codes, a variation to the minimum and average site area requirements as set out in Column 3 of Table 1 of the Codes may be permitted. This variation equates to up to a 50 percent density bonus.

Concern was raised that where the Draft Policy allowed the Town of Vincent to consider a reduction of the minimum site area for single bedroom dwellings by up to one third (50 per cent density bonus), it may be common practice to allow a 50 per cent density bonus to be automatically applied to all single bedroom dwelling developments, rather than requiring developers to maintain high standards of development and meet acceptable development criteria in order to gain a density bonus of up to 50 per cent.

The Council Members concerns regarding density were considered by the Towns Officers, in terms of the number of, and relative ratio of applications which represent a departure from the intent of a single bedroom dwelling. As a result of these considerations, it is noted that there have been few applications for single bedroom dwellings where doubt has been raised as to the appropriateness and/or merit of granting a density bonus of up to 50 percent.

Further, it is noted that single bedroom dwellings by nature are no different to other dwelling types', albeit the restriction to the size and number of bedrooms. The purpose of single bedroom dwellings is to provide housing to a growing proportion of the community consisting of one or two person households, where an additional bedroom (or parking space) is not required and often not affordable. They therefore provide both a choice and a necessity of housing types. It is considered that the intention of the Residential Design Codes in allowing a reduction of the minimum site area by up to one third, is to provide for diversity in dwelling types including the provision of dwellings for one or two-person households that might otherwise not be accommodated for. In order to prevent this concession being abused, performance criteria has limited the plot ratio floor area and restricted the dwelling to provide limited accommodation, suitable to one or two persons.

The appropriateness of requiring single bedroom dwellings to meet additional criteria to justify the granting of a density bonus was duly considered. It was determined that single bedroom dwellings are not necessarily location specific, nor are their sole purpose to provide affordable housing options. It is not considered the intention of the Policy is to restrict the provision of single bedroom dwellings within certain residential areas, nor is it to require them to meet stringent additional design standards over and above requirements to achieve a high level of quality and design. Given the above, requiring additional performance criteria to achieve a density bonus is considered to be unnecessary.

### **Plot Ratio Floor Space**

It is considered that the existing 60 square metre 'ceiling' could prove a constraint to some developers seeking to build single bedroom dwellings that provide a superior level of amenity for occupants within the Town. The increase to 70 square metres will facilitate single bedroom dwelling developments of a range in size and standard acceptable to the market, without creating opportunities for the exploitation of the density bonus applicable to single bedroom dwellings under the Residential Design Codes. In accessing the proposal, it is a requirement for developments to demonstrate a better quality outcome can be achieved through an increase in floor space of up to 70 square metres.

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The additional ancillary room clauses have been deleted from the Draft Policy in order to remove any ambiguity in relation to the maximum plot ratio floor area allowed. The Draft Policy allows the Town to consider a single bedroom dwelling up to a total of 70 square metres, regardless of the inclusion of an additional ancillary room.

### **Carparking**

Clause 3.5.1 of the Residential Design Codes includes a requirement for visitors parking spaces for Grouped and Multiple Dwellings that were not included in the Draft Single Bedroom Dwellings Policy considered by the Council at its Meeting of 9 October 2007. The Draft Policy has now been amended to include provisions for the visitor parking requirements.

In addition, clause 2) v) has been amended to allow the issue of visitors car parking permits to the owner or occupier of single bedroom dwellings.

### **Voids**

In relation to the section pertaining to voids within the Draft Policy, the wording has been amended to prohibit the inclusion of void areas within the development of a single bedroom dwelling. Some previous concern has been raised that by incorporating a void, the bulk and scale of the development could intensify, thus having the appearance of a dwelling that comprises more than one bedroom. It was noted that this has been the case in a development proposal at No. 196 Anzac Road, Mount Hawthorn in which an extensive void area increased the bulk and scale, in particular to the presentation of the upper floor.

It is considered that to disallow any single bedroom dwelling to incorporate a void area, will limit the opportunity for developments to present with excessive bulk or the appearance of a dwelling that comprises two or more bedrooms.

### **Conclusion**

In light of discussions at the Council Members Forum held on 13 November 2007, the Draft Policy relating to Single Bedroom Dwellings has been amended to address the concerns and that were raised. It is intended that the amended Policy will better address the requirements for Single Bedroom Dwellings under the Residential Design Codes (R Codes) and outline the instances the Council will consider a variation to the R Codes.

It is therefore recommended that the Council receives, adopts in the interim and advertises the further amended version of the Draft Policy in accordance with the Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 October 2007.

#### *“FURTHER OFFICER RECOMMENDATION:*

*That the Council;*

- (ii) RECEIVES the amended version of the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.9;*
  - (ii) ADOPTS the amended version of the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy;*
-

- (iii) *ADVERTISES the amended version of the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the amended version of the Draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the amended version of the Draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*
- 

*Moved Cr Farrell, Seconded Cr Chester*

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Farrell departed the Chamber at 7.10pm.*

*Debate ensued.*

*Cr Farrell returned to the Chamber at 7.12pm.*

**PROCEDURAL MOTION**

*Moved Cr Chester, Seconded Cr Lake*

*That the item be DEFERRED for consideration at a Forum.*

**CARRIED (7-0)**

*Cr Torre had not arrived at the meeting at this time.*

*Cr Helen Doran-Wu on approved leave of absence*

**COUNCIL DECISION ITEM 10.1.9**

*That the Item be DEFERRED for consideration at a Forum.*

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*FURTHER REPORT:*

*The Council at its Ordinary Meeting held on 28 August 2007 considered the subject matter and resolved the following:*

*“That the item be DEFERRED and all amendments voted upon and carried in tonight’s meeting be included in the draft document and this be reported to Council for further consideration.”*

*In accordance with the above Council resolution, the Draft Policy has been amended to incorporate those amendments carried at the Ordinary Meeting of Council held on 28 August 2007.*

*The Director Development Services sent an email and the amended Draft Policy to Elected Members on 13 September 2007 requesting any further comments on the Policy to be submitted by 21 September 2007. No comments were received from Elected Members.*

*In light of the above, the previous Officer Recommendation remains unchanged, except that reference is now made to the amended Draft Policy.*

*The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 August 2007.*

*“OFFICER RECOMMENDATION:*

*That the Council;*

- (iii) RECEIVES the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.8;*
  - (ii) ADOPTS the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*
    - (a) clause 3) Floor Area be amended to read as follows:*

*‘Clause 4.1.3 of the Residential Design Codes specifies that the plot ratio floor area for a single bedroom dwelling is limited for to 60 square metres....’*
    - (iii) ADVERTISES the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
      - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
      - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
      - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
  - (iv) after the expiry of the period for submissions:*
-

- (a) *REVIEWS the Draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
- (b) *DETERMINES the Draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*

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

Moved Cr Farrell, Seconded Cr Ker

*That the corrected Officer Recommendation be adopted.*

*Debate ensued.*

AMENDMENT

Moved Cr Chester, Seconded Cr Ker

*That the following amendment be adopted.*

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

- (ii) *ADOPTS the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*

- (a) *clause 1) Background be amended to read as follows;*

*'...*

*It is recognised that housing of this nature ~~generally result in~~ have less building bulk, and a lower population density per dwelling, therefore does not generate the same demands for car parking, stores and balconies, as two or more bedroom dwellings.'; and*

- (b) *a new clause 6) Void be added as follows*

*'6) VOID*

*A single bedroom dwelling is not to incorporate any void areas unless the applicant clearly demonstrates to the satisfaction of the Town of Vincent that the void area is not capable of conversion into a bedroom, and the void does not contribute to the dwelling having an appearance of a dwelling that comprises two or more bedrooms.'*

*Debate ensued.*

*Cr Lake requested that the amendment to Clause (b) – VOID – be amended by adding the words “and the void does not add to the bulk of the building and” after the word “not” in line 4.*

*The Mover, Cr Chester, and Seconder, Cr Ker, agreed to this change.*

*The Presiding Member ruled that he would consider the amendment in two parts.*

---

*Debate ensued.*

CLAUSE (ii)(a) WAS PUT AND CARRIED (5-3)

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

*(Cr Torre was an apology for the meeting)*

CLAUSE (ii)(b) WAS PUT AND CARRIED (7-1)

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

*(Cr Torre was an apology for the meeting)*

*To correct grammar, the word “have” was changed to “has” in clause (ii)(a).*

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

*That the following amendment be adopted.*

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

(ii) *ADOPTS the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*

(a) *clause 2) Site Area be amended to read as follows:*

‘  
...  
iii) *a maximum of one (1) bedroom and two (2) adult occupiers are permitted in the dwelling at any one time; and*  
...

*The Town of Vincent will consider a total density bonus ~~of between 50 per cent and 60 per cent~~ of up to 60 per cent in relation to the minimum site area requirements for the respective density code under the Residential Design Codes for single bedroom dwellings, provided the following criteria are met to the satisfaction of the Town of Vincent:*  
...

- ii) *prior to the consideration of a density bonus of ~~between~~ greater than 50 per cent and 60 per cent a Heritage Impact Statement is to be undertaken by the Town of Vincent Officers to measure the impact of the proposed development on the existing heritage listed place; and...'*

*Cr Doran-Wu asked that it be voted upon separately and the Presiding Member ruled that this would occur.*

Debate Ensued. CLAUSE (ii) (a) WAS PUT AND LOST

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

*(Cr Torre was an apology for the meeting)*

CLAUSE (ii) (a) (ii) WAS PUT AND CARRIED (7-1)

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

*(Cr Torre was an apology for the meeting)*

AMENDMENT

Moved Cr Chester , Seconded Cr Maier that a new clause be added as follows:

*“the development display a high level of quality and design standards, such as good quality building materials, horizontal and vertical articulation of the building, articulation of the street façade and building bulk, height, setbacks and roof forms to complement existing streetscapes.”*

AMENDMENT PUT AND CARRIED (7-1)

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

*(Cr Torre was an apology for the meeting)*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Chester, Seconded Cr Farrell

*That the item be DEFERRED and all amendments voted upon and carried in tonight's meeting be included in the draft document and this be reported to Council for further consideration.*

MOTION TO DEFER PUT AND CARRIED (5-3)

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

*(Cr Torre was an apology for the meeting)*

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**PURPOSE OF REPORT:**

*The purpose of this report is to present the Draft Policy relating to Single Bedroom Dwellings and to seek the Council's approval to advertise the Draft Policy.*

**BACKGROUND:**

*23 January 2007 The Council at its Ordinary Meeting considered Item 10.1.8 relating to the draft Residential Design Policy. The Council resolved to adopt the following action:*

*“(ii) (i) new policies relating to:*

*(1) Subdivisions; and*

*(2) Single Bedroom Dwellings;*

*independent but inherently linked to the draft Residential Design Elements be prepared and that a report and draft policy be referred to the Council no later than April 2007;”*

**DETAILS:**

*In light of clause (ii) (i) (2) of the above Council Resolution of the Ordinary Meeting of Council held on 23 January 2007, the Town's Officers have prepared a Draft Policy relating to Single Bedroom Dwellings.*

*The objectives of the Draft Policy states as follows:*

- “1) To provide clear policy direction on the requirements for single bedroom dwellings within the Town of Vincent.*
  - 2) To ensure a high level of appearance and amenity of single bedroom dwellings.*
  - 3) To provide appropriate forms of housing for one or two person households, while still encouraging the conservation and enhancement of those places which contribute to the heritage value of the Town of Vincent.”*
-

*The Draft Policy addresses various matters relating to Single Bedroom Dwellings, with specific attention to site area, floor area, car parking, store rooms and balconies.*

**CONSULTATION/ADVERTISING:**

*Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.*

**LEGAL/POLICY:**

*Town Planning Scheme No. 1 and associated Policies.*

**STRATEGIC IMPLICATIONS:**

*Strategic Plan 2006-2011 – Strategic Objective: Natural and Built Environment  
1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

**FINANCIAL/BUDGET IMPLICATIONS:**

*The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.*

**COMMENTS:**

*The Draft Policy relating to Single Bedroom Dwellings has been prepared to mainly provide applicants and developers with a set of concise guidelines and requirements for establishing Single Bedroom Dwellings within the Town. It is intended that this Policy will give a clear definition of a 'Single Bedroom Dwelling', address the requirements for Single Bedroom Dwellings under the Residential Design Codes (R Codes) and outline in what instances the Council will consider a variation to the R Codes.*

*In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the Draft Policy in accordance with the Officer Recommendation."*

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**10.1.15 Amendment No. 8 to Planning and Building Policies - Policy Relating to Residential Design Elements**

<b>Ward:</b>	Both Wards	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0141
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the further amended version of the Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, resulting from the advertised version having been reviewed and with regard to the five (5) written submissions received during the formal advertising, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;
- (ii) **ADOPTS** the further amended version of the Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, in accordance with Clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the adopted Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the further version of the Policy relating to Residential Design Elements, and to seek its final adoption.

**BACKGROUND:**

The preparation and development of the draft Residential Design Elements Policy commenced prior to the gazettal of the new Residential Design Codes (R Codes) in October 2002. Its development was initially gradual, however, in 2004 the policy development received more attention, and by May 2005, a draft Policy was advertised for public comment.

For the purpose of outlining the comprehensive and involved development of the draft Residential Design Elements Policy, it is considered appropriate in this instance to provide an overview of the progression of the draft Policy since its initiation in July 2004. Provided below is a synopsis of the Council Member Forums and Council Meetings and decisions that have occurred since its initiation.

- On 19 October 2004, the draft Residential Design Elements Policy was presented to a Council Members Forum;
- On 30 November 2004, the draft Policy was again considered and further discussed at a Council Members Forum;
- On 14 December 2004, the draft Policy was considered and debated at a Council Members Forum;

- On 22 February 2005, at an Ordinary Meeting of Council, the item was deferred to the following Ordinary Meeting of Council for further discussion and determination;
- On 15 March 2005, at a Special Meeting of Council, the Council resolved to advertise the draft Policy relating to Residential Design Elements;
- On 22 March 2005, at an Ordinary Meeting of Council, resulting from a motion initiated by former Councillor Chester, the Council resolved to reconsider the Council decision of the Special Meeting of Council held on 15 March 2005, and to amend the Assessment Table and Guidance Notes of Element 9 – Subdivision, as part of the Draft Policy;
- On 12 April 2005, at an Ordinary Meeting of Council, the Council resolved to defer consideration of the item relating to the draft Residential Design Elements Policy, to the following Ordinary Meeting of Council;
- On 26 April 2005, at an Ordinary Meeting of Council, resulting from a motion initiated by Councillor Lake, the Council resolved to reconsider the Council decision of the Ordinary Meeting of Council held 22 March 2005, and to amend the Assessment Table and Guidance Notes of Element 9 – Subdivision, as part of the draft Policy and to advertise the draft Policy for public comment;
- On 23 August 2005, at an Ordinary Meeting of Council, a Progress Report outlining the submissions received during the public comment period and the development and progression of the draft Policy was presented to the Council. The Council resolved to seek further comments from the Western Australian Planning Commission and the State Administrative Tribunal in regard to the legal weighting of the draft Policy, and to include reference to the outcomes of the Community Visioning Project, *Vincent Vision 2024*, as part of the further development of the draft Policy. It was also resolved that the item be referred to a Council Members Forum in September/October for consideration and discussion;
- On 18 October 2005, the draft Residential Design Elements Policy was referred to a Council Members Forum, consistent with the Council resolution of the Ordinary Meeting of Council held on 23 August 2005. It was concluded at this Council Members Forum to hold a Council Members Workshop with the Town's Officers, to assist in the development of the Policy and promote open discussion and directives for the Town's Officers to further progress the draft Policy;
- On 4 May 2006, the draft Residential Design Elements Policy was presented to and considered at a Council Members Workshop;
- On 14 November 2006, the draft Residential Design Elements Policy was presented to a Council Members Forum;
- On 12 December 2006, the draft Residential Design Elements Policy was presented to a Council Members Forum;
- On 23 January 2007, at an Ordinary Meeting of Council, a report was presented to the Council providing an update with respect to the preparation of the draft Residential Design Elements Policy, and to refine the approach in which the draft Policy will be completed, following a Council Members Forum and the outcomes; and
- On 12 June 2007, at an Ordinary Meeting of Council, the item was deferred to the next meeting as there were numerous changes indicated by Council Members for this item.

The Council at its Ordinary Meeting held on 26 June 2007 resolved the following:

*“That the Council;*

- (i) *RECEIVES the further amended version of the Draft Policy relating to Residential Design Elements, as shown in Attachment 10.1.3; subject to;*

1. The second paragraph in the Introduction 1.0 of the Draft Residential Design Elements Policy Report to be amended to read as follows:

‘....

For the purpose of preserving and maintaining this residential amenity, while still allowing new development to occur, the ~~Council~~ Town has prepared the Residential Design Elements Policy.

2. 6.2 Vincent Vision last dot point be amended to read as follows:

‘...’

Car parking requirements are strategically planned for and to meet the needs of the commercial and residential area....’

3. 7.3 Objectives fourth dot point to be amended to read as follows:

‘...’

- ~~To encourage well designed, attractive and site and streetscape responsive buildings;~~
- To encourage well designed and attractive buildings that contribute and interact responsively to the site and its surrounding streetscape

4. BDAC (1) second and third dot point to be amended to read as follows:

<p><i>BDAC 1. Preservation of Amenity on Adjoining Land and Surrounding Area</i></p>	<p><i>BDR 1. Preservation of Amenity on Adjoining Land and Surrounding Area</i></p>	<p>7.4.1</p>
<p>(i) Development is to avoid compromising the amenity of adjoining development <del>in order to</del> <u>by</u>:</p> <ul style="list-style-type: none"> <li>• <del>Maintaining</del> an appropriate visual relationship between dwellings;</li> <li>• <del>Ensuring</del> <u>Ensuring</u> that appropriate solar access to the outdoor living area of the subject site and adjacent lots is not significantly reduced; and</li> <li>• <del>Ensuring</del> <u>Ensuring</u> that the privacy and sense of space of the adjoining lots is not unduly compromised.</li> </ul>	<p>(a) This is to be achieved by:</p> <ul style="list-style-type: none"> <li>• Ensuring appropriate side setbacks and landscaping are incorporated into the development;</li> <li>• Compliance with the building height provisions of the Residential Design Codes <u>and Residential Design Elements Policy</u>;</li> <li>• Minimising the amount of excavation and fill on the development site;</li> <li>• Where appropriate, building to the boundary to maximise privacy for neighbouring dwellings and their private open space;</li> <li>• Staggering openings to habitable spaces (between properties) to preserve reasonable privacy;</li> <li>• Giving consideration of overshadowing on adjoining lots, particularly in relation to outdoor living areas and habitable rooms; and</li> <li>• Adequately articulating the upper floor to the satisfaction of the Town to mitigate the impact on adjoining neighbours.</li> </ul>	

5. BDR 13. (2). Letterboxes second dot point to be amended to read as follows:

<i>BDAC 13. Adaptable and Accessible Housing</i>	<i>BDR 13. Adaptable and Accessible Housing</i>	7.4.10
<i>(i) Development design will endeavour to incorporate design features that are reasonably adapted at a later date with the changing needs of the occupants.</i>	<i>(a) Applicants and designers are strongly encouraged to refer to the following standards when preparing development applications for 'Accessible' and 'Adaptable' Housing:</i>  <i>(1) Siting</i> <i>A lot not exceeding a 1:14 gradient is required for any development site proposing to construct 'adaptable housing';</i>	
	<ul style="list-style-type: none"> <li>• <i>A continuous accessible path of travel is to be provided from the street frontage and the vehicle parking area to the entry of the dwelling; and</i></li> <li>• <i>Paths and walkways are to be slip resistant.</i></li> </ul> <p><i>(2) Letterboxes</i></p> <ul style="list-style-type: none"> <li>• <i>Letterboxes are to be situated in a central location and adjacent to the street entry; and</i></li> <li>• <i>Letterboxes are to be located on a hard standing area connected by an accessible and <del>continuous</del> continuous pathway.</i></li> </ul> <p><i>(3) Car Parking</i></p> <ul style="list-style-type: none"> <li>• <i>Car parking bays are to be a minimum of 6 metres by 3.8 metres;</i></li> <li>• <i>The minimum internal clearance of the garage or carport is to be 2.5 metres;</i></li> </ul> <p><i>All car parking spaces are to be provided with permanent roof cover; and</i></p>	

(ii) AMENDS the further amended version of the draft Policy relating to Residential Design Elements as follows prior to the draft Policy being advertised:

(a) 5.2 Advertising be amended to read as follows:

‘...  
Applications for development seeking variations to any part of the R Codes and/or this Policy ~~may~~ will be required to be advertised in accordance with Clause 37 of the Scheme. The advertising process will be guided by the Town’s Community Consultation Policy...’

- (b) 6.2 Vincent Vision be amended to read as follows:

*'The Vincent Vision 2024 project indicates the community values the following relating to streetscape:*

- *Heritage buildings, intact streetscapes and a sense of place;*
- *Current density, scale and family friendly housing;*
- *Open streetscapes and passive surveillance; and*
- ~~*Good public transport and less traffic in residential streets.*~~

...

- ~~*Car parking requirements are strategically planned for to meet the needs of the commercial and residential area. Car parking solutions are innovative and reduce the visual dominance and presence of cars in the environment./*~~

*That Clause (c) be adopted subject to the deletion of the word "certain".*

- (c) 6.4.1 Streetscape Character be amended to read as follows:

*'...*

*Single storey streetscapes are greatly valued within the Town, and effort should be retained wherever possible. Any new dwellings or extensions, which are located within an area that is characterised by single storey buildings or within a recognised streetscape, should be mindful of the streetscape character and maintain a single storey presentation to the street; (please refer to any Residential Streetscapes Policy)...*

- (d) 6.4.2 (i) Street Setbacks be amended to read as follows:

*'The street setback area is the area between the front/street boundary and the building line ~~or the respective minimum street setback requirement of the R Codes, or as determined pursuant to Design Requirement SDR 5. Street Setbacks, whichever is the lesser distance.~~*

*Development must be appropriately located on the site having regard to the existing setback of adjoining properties, and the setback pattern of the street block within which the proposed development or addition is situated.*

- (e) 6.4.4 (ii) Street Walls and Fences be amended to read as follows:

*'...*

*Side and Rear Boundary Walls and Fences: The height is measured from the "certified" natural ground level immediately inside ~~outside~~ the boundary to the top of the fence.*

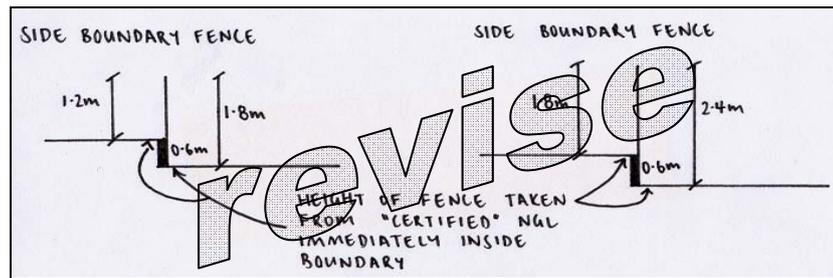


Figure 12: Measurement of Side and Rear Boundary Fence'

(f) SDR 1. Streetscape Character be amended to read as follows:

'SAC 1. Streetscape Character	SDR 1. Streetscape Character	6.4.1
(i) The prominent characteristics of the locality is to be identified and considered as part of the design process...	(a) Any development which is located in an area that is <u>characterised by single storey buildings or with a recognised streetscape</u> is to be mindful of the streetscape character and maintain a single storey presentation to the street...	

(g) SDR 3. New Dwellings be amended to read as follows:

'SAC 3. New Dwellings	SDR 3. New Dwellings	6.4.1
(i) New dwellings are to respect the existing character of the locality and the streetscape.	(a) New dwellings are to <del>complement</del> <u>be consistent with the bulk and scale of the existing dwellings in the locality and the streetscape.</u>	

(h) SAC 5 Street Setbacks and DDR 5. Street Setbacks be amended to read as follows:

'SAC 5. Street Setbacks	SDR 5. Street Setbacks	6.4.2 (i)
(i) Development is to be appropriately located on site to:... <ul style="list-style-type: none"> <li>Facilitate solar access for the <u>development site and adjoining properties</u>;</li> </ul>	(a) <u>When the street is a recognised streetscape (refer to any Residential Streetscape Policy), the primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being within 5 adjoining properties on each side of the development...</u>	

- (i) *SDR 6. Minor Incursions Into Street Setback Area be amended to read as follows:*

'SAC 6. Minor Incursions Into Street Setback Area	<i>SDR 6. Minor Incursions Into Street Setback Area</i>	6.4.2 (ii)
...	<p>...</p> <p><i>(b) Eaves <del>may project</del> are not to project more than <del>up to</del> one (1) metre into the street setback area for the full width of the building provided there is no pillar, support structure or the like under the eaves.'</i></p>	

- (j) *SAC 10. Dual Street Frontages and Corner Sites be amended to read as follows:*

'SAC 10. Dual Street Frontages and Corner Sites	<i>SDR 10. Dual Street Frontages and Corner Sites</i>		6.4.2 (vi)						
...	<p>...</p> <p><i>(b) For new development on the <u>front of the</u> original corner site, the following minimum street setbacks are to apply:...</i></p> <p>...</p> <p><i>(2) As measured from the secondary street:</i></p> <table border="1" data-bbox="730 1115 1246 1556"> <thead> <tr> <th data-bbox="730 1115 963 1182"><i>Feature facing Secondary Street</i></th> <th data-bbox="963 1115 1246 1182"><i>Minimum Setback (metres)</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="730 1182 963 1384"><i>Building Walls on Ground Floor, including Porches, Verandahs and the Like</i></td> <td data-bbox="963 1182 1246 1384">1.5</td> </tr> <tr> <td data-bbox="730 1384 963 1556"><i>Building Walls on Upper Floor; including <u>Balconies and the Like</u></i></td> <td data-bbox="963 1384 1246 1556">2.0</td> </tr> </tbody> </table> <p><i>Note:</i></p> <p><i>Upper floor walls (including balconies and the like) fronting the secondary street are to be vertically staggered and articulated by a minimum of 0.5 metre from the ground floor. Extensive blank or unarticulated walls to street frontages will not be supported.'</i></p>		<i>Feature facing Secondary Street</i>	<i>Minimum Setback (metres)</i>	<i>Building Walls on Ground Floor, including Porches, Verandahs and the Like</i>	1.5	<i>Building Walls on Upper Floor; including <u>Balconies and the Like</u></i>	2.0	
<i>Feature facing Secondary Street</i>	<i>Minimum Setback (metres)</i>								
<i>Building Walls on Ground Floor, including Porches, Verandahs and the Like</i>	1.5								
<i>Building Walls on Upper Floor; including <u>Balconies and the Like</u></i>	2.0								

(k) SAC 13 and SDR 13. Street Walls and Fences be amended to read as follows:

'SAC 13. Street Walls and Fences	SDR 13. Street Walls and Fences	6.4.4 (i), (ii) & (iii)
(i) Street walls and fences are to be designed so that:...	<p>(a) Street walls and fences are to be of a style and materials compatible with those of the dwelling on site and/or walls or fences of the immediate surrounding area. Street walls and fences designed with fibre cement <u>or metal</u> sheeting <del>is</del> <u>are not acceptable</u>...</p> <p>...</p> <ul style="list-style-type: none"> <li>• Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres; <u>and</u></li> <li>• <u>The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.</u></li> </ul> <p>(2) Street walls and fences to secondary streets, <u>behind the primary street setback line, or walls and fences to the primary streets where those streets are district distributor roads are to comply with the following be as follows: ...</u></p>	

(l) 7.3 Objectives be amended to read as follows:

‘ ...

- ~~To promote and create development that use less energy, cost less to run and are more climatically comfortable.~~

*Energy Efficient Design*

- To maximise the use of renewable energy sources (such as ~~rainwater and~~ sunlight);
- To promote and create development that use less energy, cost less to run and are more climatically comfortable. ... ‘

(m) 7.4.2 Streetscape Character Considerations be amended to read as follows:

‘ ...

~~It is strongly recommended that a~~ Applicants must make reference to any Residential Streetscapes Policy, as part of the design process in preparing a development application.’

- (n) 7.4.4 *Building Bulk* be amended to read as follows:  
‘Where the streetscape character is predominantly single storey and is in a recognised streetscape area, any upper...’
- (o) 7.4.5 (ii) *Measuring Building and Roof Height* be amended to read as follows:  
‘...  
▪ *Building height will be measured from the natural ground level immediately below the relevant point on the wall or roof to above the eaves/roof or highest point of the roof respectively;...*’
- (p) 7.4.8 (i) *Visual Privacy* be amended to read as follows:  
‘...  
*Figure 19: Examples of Non-Compliant and ~~Non-Compliant~~ Scenarios and Demonstration of how Privacy Cone of Vision is Calculated.*’
- (q) *BDAC 5. Building Height and BDR 5. Building Height* be amended to read as follows: (Clause (ii)(q) amended at OMC 10 July 2007)

<i>Building Height</i>	<i>Building Height</i>	7.4.5								
<i>BDAC 5. Building Height</i>	<i>BDR 5. Building Height</i>	7.4.5								
<p>(i) <i>Building height is to be considered to:</i></p> <ul style="list-style-type: none"> <li>• <i>Limit the height of dwellings so that <del>not one</del> <u>no</u> individual dwelling dominates the streetscape;</i></li> <li>• <i>Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</i></li> <li>• <i>Maintain the character and integrity of the existing streetscape.</i></li> </ul>	<p>(a) <i>The maximum height of a dwelling is to be 2 storeys (including any garage, <del>basement,</del> loft or the like) and comply with the following measurements:</i></p> <table border="1"> <thead> <tr> <th><i>Element</i></th> <th><i>Maximum Allowable Heights For Two Storey Dwellings</i></th> </tr> </thead> <tbody> <tr> <td><i>Top of external wall (roof above) <del>(ii)</del> (1)</i></td> <td><i>6.0 metres</i></td> </tr> <tr> <td><i>Top of external wall (concealed roof) (1)</i></td> <td><i>7.0 metres</i></td> </tr> <tr> <td><i>Top of pitched roof <del>(iii)-(iv)</del> (1)</i></td> <td><i>9.0 metres</i></td> </tr> </tbody> </table> <p><i>Notes:</i> <i>Provisions for two storey development will apply unless the streetscape is identified to have a particular character or single storey streetscape, in which case heights are to be consistent with adjoining dwellings. The maximum height permitted for any single storey development located within the front six metres of a property is to be 3.5 metres (top of external wall height) and 6 metres (top of pitched roof) for a pitched roof development and 4 metres for a concealed roof development.</i></p>	<i>Element</i>	<i>Maximum Allowable Heights For Two Storey Dwellings</i>	<i>Top of external wall (roof above) <del>(ii)</del> (1)</i>	<i>6.0 metres</i>	<i>Top of external wall (concealed roof) (1)</i>	<i>7.0 metres</i>	<i>Top of pitched roof <del>(iii)-(iv)</del> (1)</i>	<i>9.0 metres</i>	
<i>Element</i>	<i>Maximum Allowable Heights For Two Storey Dwellings</i>									
<i>Top of external wall (roof above) <del>(ii)</del> (1)</i>	<i>6.0 metres</i>									
<i>Top of external wall (concealed roof) (1)</i>	<i>7.0 metres</i>									
<i>Top of pitched roof <del>(iii)-(iv)</del> (1)</i>	<i>9.0 metres</i>									

	<p><del>(1) Gable walls above eaves height:</del></p> <ul style="list-style-type: none"> <li><del>— less than 9 metres long : exempted</del></li> <li><del>— greater than 9 metres long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height; and</del></li> </ul> <p><del>(2) Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.</del></p> <p><u>(1) The above heights are the absolute maximum and are not to be increased, regardless of the length of gable walls or roof ridges as may be permitted under the requirements of the Residential Design Codes; and</u></p> <p><u>(2) Please refer to Guidance Notes clause 7.4.5 for instances where the Town may consider a variation to the building external wall and pitched roof height requirements.</u></p> <p><i>(b) The following matters are to be considered with regard to the potential impact on neighbouring properties:</i></p> <ul style="list-style-type: none"> <li>• minimise overshadowing and overlooking of living and private open space areas; and</li> <li>• relationship to the streetscape.</li> </ul> <p><u>Definition:</u></p> <p><u>“Basement” means a storey of a building partly or wholly underground, such structure which supports those portions of the building which come above it.</u></p>	
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(r) BDR 2. Streetscape Character Considerations be amended to read as follows:

‘BDAC 2. Streetscape Character Considerations	BDR 2. Streetscape Character Considerations	7.4.2
...	<p>...</p> <ul style="list-style-type: none"> <li>• Building height.</li> </ul> <p><u>Note:</u></p> <p><u>Refer to any Residential Streetscapes Policy.’</u></p>	

(s) BDAC 3. Roof Forms be amended to read as follows:

‘BDAC 3. Roof Forms	BDR 3. Roof Forms	7.4.3
<p>...</p> <ul style="list-style-type: none"> <li>• In areas of heritage value</li> </ul>	<p>(a) This is to be achieved through:</p> <ul style="list-style-type: none"> <li>• The use of appropriate materials, colour and</li> </ul>	

<p><i>with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and...</i></p>	<p>roof pitch;</p> <ul style="list-style-type: none"> <li>• <i>The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and...'</i></li> </ul>	
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(t) BDR 4. Building Bulk be amended to read as follows:

<p>'BDAC 4. Building Bulk</p>	<p>BDR 4. Building Bulk</p>	<p>7.4.4</p>
<p>...</p>	<p><del>(c) Any upper floor addition to an existing dwelling recognised as positively contributing to a predominantly single storey streetscape, cannot be contained within the existing roof space, it is to be built at the rear of the existing dwelling, that is, a minimum of 2 metres behind the main roof ridge line, such that its' visual streetscape impact is minimised to the satisfaction of the Town. In recognised single storey streetscapes, if an upper floor addition can not be contained within an existing roof space, it is to be built at the rear of the dwelling such that its visual impact on the streetscape is minimised to the satisfaction of the Town...'</del></p>	

(u) BDR 6. Lofts be amended to read as follows:

<p>'BDAC 6. Lofts</p>	<p>BDR 6. Lofts</p>	<p>7.4.6</p>
<p>...</p>	<p>...</p> <p>(c) Dormer windows and gables to lofts are to comply with the following requirements:</p> <ul style="list-style-type: none"> <li>• Not project beyond the roof pitch nor exceed 2.4 metres above the loft finished floor level, whichever is the <del>lesser</del> <u>greater</u>; and</li> <li>• Maximum aggregate length of 4.5 metres or 20 per cent of the length of the dwelling <u>on that particular elevation</u>, whichever is the lesser.'</li> </ul>	

(v) SDR 8. Setback of Garages and Carports be amended to read as follows:

<p>'SAC 8. Setback of Garages and Carports</p>	<p>SDR 8. Setback of Garages and Carports</p>	<p>6.4.2 (iv)</p>
	<p>...</p> <p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street,</p>	

	<p><i>regardless whether a right of way is available to the property, where;</i></p> <p><i>(1) the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the Town's right of way upgrade program;</i></p> <p><i>(2) there is a demonstrated issue for the use of the right-of-way;</i></p> <p><i>(3) the applicant demonstrates there is a mobility or access issue by using the right of way; and</i></p> <p><i>(4) the applicant demonstrates there is a major impact on the amenity or open space at the rear of the property by using the right-of-way...'</i></p>	
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- (w) *amending the terms "Assessment Criteria" and "Design Requirements" to "Performance Criteria" and "Acceptable Development Criteria" respectively in order to maintain consistency of terminology with the Residential Design Codes;*
- (x) *the column headings for the Assessment Tables being repeated on each page of each table (ie "Performance Criteria", Acceptable Development Criteria" and "Guidance Note Clause Reference");*
- (y) *Inclusion of a diagram in Section 7.4.6 - Lofts which clearly demonstrates the intention of BDR 6 (c ) relating to dormer windows;*
- (iii) *REQUESTS the Town's Town Planning Consultant, Simon Bain, provide comments and any suggestions regarding the draft Residential Design Elements and their effectiveness in reducing the number of successful appeals lodged against the Town's decision;*
- (iv) *ADVERTISES the further amended version of the draft Policy relating to Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

  - (a) *advertising a summary of the subject draft Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the draft Policy; and*
  - (c) *forwarding a copy of the draft Policy to the Western Australian Planning Commission (WAPC); and*
- (v) *after the expiry of the period for submissions:*

  - (a) *REVIEWS the further amended version of the draft Policy relating to Residential Design Elements, having regard to any written submissions; and*
  - (b) *DETERMINES the further amended version of the draft Policy relating to Residential Design Elements, with or without amendments, to or not to proceed with them."*

## **DETAILS:**

Following the completion of the advertising period, the submissions received were reviewed, and where considered appropriate the draft Policy has been amended. The submissions from the community have been addressed in the 'Schedule of Submissions' which is an attachment to this report. Changes to the Policy as a result of all submissions received have been addressed in the 'Comments' section of this report. Changes to the Policy have been indicated in the Policy document through striking through text that has been deleted and underlining text which has been added.

The Council at its Ordinary Meeting held on 26 July 2007 resolved the following:

*“(iii) REQUESTS the Town’s Town Planning Consultant, Simon Bain, provide comments and any suggestions regarding the draft Residential Design Elements and their effectiveness in reducing the number of successful appeals lodged against the Town’s decision;”.*

Town planning consultant, Simon Bain of SJB Town Planning and Urban Design, has provided comments and suggestions regarding the draft Policy relating to Residential Design Elements and their effectiveness in reducing the number of successful review applications lodged against the Town’s decisions.

## **CONSULTATION/ADVERTISING:**

Advertising commenced on 10 July 2007 and concluded on 20 August 2007, pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1.

In total, 5 submissions were received during the consultation period. The submissions received are as follows:

- 3 submissions received from the community;
- 1 submissions received from the Town’s administration (Heritage Officers); and
- 1 submission received from a former Councillor (Simon Chester).

The submissions received from former Councillor Simon Chester and the Town’s administration are addressed in the 'Comments' section of this report.

The submissions received by the community have been addressed in the attached 'Schedule of Submissions' and the 'Comments' section of this report.

## **LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

## **STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

*“Strategic Objective 1 : 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.*
    - 1.1.3 Enhance and maintain the character and heritage of the Town.*
    - 1.1.4 Minimise negative impacts on the community and environment.”*
-

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

Comments have been received from former Councillor Simon Chester, the Town’s Heritage Officers, and the community. The comments received are addressed as follows:

**Former Councillor Simon Chester Comments**

Former Councillor Simon Chester submitted the following comments indicated below in italics. These comments are addressed below indicated in non-italics.

*“1. Figure 18 Loft contained within roof space.  
The figure used has little relevance with the existing building stock in Vincent; gabled rooves in the form shown are very rare and non existent with the historic detailing shown in the figure put out to consultation. I wish to put forward the attached figure as a more suitable alternative as it shows a loft within a roof space typical of Vincent building stock and is stripped of historic detailing irrelevant to the Town. It is my own sketch so you have full authority to use it.”*

The current Figure 18 demonstrating ‘Loft Contained within the Roof Space’ is considered to more accurately reflect a loft contained within the roof space than the alternative sketch suggested by Simon Chester. The dwelling type in Figure 18 is purely indicative and is considered adequate to demonstrate how lofts may be contained within the roof space.

*“2. BDR 6. Lofts  
Can officers review the amendment made by Council below:-*

*(u) BDR 6. Lofts be amended to read as follows:*

<i>'BDAC 6. Lofts</i>	<i>BDR 6. Lofts</i>	<i>7.4.6</i>
<p>...</p>	<p>...</p> <p><i>(c) Dormer windows and gables to lofts are to comply with the following requirements:</i></p> <ul style="list-style-type: none"> <li><i>• Not project beyond the roof pitch <u>nor</u> exceed 2.4 metres above the loft finished floor level, whichever is the <del>lesser</del> <u>greater</u>; and</i></li> <li><i>• Maximum aggregate length of 4.5 metres or 20 per cent of the length of the dwelling <u>on that particular elevation</u>, whichever is the lesser.’</i></li> </ul>	

*and check that the result of the amendment is consistent with the officers original intent. I believe the officers intent was:-  
(c) Dormer windows and gables to lofts are to comply with the following requirements:-*

*\* Not project beyond the roof ridge nor exceed 2.4 meters above the loft finished floor level, whichever is the lesser and  
\* Maximum aggregate.....”*

The Officer’s intention was for BDR 6. Lofts (c) to state as follows:

*“(c) Dormer windows and gables to lofts are to comply with the following requirements:*

- Not project beyond the roof pitch nor exceed 2.4 metres above the loft finished floor level, whichever is the lesser; and*
- Maximum aggregate length of 4.5 metres or 20 per cent of the length of the dwelling on that particular elevation, whichever is the lesser.”*

It is essential that the Policy states that dormer windows and gables should not project beyond the roof pitch or exceed 2.4 metres above the loft finished floor level, whichever is the lesser, as the roof pitch may be less than 2.4 metres above the loft finished floor level. The amendment carried by Council at its Ordinary Meeting held on 26 June 2007 would allow a dormer window to potentially project above the roof pitch which would add bulk to the development and result in an undue impact on the streetscape.

*“3. Elected Members Forum 14 November 2006*

*In response to my previous comments stating "Each element in the overview should have a couple of photos that demonstrate the higher principles of what we are striving to achieve" officers stated "Agreed. Towns officers following Elected Members forum will undertake a photographic survey of particular development to demonstrate encourage and discourage development"*

*It is noted that number of elements in the document has been significantly reduced and thus the workload to provide photos reduced. It has previously been agreed the document would benefit from photographs, "pictures speak a thousand words", and are more easily understood by many people, could we have some included demonstrating the higher principles of what we are striving to achieve?*

*In regards to the above I would like to submit the attached photo which has the property owner’s approval and demonstrates both development within a roof space and development consistent with what is described as development suitable in single storey streetscapes.”*

The Town’s Officers do not consider it appropriate to include photographs of private dwellings throughout the document as a dwelling may adequately demonstrate a certain requirement of the Policy; however demonstrate other features that may not be compliant with the Policy. In this situation, applicants may argue that they should be able to develop similarly to the development in the photographs of the Policy, even though the development is non-compliant with the R Codes and the Policy.

### **Town’s Heritage Officers Comments**

The Town’s Heritage Officers submitted the following comments indicated below in italics. These comments are addressed below indicated in non-italics.

*“1. Section 2 - Aims of Residential Design Elements Policy p.4*

*'Identify and respect places of State and local heritage significance.'*

---

*A series of Heritage Management Policies have been adopted by Council to guide the assessment and development of places within the Town of Vincent with recognised heritage value. It is considered that the assessment and development of places of heritage value within the Town of Vincent should be guided primarily by these heritage management policies.*

*Heritage principles do not easily equate with 'design guidelines' as any proposed development for each individual heritage place is to be considered on its own merits with due regard to the cultural heritage significance relating to the place.*

*In light of the above, it is considered that incorporating 'heritage' into the Residential Design Elements could prove problematic. Please see individual examples to address this below with suggested amendments. Alternatively the sections could be removed altogether."*

The above comments are noted.

*"2. Section 6.4 Guidance Notes clause (iii) Side Setbacks p.12*

*'The setbacks for additions to existing dwellings of heritage significance may be similar to that of the existing dwellings to facilitate a 'seamless' extension.*

*'Seamless' extensions do not necessary equate with best heritage management practice as in some instances it is considered appropriate to have new additions to heritage places setback (and with a different material finish) to enable a clear separation between the original and new fabric.*

*Essentially any additions and alterations of a dwelling of heritage significance should respect and respond to the identified cultural heritage significance of the place.*

*It is suggested that this statement be removed as the Town has specific Guidelines for dealing with development to Heritage Places. Alternatively, the sentence could be replaced with the following:*

*"The setbacks for additions to existing dwellings of heritage significance may be acceptable where they do not distort or obscure the cultural heritage significance of the place or detract from its interpretation or appreciation."*

The Policy has been amended to reflect the above recommendation.

*"3. Element One - Streetscape SADC 2: Alterations and Additions to Existing Dwelling p. 19*

*'(b) Designed in accordance with the Burra Charter principles; and'*

*The Burra Charter does not include 'design' elements and it relates more to recognising and conserving the cultural heritage significance of a place. It is considered dangerous to include reference to the Burra Charter, which is a 'heritage' document when referring to the development of dwellings of no heritage significance."*

The Policy has been amended to reflect the above recommendation.

*"4. Element One - SADC 7: Side Setbacks p. 21*

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*'(c) The setbacks for additions to existing dwellings of heritage significance may be similar to that of the existing dwelling.'*

*Is this to be read as a bonus for dwellings of heritage listed places?"*

This clause was originally intended as a form of concession and incentive for retaining dwellings with heritage value and to allow extensions to places with heritage value to be developed sensitively.

*"It is suggested that this statement be removed as the Town has specific Guidelines for dealing with development to Heritage Places. Alternatively, the sentence could be replaced with the following:*

*The setbacks for additions to existing dwellings of heritage significance may be acceptable where they do not distort or obscure the cultural heritage significance of the place or detract from its interpretation or appreciation."*

In accordance with the above recommendation, Clause SDR 7 (c) has been deleted.

*"GENERAL COMMENT*

*5. Amenity Impact Statement*

*It is recommended that a pro-forma with set criteria is prepared, which outlines the requirements for the Amenity Impact Statement, prior to the formal adoption of the Policy."*

The requirements for the Amenity Impact Statement will be added to the Town's planning application checklists after formal adoption of the Policy.

*"6. Element Two - Building Design BDADC 2. Streetscape Character Considerations p.39*

*It is not clear what should be considered to ensure development does not avoid compromising the streetscape. Should it be "This is to be achieved by considering existing or the predominant:*

*- Housing Styles etc?"*

Streetscape character is identified, however not limited by, considering the existing housing style, building setbacks, roof form, building bulk and building height.

The Policy has been amended to reflect the above.

*"7. Section 6.3 - Objectives p. 10*

*"To preserve the natural, built and cultural significance of streetscapes with recognized heritage value."*

*The Town does not actually have any identified streetscapes of cultural heritage value. It is recommended that this statement be removed."*

The Policy has been amended to reflect the above recommendation.

*"8. Inconsistency in outcomes for additions and alterations*

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*Throughout the document there appears to be inconsistency over whether additions to existing dwellings should be 'clearly distinguishable' see SPC (2) (b) p. 19 and BCADC 4 p. 40 or 'seamless' see 6.4.2 Building Setbacks (iii) p. 12."*

The Policy has been amended to reflect the above recommendation.

### **Community Consultation Comments**

#### 1. Certified Natural Ground Level

Streetscape clause 6.4.4 (ii) Measuring Height of Walls and Fences states as follows:

*"Side and Rear Boundary Walls and Fences: The height is measured from the "certified" natural ground level immediately inside the boundary to the top of the fence."*

Question as to the definition of 'Certified Natural Ground Level' was raised in the community's submissions and it is considered appropriate to clarify this term in the Policy therefore the Policy has been amended accordingly.

#### 2. Streetscape Clause SADC 1. Streetscape Character

Streetscape Clause SADC 1. Streetscape Character (b) states as follows:

*"Any development which is located in an area that is characterised by single storey buildings or with a recognised streetscape is to be mindful of the streetscape character and maintain a single storey presentation to the street."*

It is considered that this clause needs to be more definitive and has been amended in the Policy accordingly.

#### 3. Streetscape Clause SPC 1. Streetscape Character

Streetscape Clause SPC 1. Streetscape Character (i) states as follows:

*"The prominent characteristics of the locality is to be identified and considered as part of the design process."*

Question was raised as to the definition of locality and it was considered appropriate to change the reference to 'locality' to 'streetscape' to complement any Residential Streetscapes Policy. The Policy has been amended accordingly.

#### 4. Streetscape Clause SADC 5 Street Setbacks

Streetscape Clause SADC 5 Street Setbacks (b) states as follows:

*"Where the predominant setback pattern requires a setback distance that exceeds the below required minimum, the greater setback required to maintain the character of the street will apply."*

This clause has been appropriately amended to allow for lesser street setbacks where the predominant street setback as defined in the Policy is less than the setback requirement of the Residential Design Codes.

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5. Front Walls and Fences for Infill Dwellings Fronting Rights of Way and Dedicated Roads

Upon further consideration front walls and fences for infill dwellings fronting rights of way and dedicated roads are required to comply with the requirements for street walls and fences fronting a primary street for the following reasons:

- Permeable fencing will increase casual surveillance of the rights of way and dedicated roads and increase safety and security; and
- Infill development will eventually lead to a newly created streetscape along a right of way or dedicated road, therefore permeable fencing is considered to create a more attractive streetscape.

The Policy has been amended to reflect the above.

**Further Officer Amendments**

Further consideration of the street setbacks to the upper floor features facing primary streets, building orientation and the figures/diagrams by the Town's Officers, and in response to a respondent's submission regarding setbacks of Garages and Carports has resulted in minor changes to the draft Policy document as follows:

Element One – Streetscape – Clause SADC 5. Street Setbacks

The Officer's intention for the street setbacks to the upper floor of dwellings fronting the street, is to ensure that the upper floor will be setback from the ground floor to create an articulated, staggered setback and avoid blank, 'flush' walls fronting the street. As a result, Clause SADC 5. Street Setbacks (c) has been amended to read as follows:

“(c) *Unless otherwise stated, ground floor setbacks are to be in accordance with Table 1 of the Residential Design Codes; and the upper floor setbacks are as follows:*

<b><i>Upper Floor Feature Facing Primary Street</i></b>	<b><i>Setback (metres)</i></b>
<i>Walls on Upper Floor</i>	<i>6.0 A minimum of two metres behind the ground floor setback</i>
<i>Balconies on Upper Floor</i>	<i>5.0 A minimum of 1 metre behind the ground floor setback</i>

Clause SADC 9. Setbacks from Rights of Way

In accordance with the intention as outlined above, it is noted that the table relating to setbacks from rights of way has also been amended to read as follows:

<b>Feature facing Right of Way</b>	<b>Minimum Setback (metres)</b>
Porches, Verandahs, Porticos, <del>Balconies</del> and the Like	1.5
Building Walls on Ground Floor	<del>2.5</del> <u>2.0</u>
Building Walls on Upper Floor	2.5
Balconies on Upper Floors	<u>3.0</u>
Carports and Garages	6 metres manoeuvring distance located directly in front of carport and garage.

Building Orientation

The orientation of dwellings to the street has been further addressed in the Policy to ensure that dwellings maintain an interactive relationship with the street and subsequently result in an attractive streetscape.

Element One – Streetscape clause SADC 4 Public Domain and Communal Spaces now states as follows:

<p><b><i>“SPC 4. Public Domain and Communal Spaces</i></b></p> <p><i>(i) Development is to make a positive contribution to the public domain and communal spaces.</i></p>	<p><b><i>SADC 4. Public Domain and Communal Spaces</i></b></p> <p><i>(a) Development is to make a positive contribution to the public domain and communal spaces by ensuring that:</i></p> <ul style="list-style-type: none"> <li>• <i><u>Dwellings are orientated towards the primary street;</u></i></li> <li>• <i>It is appropriately scaled and preserves the character of the streetscape; and</i></li> <li>• <i>Landscaping does not compromise sight lines to communal spaces.</i></li> </ul>	<p><b><i>6.4.1”</i></b></p>
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Guidance Notes Streetscape Character - (iv) Setbacks of Garages and Carports

The following text has been added to clarify the meaning of ‘street block’ in the Guidance Notes

“Street block refers to the collection of lots on both sides of the street bounded by the nearest intersecting streets.”

The Acceptable Development Criteria has also been amended to clarify those circumstances where carports can be considered within the front setback area, as follows:

<b>SPC 8. Setback of Garages and Carports</b>	<b>SADC 8. Setback of Garages and Carports</b>	<b>6.4.2 (iv)</b>
(i) Garages and carports are not to visually dominate the site or the streetscape.	<p>(a) Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.</p> <p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a right of way is available to the property, where;</p> <p>(1) the right of way is unsealed or no programmed to be sealed within the current, or subsequent, financial year in accordance with the Town’s right of way upgrade program; <u>or</u></p> <p><del>(2) there is a demonstrated issue for the use of the right of way;</del></p> <p><u>(2) more than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or</u></p> <p>(3) the applicant demonstrates there is a mobility or access issue by using the right of way; <del>and</del> <u>or</u></p> <p>(4) the applicant demonstrates there <u>would be</u> is a major impact on the <u>existing</u> amenity or open space at the rear of the property by using the right of way.</p> <p>(c) Where vehicular access to car parking, carports and garages are permitted to be from a street, the following requirements are to be met:</p> <p>(1) Garages and carports should be integrated into the development, and are to be constructed of compatible materials, colours, scale and roof pitch to the dwellings on site;</p> <p>(2) Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling (not open verandah, porch, portico and the like);</p> <p>(3) Carports should be located behind the street setback line and at the side of the dwelling where space exists;</p> <p>(4) Carports may be located within the street setback area provided it is one hundred (100)</p>	

Diagrams/Figures

The following figures have been amended to more accurately reflect the purpose and description of the respective diagram/figure:

- Figure 10: Compliant Fencing and Visual Permeability; and
- Figure 13: Examples of Preferred Roof Forms.
- Figure 19: Dormer Windows and Gables to Lofts

**Summary**

In light of the above, it is recommended that the Council adopt the further amended version of the Residential Design Elements Policy.

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**10.1.16 Proposed Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land coded R20, within the Eton Locality Plan 7 – Extension of Sunset Clause**

<b>Ward:</b>	North	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	North Perth, P8; Mount Hawthorn, P1	<b>File Ref:</b>	PLA0177
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 6 December 2007, relating to the modifications required to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 6 December 2007, BE ADOPTED FOR FINAL APPROVAL as follows:*
  - 1. *Modify the documents by retaining clauses 20)4)c)ii) and 20)4)h)i and change the date referred to in both clauses to ‘1 September 2008’; and*
  - 2. *Replace the words ‘Delegated under S.20 of WAPC Act 1985’ with the words ‘Delegated under S.16 of the PD Act 2005’;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 modified amendment documents reflecting the Council’s endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 24 July 2007, of clauses (i), (ii) and (iii) above; and*
- (v) *FORWARDS the relevant executed modified amendment documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1.*

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider the response received from the Western Australian Planning Commission, in regard to modifications required to Amendment No.24 to the Town Planning Scheme No.1 in relation to the Eton Locality.

**BACKGROUND:**

For detailed background information please refer to Item No.10.1.13 at Ordinary Meeting of Council held on 24 July 2007.

24 July 2007                      The Council at its Ordinary Meeting resolved the following in regard to the Eton Locality:

*“That the Council:*

- (i)     *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 12 submissions of objection and 140 submissions of support, alternatively are shown as “Laid on the Table”.*
- (ii)    *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
- (iii)   *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council’s endorsement of final approval;*
- (iv)    *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 24 to the Town of Vincent Planning Scheme No. 1;*
- (v)     *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi)    *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No. 24 as a matter of urgency and that they support and gazette Amendment No. 24 prior to the 30 December 2007 deadline; and*
- (vii)   *RECEIVES quarterly progress reports in the Information Bulletin as to the progress of Amendment No. 24.*

**DETAILS:**

The Town of Vincent received correspondence from the Western Australian Planning Commission (WAPC) dated 10 December 2007, advising the following:

*“I refer to your letters of 3 August and 22 August 2007 and advise that the Minister for Planning and Infrastructure noted the submissions of objection and support, and has decided not to approve the above amendment until such time as the following modifications are effected:*

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1. *Modify the documents by retaining clauses 20)4)c)ii) and 20)4)h)i) and changing the date referred to in both clauses to 1 September 2008.*

*Council is advised that this extension to the “sunset” clauses has been granted on the grounds that the scheme review process which will include a review of residential densities in the town has completed the community visioning stage, made substantial progress in identifying future growth areas and that it is intended to submit a Local Planning Strategy and new Local Planning Scheme to be submitted to the WAPC for consent to advertise in 2008.*

*The Minister further advises Council that she would be prepared to delete the clauses altogether, as soon as the appropriate new scheme is advertised.*

....

*Council is further advised that the documents will need to be:*

- (1) *modified prior to final approval so that the words “Delegated under S.20 of WAPC Act 1985” are replaced by the words “Delegated under S.16 of the PD Act 2005”; and*
- (2) *bound (eg, spiral binding).”*

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

Town of Vincent Town Planning Scheme No. 1, associated Policies and the Residential Design Codes.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

##### *“Strategic Objective 1 : 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.*
  - 1.1.3 *Enhance and maintain the character and heritage of the Town.*
  - 1.1.4 *Minimise negative impacts on the community and environment.”*

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

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

#### **COMMENTS:**

The basis of the Hon Minister for Planning and Infrastructure determination to support the Scheme Amendment No.24 subject to the modifications outlined in the Western Australian Planning Commission’s correspondence dated 6 December 2007 being effected, is considered to be reasonable and consistent with orderly and proper planning for the Town.

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The extension of time in terms of the applicability of the sunset clause from 30 December 2007 to 1 September 2008 is considered acceptable, as it will allow the Town to complete the review of Town Planning Scheme No.1. In turn, following advertising of the new Town Planning Scheme, the Minister and WAPC will then be able to examine and determine the most suitable planning outcome in relation to the density provisions for the Eton Locality, with the appropriate information available to aid in making the Hon. Minister's and WAPC's decision.

In light of the above, it is therefore recommended that the Minister's and WAPC's request to modify the Scheme Amendment documents as stated in the correspondence dated 6 December 2007 be supported and endorsed by the Town in an expedited manner.

**10.1.17 Unit 2, Nos. 369-371 (Lot 2) William Street, Perth - Unauthorised Use of Premises and Associated Signage**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO4198
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	N Wellington		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES the Chief Executive Officer to instruct the Town's Solicitors to commence legal proceedings against Bikini Girls Massage, occupier and/or owner of Unit 2, Nos. 369-371 (Lot 2) William Street, Perth for contravention of the Town's Town Planning Scheme No. 1 and committing an offence pursuant to the provisions of the Planning and Development Act 2005 in relation to unauthorised use and signage at the subject property.*

**PURPOSE OF REPORT:**

To obtain the Council's approval for the Chief Executive Officer (CEO) to initiate legal proceedings in accordance with the Town's Prosecution Policy No. 4.1.22 for unauthorised use and signage at Unit 2, Nos. 369-371 (Lot 2) William Street, Perth.

**BACKGROUND:**

- 2 November 2007 The CEO received an enquiry from the local media regarding the alleged use of the abovementioned property by Bikini Girls Massage.
- 5 & 6 November 2007 A number of site inspections were undertaken by the Town's Officers (including after hours). The business did not appear to be operating at these times; however, signage had been erected to the windows and door of the property without the prior approval of the Town, as neither a Sign Licence nor Planning Approval has been granted for the signage, and is therefore considered to be unauthorised.
- 7 November 2007 The Town wrote to the owner and occupier of the subject property requesting the unauthorised use to cease and unauthorised signage to be removed immediately.
- 13 November 2007 The Town issued Written Directions under Section 214 (2) of the Planning and Development Act 2005, by Registered Mail, on the owner and occupier of the subject property requiring the owner and occupier to immediately stop and not recommence the use and to remove the signage from the property.
- 17 November 2007 Investigations by the Town's Officers revealed Bikini Girls Massage was open for business and operating from the subject property.
- 21 November 2007 The Town issued another Written Direction under Section 214 (2) of the Planning and Development Act 2005, to Bikini Girls Massage requiring the occupier to immediately stop and not recommence the use and to remove the signage from the property. The subsequent

Written Direction was served in person to an employee of Bikini Girls Massage as the Town's records indicated the Written Direction served by Registered Mail had not been collected by the occupier.

23 November 2007 The Town placed a copy of the Written Direction dated 21 November 2007 on the front of the subject property. The business was open at the time.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The subject Bikini Girls Massage use is considered to be "Consulting Rooms" under Town of Vincent Town Planning Scheme No. 1 (TPS1) and "Non-Medical Consulting Rooms" under the Town's Consulting Rooms Policy, provided it complies with the definition of Non-Medical Consulting Rooms under this Policy.

The above property is zoned "Commercial" in TPS1, and under the Commercial zone, a "Consulting Room" is an 'AA' use which is not a permitted use unless the Council has exercised its discretion by granting Planning Approval.

The Town's records indicate that no approval has been issued for the Bikini Girls Massage use or Consulting Rooms to operate at the above site, therefore, such uses are considered to be unauthorised.

The Town's Signs and Advertising Policy No. 3.5.2, does not permit window signage to cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area in aggregate per tenancy on a lot. The subject signage does not comply with this requirement.

The erection of window signage contrary to the Town's Signs and Advertising Policy is considered to be in contravention of the Town's Town Planning Scheme No. 1, and committing an offence pursuant to the Planning and Development Act 2005.

A copy of the business' "Membership" brochure is attached at Appendix 10.1.17B.

The Town's Prosecution Policy No. 4.1.22 requires consideration to be given in taking prosecution action, instead of, or in addition to applying alternative enforcement actions, in circumstances including alleged failure to comply with a notice within a reasonable period of time.

**STRATEGIC IMPLICATIONS:**

This matter is in accordance with the Town's Strategic Plan 2006-2011 – Objective 4.1.2 "*Manage the organisation in a responsible, efficient and accountable manner.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2007/2008 Budget lists \$25,000 for Town Planning Administration - Legal Expenses. The costs associated with undertaking prosecution proceedings, including solicitors costs, are to be determined. If successful in the prosecution proceedings, the Town may be able to recover associated costs.

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**10.1.18 'Eyes on the Street' Programme – Adoption by the Town of Vincent**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS 0095
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Wood, J Maclean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the recommendation of the Safer Vincent Crime Prevention Partnership (SVCPP) for the Town to adopt the 'Eyes on the Street' Programme;*
- (ii) *APPROVES the affixing of 'Eyes on the Street' signage to appropriate Town vehicles;*
- (iii) *APPROVES appropriate training, provided by the Office of Crime Prevention, for relevant internal and field Staff; and*
- (iv) *APPROVES the inclusion of 'Eyes on the Street' Projects in the 2008 Town of Vincent Safety and Crime Prevention Action Plan to enable mapping and evaluation.*

**PURPOSE OF REPORT:**

To obtain Council approval for the 'Eyes on Street Programme' to be adopted by the Town of Vincent.

**BACKGROUND:**

'Eyes on the Street Programme' is a Federal Government initiative which encourages State Government agencies, Local Governments, businesses and organisations to become involved in the reporting and detection of crime, as well as promoting community safety and security.

'Eyes on the Street' is a co-ordinated initiative that encourages and enables Local Government and other agencies to assist WA Police by reporting suspicious information in local communities. The programme has been trialled in several local government areas and the proponents now seek to have it adopted in the Town of Vincent.

'Eyes on the Street' also encourages and enables State Government agencies, Local Governments and businesses to identify and record possible criminal activities and suspicious behaviour to report to Police.

The Office of Crime Prevention have provided the following information as to the programme objectives:

- Establish partnerships between State and Local Government, businesses and WA Police to reduce crime and criminal activity;
- Provide local workers with an opportunity to participate in intelligence gathering and reporting to assist Police;
- Increase Police intelligence;
- Deter crime and criminal activity; and
- Increase public confidence through high visibility campaigning.

Participation in the '*Eyes on the Street Programme*' involves:

- Joining in the fight against crime and criminal activity;
- Gather information about suspicious occurrences and report this to Police
- Encourage active participation of local employees; and
- Support the *Eyes on the Street* campaign through branding of vehicles.

Current *Eyes on the Street* partners include:

- Major Shopping Centres;
- Local Governments;
- Educational Institutions;
- Government Agencies/Departments; and
- Industry Bodies.

**DETAILS:**

*'Eyes on the Street'* involves two main strategies aimed at reducing crime:

- Training local government and targeted commercial agencies, outdoor workers, parks and gardens officers, rangers and security officers in recording and reporting persons or events considered suspicious. The aim of this strategy is to increase the level of information and intelligence available to Police to identify current offenders; and
- A second strategy is aimed at deterring crime through the use of high visibility of the '*Eyes on the Street programme*'. This is achieved through "branding" of vehicles with an '*Eyes on the Street*' logo.



The programme involves all appropriate vehicles and employees being provided with a reporting system, where they can send information of suspicious activity and behaviour, to the Police. This information will be processed through Crime Stoppers and disseminated for investigation.

*'Eyes on the Street'* is a managed intelligence gathering system, where only selected agencies are invited to participate. Participants are provided with training and tools, to report suspicious and criminal activity, using an easy-to-use, reliable and productive reporting system, where regular feedback is provided to all participants.

The programme was trialled as a part of the '*Burglar Beware Programme*' in the south-east metropolitan region of Perth and, as a result of its success, it is now being expanded across the whole metropolitan area and larger regional sites. The State Government, Office of Crime Prevention, will provide ongoing training to the Town's staff, to assist them to identify and report suspicious activity in the community. This is accomplished using a simple fax-back proforma report. The purpose of the programme is to assist Police with information that may help in solving/deterring crime. The programme is seen as a useful way for Police to access information they might not otherwise receive. Other agencies, such as Water Corporation, Australia Post and Western Power, are also being encouraged to participate.

**CONSULTATION/ADVERTISING:**

The Town's Safer Vincent Crime Prevention Partnership (SVCPP) has been consulted. At the SVCPP meeting held on 3 October 2007, the SVCPP passed the following Motion:

*"That the SVCPP supports the proposal and recommends to the Council of the Town of Vincent that the 'Eyes on the Street' proposal be adopted."*

**LEGAL/POLICY:**

There are no adverse legal implications associated with this approval.

**STRATEGIC IMPLICATIONS:**

The above report meets the requirements of Strategic Objective 3.1.2 (d) *"Promote and implement the Safer Vincent Crime Prevention Plan which aims to support develop and deliver residential and business initiatives that reduces crime and promotes safety and security."*

**FINANCIAL/BUDGET IMPLICATIONS:**

No major ongoing costs to the Council are anticipated. Initial training sessions could be incorporated into existing Staff meeting structures. Some limited time in completing reports and distributing them would be incurred dependant upon the level of targeted activity.

**COMMENTS:**

Some staff (such as, Rangers, Field Staff, Building Surveyors, Environmental Health Officers, Parks, Waste and Technical Services staff) may be better placed to participate in such a programme than others. The "branding" of vehicles should be restricted, initially to certain high profile vehicles; for example, Ranger vehicles, rubbish trucks and commuting-use vehicles only. It is considered important not to make the Town's vehicles a target for vandalism and some staff may feel conspicuous by having 'Eyes on the Street' stickers on their vehicles. Given the level of vandalism that the Town experiences to its facilities and in an attempt to assist the Police, this programme can identify 'Eyes on the Street' as a positive community initiative and may assist in combating crime. Significant reductions in burglary rates have been reported, as a result of this programme, in other Local Government areas. 'Eyes on the Street' is considered to be a complementary strategy, to the current Safer Vincent Programme, as outlined in the Towns Safety and Crime Prevention Plan 2007-2010.

The Programme is recommended for approval.

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**10.1.19 Use of Forrest Park for patrons by Members Equity Stadium**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Forrest	<b>File Ref:</b>	RES0003
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Maclean		
<b>Checked/Endorsed by:</b>	R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **APPROVES;**

(a) *the use of Forrest Park Reserve, as a temporary overflow parking facility, when any Concerts, with an expected number of attendees greater than 20,000, are being held at Members Equity Stadium; and*

(b) *the Schedule of Fees as follows;*

<i>Vehicle with one person</i>	<b>\$ 15.00</b>
<i>Vehicle with two persons</i>	<b>\$ 14.00</b>
<i>Vehicle with three persons</i>	<b>\$ 12.00</b>
<i>Vehicle with four persons</i>	<b>\$ 11.00</b>
<i>Vehicle with more than four persons</i>	<b>\$ 10.00</b>

(ii) **REQUEST** *the Town's Members Equity Stadium Managers (Allia Venue Management) and the respective promoters of the events to include as part of the required Public Transport Plan (as specified in the Perth Oval (Members Equity Stadium) – Concerts Policy No: 4.1.25 (clause 5.2) to;*

(a) *organise a shuttle bus service to and from Forrest Park and Members Equity Stadium, to accommodate the attendees; and*

(b) *advertise via radio, print and electronic media of the parking restrictions which apply around Members Equity Stadium and encourage patrons to use public transport, to the satisfaction of the Town's Chief Executive Officer.*

**PURPOSE OF REPORT:**

To obtain the Council's approval to provide a temporary overflow parking facility for patrons of large events, to ensure that inconvenience to residents, caused by patrons parking in the residential streets, is minimised and require the promoters to carry out advertising to encourage public transport use.

**BACKGROUND:**

In recent years, the patronage at Perth Glory football games has declined, to the extent that the number of attendees has dropped to around 7,500 per game. This has resulted in the parking congestion in surrounding streets, being reduced.

The existing Residential Parking Restrictions apply to the area, bounded by Newcastle Street, Lord Street, Harold Street, William Street, Brisbane Street and Stirling Street, but do not include William Street or Stirling Street themselves.

Members Equity Stadium is increasingly being used to host concert events, which attract a substantial number of patrons. As a result, the Town needs to consider taking steps to address the parking problems that are almost certain to occur.

**DETAILS:**

At this time, six (6) concerts are scheduled for Members Equity Stadium, between 1 February and 30 April 2008, with Deeds of Licence having been issued for most of them. The dates for the concerts are:

- 1 and 2 February 2008 - Police Concert;
- 5 March 2008 - Rod Stewart Concert;
- 29 March 2008 - Artist to be advised;
- 4 April 2008 - Celine Dion; and
- 12 April 2008 - Artists to be confirmed.

For each of the events, between 5 March and 12 April 2008, the promoters have provisionally booked an extra date, so that if the ticket sales are sufficient to warrant an additional concert, there is already provision for that to occur. The promoters expect that there will be attendance by up to 25,000 patrons, for many of these events and, unless this is addressed, it is likely to create considerable parking congestion in surrounding streets.

From calculations, based on 25,000 patrons, around 20% are likely to use public transport, 10% taxi and limousines and 10% will probably use "other" modes of getting to the venue. It is likely that around 60% of the patrons will use private vehicles to get to Members Equity Stadium. This means that up to 15,000 people are likely to use private cars and, with an average number of people per vehicle, estimated as 3.5, this is likely to result in up to 4,300 vehicles needing to be accommodated, as close as practicable to the venue.

There are around 3,800 available parking spaces, in car parks within a (one Kilometre) radius of Members Equity Stadium, which will result in a minimum of 500 vehicles seeking to find alternative parking. If an alternative is not provided, it is highly likely that patrons will simply park in the restricted area surrounding the Stadium and accept the consequences, thereby increasing the number of complaints from residents.

On a previous occasion, the Council approved the use of Forrest Park, by patrons of the Pavarotti Concert and, since the Reserve is not booked for any of the above dates, it is suggested that this would provide an overflow parking facility. Forrest Park is an extremely large reserve, where up to 700 vehicles could be accommodated, with little or no impact on the grass surface. The possible use of Forrest Park has been discussed with the Manager Parks Services and he agrees that this Reserve would be ideally located for parking of vehicles and that, because of the time of year, there is unlikely to be any "real" impact on the grass surface, so he would support the recommended use.

Given that Forrest Park is around 1 kilometre from the Stadium, as an incentive for patrons to use the Reserve, it is suggested that the promoters be required to provide a shuttle bus service, similar to that provided for the Pavarotti Concert, to transport patrons from Forrest Park to Members Equity Stadium, prior to the commencement of the concert and from Members Equity Stadium to Forrest Park, when the concert finishes. If two or three buses are used, this would provide a short interval between transport runs, so patrons would probably approach it as being of benefit.

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**CONSULTATION/ADVERTISING:**

Since this approval will have little or no impact on the community, it is not considered necessary to undertake a consultation process.

**LEGAL/POLICY:**

There are no adverse legal implications associated with this approval.

**STRATEGIC IMPLICATIONS:**

The above is in keeping with Part 2.1.4(b) - *“Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community”*.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town will control parking on Forrest Park and will levy a similar parking fee to that currently charged on Loton Park. As a result, assuming that Forrest Park is used by 400 vehicles, the revenue to the Town will be around \$6,000, which would allow for any minor repair works that may be necessary.

Costs for the control of the temporary car parking arrangement is approximately \$1,200 per event. Therefore, potentially the net revenue to the Town from this proposal could be \$28,800 for the six concerts.

**COMMENTS:**

Various Concerts have been approved, or are in the process of being approved, for Members Equity Stadium, between 1 February and 12 April 2008, with anticipated numbers of patrons, up to 25,000. With such a large number of people, the car parking facilities in the area will be stretched to a maximum, so to avoid creating additional problems within the Residential Parking Zone, it is recommended that Forrest Park be used for overflow. The Manager Parks Services has been consulted and he does not consider that this would create any major problems.

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**10.1.20 Car Sharing Proposal**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to Car Sharing Proposal;*
- (ii) *SUPPORTS the general principles and objectives of Car Sharing;*
- (iii) *ACCEPTS the 'Nexus' Car Sharing Proposal on a trial basis and reviews the arrangement after twelve (12) months;*
- (iv) *PROVIDES two (2) 'car sharing' bays in suitable locations in Leederville (1 car bay) and Highgate (1 car bay) to the satisfaction of the Town;*
- (v) *APPROVES an "In-kind Donation" of \$4,160 under the Town's Policy No. 1.1.5 "Donations, Sponsorships and Waivering of Fees and Charges", representing the total cost of parking for two vehicles, for twelve months, to enable 'Nexus' car share to park a 'car share' vehicle in one car bay in Leederville and one car bay in Highgate; and*
- (vi) *DEFERS consideration of an interim amendment to Planning Policy No.3.7.1 relating to Parking and Access for Car Sharing given that the principles of Car Sharing will be specifically addressed in the Town's review of the Parking and Access Policy and the Car Parking Strategy proposed to be considered in 2008/2009.*

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of a car sharing proposal presented to the Town for inclusion in Planning Policy No.3.7.1 relating to Parking and Access and to obtain approval from the Council to provide an 'in-kind' donation to 'Nexus' car share, for two (2) exclusive car parking bays to be made available in Leederville and Highgate for the purpose of 'car sharing'.

**BACKGROUND:**

16 November 2007 Councillor Ker and the Directors Development Services and Technical Services met with the owner of 'Nexus Car Share' to discuss the concept and applicability of 'car sharing' within the Town of Vincent.

**DETAILS:**

The 'Nexus' car share proposal involves the Town providing the company with two (2) exclusive parking bays for 'Nexus' vehicles to be parked at any given time of the day/night and where its members would be able to collect and drop-off. 'Nexus' have a similar arrangement with the City of Fremantle whereby through a tendering process, they have free use of public parking spaces along with a link on the City's website. It is also noted that the City will become a member of 'Nexus'.

The Town's Officers undertook research into car sharing locally, nationally and internationally to determine whether an amendment to the Parking and Access Policy to make provisions for car sharing or the development of a Policy specific to car sharing was necessary.

The Department of the Environment and Heritage and the Australian Greenhouse Office write in a report titled 'Car Sharing – An Overview' that:

*"The characteristics of a typical car sharing organisation (CSO) include a provider with a centralised system for bookings, data collection and billing; clients who are members of the organisation; infrastructure made up of a fleet of vehicles and parking spaces at key locations within the geographic catchment area; and formal relationships with government, public transport providers and car manufacturers...."*

*Typically, CSOs make vehicles available at a wide variety of locations for very short periods of time (1 hour minimum and upwards) and they are accessible all the time (24 hours a day, 7 days a week). Payment reflects the use of the vehicle in terms of both the total time the vehicle is booked and the distance travelled.*

*... Local government generally controls the spaces in which CSOs operate. Specifically, local government controls the availability and prioritising of parking spaces, which is one of a CSO's vital infrastructure needs. Local government can prioritise desirable parking spaces for more sustainable vehicles, including car share vehicles and smaller, more efficient vehicles. The contribution of local government thus extends beyond making storage parking available for CSO vehicles, to making prioritised parking available in sought-after locations...."*

The value of the "Donation" per car bay, per bay, has been calculated at \$2080, based on a day rate of \$8, 5 days per week.

**CONSULTATION/ADVERTISING:**

There is no need to advertise or to consult, on this matter at this time. This may be necessary after the 12 month trial.

**LEGAL/POLICY:**

The above complies with the Town's Policy No.1.1.5, "Donations, Sponsorships and Waivering of Fees and Charges".

Town Planning Scheme No.1 and associated Policies.

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## **STRATEGIC IMPLICATIONS:**

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...*

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

The above report is in keeping with the Town's Strategic Plan 2006-2011 at Objective 2.1.4 - "Identify the needs and expectations of the business community and facilitate outcomes in the Town" and at, Part 2.1.4(b) - "Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community".

## **FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

The above report recommends a donation of \$4,160, this is an "In-kind" donation, so there is no actual money that changes hands.

## **COMMENTS:**

The concept of car sharing is generally supported and encouraged within the Town. It is considered appropriate however that the Town formally considers the implications of car sharing and how the Parking and Access Policy needs to be amended with respect to development applications which propose part or full reliance on car sharing. In this respect, matters relating to the location, maintenance and potential adjustment factors on car parking requirements will be considered as part of an overhaul of the Parking and Access Policy in conjunction with a general review of the Car Parking Strategy which is proposed to be listed for consideration in the 2008/2009 Budget process.

The provision of purpose bays within key locations can however be provided within a relatively short period by virtue of Clause 4.1 of the Town of Vincent Parking and Parking Facilities Local Law 2007 whereby vehicles of a different class may be set apart by signage. The Manager Ranger and Community Safety Services has advised that a 'car sharing bay', not specific to a particular company, can be considered under current legislation subject to the Council considering the financial impacts under Policy No.1.1.5 'Donations, Sponsorships and Waivering of Fees and Charges'.

In this respect, the Council would need to consider whether it would provide such bay/s within key locations and the waivering of set-up and maintenance costs, and a loss in parking revenue in the event the bay/s are within a metered area/s.

The Town may also wish to incorporate the concept within the Leederville area by allowing the use of a strategically located Town-owned parking bay/s within the town centre for car sharing purposes.

In view of the above, it is recommended that car sharing be considered as part of the review of the Parking and Access Policy and Car Parking Strategy, and that a trial of the concept be considered with the provision of two (2) bays, one within Leederville and one within Highgate, for a trial period of 12 months. The arrangement involving an 'in-kind' donation by the Town would then be subject to a review following the twelve (12) month period.

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**10.1.21 Petition Regarding the Hours of Operation of Parking Restrictions in William Street, Brisbane Street and Forbes Road, Perth**

<b>Ward:</b>	South	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	Beaufort P13, Hyde Park P12	<b>File Ref:</b>	LEG0047
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the petition, from business owners in William Street and Forbes Road, Perth, requesting the Council to amend the hours of operation of the current paid parking restrictions;*
- (ii) *DOES NOT APPROVE the alteration of the current paid parking restrictions, at this point of time ;and*
- (iii) *REQUESTS the Chief Executive Officer to:*
  - (a) *monitor the following areas, to assess the degree of usage and congestion in:*
    - *William Street, between Brisbane Street and Newcastle Street;*
    - *Forbes Road, between William Street and Wellman Street; and*
    - *Brisbane Street, between Beaufort Street and Lake Street; and*
  - (b) *submit a further report to the Council in July 2008, outlining the findings of the monitoring.*

**PURPOSE OF REPORT:**

The purpose of the report is to acknowledge receipt of a petition from local business owners in the William Street and Forbes Road area and to provide a strategy for identifying whether it is appropriate to amend the operating times of the paid parking restrictions.

**BACKGROUND:**

At its Ordinary Meeting held on 27 February 2007, the Council was resolved that:

*"That the Council:*

- (i) *NOTES no public submissions were received concerning the proposed local law amendment; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to:*
  - (a) *introduce Ticket Issuing Machines on the north side of Forbes Road, between William Street and Wellman Street, Perth;*

- (b) *amend the operating times for the ticket issuing machines in William Street, between Brisbane Street and Newcastle Street, from "9.00am to 5.30pm Monday to Friday and 9.00am and 12 noon on Saturday" to "9.00am to 8.00pm Monday to Sunday";"*

At the Ordinary Meeting of Council held on 25 September 2007, the Council considered the matter of introducing a new Parking Local Law. The report submitted to the Council at the time included information concerning a letterbox survey carried out during the six weeks consultation in July 2007 on the introduction of paid parking in Brisbane and Vincent Streets.

During the original consultation period, in mid 2006, for the introduction of paid parking in Forbes Road, Perth, the Town received complaints from businesses that people, who were patronizing venues in Northbridge, were making use of the free kerbside parking bays in William Street, north of Newcastle Street and were walking south into the Northbridge area. As a result, patronage was declining, because the drivers were unable to find parking facilities close to the hospitality venues in the Town of Vincent. Rangers were asked to monitor this for a short period and they confirmed that William Street and Forbes Road were extremely busy at all times, but more so when parking fees were not applicable, and that they had witnessed people parking in the Town of Vincent and walking into Northbridge.

As a result, the Council approved the extension of the operating hours, for the existing ticket issuing machines in William Street, with similar restrictions in Forbes Road, Perth.

Subsequently, the Council has approved the introduction of ticket issuing machines, in Brisbane Street, with the operating periods similar to that in William Street.

#### **DETAILS:**

A Petition has been received by the Town, including 62 signatures from business owners, seeking to have the previous decision of the Council, dated 27 February 2007 and 25 September 2007, reversed, to return William Street and Forbes Road to the same restrictions as are in force in the City of Perth.

The matter of amending the ticket machine operating times was first considered in May 2006, when the Town undertook consultation for the installation of ticket issuing machines in Forbes Road, Perth. As part of the responses, the Town received comments from restaurant and café owners, that because of the influx of vehicles from people patronising food and drink venues in the City of Perth, their own patrons were finding it difficult to park. Rangers were asked to monitor the area, and they observed a number of people parking in the Town and walking south in William Street, into the Northbridge area.

It is acknowledged that the City of Perth does not charge a kerbside parking fee, in William Street, from noon on Saturday to 9:00am on Monday morning, but all of the City's Car Parks in the area are fee-paying at all times. Kerbside bays in the City of Perth account for an extremely small proportion of the total number of parking bays available in the Northbridge area. As a result, when the City of Perth kerbside bays are full, there are a substantial number of car park bays that can be used as an alternative. To avoid payment of City of Perth Car Park fees, drivers were making use of the free facilities in William Street, north of Newcastle Street and simply walking into Northbridge.

It should be noted that the Town of Vincent has no Car Parks in the William Street area, so kerbside facilities provide the total number of parking bays for people patronising local businesses. Once these kerbside bays are filled, drivers have almost nowhere that they can use to park, even for a short period. As a result, they are encouraged to make use of City of

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Perth Car Parks, which in turn often results in them patronizing City of Perth businesses, rather than those in the Town of Vincent.

The amendments to the paid parking restrictions, while approved in February 2007, did not come into operation until mid October 2007, because the William Streetscape upgrade was in progress until that time. Therefore, the restrictions have only been in place for a relatively short time, so it is difficult to make an informed decision about their effectiveness (or otherwise). As with all new restrictions, the operation of the amended operating times, in William Street, Forbes Road and Brisbane Street, were scheduled to be reviewed, around August 2008 and, if they were found to be inappropriate, or overly onerous, a further report, with a recommendation for alteration would have been submitted to the Council.

The decision on the operating hours of the recently introduced paid parking zone in Brisbane Street was based on the operating hours in adjacent William Street. Because the above recommendation will now entail monitoring of the William Street restrictions, in the interest of consistency, it is considered appropriate to also monitor the operating hours in Brisbane Street.

**CONSULTATION/ADVERTISING:**

It is relevant to note that no submissions were received during the statutory six weeks public consultation period, which is carried out as part of the Local Law review process.

**LEGAL/POLICY:**

The Town of Vincent Parking and Parking Facilities Local Law 2007 was adopted by the Council on 25 September 2007, gazetted on 21 November 2007 and became operative on 5 December 2007.

The Town's Local Law specifies that the hours of operation, of the paid parking restrictions are:

	<b>LOCATION</b>	<b>BETWEEN</b>	<b>PERIOD OF OPERATION</b>
1	William Street	Brisbane Street and Newcastle Street	8.00am to 10.00pm Mon-Sun
9	North side of Forbes Road, Perth	Between William Street and Wellman Street	8.00am to 10.00pm Mon-Sun
13	South side of Brisbane Street, Perth	Between Beaufort Street and William Street	9.00am to 8.00pm Mon-Fri and 8.00am to 8.00pm Sat and Sun
14	North side of Brisbane Street, Perth	Between Beaufort Street and William Street	8.00am to 8.00pm Mon-Sun
15	North and South sides of Brisbane Street, Perth	Between William Street and Lake Street	8.00am to 8.00pm Mon-Sun

As a result, if an alteration of the operating periods is to be considered, it will be necessary to amend Schedule 6 of the Parking and Parking Facilities Local Law 2007.

**STRATEGIC IMPLICATIONS:**

The above report is in keeping with the Town's Strategic Plan 2006-2011 at Objective 2.1.4 - *"Identify the needs and expectations of the business community and facilitate outcomes in the Town"* at, Part 2.1.4(b) - *"Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town has purchased new parking ticket machines and also approved its 2007/2008 Budget, based on anticipated revenue from the introduction of paid parking into this area. A loss of revenue will occur if the Council changes its decision at this point in time. The loss has not been calculated, but could be as high as \$30-45,000 per annum.

**COMMENTS:**

A petition has been received, seeking to align the operating hours of the paid parking restrictions, in William Street and Forbes Road, with those in place in the City of Perth area. While this suggestion may meet the immediate expectations of the business owners in the area, it is likely to have a detrimental effect on the availability of parking in the longer term.

The Town's Administration has been investigating the introduction to paid parking in various parts of the Town, particularly where parking congestion is experienced. It is also important to note that the Council has been encouraging the introduction of paid parking, particularly in the south part of Vincent, closer to the Central Business District and the introduction of ticket machines into Forbes Road and Brisbane Street (and extension of hours for these streets and also William Street) is in accordance with the Council's view.

The introduction of paid parking into an area is rarely a popular decision. As such, complaints and petitions can be expected when such a proposal is introduced. However, if the Council approves the introduction of such a proposal, it should consider all the facts and monitor the effects over a reasonable period (e.g. 6 months) before changing its decision.

Accordingly, it is considered premature to vary the hours and it is proposed that Rangers monitor congestion and usage patterns in William Street, Forbes Road and Brisbane Street, to ascertain if the requested alterations are valid and would assist the local businesses. At the end of the survey period, a further report will be submitted to the Council (ie. July 2008).

The Council's approval of the Officer Recommendation is therefore requested.

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## 10.2 TECHNICAL SERVICES

### 10.2.1 Local Plant Sales and Associated Projects

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0096
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	K Godfrey		
<b>Checked/Endorsed by:</b>	J van den Bok R Lotznicker	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the Local Plant Sales held at the Town of Vincent Administration and Civic Centre during 2007;
- (ii) **APPROVES** the following Local Plants Projects for 2008 (as outlined in the report);
  - (a) two (2) Local Plant Sales to be held at the Town's Administration and Civic Centre on Saturday 19 April 2008 and 23 August 2008 commencing at 8.00am;
  - (b) Leederville Spring Walk to commence from the Town's Administration and Civic Centre on Saturday 27 September 2008 at 2.00pm; and
  - (c) Native Plant Workshop to be held at the Town's Administration and Civic Centre on Saturday 15 March 2008, commencing at 9.00am; and
- (iii) **ADVISES** the Town's Precinct Groups and the Claise Brook Catchment Group of its decision.

#### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the success of the Local Plants projects held in 2007 and to seek approval to conduct a *Native Plant Workshop*, a *Leederville Spring Walk* and two (2) *Local Plant Sales* in 2008.

#### **BACKGROUND:**

At the Ordinary Meeting of Council held on the 7 November 2007, a report was presented to Council regarding the *Local Plant Sales* and associated Projects where it was decided;

*"That the Council;*

- (i) **RECEIVES** the report on the Local Plant Sales held at the Town of Vincent Administration and Civic Centre during 2006;
- (ii) **APPROVES** the following Local Plants Projects for 2007(as outlined in the report);
  - (a) Two (2) Local Plant Sales to be held at the Town's Administration & Civic Centre on Saturday 28 April 2007 and 25 August 2007 commencing at 8.00am;

- (d) *Leederville Spring Walk to commence from the Town's Administration & Civic Centre on Saturday 20 October 2007 commencing at 2.00pm;*
- (b) *Native Plant Workshop to be held at the Town's Administration & Civic Centre on Saturday 17 March 2007 commencing at 9.00am;*
- (iii) *AUTHORISES the Chief Executive officer to review the frequency of the Local Plant Sales following the August 2007 sale, as outlined in clause (ii)(a), and prepares a further progress report in November 2007; and*
- (iv) *ADVISES the Town's Precinct Groups and the Claise Brook Catchment Group of its decision."*

## **DETAILS:**

### **Local Plant Sales**

As detailed in the last report presented to the Ordinary Meeting of Council dated 7 November 2007, it was decided to reduce the number of *Local Plant Sales* to two (2) per year.

The first plant sale held on 28 April 2007 attracted 102 residents, with the attendance at second plant sale being slightly down, with a total of 64 residents attending.

There appears to be more interest in the first plant sale in April each year, therefore the decision to reduce the plant sales to two (2) per year was vindicated by the attendance record.

Parks Services officers again received positive feedback from residents praising the Town of Vincent and Claise Brook Catchment Group for providing such a great opportunity to purchase water wise native plants.

Given the drying climate, the public are becoming more aware of the need to change gardens over to local native plant species. This change will have a dual benefit for the environment.

#### Officer Recommendation

It is recommended that given the level of interest in the two (2) plant sales held in April and August 2007, the Town continues with this format for the plant sales scheduled for 2008.

### **Leederville Spring Walk**

The first *Leederville Spring Walk* was conducted by Parks Services officers in November 2005, however, due to work load and other commitments, officers were unable to conduct a *Leederville Spring Walk* in the 2006 season.

The 2007 *Leederville Spring Walk* was held on Saturday 20 October 2007, commencing at 2.00pm from the Town's Administration and Civic Centre and ten (10) residents registered their interest to attend the walk.

Unfortunately the weather during the week deterred many people from registering, however, feedback during the walk was very positive with attendees noting what can be achieved in terms of landscaping their own garden/s with native plants.

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Officer Recommendation

To take advantage of the spring flowering season, it is recommended that the 2008 *Leederville Spring Walk* be scheduled slightly earlier in the year and it is therefore proposed to undertake this activity on Saturday 27 September at 2.00pm.

**Native Plant Workshop**

The first *Native Plant Workshop* was held at the Town's Administration and Civic Centre on Saturday 17 March 2007 commencing at 9.00am.

The workshop was well attended with twenty five (25) residents from within the Town registering their interest. Parks Officers presented a power point display and lecture on their chosen field relating to native plants.

The workshop was again well received and the technical advice presented by Parks Services officers was most appreciated by the attendees.

Officer Recommendation

It is recommended that the *Native Plant Workshop* be held at the Town's Administration and Civic Centre on Saturday 15 March 2008. However, it should be noted that due to the loss of experienced personnel and other staffing issues this may be postponed to a later date.

**CONSULTATION/ADVERTISING:**

The *Local Plant Sales*, *Leederville Spring Walk* and *Native Plant Workshop* will be advertised through the local papers, the Town's website and newsletters during 2008.

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. "(f) Enhance and protect our natural environment and, where practicable, promote the use of native local vegetation."

**FINANCIAL/BUDGET IMPLICATIONS:**

As indicated in previous reports, the plant sales provide residents with local plants at a subsidised rate. Therefore, the budget is slightly reduced after expenditure and revenue components of each respective sale are taken into account.

The total funds remaining upon the completion of the Local Plants Projects for 2006/2007 is in the order of \$7,557.

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**COMMENTS:**

These events are very well attended and supported by residents within the Town and there is an increasing awareness regarding the planting of local native plants, particularly with climate change and water shortage issues across Western Australia.

It is therefore recommended that *Council* approve the above projects and advertise the dates of the *Local Plant Sales*, *Leederville Spring walk* and *Native Plant Workshop* on the Town's website and in local papers as required.

**10.2.2 Edinboro Street Reserve – Proposed Fencing**

<b>Ward:</b>	North	<b>Date:</b>	29 November 2007
<b>Precinct:</b>	Mount Hawthorn P1	<b>File Ref:</b>	RES0103
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report in relation to the proposal to erect a “pool type” fence at Edinboro Street Reserve, Mount Hawthorn;
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** the installation of a “pool type” fence across the frontage and rear boundaries of Edinboro Street Reserve, at an estimated cost of \$22,000, as shown on the attached plan;
- (iii) **REQUESTS** the Chief Executive Officer to identify a source of funds for the Project, for consideration at the mid-year Budget Review; and
- (iv) **ADVISES** the petitioners of the Council’s decision.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the proposal to replace the existing fencing at Edinboro Street Reserve with a “pool type” style fence and to seek approval for the installation and funding of a new fence.

**BACKGROUND:**

A petition signed by 131 signatories was received by the Council at its Ordinary Meeting held on 20 November 2007.

The petitioners have recommended *that the Town erect a perimeter fence along the borders of Edinboro Street Reserve; that the fencing is a “pool style” type fence and this is considered as a matter of priority as current arrangements pose a significant risk to the children playing in the reserve.*

The existing fence was erected by the former City of Perth prior to 1994 and consists of steel pipe uprights with a pipe rail attached. Whilst the fence creates a barrier stopping vehicular traffic from entering / exiting the reserve, it does not restrict small children from running underneath the railing and onto the adjacent street.

**DETAILS:**

Edinboro Street Reserve is a passive recreational space consisting of 4100m<sup>2</sup> of turf with various species of mature trees planted throughout the park and around the playground area.

The playground area was upgraded in 2002/03 and the success of this design formed a major part of future playground upgrades at Braithwaite Park and Menzies Park, Mount Hawthorn.

The playground is the major attraction within the park and this is heavily used by the local community and patrons from other areas within and outside of the Town of Vincent.

This rather large expanse of turf also attracts many younger children wishing to partake in various ball sports or running activities. With the existing fencing not providing a physical barrier and the fact that adjacent Edinboro Street has an average daily volume of about 900 vehicles per day, patrons have cause for concern.

It is proposed to provide a "Pool Type" fence similar to what has been installed around recently upgraded playground areas within the Town. The fencing is constructed of aluminium, is powder coated and is 1.2 metres in height. Two (2) pedestrian gates will be allowed for along the Edinboro Street frontage and a further pedestrian gate and service entry allowed for off the Right of Way at the north-eastern corner of the park.

**CONSULTATION/ADVERTISING:**

Should the project be approved, consultation will be undertaken with the local precinct group and residents advised of the approval and timing of the installation.

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

A quotation has recently been received for the supply and installation of fencing (pool type) similar to what has been installed around playgrounds within the Town to date.

The costs are as follows:

• Supply and installation of fencing including pedestrian/service gates	\$19,140.00
• Removal/disposal of existing fencing	<u>\$ 2,500.00</u>
Total	<u>\$21,640.00</u>

**COMMENTS:**

It is therefore recommended that the Council approves the installation of a "pool type" fence around Edinboro Street Reserve at an estimated cost of \$22,000.

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**10.2.3 Proposed Dedication of Right of Way Bounded by William, Monmouth, Forrest and Walcott Streets, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	TES0159 & PRO2911
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposed dedication of the right of way bounded by William, Monmouth, Forrest and Walcott Streets, North Perth, as illustrated on attached Plan No. 2559-RP-1;
- (ii) **APPROVES** the initiation of the dedication process in accordance with Section 56 of the Land Administration Act 1997; and
- (iii) **ADVISES** the applicants of the Council's decision.

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the dedication of the right of way (ROW) bounded by William, Monmouth, Forrest and Walcott Streets, to facilitate the development of the adjacent Lots.

**BACKGROUND:**

No. 137 (Lot 4) Walcott Street and No. 20 (Lot 10) Monmouth Street are adjoining Lots in the same ownership. The owner proposes a development that necessitates the dedication of the adjacent ROW to enable a dedicated road frontage to each new Lot.

The owner is prepared to cede land for the widening of the ROW, and undertake the installation of street lighting, and sealing and draining, to bring the ROW up to acceptable standard for dedication.

**DETAILS:**

The development of the land described above is now at the planning stage, and has not yet been approved by the Town. The developer has been working closely with the Town and also with WAPC to achieve optimum amenity for the proposed double story houses which are proposed.

Widening and dedication of the adjacent ROW has been recommended so that each resultant dwelling has a frontage to a dedicated road. The ROW must be widened to six(6) metres, must be sealed, drained, have lighting, and be named. This will facilitate addressing and mail delivery, improved vehicular access, and provision of utilities to the new dwellings.

Dedication is a lengthy process involving an advertising period of thirty(30) days, and the seeking of notice of no objection, in writing, from all utility providers, and the Department for Planning and Infrastructure (DPI). Often the process may take many months - in some cases a year. To expedite the commencement of the proposed development once the Town's approval has been granted, the developer is seeking the Town's approval of the commencement of the dedication of the ROW at this time.

Once all the statutory requirements have been met, a further report on the outcomes will be presented to the Council, for its consideration.

**CONSULTATION/ADVERTISING:**

The proposal will be advertised in accordance with the Land Administration Act, and all service authorities will be contacted and requested to comment. The Town will seek comment from DPI, following the approval in principal which has already been given by WAPC.

**LEGAL/POLICY:**

The process will be carried out in accordance with the Land Administration Act.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

The owner/developer will meet all costs incurred by the dedication of the ROW.

**COMMENTS:**

Dedication of the ROW will provide an improved amenity for those residents who use it for vehicular access. It will also significantly improve the development potential of the adjoining land. It is recommended that the Council approve the commencement of the dedication process.

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**10.2.4 Boundary Roads Memorandum of Understanding – Between City of Bayswater and Town of Vincent**

<b>Ward:</b>	South	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	Banks P15	<b>File Ref:</b>	TES 0466
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposed Boundary Roads Memorandum of Understanding – Between City of Bayswater and Town of Vincent;
- (ii) **NOTES**
  - (a) the Roads in question as shown on appendix 10.2.4A; and
  - (b) that the Town’s Officers concur with the contents of the proposed Memorandum of Understanding subject to Item 7 Traffic Studies, Road design, Safety Audits (refer appendix 10.2.4B) being amended to include the words... “that these matters would need to be referred to the Town’s Local Area Traffic Management Advisory Group. City of Bayswater representatives would be invited to attend the meeting”...;
- (iii) **AUTHORISES** the Mayor and Chief Executive Officer to sign the Memorandum of Understanding subject to Item 7 being modified as outlined in clause (ii)(b); and
- (iv) **ADIVISES** the City of Bayswater of its decision.

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval of the Town entering into a Memorandum of Understanding (MOU) between the Town of Vincent ‘the Town’ and the City of Bayswater ‘the City’ on the division of works responsibilities for boundary roads.

**BACKGROUND:**

'The Town' has three (3) boundary roads within 'the City' namely, Guildford Road, Stanley Street and Mitchell Street (refer appendix 10.2.4A).

The allocation of responsibility for the care and control of boundary roads is governed by the Local Government Act (1995), section 3.53, which states that the control and management of a reserve partially within two or more Local Governments shall be as agreed by the Local Governments. If agreement is not achieved, the issue is to be referred to the Minister for resolution.

In the past, the understanding between Local Governments on the division of operational and capital responsibilities for works on these roads has been largely verbal with limited documentation.

The allocation of boundary roads responsibility for asset management and grant funding purposes has been clearly defined through the road inventory in ROMAN, however, this division is not necessarily the most practical arrangement for operational activities.

#### **DETAILS:**

A letter has been received from 'the City' requesting that 'the Town' review a draft MOU and advise of any amendments considered necessary. The proposed MOU between 'the Town' and 'the City' on the division of works responsibilities for boundary roads is to:

- Ensure that all categories of works for all sections of the boundary roads receive the same standard of attention as non-boundary roads.
- Clearly define the division of works responsibilities on these roads between the two Local Governments.

#### **Principles**

The division of responsibilities as described in the MOU are based on the following principles:

- That the long term interests of residents and road users shall be paramount.
- That operational tasks and costs, e.g. road maintenance, median maintenance, are shared in an equal and practical manner.
- That capital works are arranged in a cost effective manner.
- That the ROMAN road inventory shall be the basis for allocation of capital works responsibilities (initiating, investigation, preparation of funding applications, design and construction) on boundary roads between Local Governments.
- That the "own resources" funding component of all capital road works on all sections of the boundary roads shall be shared equally between the two Local Governments, unless agreed otherwise.
- That each capital road works project shall be subject to inter Local Government negotiations on a specific cost sharing agreement.
- That both Local Governments will assist in expediting the implementation of capital works as proposed by the other Local Government.

#### **Implementation of the MOU**

Successful implementation of the proposed agreement will require preparedness on the part of both Local Governments to act in good faith to achieve the objectives.

Communication regarding specific projects will be required as follows:

- Where maintenance requirements discovered by one Local Government extend into the other Local Government areas, the other Local Government shall be informed and requested to take appropriate action.
  - For capital works involving only one Local government (*e.g. verge street lighting, verge path construction*), the other Local Government shall be notified of the intentions in order to be made aware of the works.
  - For capital works involving the expectation of a funding contribution from the other Local Government, the initiating Local government shall liaise, negotiate and reach agreement with the other Local Government on the scope of works, grant application, timing, and funding contribution for the project within a timeframe suitable to both Local Governments' budget preparation process.
-

- Where a specific project agreement cannot be reached, the initiating Local Government can:
  - Opt to proceed with the project at its own expense and refer the issue to the Minister for resolution, or
  - Defer the project pending a determination from the Minister.
- The specific project agreements shall be kept separate and independent from other road works projects or other inter Local Government issues.

### **Schedule**

The attached schedule outlines the division of responsibilities for the various categories of works (refer appendix 10.2.4B).

### **Officer's Comments**

The Director Technical Services has assessed the attached schedule (refer appendix 10.2.4B) and advises as follows:

- Item 1 Locations - No boundary change required. Road maintenance MOU determines responsibilities regardless of location of Local Government boundary\*
- Item 2 Road and Drainage maintenance - Current practice
- Item 3 Resurfacing and associated works - Current practice
- Item 4 Verge and path maintenance - Current practice
- Item 5 Path Construction - Current practice
- Item 6 Road Capital Works – Current practice
- Item 7 Traffic Studies, Road design, Safety Audits – These matters would need to be referred to the Town's Local Area Traffic management Advisory Group. City of Bayswater representatives would be invited to attend the meeting.
- Item 8 Median and Island maintenance – Current practice.
- Item 9 ROMAN Inventory – Current scenario
- Item 10 Undergrounding of Power – Current practice (Highgate East – Bayswater contributed over \$111,000 to the SUPP)
- Item 11 Side Street Intersections – Current practice
- Item 12 Parking control signs – Current practice
- Item 13 Street signs – Current practice
- Item 14 Directional signs – Current practice
- Item 15 Street lighting Operations – Current practice
- Item 16 Street lighting Capital – Current practice
- Item 17 Drainage Capital works – Current practice.

Note:\* The section of Guildford Road specified is under the care control and management of Main Roads WA

### **CONSULTATION/ADVERTISING:**

N/A

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**LEGAL/POLICY:**

The allocation of responsibility for the care and control of boundary roads is governed by the Local Government Act (1995), section 3.53, which states that the control and management of a reserve partially within two or more Local Governments shall be as agreed by the Local Governments. If agreement is not achieved, the issue is to be referred to the Minister for resolution.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The MOU will formalise what currently occurs on an informal basis. No boundary realignment is required to enact the MOU.

Only one addition is recommended with regard to Item 7 Traffic Studies, Road design, Safety Audits *that these matters would need to be referred to the Town's Local Area Traffic management Advisory Group. City of Bayswater representatives would be invited to attend the meeting.*

It is therefore recommended that the Council authorise the Town's Mayor and Chief Executive Officer to sign the MOU subject to Item 7 being modified, as stated in the report.

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**10.2.5 Road Closures to Facilitate Main Roads Amalgamation of Portions of Cambridge Street and Havelock Streets, West Perth, into its Adjoining Land**

<b>Ward:</b>	South	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	Acquired city of Perth Area	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the closure of portions of the Cambridge Street road reserve and the Havelock Street road reserve;*
- (ii) *APPROVES the initiation of the closure process in accordance with Section 58 of the Land Administration Act; and*
- (iii) *ADVISES Main Roads of the Council's decision.*

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the closure of parts of the Cambridge Street and Havelock Street road reserves, this being a statutory requirement and a procedural matter under the Land Administration Act.

**BACKGROUND:**

The Town has received a request from Main Roads WA (MRWA) to initiate the closure of two portions of road which formerly fell within the City of Perth's jurisdiction. Both portions of road reserve are to be amalgamated into the adjoining land, also owned by MRWA.

**DETAILS:**

MRWA wishes to amalgamate portions of redundant road reserve into its adjacent land. These portions of Cambridge and Havelock Streets are remnants of road reserve which now comprise the Mitchell Freeway reserve, however, the designation "road reserve" has never been lifted.

In order to "close" the road portions, the Council must resolve to do so. The proposal must then be advertised in accordance with the Land Administration Act. MRWA appointed agent, TPG Town Planners and Urban Designers, will then complete the closure process on their behalf. All costs associated with the closures will be paid by MRWA.

**CONSULTATION/ADVERTISING:**

Consultation requirements are set out in Section 58 of the Land Administration Act. Once the Council has approved the closure of the portion of road reserve, the proposal will be advertised and submissions invited.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

**FINANCIAL/BUDGET IMPLICATIONS:**

MRWA has agreed to pay all costs involved.

**COMMENTS:**

The redundant portions of road reserve must have the designation lifted prior to being amalgamated into the adjoining land, also owned by MRWA. The Council's approval and action in accordance with the Land Administration Act is a necessary part of the process. It is recommended that the Council approve the initiation of the closure process, in accordance with Section 58 of the Act.

## 10.3 CORPORATE SERVICES

### 10.3.1 Investment Report as at 30 November 2007

<b>Ward:</b>	Both	<b>Date:</b>	3 December 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0006
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Makwana		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 30 November 2007 as detailed in Appendix 10.3.1.*

#### **PURPOSE OF REPORT:**

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

#### **BACKGROUND:**

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

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

#### **DETAILS:**

Total Investments for the period ended 30 November 2007 were \$20,735,726 compared with \$18,485,726 at 31 October 2007. At 30 November 2006, \$21,369,949 was invested.

Total accrued interest earned on Investments as at 30 November 2007:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	292,963	54.76
Reserve	547,600	250,787	45.80

#### **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 increase in investments for the month of November is as a result of the payment of the second instalment of the Financial Assistance agreement for the Loftus Centre Redevelopment and the receipt of Underground Power monies.

**10.3.2 Authorisation of Expenditure for the period 1 - 30 November 2007**

<b>Ward:</b>	Both	<b>Date:</b>	04 December 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Melike Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 November – 30 November 2007 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 10.3.2.*

**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 2007.

**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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$0.00
<b>Total Municipal Account</b>		<b>\$0.00</b>
<b>Advance Account</b>		
Automatic Cheques	60566-60660, 60662-60901	\$448,457.94
EFT Batch		\$0.00
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	724-726, 728-734	\$2,499,049.29
Transfer of PAYG Tax by EFT	November 2007	\$176,141.50
Transfer of GST by EFT	November 2007	\$0.00
Transfer of Child Support by EFT	November 2007	\$643.94
Transfer of Superannuation by EFT:		
• City of Perth	November 2007	\$32,861.28
• Local Government	November 2007	\$109,063.88
<b>Total</b>		<b>\$3,266,217.83</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$4,670.23
Lease Fees		\$1,872.36
Corporate Master Cards		\$10,353.33
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$57,086.95
Rejection Fees		\$10.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$73,992.87</b>
<b>Less GST effect on Advance Account</b>		<b>-\$123,088.00</b>
<b>Total Payments</b>		<b>\$3,217,122.70</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

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**10.3.3 Les Lilleyman Reserve Clubroom Upgrade - Community Consultation**

<b>Ward:</b>	North	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	Mt Hawthorn P1	<b>File Ref:</b>	RES0001
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **CONSIDERS** the submissions received at the close of the community consultation period;
- (ii) **APPROVES** the proposed plan for the upgrade of the Les Lilleyman Reserve Clubrooms as submitted by the Subiaco Football Club; and
- (iii) **AUTHORISES** the Chief Executive Officer to;
  - (a) prepare a specification with detailed working drawings for the upgrade of the Les Lilleyman Reserve Clubrooms; and
  - (b) call quotes for the work.

**PURPOSE OF REPORT:**

To present the results of the Community Consultation Process to Council regarding concept plans for the upgrade of the Les Lilleyman Reserve Clubrooms and obtain Council approval to proceed with the project.

**BACKGROUND:**

At the Ordinary Council meeting of 23 October 2007 the following resolution was adopted.

*That the Council*

- (i) **APPROVES IN PRINCIPLE** the proposed plan for the upgrade of the Les Lilleyman Reserve Clubrooms as submitted by the Subiaco Football Club as shown at Appendix 10.3.4;
- (ii) **AUTHORISES** the Chief Executive Officer to
  - (a) prepare a specification with detailed working drawings for the upgrade of the Les Lilleyman Reserve Clubrooms; and
  - (b) call quotes for the work; and
- (iii) (a) **APPROVES** the advertising of the concept plans for a period of twenty one (21) days; and
  - (b) considers any submissions received as a result of the community consultation period.

**DETAILS:**

The concept plans for the upgrade of the Les Lilleyman Reserve Clubrooms were advertised for the prescribed time of twenty-one (21) days, closing on the 30 November 2007. A questionnaire was also sent to over seven hundred (700) residents in the area bordered by Green Street, Charles Street, Hobart Street and Edinboro Street.

The Town received forty-six (46) responses, thirty-four (34) of which were in favour of the upgrade.

Nine (9) of the negative responses questioned why the Town of Vincent was contributing to the project at all, when Subiaco Football club were non residents, and suggested other projects they thought more deserving. Of the remaining three (3) responses, one (1) gave no reason, another expressed concerns about traffic congestion, and the third was a personal complaint directed at the Subiaco Football Club.

**CONSULTATION/ADVERTISING:**

The project was advertised for community consultation in accordance with the Community Consultation policy for a period of twenty-one (21) days.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with the Plan for the Future Strategic Plan 2006- 2011-

*3.1 - Community Development*

*3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community.*

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$60,000 is included in the 2007- 2008 budget for this project.

The Western Australian Football Commission through its Community Development Facility Fund will provide financial assistance of \$15,000 toward this project. A letter confirming this contribution was received by the Subiaco Football Club.

The Town and the SFC will each contribute \$22,500 for the balance of the project cost.

**COMMENTS:**

The result of the community consultation on the project indicated that the majority of those that responded support the project. No changes to the plans were requested.

It is therefore recommended that the proposed plans as presented be supported as recommended.

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**10.3.4 Beatty Park Leisure Centre – Tender No. 374/07 Cafe Supply**

<b>Ward:</b>	-	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	CMS0014
<b>Reporting Officer(s):</b>	D Morrissy		
<b>Checked/Endorsed by:</b>	M Rootsey		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Council ACCEPTS the tenders from Fonterra (Ice creams, frozen foods), Cadbury Schweppes (Non alcoholic beverages, confectionary) and National Foods (Dairy products) for the supply of Café produce to the Beatty Park Leisure Centre for the period December 2007 to December 2010.*

**PURPOSE OF REPORT:**

To approve the tender for the Supply of Café products to the Beatty Park Leisure Centre.

**BACKGROUND:**

Tenders were called for supply contracts in the following categories, to Beatty Park Leisure Centre's Cafe Vincent for a three (3) year period commencing December 2007.

**CATEGORIES**

- Ice creams
- Non alcoholic beverages (including soft drinks, bottled water, sports drinks, and fruit juice)
- Dairy products (including white milk, flavoured milk and yogurt, excluding ice creams)
- Frozen food (including chips & other fried foods).
- Confectionery

Tenderers were invited to submit a tender for one or more supply contracts. Where a Tenderer chose to submit for more than one supply contract, a combined tender submission was encouraged.

The tender was advertised in the West Australian on Wednesday 7 November 2007. Six (6) companies obtained a copy of the tender document. Seven (7) tenders were received by 2.00pm, Wednesday 21 November 2007. Present at the opening were Mary Hopper (Purchasing / Contracts Officer) and Dale Morrissy (Manager Beatty Park Leisure Centre). A summary of the submissions is detailed below:

<b>COMPANY NAME</b>	<b>CATEGORY/S SUBMITTED</b>
National Foods	Dairy
Nestle	Ice cream
Unilever	Ice cream
Fonterra	Dairy Frozen Foods/Ice cream
Cadbury Schweppes	Non alcoholic beverages
Coca Cola Amatil	Non alcoholic beverages

**DETAILS:**

The selection criteria used to evaluate the tenders was as follows:

- 35% Product pricing structure
- 25% Product range
- 15% Service agreement
- 15% Promotional package
- 5% Supply of equipment
- 5% Point of sale material and signage

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**100% TOTAL**

The tender evaluation panel was comprised of Dale Morrissy (Manager, Beatty Park Leisure Centre) and Helen Smither (Assistant Manager - Administration, Beatty Park Leisure Centre) with the following outcomes:

**ICECREAMS**

%	Evaluation Criteria	Fonterra	Unilever	Nestle
35	Product Pricing Structure	35	28	31.5
25	Product range	25	25	20
15	Service Agreement	15	13.5	15
15	Promotional Package	12	15	9
5	Supply of Equipment	5	5	4.5
5	POS material and signage	5	5	5
<b>100</b>	<b>TOTAL SCORE</b>	<b>97</b>	<b>91.5</b>	<b>85</b>

**NON ALCOHOLIC BEVERAGES**

%	Evaluation Criteria	Cadbury Schweppes	Coca Cola Amatil
35	Product Pricing Structure	31.5	28
25	Product range	25	25
15	Service Agreement	15	12
15	Promotional Package	15	12
5	Supply of Equipment	5	5
5	POS material and signage	4.5	5
<b>100</b>	<b>TOTAL SCORE</b>	<b>96</b>	<b>87</b>

**DAIRY PRODUCTS**

<b>%</b>	<b>Evaluation Criteria</b>	<b>National Foods</b>	<b>Fonterra</b>
35	Product Pricing Structure	31.5	28
25	Product range	25	25
15	Service Agreement	15	13.5
15	Promotional Package	15	15
5	Supply of Equipment	5	5
5	POS material and signage	5	5
<b>100</b>	<b>TOTAL SCORE</b>	<b>96.5</b>	<b>91.5</b>

**FROZEN FOODS (including chips and other fried foods)**

<b>%</b>	<b>Evaluation Criteria</b>	<b>Fonterra</b>
35	Product Pricing Structure	31.5
25	Product range	22.5
15	Service Agreement	15
15	Promotional Package	12
5	Supply of Equipment	5
5	POS material and signage	5
<b>100</b>	<b>TOTAL SCORE</b>	<b>91</b>

**CONFECTIONARY**

<b>%</b>	<b>Evaluation Criteria</b>	<b>Cadbury Schweppes</b>
35	Product Pricing Structure	28
25	Product range	20
15	Service Agreement	10
15	Promotional Package	15
5	Supply of Equipment	4
5	POS material and signage	5
<b>100</b>	<b>TOTAL SCORE</b>	<b>82</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006 - 2011 - Key Result Area 2.1.6 *"Develop business strategies that develop a positive triple bottom line return for the Town. Review, improve and formalise the business unit structure for Beatty Park."*

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

**FINANCIAL IMPLICATIONS:**

Revenue and expenditure costs are reflected in the 2007/2008 Beatty Park Leisure Centre Café operating budget.

**COMMENT:**

As a result of the detailed evaluation and reference checks it is recommended that the following tenders be accepted.

<b>CATEGORIES</b>	<b>TENDERER</b>
Ice creams	Fonterra
Non alcoholic beverages	Cadbury Schweppes
Dairy products (excluding ice creams)	National Foods
Frozen food (including chips & other fried foods).	Fonterra
Confectionery	Cadbury Schweppes

Cadbury Schweppes manufacture a range of chocolate and snack food products. However, all Cadbury retail outlet distribution is conducted through approved distributors. Benefit will be gained by awarding the Beatty Park Leisure Centre confectionery tender to Cadbury Schweppes with the stipulation that where an equivalent snack line is not produced by Cadbury Schweppes, an alternative brand will be sourced through approved distributors.

**10.3.5 North Perth Bowling and Recreation Club Inc - Lease**

<b>Ward:</b>	North Ward	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	North Perth Precinct	<b>File Ref:</b>	RES0010
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	P Betts		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES a lease to the North Perth Bowling and Recreation Club (Inc) for the period 1 September 2007 until 31 August 2012 for the premises located at Woodville Reserve, North Perth subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (ii) *subject to (i) above, AUTHORISES the Mayor and Chief Executive Officer to sign the Lease and affix the Council's Common Seal.*

**PURPOSE OF REPORT**

To report on the details for the request from North Perth Bowling and Recreation Club (Inc) to be granted a five (5) year lease for the premises known as Woodville Reserve located at Swan Location 2545, Part of A Class Reserve 12965.

**BACKGROUND:**

The North Perth Bowling Club was founded in 1907. The club officially opened in 1912 when the clubhouse was built. The club is the eleventh oldest in WA and the sixth oldest in Perth. The club currently has around one hundred members and is the only bowling club in the Town of Vincent. The facilities at North Perth Bowling Club include a dining room for functions and a licensed bar. Social pool and winter darts competitions are also held at the club. The club has been a good tenant in terms of payment of rent and the maintenance of premises.

The most recent lease held by the bowling club was for the period 1 September 2002 until 31 August 2007. The club is currently on a monthly lease.

**DETAILS:**

The North Perth Bowling Club has proven to be a good tenant during their previous lease period from 1 September 2002 until 31 August 2007. Payment of lease fees has always been prompt and the Town and the bowling club have a good working relationship regarding maintenance issues that arise.

The North Perth Bowling Club conducts bowling every day of the week and also hires out its clubroom to community groups. The day to day operations of the club are almost exclusively conducted by volunteers from within the club

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

Policy No. 1.2.1

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development

*“Objective 3.1 Enhance community development and wellbeing*

*3.1.1 Determine the requirements of the community*

- (a) Determine the requirements of the community and ensure that the services provided meet those needs”.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The North Perth Bowling Club currently pays annual lease fees of \$2,507.

**COMMENTS:**

The North Perth Bowling Club celebrated their one hundredth anniversary this year and is the only bowling club remaining in the Town of Vincent. Their membership numbers are stable and the Town and the club have consistently had a good working relationship over the previous lease period. It is recommended that Council approves the granting of a five (5) year lease so that the club can maintain its unique position in the Town.

**10.3.6 Financial Statements as at 30 November 2007**

<b>Ward:</b>	Both	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Wong		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the year ended 30 November 2007 as shown in Appendix 10.3.6.*

**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 30 November 2007.

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 30 November 2007.

**DETAILS:**

The Financial Statements comprise:

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

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

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

**Operating Revenue**

Operating revenue is currently 3% over the year to date budget for the month ending 30 November 2007.

**General Purpose Funding (Page 1)**

General Purpose Funding is showing 1% over the budget.

**Governance (Page 2)**

Governance is showing 6% over budget.

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

Revenue of Law Order & Public Safety is 83% over budget.

**Health (Page 4)**

Health is showing 109%, of the budget this is due to 346 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

**Education & Welfare (Page 5)**

Education and Welfare is now showing 44% under budget, as of the re-phasing of the receipt of the Leederville Gardens surplus.

**Community Amenities (Page 6)**

Community Amenities is 3% below the year to date budget. There were 327 planning applications being processed to date.

**Recreation & Culture (Page 9)**

The total revenue for Recreation and Culture is currently 7% over the revenue budget. Beatty Park Leisure Centre revenue is 30 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 103%

**Transport (Page 11)**

The total revenue for Transport is 22 % over the budget.

**Economic Services (Page 12)**

Economic Services is 110% over budget due to the increase number of building licences (281) issued compared to last year 246 licences.

**Other Property & Services (Page 13)**

The total revenue for Other Property & Services is 65% over the budget due to the advertising rebate received and allocated, leases on Tamala Park and other revenue received for the depot.

**Operating Expenditure**

Operating expenditure for the month is 98% of the year to date budget for the month ending 30 November 2007.

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

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$9,107,098 which is 37 % of the budget of \$24,362,667.

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	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	538,150	50,328	9%
Plant & Equipment	1,487,450	162,242	11%
Land & Building	12,303,039	6,102,392	50%
Infrastructure	10,034,028	2,792,134	28%
<b>Total</b>	<b>24,362,667</b>	<b>9,107,098</b>	<b>37%</b>

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

The statement shows the current assets of \$30,849,527 and non current assets of \$127,008,616 for total assets of \$157,858,143.

The current liabilities amount to \$5,423,524 and non current liabilities of \$15,754,703 for the total liabilities of \$21,178,227. The net asset of the Town or Equity is \$136,679,918.

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

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

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

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

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

Sundry Debtors of \$956,168 is outstanding at the end of November 2007. Of the total debt \$194,215 (20.3%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue. An invoice for \$189,915 issued to the Western Power in regards to contribution for In Kind Costs to Town on the Underground Power Project.

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

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

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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

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

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

Rates outstanding are \$4,410,622 which represents 26% of the outstanding collectable income compared to last year 22%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

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

As at 30 November 2007 the operating deficit for the Centre was \$309,576 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash deficit of \$98,321 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

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

The closing surplus carry forward for the year to date 30 November 2007 was \$15,786,088.

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

The net current asset position \$15,786,089.

**Variance comment Report (Pages 33 to 36)**

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

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## 10.4 CHIEF EXECUTIVE OFFICER

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

<b>Ward:</b>	-	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

#### **OFFICER RECOMMENDATION:**

*That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of December 2007.*

#### **BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
30/11/07	Withdrawal of Caveat	2	Town of Vincent and Mark Raymond Taylor of PO Box 410, Leederville re: No. 196 (Lot 556 - Survey Strata Lot 1), Anzac Road, Mount Hawthorn and No. 15 (Lot 556 - Survey Strata Lot 2), Federation Square, Mount Hawthorn
30/11/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Body Fit Workshop - 4 December 2007 (Gareth Naven Room)
30/11/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Public Transport Authority - 20 December 2007 (Gareth Naven Room and Members Equity Bank Lounge)
5/12/07	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr and Mrs O'Hurley re: Unit 57, Leederville Gardens
6/12/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta WA 6021 and West Australian Sports Centre Trust T/A Challenge Stadium of Challenge Stadium, Stephenson Avenue, Mt Claremont re: Postcards WA Event - 6 December 2007 (Pitch)

**10.4.2 Adoption of Code of Conduct - 2007**

<b>Ward:</b>		<b>Date:</b>	10 December 2007
<b>Precinct:</b>		<b>File Ref:</b>	ADM0050
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY the adoption of the Code of Conduct 2007 as detailed in Appendix 10.4.2.*

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to adopt the revised Code of Conduct for Council Members and Employees.

**BACKGROUND:**

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees.

At the Ordinary Meeting of Council held on 23 October 2007, the Council resolved as follows;

*That the Council;*

- (i) *RECEIVES the information on the Local Government Act (Official Conduct) Amendment 2007 and Local Government (Rules of Conduct) Regulations 2007;*
- (ii) *APPROVES the appointment of the Chief Executive Officer as the Town's Complaints Officer, pursuant to Section 5.120(1) of the Local Government Act; and*
- (iii) *NOTES that the Council's Code of Conduct will be reviewed to comply with Sections 5.103 (1) and (3) of the Local Government Act 1995 and a further report will be submitted to the Council.*

Amendments to the Local Government Act were promulgated in 2007 and supporting regulations have been prepared to operate from 21 October 2007. A copy of the legislation was included in a report to the Ordinary Meeting of Council held 23 October 2007.

As previously reported, the new provisions do not obviate requirements for reporting of serious breaches of legislative provisions to the Crime & Corruption Commission and other statutory authorities.

**DETAILS:**

Complaints regarding minor or serious breaches are in the first instance to be received by the Local Government Authority through a Complaints Officer (Chief Executive Officer) and must be in writing. Although a statutory declaration is not necessary, it is to be an offence attracting a maximum penalty of \$5,000 to give false or misleading information to a Complaints Officer. The complaint is then assessed by the Standards Panel who deals with minor breaches. Complaints referred to the Standards Panel are to be kept confidential if received during the period prior to an election.

### **Procedure for Minor Breaches**

1. Complaints to be in writing in an approved Complaint Form and sent to the Town's designated Complaints Officer (Chief Executive Officer).
2. On initial receipt of a complaint relating to a minor breach, the Complaints Officer is to check to ensure that all details have been entered and that the form is dated and signed.
3. The Complaints Officer is to acknowledge receipt of the complaint form.
4. A copy of the complaint is to be sent to the Council Member being complained about.
5. Complaints of a minor breach to be referred to the Standards Panel, along with any relevant information the Complaints Officer has in relation to the complaint.
6. The Council Member complained about may respond in writing to the Standards Panel to any adverse allegations in the complaint.

### **Procedure for Serious Breaches**

Allegations of repeated minor breaches, or serious contraventions of the legislation, such as financial interest contraventions or the misuse of information for personal gain, are to be referred to the Director General of the Department of Local Government and Regional Development. The Director General will then determine whether to refer the matter to the State Administrative Tribunal (SAT), refer the matter to another enforcement agency or take direct prosecution action.

SAT will be able to impose the same penalties as a Standards Panel on individual Elected Members, as well as being able to suspend the Council Member for a period of not more than six months, or disqualify the Council Member for a period of not more than five years, from holding office as a Member of Council.

### **Appointment of Complaints Officer**

At the Ordinary Meeting of Council held 23 October 2007, the Council appointed the Chief Executive Officer as the Town's Complaints Officer.

Details of any decision made against a person by the Standards will need to be included in a public register and is to be entered into the Local Government's Annual Report.

### **Review of the Town's Current Code of Conduct**

Subsequent to the proclamation of the Local Government (Official Conduct) Amendment Act 2007 and the formulation of the Rules of Conduct, as well as amendments to the Local Government (Administration) Regulations 19896 and the Local Government (Constitution) Regulations 1998), each Local Government is required to amend its Code of Conduct to be consistent with the new and amended legislation. The new Rules of Conduct cover many areas that are commonly dealt with in the Council's Code of Conduct and it is recommended that the Town review and amend its current Code of Conduct.

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The Code has been amended, as follows:

1. Introduction

This Section has been expanded to include definitions referred to in the new regulations and Local Government Act.

Clauses 1.4 and 1.5 have been renumbered to 1.5 and 1.6.

The term “Elected Member” has been changed to “Council Member” to reflect the terminology in the Act and regulations.

The term “Executive Manager” has been changed to “Director” to reflect the new designation.

Minor changes have been made to terminology and grammar.

2. General Conduct Obligations

This Section has not been amended.

3. Personal Benefit

This Section has not been amended.

4. Personal Benefit

This Section has been amended to reflect the changes in the Act and insert definitions. The term “notifiable gift” (ie. gifts valued \$50 - \$300) and “prohibited gift” (gifts over \$300) have been included.

5. Relationships between Elected Members and Employees

This Section has been expanded to include a new clause “Land Dealings and Personal Development Applications”.

6. Dealing with Council Resources

This Section has not been amended.

7. Access to Information

This Section has not been amended.

8. Communication and Public Relations

This Section has not been amended.

9. Implementation, Review and Compliance

This Section has been amended to reflect the changes to the Act and regulations.

A new clause “9.2 Matters not dealt with by this Code” has been included, to advise that the Local Government (Rules of Conduct) Regulations 2007 will be used for certain matters, prescribed by the regulation.

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Clauses 9.4 and 9.5 have been amended to reflect that complaints covered by the Local Government (Rules of Conduct) Regulations 2007, will be dealt with in accordance with the procedures prescribed by the Act.

Some clauses have been renumbered.

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

There is no need to consult the public on the revised Code, as the changes are prescribed by the Act and regulations.

It is recommended that an advertisement will be placed in a local newspaper, notifying of the new Code.

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

##### **Act**

The purpose of the Local Government (Official Conduct) Amendment Act 2007 has amended the Local Government Act 1995 to provide a disciplinary framework to deal with individual misconduct by local government Council Members. The legislation became effective from 21 October 2007 and will provide for uniform "rules" for all Council Members.

The amendments provide for;

- "(i) the establishment of a statewide Standards Panel to deal with complaints about minor breaches which are to be contraventions of a new Code (Rules) of Conduct with penalties including public censure, public apology or an order to undertake training; and*
- (ii) for complaints about serious breaches to be made to the Department of Local Government and Regional Development for possible referral to the State Administrative Tribunal (SAT) for determination including similar penalties as above and stronger penalties of up to six month suspension or up to five years disqualification."*

*(Local Government (Official Conduct) Amendment Act 2007 (Explanatory Notes)*

##### **Regulations**

The Local Government (Rules of Conduct) Regulations 2007 cover the following key areas:

- *"Principles of general behaviour;*
- *Local Law as to conduct at meetings;*
- *Use of information;*
- *Securing unauthorised advantages or disadvantages;*
- *Misuse of Council resources;*
- *Prohibition against involvement in administration;*
- *Relations with local government employees;*
- *Disclosure of interest adversely affecting impartiality; and*
- *Restriction on receiving, and disclosure of, certain gifts."*

*(Local Government (Official Conduct) Amendment Act 2007 (Explanatory Notes)*

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Section 5.103 of the Act was changed to eliminate a requirement that a Council's Code of Conduct be reviewed within 12 months of each ordinary election.

Notwithstanding the change to statutory review requirements, it is desirable that each Council review the Code of Conduct as the Code will have application for Council dealings through the life of the current Council.

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Council's Code of Conduct has been amended to reflect the changes required by the Act and regulations.

It is recommended that the new Code of Conduct be adopted.

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**10.4.3 Approval of the Financial Terms of Conditions for the Local Government House Trust (Western Australian Local Government (WALGA)) Office Building, 244A Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	Oxford Centre, P4/ Leederville P3	<b>File Ref:</b>	PRO4100
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the information concerning the Local Government House Trust's (Western Australian Local Government Association) future accommodation needs as at 12 December 2007;
- (ii) **APPROVES** the financial terms and conditions as shown in Appendix 10.4.3; and
- (iii) **AUTHORISES** the Chief Executive Officer to prepare Concept Designs for the proposed WALGA office building.

**PURPOSE OF REPORT:**

To update the Council on the progress of negotiations with WALGA concerning their future accommodation options and to approve of the financial terms and conditions.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 6 November 2007, the Council considered this matter and resolved as follows;

*That the Council;*

- (i) **RECEIVES** the information concerning the Western Australian Local Government Association's future accommodation needs;
- (ii) **APPROVES IN PRINCIPLE;**
  - (a) the proposal for the Town to construct office accommodation for the Western Australian Local Government Association (WALGA) at 244A Vincent Street, Leederville, and new premises for the Leederville Early Childhood Centre (LECC), as shown in Confidential Concept Plans, attached at Appendix 14.1(A);
  - (b) the proposal for the Town to investigate in consultation with the Department of Education and Training, North Perth Primary School and other stakeholders, with a view to constructing new premises for Margaret Kindergarten, to be located either on Braithwaite Park, Mount Hawthorn (preferably along Scarborough Beach Road frontage) as shown in tabled Confidential Concept Plan 14.1(C) or other appropriate location closer to the School, or on the current site, adjacent to the Richmond Street frontage, as shown in Confidential Concept Plans, attached at Appendix 14.1(A) and report back to Council; and

- (c) *the terms and conditions (other than the financial matters) as shown in Confidential Appendix 14.1(B) and AUTHORISES the chief Executive Officer and the Mayor to further negotiate the financial terms and conditions and report back to Council*
- (iii) *AUTHORISES the Chief Executive Officer to;*
  - (a) *prepare and call a tender for Architectural and Consultant Services for the proposed WALGA, LECC and Margaret Kindergarten buildings;*
  - (b) *prepare an Agreement to Lease and Lease Document based on the terms and conditions shown in Appendix 14.1(B) for the consideration and approval of the Council;*
  - (c) *prepare and advertise (at the appropriate time) a Major Land Transaction Business Plan, in accordance with Section 3.59 of the Local Government Act;*
  - (d) *engage necessary consultants to assist in the Major Land Transaction;*
  - (e) *enter into negotiations with the LECC, Margaret Kindergarten and other interested parties with the Departments of Education and Community Development (State and Federal) concerning the proposal and funding of the new LECC and Margaret Kindergarten buildings; and*
- (iv) *NOTES that;*
  - (a) *the Council's approval for the WALGA, LECC and Margaret Kindergarten buildings is subject to approval of the Western Australian Planning Commission (WAPC) and State Land Services (SLS); and*
  - (b) *a further report will be submitted to the Council.*

## **NEGOTIATIONS**

As required by the Council decision, the Mayor and Chief Executive Officer met with WALGA President, Chief Executive Officer and Executive Manger on 21 November - to negotiate the financial terms and conditions.

The Town was advised by WALGA that whilst they were able to pay a higher rent, the Town should consider the project with the following in mind;

- (i) WALGA will be paying for a 5 star Environmentally Sustainable Building. This rating will cost approximately 25% more than a conventional building. Furthermore, they will aim for between 5-6 stars in the first instance. Cognisance should be given to the considerable extra construction costs.
  - (ii) WALGA's relocation to the site will bring considerable economic financial flow-on effects to the Vincent business economy.
  - (iii) WALGA's relocation to the site will assist in the promotion of the Town to intrastate, interstate and overseas visitors; and
  - (iv) A counter proposal from another local government with attractive terms and conditions was received by WALGA, in a bid to secure the project.
-

As a result of the above an annual rent increase from \$10,000 to \$50,000 was considered acceptable to both parties.

### WALGA's PROPOSED OFFICE BUILDING

In response to WALGA's brief, the Town proposes to construct an office building comprising of a basement (two (2) levels) and four (4) levels of offices. The basements will comprise up to one hundred and forty (140) parking bays, archives and storage.

#### Site Details

##### Address

246 Vincent Street, Leederville

##### Land Area

The building and associated secure car parking area is approximately 3,100m<sup>2</sup> in area and 5,000-6,000m<sup>2</sup> of net lettable area (to be further defined). The 3,100m<sup>2</sup> site for the proposed Office Building expansion is located on the south side of the Leederville Oval site, fronting Vincent Street (adjacent to the Town's Administration and Civic Centre).

#### Discussions with WALGA

The Board of Management, Local Government House Trust ("Board of Management"), has approved the Town of Vincent site, and financial terms and conditions on 4 December 2007.

#### Indicative Timeline

An indicative timeline has been prepared and is as follows;

Date	Item
<del>September – December 2007</del>	<del>• Negotiation with WALGA</del>
<del>October 2007</del>	<del>• Council Approval "In Principle"</del>
October - December 2007	• Negotiations with Leederville Early Childhood Centre (LECC) and Margaret Kindergarten – <b>in progress</b>
November 2007	<ul style="list-style-type: none"> <li><del>• Advertise for Architect and Consultants</del></li> <li>• Obtain State Land Services Approval – <b>in progress</b></li> <li>• Prepare Major Land Transaction Business Case – <b>in progress</b></li> </ul>
November - December 2007	• Design Brief / Business Case
December 2007	• Appoint Architect and Consultants
December 2007 - February 2008	<ul style="list-style-type: none"> <li>• Preparation of Concept Design Plans for LECC and Margaret Kindergarten</li> <li>• WALGA Building - Progression</li> </ul>
December 2007 - February 2008	• Advertise Major Land Transaction
March 2008	• Council decision to proceed (or not proceed) with Major Land Transaction
March 2008	• Approval of plans and calling of Construction Tender for LECC and Margaret Kindergarten

April 2008	<ul style="list-style-type: none"> <li>• Advertise construction tender</li> </ul>
April – May 2008	<ul style="list-style-type: none"> <li>• Approval of construction tender for LECC and kindergarten</li> </ul>
May 2008 - March 2009	<ul style="list-style-type: none"> <li>• Construction of LECC and Margaret Kindergarten</li> </ul>
July - August 2008	<ul style="list-style-type: none"> <li>• Council approval of WALGA Building Design</li> </ul>
September 2008	<ul style="list-style-type: none"> <li>• Advertise Construction Tender - WALGA Building</li> </ul>
November 2008	<ul style="list-style-type: none"> <li>• Award Tender and Appoint Builder</li> </ul>
March 2009 - December 2010	<ul style="list-style-type: none"> <li>• Construction of WALGA Building</li> </ul>
December 2010	<ul style="list-style-type: none"> <li>• WALGA Occupancy</li> </ul>

**LEGAL/POLICY IMPLICATIONS:**

The proposed redevelopment will need to be advertised in accordance with the Local Government Act Major Land Transaction requirements, at the appropriate time.

**ADVERTISING/COMMUNITY CONSULTATION:**

Consultation will be required with WALGA, LECC and Margaret Kindergarten, as the project progresses. No community consultation is required at this stage. The Town will be required to advertise the Major Land Transaction Business Plan for six (6) weeks. It is therefore appropriate to carry out consultation at this time.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Budget 2007/08 does not contain any funds for these projects as the opportunity has arisen after the adoption of the budget. An Indicative Cost is as follows;

New WALGA Building	\$20,000,000
New Leederville Child Care Centre	\$2,000,000
New Margaret Kindergarten Building	\$1,000,000
<i>(excluding GST and fees)</i>	

A re-allocation of funds to allow concept designs to be prepared in the 2007-08 financial year as required.

**WALGA Building**

WALGA will reimburse the Town for costs associated with the WALGA building and fully fund the construction and fit-out of the new building, estimated to cost approximately \$20 million. WALGA own their current premises in West Perth and these would be sold and funds used to pay for the new building.

In the event that approval is granted, a full Business Case and financial details for the Major Land Transaction will be prepared.

**Possible Funding Options for a New Relocated Leederville Child Care Centre**

Indicatively:

If an 850m<sup>2</sup> Centre is built, at an indicative costing of \$2.0 million, the possible funding could be:

WALGA	\$1,000,000
Department of Community Development	500,000
Town	500,000
<b>Total</b>	<b>\$2,000,000</b>

#### **Possible Funding Options for a New Margaret Kindergarten**

An indicative cost would be \$1 million. The possible funding could be:

Department of Education	500,000
Town	500,000
<b>Total</b>	<b>\$1,000,000</b>

#### **Funding for new Medibank Stadium Toilets**

WALGA	<b>\$80,000</b>
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External funding would need to be explored with the Education Department and Department of Community Development.

#### **STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Town's Strategic Plan 2006/2011, Key Objective 2.1 - "*Progress economic development with adequate financial resources*", in particular:

*2.1.1 Promote the Town as a place for investment, appropriate to the vision for the Town.*

*2.1.3 Promote business development.*

*2.1.7 Implement the Leederville Masterplan."*

Based on information provided by the Town's Economic Development consultants, the economic spend in Vincent from this proposal would be approximately \$403,200 per year (based on 120 employees for 240 days/year @\$14 per person).

#### **COMMENT:**

The location of WALGA in Leederville is in keeping with the Town's Plan for the Future and Leederville Masterplan objectives. It will bring considerable economic spend to the Vincent Business Community and significant exposure to the Town, as WALGA has contact with many intra-state, inter-state and overseas visitors.

The securing of WALGA is considered a significant "win-win" for the Town and WALGA.

The construction of a new and larger Leederville Child Care Centre, in a better location will be beneficial to Vincent ratepayers. Furthermore a new Margaret Kindergarten (possibly on a new site in Mt Hawthorn) will also be beneficial.

Accordingly, the Council's approval of the financial terms and conditions is recommended.

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**10.4 4 Tender No. 376/07 - Architectural Services – Office Building, Child Care Centre and Kindergarten**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	TEN0386
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Boardman, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the tender from Peter Hunt Architect at an estimated cost of \$1,091,200 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for an Office Building, Child Care Centre and Kindergarten;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$73,920 for the Design Brief and Schematic Design and Design Development stages of the proposed Leederville Child Care Centre, Margaret Kindergarten and Office building (Design Brief only) to be carried out in the 2007/08 financial year;*
- (iii) *LISTS an amount of \$137,280 in the 2008/09 Budget for the Leederville Child Care Centre and Margaret Kindergarten Contract Documentation and Contract Administration and Contract Documentation for the Office Building;*
- (iv) *REQUESTS the Chief Executive Officer to identify a source of funds for the project, for consideration at the mid-year Budget Review; and*
- (v) *NOTES that;*
  - (a) *the Local Government House Trust (Western Australian Local Government Association) will reimburse the Town for costs associated with the proposed office building, subject to the execution of a valid Agreement to Lease; and*
  - (b) *the project will be funded over the 2007-08, 2008-09 and 2009-10 financial years.*

**PURPOSE OF REPORT:**

The purpose of the report is to approve the tender for architectural services for an Office Building, Child Care Centre and Kindergarten.

**BACKGROUND:**

On 10 November 2007, a tender was advertised calling for Architectural Services and on 27 November 2007, six (6) tenders were received. Present at the opening were Purchasing/Contracts Officer – Mary Hopper and Director Development Services – Rob Boardman.

Tenders were received from the following architectural firms:

	<b>Tenderer</b>	<b>Price (Inc GST)</b>
1.	Hodge + Collard Pty Ltd - 3rd Floor, 38 Richardson St, West Perth 6005	\$871,970
2.	T & Z Pty Ltd - 679 Murray St, West Perth 6005	\$918,280
3.	Peter Hunt Architect Pty Ltd - 8 Colin Grove, West Perth 6005	\$1,091,200
4.	Woodhead - Level 2, Parmelia House, 191 St George's Tce, Perth 6000	\$1,266,100
5.	Jones Coulter Young Pty Ltd (JCY) - 321 Murray St, Perth 6000	\$1,303,500
6.	Ashton Raggatt McDougall Pty Ltd (ARM) - Level 4, Council House, 27-29 St George's Tce, Perth 6000	\$1,306,800

## TENDER EVALUATION

### Evaluation Criteria

The following particular evaluation criteria shall be applied in the assessment of tenders:

Criteria	%	Weighting
<p>1.1 <b>Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>• Represents the "<i>best value</i>" for money</li> <li>• Application of a reasonable fee structure in proportion to the services provided</li> </ul> <p><u>Note:</u> Exclude fees for service consultants and interior design of all projects. Only architects fees are required at this stage Service consultant fees will be requested once the scope for each discipline is more clearly established</p>	25	<b>25%</b>
<p>1.2 <b>Relevant experience, expertise and project team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team</li> <li>• Capacity to address the range of services required</li> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards and approved Timeline</li> <li>• Understanding of the required service associated with delivering the services to the Town</li> <li>• Experience and success as an architect in the sphere of recent similar major facilities, particularly in WA</li> <li>• Experience in the holistic design and construction of sustainable Green Star rated buildings</li> </ul>	30	<b>30%</b>
<p>1.3 <b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history and viability</li> <li>• Include any comments received from referees, awards etc</li> <li>• Demonstrate your capacity to deliver</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the Town</li> </ul>	20	<b>20%</b>
<p>1.4 <b>Methodology</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget</li> <li>• Proposed methodology for this project and evidence of successful results, particularly in WA</li> <li>• Project management experience in relevant projects of a similar nature, particularly in WA</li> </ul>	15	<b>15%</b>
<p>1.5 <b>Key Issues and Risk</b></p> <ul style="list-style-type: none"> <li>• Demonstrate your understanding of the required service by identifying the key issues and risks associated with delivering the project.</li> <li>• Demonstrate how you intend to address these issues and risks</li> </ul>	10	<b>10%</b>
<p><b>TOTAL</b></p>	100	<b>100%</b>

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Director Development Services, Rob Boardman and Manager, Business Management from Western Australia Local Government Association (WALGA), Darren Turner.

The tender report has also been independently assessed and reviewed by the Town's Director Corporate Services and he is satisfied that the tender has been appropriately evaluated.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following rating against the percentage (%) allocated to each of the criteria;

Comments/Assessment
Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
Very good offer, exceeds criterion, low risk to Principal.
Outstanding offer, greatly exceeds criterion, very low risk to Principal.

### TENDER EVALUATION SUMMARY

The following is a summary and criteria evaluation summary. Detailed comments for each criterion are shown at the end of the report.

#### Summary

Criteria	%	Hodge +Collard	T&Z	Peter Hunt	Woodhead	JCY	ARM
Fee Proposal	5.00	5.00	4.15	3.32	2.49	1.66	0.83
Represents "Best Value" for Money	15.00	6.67	8.17	13.17	10.83	9.83	6.83
Application of reasonable fee structure	5.00	1.00	2.33	3.83	2.50	2.75	2.42
Experience, expertise and project team	5.00	2.50	2.83	4.50	4.50	4.00	3.17
Capacity to address services	3.00	1.33	1.83	2.67	3.00	2.58	1.67
Role and credentials of key persons	5.00	3.00	2.67	3.83	3.75	3.67	3.17
Availability of Key Persons	5.00	2.33	2.33	3.92	3.83	3.83	2.83
Understanding of Services	2.00	1.50	1.50	2.00	2.00	1.93	1.17
Experience-major Projects-in WA.	2.00	1.58	1.75	2.00	2.00	2.00	1.25
Experience-Green Star Buildings.	8.00	1.33	2.00	6.67	6.33	6.75	2.00
History of Organisation	5.00	2.83	3.67	4.17	4.17	4.00	3.00
Referee comments	5.00	2.50	2.33	4.17	4.17	3.17	2.83
Demonstrated Capacity to Deliver	5.00	2.00	2.83	4.17	4.25	3.50	2.92
Capacity to Address Requirements	5.00	2.17	2.92	3.83	4.17	3.58	2.50
Proposed Methodology-time/budget	5.00	2.17	1.83	4.08	4.33	3.25	1.83
Demonstrated Methodology	5.00	2.33	2.50	4.08	4.33	3.83	2.50
Demonstrated Project Management	5.00	2.33	2.83	4.00	4.58	3.83	2.50
Identify key Issues and Risks	5.00	1.83	2.50	4.33	4.33	3.33	2.33
Address key Issues and Risks	5.00	1.67	2.83	4.33	4.33	3.33	2.17
<b>TOTAL</b>	<b>100.00</b>	<b>46.07</b>	<b>53.80</b>	<b>83.07</b>	<b>79.89</b>	<b>70.82</b>	<b>47.92</b>
<b>Ranking</b>		<b>6<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>5<sup>th</sup></b>

**ADVERTISING/CONSULTATION:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds for the appointment of the project architect and sub-consultants will be contained within the Budgets 2007/08, 2008/09, 2009/10, as the project will be progressed over several years.

The Council will need to re-allocate funds of \$73,920 for the Design Brief and Schematic Design and Design Development stages of the proposed Leederville Child Care Centre, Margaret Kindergarten and Office building (Design Brief only) to be carried out in the 2007/08 financial year.

WALGA will reimburse the Town for costs associated with the proposed office building.

**LEGAL/ POLICY IMPLICATIONS:**

The tender was evaluated in accordance with the Local Government Act (Functions and General) Regulations and the Town's Tender Policy. In addition, the Department of Housing and Works Tender Evaluation Assessment Matrix was used.

**STRATEGIC IMPLICATIONS:**

The appointment of a suitably qualified and experienced architect to this strategically important project will ensure that the project will meet the needs of all stakeholders and the community.

**COMMENTS:**

The Architects' initial tasks will be to provide concept/design plans, advice concerning indicative costs and a more precise timetable/program.

The appointment of a Project Architect is therefore necessary to ensure that the project can progress. Peter Hunt Architect is a long established, reputable Western Australian firm which has extensive office, sports and recreational centre experience. Peter Hunt Architect was responsible for the architectural services of the Loftus Centre Redevelopment (currently under construction) and the Leederville Police Station/Leederville Early Child Care Centre and Margaret Kindergarten proposal in 2006-07 and already has considerable knowledge of the project. Overall, Peter Hunt Architect represented the overall "Best Value" to the Town. Therefore, it is requested that the Council approves of the recommendation.

**PROVISION OF ARCHITECTURAL SERVICES –  
OFFICE BUILDING, CHILD CARE CENTRE AND KINDERGARTEN**

**1. Hodge + Collard Pty Ltd**

Total weighted score:	<b>46.07%</b> (6th)
Fee proposal:	<ul style="list-style-type: none"><li>• Lowest</li></ul>
Knowledge and experience:	<ul style="list-style-type: none"><li>• Established since 1976 in Melbourne with a new Perth Office established in 2006</li></ul>
Capacity to address technical aspects:	<ul style="list-style-type: none"><li>• 17 staff (3 Directors, 2 Associate Directors, 8 Architectural staff, 2 Clerical staff) - small sized firm</li></ul>

Credentials:	<ul style="list-style-type: none"> <li>Fully accredited/Quality Assurance</li> <li>Professional Indemnity Insurance of \$10m</li> <li>Public Liability Insurance of \$20m</li> <li>Bank and Accountant referees provided.</li> </ul>
Availability of key persons:	<ul style="list-style-type: none"> <li>Partners and Directors will be primarily used</li> </ul>
Understanding of Services:	<ul style="list-style-type: none"> <li>Meets criterion</li> </ul>
Experience with major Office Building, Child Care Centre and Kindergarten projects:	<ul style="list-style-type: none"> <li>Very good previous experience with medium size Office Building, Child Care Centre and Primary School projects, meets criterion, medium to low risk to Town</li> </ul>
Experience in the holistic design and construction of sustainable Green Star rated buildings:	<ul style="list-style-type: none"> <li>Does not meet criterion, unacceptably high risk to Town</li> </ul>
History of organisation:	<ul style="list-style-type: none"> <li>Long established small firm located in West Perth</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Documented – almost meet criterion - medium risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion - medium risk to Town</li> </ul>
Proposed methodology:	<ul style="list-style-type: none"> <li>Documented/demonstrated - almost meets criterion - medium risk to Town</li> </ul>
Demonstrated methodology:	<ul style="list-style-type: none"> <li>Documented/demonstrated - almost meets criterion - medium risk to Town</li> </ul>
Demonstrated project management in WA:	<ul style="list-style-type: none"> <li>Documented/demonstrated – almost meets criterion - medium risk to Town</li> </ul>
Identification of key issues and risks:	<ul style="list-style-type: none"> <li>Documented – partly meets criterion – high risk to Town</li> </ul>
Addressing of key issues and risks:	<ul style="list-style-type: none"> <li>Documented – partly meets criterion – high risk to Town</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>Raytheon Australia – Office Building, Coogee Rd, Henderson – 2005 – \$3.7m Base Building, \$1.4m Fit-out</li> <li>Office Building Extension – 14 Parliament Pl, West Perth – 2002 – \$3m</li> <li>Office Building ‘D’Garden Office Park, Scarborough Bch Rd, Osborne Park – 2002 – \$8,5m</li> <li>CBH Building – Office Building, 22 Delhi St, West Perth – \$3m</li> <li>Child Care Buildings: <ul style="list-style-type: none"> <li>Newman – 2008 – \$7m</li> <li>Buggles, Canningvale – 2007 – \$0.6m</li> <li>Buggles, Beckenham – 2006 – \$0.75m</li> <li>Shoalwater – 2006 – \$0.75m</li> <li>Buggles, East Fremantle – Schematic</li> <li>Madeley – Schematic</li> <li>High Wycombe – Schematic</li> </ul> </li> <li>Primary School Projects: <ul style="list-style-type: none"> <li>Kalamunda PS – Alterations &amp; Additions – 2007 - \$43,000</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Gwynne Park PS – Alterations &amp; Additions – 2007 - \$184,800</li> <li>• Kenwick School – Alterations &amp; Additions – 2007 - \$156,000</li> <li>• Maddington PS – Alterations &amp; Additions – 2007 - \$99,000</li> <li>• Westminster PS – Covered Assembly Area – 2003 - \$220,000</li> <li>• Hampton Park PS – Library Upgrade – 2002 - \$150,000</li> <li>• East Fremantle PS – New Library Building – 2001 - \$250,000</li> </ul>
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**Summary**

The Hodge + Collard Pty Ltd tender was very basic and lacked sufficient detail for the various criteria specified. It contained a number of deficiencies and did not address some criterion (eg Experience in Green star buildings, identifying and addressing the Key issues and Risks). This was reflected in the lowest score being awarded to this tender by the Tender Evaluation Panel. The Firm does not possess any exceptional or particular expertise in designing Green Star Buildings and did not include any accredited Specialist Sustainability Design Advisor in the Project Team. This Tenderer submitted the lowest fees. However, an examination of the submitted fees revealed that the fees are well below those recommended by the Department of Housing and Works. The Tenderer has significantly understated the estimated construction costs, on which the fee is generally based. It is considered that the fees do not allow for sufficient allocation of resources to appropriately address the various components of the project to a satisfactory and acceptable standard.

It was the unanimous view of the Tender Evaluation Panel that this tender should not be accepted, as the fees are considered unrealistically low (lowest) and do not allow for a sufficient allocation of resources to appropriately address the various components of the project to a satisfactory and acceptable standard.

It is therefore not considered the “Best Value” for money and will result in an unacceptably high risk to the Town for this significant project.

**2. T & Z Pty Ltd**

Total weighted score:	<b>53.80%</b> (4th)
Fee proposal:	• 2nd lowest
Knowledge and experience:	• Established since 1964
Capacity to address technical aspects:	• 30 Staff; 26 professional staff (12 Architects, 3 Interior Designers, 10 Drafts persons) and 4 Admin)
Credentials:	<ul style="list-style-type: none"> <li>• Fully accredited-Quality Assurance</li> <li>• Professional Indemnity Insurance of \$5m</li> <li>• Public Liability Insurance of \$20m</li> <li>• Bank and Accountant referees provided</li> </ul>
Availability of key persons:	• Partners and Directors will be primarily used
Understanding of Services:	• Almost meets criterion
Experience with major Office Building, Child Care Centre and Kindergarten projects:	• Reasonable previous experience with major Office Building, Child Care Centre and Primary School projects, Exceeds criterion – low risk to Town

Experience in the holistic design and construction of sustainable Green Star rated buildings:	<ul style="list-style-type: none"> <li>Partly meets criterion, some deficiencies, high risk to Town</li> </ul>
History of organisation:	<ul style="list-style-type: none"> <li>Long established medium sized firm located in West Perth</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion – medium risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Documented – almost meet criterion – medium risk to Town</li> </ul>
Proposed methodology:	<ul style="list-style-type: none"> <li>Documented – partly meets criterion – high risk to Town</li> </ul>
Demonstrated methodology:	<ul style="list-style-type: none"> <li>Documented/demonstrated – almost meets criterion - medium risk to Town</li> </ul>
Demonstrated project management in WA:	<ul style="list-style-type: none"> <li>Documented/demonstrated – almost meets criterion – medium risk to Town</li> </ul>
Identification of key issues and risks:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion – medium risk to Town</li> </ul>
Addressing of key issues and risks:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion – medium risk to Town</li> </ul>
Previous projects:	<p>Office Building Projects:</p> <ul style="list-style-type: none"> <li>City of Cockburn Admin Centre – 1991</li> <li>Australian Taxation Office, Northbridge</li> <li>City of Kalgoorlie – 1997 - \$3.5m</li> <li>Disability Services Offices, West Perth – 2000 - \$6.4m</li> <li>CBH Headquarters, West Perth – 2002 - \$10m</li> <li>One City West – 2007 - \$15m</li> </ul> <p>Child Care Centre Projects:</p> <ul style="list-style-type: none"> <li>Broadview</li> </ul> <p>Kindergartens – Pre-Primary in Primary Schools</p> <ul style="list-style-type: none"> <li>Moorditj Community College</li> <li>Caramar Primary School</li> <li>Clayton View Primary School</li> <li>Caralee Primary School</li> </ul> <p>Other:</p> <ul style="list-style-type: none"> <li>Central TAFE - \$45m</li> <li>Marantha Christian College</li> </ul> <p>Plus various Commercial Interior Projects</p>

### Summary

The T & Z Pty Ltd tender was basic and contained a considerable amount of generic information. It lacked sufficient detail for a number of the various criteria specified and did not address some criterion (eg Experience in Green star buildings, identifying and addressing the risks). The Firm does not possess any exceptional or particular expertise in designing Green Star Buildings and did not include any accredited Specialist Sustainability Design Advisor in the Project Team. This was reflected in the third lowest score being awarded to this tender by the Tender Evaluation Panel. This Tenderer submitted the second lowest fees. However, an examination of the submitted fees revealed that the fees are well below those recommended by the Department of Housing and Works. The Tenderer has underestimated the indicative construction costs, on which the fee is generally based. It is considered that the

fees do not allow for sufficient allocation of resources to appropriately address the various components of the project to a satisfactory and acceptable standard.

It was the unanimous view of the Tender Evaluation Panel that this tender should not be accepted, as the fees are considered unacceptably low (second lowest), the tender was deficient and inadequate and will therefore result in a considerable risk to the Town for this significant project.

**3. Peter Hunt Architect**

Total weighted score:	<b>83.07% (1st)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• 3rd lowest</li> </ul>
Knowledge and experience:	<ul style="list-style-type: none"> <li>• Established 1970 - original Directors, with offices in Sydney</li> </ul>
Capacity to address technical aspects:	<ul style="list-style-type: none"> <li>• 26 Professional, 4 Finance and Admin staff</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Fully accredited- Quality assured</li> <li>• Professional Indemnity Insurance of \$10m</li> <li>• Public Liability Insurance of \$10m</li> <li>• Bank reference provided</li> <li>• Numerous Awards received.</li> </ul>
Availability of key persons:	<ul style="list-style-type: none"> <li>• Partners and Directors will be primarily used</li> </ul>
Understanding of Services:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented</li> </ul>
Experience with major Office Building, Child Care Centre and Kindergarten projects:	<ul style="list-style-type: none"> <li>• Extensive previous experience with major Office Building, Child Care Centre and Primary School projects, greatly exceeds criterion – very low risk to Town</li> </ul>
Experience in the holistic design and construction of sustainable Green Star rated buildings:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented, exceeds criterion, low risk to Town</li> </ul>
History of organisation:	<ul style="list-style-type: none"> <li>• Long established medium sized firm located in West Perth</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referees and 4 written references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented – exceeds criterion - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Documented - meets criterion – medium to low risk to Town</li> </ul>
Proposed methodology:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented/demonstrated – exceeds criterion - very low risk to Town</li> </ul>
Demonstrated methodology:	<ul style="list-style-type: none"> <li>• Well documented/demonstrated – exceeds criterion – low risk to Town</li> </ul>
Demonstrated project management in WA:	<ul style="list-style-type: none"> <li>• Well documented/demonstrated – exceeds criterion – low risk to Town</li> </ul>
Identification of key issues and risks:	<ul style="list-style-type: none"> <li>• Well documented/demonstrated – exceeds criterion – low risk to Town</li> </ul>
Addressing of key issues and risks:	<ul style="list-style-type: none"> <li>• Well documented/demonstrated – exceeds criterion – low risk to Town</li> <li>•</li> </ul>
Previous projects:	<p>Office Buildings:</p> <ul style="list-style-type: none"> <li>• City of Bunbury – Admin Offices - 2006 - \$12m – MBA Design Award</li> <li>• Dept of Sport &amp; Recreation Offices,</li> </ul>

	<p>Leederville - 2005 - \$7m</p> <ul style="list-style-type: none"> <li>• Council House Offices, Perth - 2000 - \$30m – RAIA Design Award for Recycled Building, RAIA Civic Design Award</li> <li>• Town of Vincent Offices and Council Chambers - 1997 - \$6m – RAIA Civic Design Award</li> <li>• Rio Tinto New Offices and Remote Operations Centre, Perth Airport - 2007 - \$25-\$30m Potentially 7,000m2)</li> </ul> <p>Other:</p> <ul style="list-style-type: none"> <li>• Commercial Union Head Office, Melbourne – 1995</li> <li>• Dept of Land &amp; Admin Offices, Midland – 1992</li> </ul> <p>Child Care Centres:</p> <ul style="list-style-type: none"> <li>• Early Childhood Child Care Centre, Leederville – prepared design concept for possible relocation of existing Child Care Centre</li> <li>• Challenge Stadium</li> <li>• Dunsborough Community Centre</li> </ul> <p>Creche Facilities:</p> <ul style="list-style-type: none"> <li>• Next Generation Kings Park</li> <li>• Beatty Park Leisure Centre</li> <li>• Narrogin Recreation Centre</li> <li>• Hurstville Aquatic &amp; Rec Centre (NSW)</li> <li>• Hobart Tattersalls Aquatic Centre (TAS)</li> </ul> <p>Kindergartens:</p> <ul style="list-style-type: none"> <li>• Margaret Kindergarten – prepared design concept for reconstruction</li> <li>• Numerous recreation centres, Gold Coast Convention Centre, WA Policy Academy – many award winning</li> </ul>
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### Summary

The Peter Hunt Architect tender was very detailed, comprehensive and was professionally presented. It contained extensive details for all of the various criteria, specifically addressing the Town's project. It was only one of three tenders which comprehensively addressed all the criteria, particularly addressing the criteria for Green star buildings. It was only one of two tenders which included a Specialist Sustainability Design Advisor, who is an accredited Professional of the Green Building Council of Australia, as part of the Project Team. The Project Team is headed by one of the Firm's owner (Peter Hunt), Directors and most experienced Architects and support staff. It has demonstrated that it has the capacity and resources to more than adequately carry out this project. The Firm is a well established Western Australian practice, which has won numerous prestigious awards for their projects over many years. This was reflected in the highest score being awarded to this tender by the Tender Evaluation Panel. This Tenderer's fees submitted are those recommended by the Department of Housing and Works. It is considered that the fees are fair and reasonable.

It was the unanimous view of the Tender Evaluation Panel that this tender should be accepted as it is of a very high standard, the most professional, comprehensive and considered the “Best Value” for money.

**4. Woodhead**

Total weighted score:	<b>79.89%</b> (2nd)
Fee proposal:	<ul style="list-style-type: none"> <li>• 4<sup>th</sup> Lowest</li> </ul>
Knowledge and experience:	<ul style="list-style-type: none"> <li>• Established since 1927</li> </ul>
Capacity to address technical aspects:	<ul style="list-style-type: none"> <li>• Inter-National Company with 14 Offices in Australia and Asia with over 370 staff</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Fully accredited/Quality Assurance</li> <li>• Professional Indemnity Insurance of \$5m</li> <li>• Public Liability Insurance of \$10m</li> <li>• Bank Accountant references provided.</li> <li>• Numerous Awards received</li> </ul>
Availability of key persons:	<ul style="list-style-type: none"> <li>• Partners and Directors will be primarily used</li> </ul>
Understanding of Services:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented</li> </ul>
Experience with major Office Building, Child Care Centre and Kindergarten projects:	<ul style="list-style-type: none"> <li>• Extensive previous experience with major Office Building, Child Care Centre and Primary School projects, greatly exceeds criterion – very low risk to Town</li> </ul>
Experience in the holistic design and construction of sustainable Green Star rated buildings:	<ul style="list-style-type: none"> <li>• Meets criterion, medium to low risk to Town</li> </ul>
History of organisation:	<ul style="list-style-type: none"> <li>• Long established small firm located in Perth</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referees and 4 References provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented – exceeds criterion - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Exceeds criterion - low risk to Town</li> </ul>
Proposed methodology:	<ul style="list-style-type: none"> <li>• Documented/demonstrated - exceeds criterion – low risk to Town</li> </ul>
Demonstrated methodology:	<ul style="list-style-type: none"> <li>• Documented/demonstrated - exceeds criterion – low risk to Town</li> </ul>
Demonstrated project management in WA:	<ul style="list-style-type: none"> <li>• Documented/demonstrated - exceeds criterion – low risk to Town</li> </ul>
Identification of key issues and risks:	<ul style="list-style-type: none"> <li>• Documented - exceeds criterion – low risk to Town</li> </ul>
Addressing of key issues and risks:	<ul style="list-style-type: none"> <li>• Documented - exceeds criterion - low risk to Town</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>• City of Gosnells Civic Complex - 2005</li> <li>• City of Wanneroo Admin &amp; Civic Centre – 2002 - \$13.8m</li> <li>• Durack 2, Victoria Ave, Perth – current - estimated cost \$35m</li> <li>• Westralia Airports Corporation Office Building, Perth Airport- 2007 - \$15m</li> <li>• Waroona Health &amp; Community Resource Centre</li> <li>• City of Perth – Citiplace Child Care Centre</li> </ul>

**Summary**

The Woodhead tender was very detailed, comprehensive and was professionally presented. It contained extensive details for all of the various criteria, specifically addressing the Town’s

project. It was only one of three tenders which comprehensively addressed all the criteria, particularly addressing the criteria for Green star buildings. The Project Team is headed by the Firm's Principal, experienced Architects and support staff. The Project Team will include an in-house "Green Star Professional". It has demonstrated that it has the capacity and resources to more than adequately carry out this project. The Firm is a well established Western Australian practice, which has won a number of awards for their projects. This was reflected in the second highest score being awarded to this tender by the Tender Evaluation Panel. The fees submitted are well above those recommended by the Department of Housing and Works.

It was the unanimous view of the Tender Evaluation Panel that this tender was of a very high standard, professional and comprehensive, but should not be accepted as the fees are considered high (third highest), and therefore not considered the "Best Value" for money, when compared to others submitted ( ie \$174,900 above the recommended Tender).

**5. Jones Coulter Young Pty Ltd (JCY)**

Total weighted score:	<b>70.82% (3rd)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• 5th Lowest</li> </ul>
Knowledge and experience:	<ul style="list-style-type: none"> <li>• Established in 1986 as PCECJ and changed name in 1995 as JCY (4 of 5 Directors remain)</li> </ul>
Capacity to address technical aspects:	<ul style="list-style-type: none"> <li>• 51 staff; (5 Directors, 4 Associates, 26 Architects, 1 Interior Designer, 10 Drafts persons, 6 Admin staff, 3 Support staff) same office for 21 years</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Fully accredited/Quality Assurance</li> <li>• Professional Indemnity Insurance of \$10m</li> <li>• Public Liability Insurance of \$10m</li> <li>• Bank reference provided.</li> <li>• Numerous Awards received</li> </ul>
Availability of key persons:	<ul style="list-style-type: none"> <li>• Partners and Directors will be primarily used</li> </ul>
Understanding of Services:	<ul style="list-style-type: none"> <li>• Very good, exceeds criterion</li> </ul>
Experience with major Office Building, Child Care Centre and Kindergarten projects:	<ul style="list-style-type: none"> <li>• Extensive previous experience with major Office Building, Child Care Centre and Primary School projects – greatly exceeds criterion – very low risk to Town,</li> </ul>
Experience in the holistic design and construction of sustainable Green Star rated buildings:	<ul style="list-style-type: none"> <li>• Exceeds criterion, low risk to Town</li> </ul>
History of organisation:	<ul style="list-style-type: none"> <li>• Long established small firm located in Perth</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referees provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Documented - meets criterion - medium to low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Documented - meets criterion - medium to low risk to Town</li> </ul>
Proposed methodology:	<ul style="list-style-type: none"> <li>• Documented/demonstrated - meets criterion - medium to low risk to Town</li> </ul>
Demonstrated methodology:	<ul style="list-style-type: none"> <li>• Documented/demonstrated - meets criterion - medium to low risk to Town</li> </ul>
Demonstrated project management in WA:	<ul style="list-style-type: none"> <li>• Documented/demonstrated - meets criterion - medium to low risk to Town</li> </ul>
Identification of key issues and risks:	<ul style="list-style-type: none"> <li>• Documented - meets criterion - medium to low risk to Town</li> </ul>

Addressing of key issues and risks:	<ul style="list-style-type: none"> <li>• Documented - meets criterion - medium to low risk to Town</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>• Oxford Town Centre – Leederville – current</li> <li>• City of Stirling Civic Building Complex – 2005 - \$25m</li> <li>• City of Canning Civic Building Complex – 2006 - \$12m</li> <li>• Edith Cowan University, New Library – 2007 - \$36m</li> <li>• Edith Cowan University, Science &amp; Health Building – 2000 - \$25.5m</li> <li>• Bible House, Perth – in progress - \$60m</li> <li>• Edith Cowan University, School of Education new building – 2004 - \$6m</li> <li>• Curtin Business School &amp; School of Physiotherapy – 2003 - \$22m</li> <li>• Heytesbury Office Project – 1998 - \$3.8m</li> <li>• Newspaper House, Herdsman new building relocation – 1998 - \$25m</li> <li>• Mount Lawley Senior High School – Masterplan 2004 – 25m</li> <li>• Peel Education &amp; TAFE Campus expansion – 2000 - \$25.3m</li> <li>• St Hilda’s Anglican School for Girls, Boarding House – 2002 - \$6m</li> <li>• Atwell &amp; Kim Beazley School – in progress - \$36m</li> <li>• The Immigration Museum, Melbourne</li> <li>• Bishops See, Perth – Office Building</li> <li>• Manchester Civil Justice Centre – Office Building</li> </ul>

**Summary**

The Jones Coulter Young Pty Ltd tender was very detailed, comprehensive and was professionally presented. It contained extensive details for all of the various criteria, specifically addressing the Town’s project. It was only one of three tenders which comprehensively addressed all the criteria, particularly addressing the criteria for Green star buildings. . It was only one of two tenders which included a Specialist Sustainability Advisor, who is an accredited Professional, as part of the Project Team. The Project Team is headed by one of the Firm’s Directors, experienced Architects and support staff. It has demonstrated that it has the capacity and resources to more than adequately carry out this project. The Firm is a well established Western Australian practice, which has won a numerous awards for their projects over a number of years. This was reflected in the third highest score being awarded to this tender by the Tender Evaluation Panel. The fees submitted are well above those recommended by the Department of Housing and Works.

It was the unanimous view of the Tender Evaluation Panel that this tender was of a very high standard, professional and comprehensive, but should not be accepted as the fees are high (second highest), and therefore not considered the “*Best Value*” for money, when compared to others submitted ( ie \$212,300 above the recommended Tender).

**6. Ashton Raggatt McDougall Pty Ltd (ARM)**

Total weighted score:	<b>47.92% (5th)</b>
Fee proposal:	• 6th Lowest
Knowledge and experience:	• Established since 1986. Perth Office opened in 2006.
Capacity to address technical aspects:	• 3 Directors, 4 staff in Perth and 55 staff in

	Melbourne
Credentials:	<ul style="list-style-type: none"> <li>Fully accredited/Quality Assurance</li> <li>Professional Indemnity Insurance of \$10m</li> <li>Bank and Accountant referees provided.</li> <li>Numerous Awards received</li> </ul>
Availability of key persons:	<ul style="list-style-type: none"> <li>Partners and Directors will be primarily used</li> </ul>
Understanding of Services:	<ul style="list-style-type: none"> <li>Almost meets criterion</li> </ul>
Experience with major Office Building, Child Care Centre and Kindergarten projects:	<ul style="list-style-type: none"> <li>Reasonable previous experience with major Office Building, Child Care Centre and Primary School projects, meet criterion – medium to low risk to Town</li> </ul>
Experience in the holistic design and construction of sustainable Green Star rated buildings:	<ul style="list-style-type: none"> <li>Partly meets criterion, high risk to Town</li> </ul>
History of organisation:	<ul style="list-style-type: none"> <li>Long established small firm establish in Melbourne and in Perth in 2006</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees and 2 References provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion - medium risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion - medium risk to Town</li> </ul>
Proposed methodology:	<ul style="list-style-type: none"> <li>Documented/demonstrated – partly meets criterion – high risk to Town</li> </ul>
Demonstrated methodology:	<ul style="list-style-type: none"> <li>Documented/demonstrated - almost meets criterion - medium risk to Town</li> </ul>
Demonstrated project management in WA:	<ul style="list-style-type: none"> <li>Documented/demonstrated – almost meets criterion - medium risk to Town</li> </ul>
Identification of key issues and risks:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion - medium risk to Town</li> </ul>
Addressing of key issues and risks:	<ul style="list-style-type: none"> <li>Documented – almost meets criterion - medium risk to Town</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>Albury Cultural Centre – 2007 - \$13m</li> <li>Marion Cultural Centre – 2001 - \$8.5m</li> <li>Rosedale Primary School, Melbourne</li> <li>Port 1010, Digital Harbour, Melbourne</li> <li>ACER Office Building , Melbourne</li> <li>Mounts Bay Foreshore Redevelopment</li> <li>140 William St, Perth commercial buildings</li> <li>Perth Arena – estimated completion in 2010</li> </ul>

### Summary

The Ashton Raggatt McDougall Pty Ltd tender was basic and contained a considerable amount of generic information. It lacked sufficient detail for a number of the various criteria specified and did not address some criterion (eg Experience in Green star buildings, identifying and addressing the Key issues and Risks). The Firm does not possess any exceptional or particular expertise in designing Green Star Buildings and did not include any accredited Specialist Sustainability Design Advisor in the Project Team. The Firm was only established in Perth in 2006 and has limited resources in Perth. The majority of their resources are located in Melbourne. This was reflected in the second lowest score being awarded to this tender by the Tender Evaluation Panel. This Tenderer submitted the highest fees. An examination of the submitted fees revealed that the fees are well above those recommended by the Department of Housing and Works. It is considered that the fees are excessively high.

The tender document states; *“Currently the ARM team in Perth consists of 4 full time staff, with the Directors and staff flying in from Melbourne on a regular basis”*.

It was the unanimous view of the Tender Evaluation Panel that this tender should not be accepted as the Perth office is considered insufficiently resourced to adequately meet the demands of the Town’s project and the fees are not considered the *“Best Value”* for money when compared to others submitted ( ie \$215,600 above the recommended Tender).

**10.4.5 Audit Committee – Receiving of Confirmed Minutes July 2007 and Unconfirmed Minutes September 2007**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Minutes (confirmed) dated 26 July 2007 and Minutes (unconfirmed) dated 27 September 2007 of the Town's Audit Committee, as shown in Appendices 10.4.5(A) and 10.4.5(B).*

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the confirmed minutes of the Audit Committee held on 26 July 2007 and the unconfirmed minutes of the Audit Committee held on 27 September 2007.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

*"That the Council;*

- (i) APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
  - (a) the process of selecting the Auditor;*
  - (b) recommending to Council on the Auditor;*
  - (c) managing the Audit Process;*
  - (d) monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
  - (e) submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
  - (f) consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
  - (g) to oversee Risk Management and Accountability considerations; and*
  - (h) to oversee Internal Audit/Accountability functions;"*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2006-2011 lists the following objectives;

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

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

**FINANCIAL IMPLICATIONS:**

Nil.

**COMMENT:**

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter.

**10.4.6 Development Approval Conditions and Adopted Procedures - Cash in Lieu Contribution for Shortfall of Car Parking Spaces; Percentage for Public Art Contribution; and Works Bonds**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 December 2007
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	FIN0167, FIN0168
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	A Rayner, T Lumbis		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, R Lotznicker, M Rootsey, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to Development Approval Conditions and Adopted Procedures - Cash In Lieu Contribution for Shortfall of Car Parking Spaces; Percentage for Public Art Contribution and Works Bonds as at 11 December 2007; and*
- (ii) *NOTES that;*
  - (a) *formalised and adopted procedures are in place to ensure that any required cash in lieu for shortfall of car parking spaces and percentage for public art work contributions are paid prior to the issues of a building licence/commencement of the development; and*
  - (b) *the Town's Auditors have audited the adopted procedures and financial matters and have provided a "satisfactory" rating.*

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an update on the adopted procedures for cash in lieu contribution for shortfall of car parking spaces; percentage for public art contribution; and works bonds.

**BACKGROUND:**

**Cash in Lieu Contribution for Shortfall of Car Parking Spaces**

At the Ordinary Meeting of Council held on 10 April 2007, the Council considered an item relating to the cash in lieu contribution for shortfall of car parking spaces in the Information Bulletin and resolved as follows;

- "(i) ...provide a report to the next meeting of Council concerning the number of development applications which had "cash-in-lieu" imposed and whether these had been paid."

In April 2007, the Chief Executive Officer requested that an audit of the Town's Development Approval conditions and compliance with the cash in lieu contribution for shortfall of car parking spaces be carried out. This process was very time consuming and slow progress was made - primarily due to the need to research every Council report to ensure accuracy. A number of progress reports were prepared.

The Town's internal audit revealed that;

- (i) there was a limited formal procedure in place to ensure that cash in lieu was paid prior to the commencement of the development;
- (ii) the enforcement of the cash in lieu condition was inconsistently followed up by the Town's Officers - mainly due to the limited formal procedure and turnover of staff; and
- (iii) a high number of applicants had not paid the required cash in lieu contribution.

On 27 June 2007, thirty-nine (39) letters and accompanying invoices were sent to the original owners of the properties where Development Approval was given that required the cash in lieu contribution for shortfall of car parking spaces and as determined by the Town had not been paid.

Between 27 June 2007 and 14 September 2007, the Town's Officers liaised with original owners, current owners and applicants in relation to the Development Approvals in question to determine the status of developments, adjustments to the cash in lieu contribution for the shortfall of car parking spaces where more parking was provided, and recovery of monies due under these invoices.

The matter was reported to the Audit Committee meeting held on 26 July 2007. The Audit Committee considered this matter and resolved as follows;

*"That the Committee;*

- (i) *EXPRESSES its concern about this matter;*
- (ii) *NOTES the actions taken by the Chief Executive Officer to date;*
- (iii) *REQUESTS the Chief Executive Officer to;*
  - (a) *take all appropriate action to recover the outstanding monies;*
  - (b) *provide a further report for the consideration of the Audit Committee in late September 2007; and*
- (iv) *REQUESTS the Auditors to;*
  - (a) *audit the procedure to be put in place and be satisfied about its effectiveness to prevent a recurrence of the matter;*
  - (b) *audit the Trust Fund - Works Bonds to ensure compliance with the Local Government Act; and*
  - (c) *audit the Chief Executive Officer's report on the matter."*

On 14 September 2007, a stricter debt recovery process was initiated for those matters that were still outstanding as determined by the Town's Officers after the above liaison period. The second letter demanding payment and outlining the Town's position in relation to this payment was sent to 16 persons, who failed to respond to the initial letter or who denied responsibility.

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As at 14 September 2007, the Town's Officers were still receiving payments of invoices or making arrangements for payment, determining those owners/ applicants that were refusing to pay or were seeking legal advice on the matter.

The Audit Committee further considered this matter at its 26 September 2007 meeting and resolved as follows:

*"That the Committee;*

- (i) RECEIVES the Progress Report relating to Development Approval Conditions - Cash In Lieu Contribution for Shortfall of Car Parking Spaces as at 25 September 2007; and*
- (ii) NOTES that a procedure is in place to ensure that no Building Licences are issued until the specified cash-in-lieu has been paid."*

### **Percentage for Public Art Contribution**

In June 2007, as part of the audit of the Development Approval conditions – cash in lieu contribution for shortfall of car parking spaces, it was highlighted that a similar investigation into "Percent for Art" Development Approval conditions and further procedures for ensuring compliance was required. Initial enquiries into Development Approval conditions identified that the percentage for public art contribution as a Development Approval condition and its status was not easily determined. A similar internal audit to the cash in lieu for shortfall of car parking spaces was therefore initiated by the Chief Executive Officer.

The Town's Percent for Art Policy was initially adopted in April 1998.

On 12 September 2007, the Town's relevant Officers met to discuss those Development Approvals that were outstanding in terms of payments, public artwork completion and records. The following was resolved:

- 17 development applications had been approved in 2006 and 2007 and had as yet not paid the percentage for public art contribution or contacted the Town's Arts Officer. It was resolved at that meeting that invoices for the percentage for public art contribution option would be raised and the Guidelines for Developers would be sent with a letter requesting the applicants/ owners to comply with the condition by paying the invoice or contact the Arts Officer.
- 3 development applications had been approved between 1998 and 2006 that had not yet paid the percentage for public art contribution amount or contacted the Town's Arts Officer. It was resolved at this meeting that a letter requesting the applicants/ owners to contact the Town's Officers with information as to the progress and status of the development in relation to the percentage for public art contribution was to be issued.
- A series of letters and plan of action similar to the cash in lieu for shortfall of car parking spaces was discussed and agreed upon.

The Audit Committee considered this matter at its 26 September 2007 meeting and resolved as follows:

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*“That the Committee;*

- (i) RECEIVES the Progress Report relating to Development Approval Conditions – Percentage for Public Art Contribution; and*
- (ii) NOTES that a procedure is in place to ensure that no Building Licences are issued until the specified Percentage for Art bond is paid.”*

In addition, the Audit Committee was advised of the interim procedures for development approval conditions. These interim procedures have continued to date and are now the adopted procedures for managing the percentage for public art contribution.

Streamlining of the procedure is continual as experience and understanding of the process is gained by all Officers involved. As at 5 December 2007, a new condition has been agreed upon and will be adopted as of 1 January 2008 between service areas to enable the percentage for public art contribution to be managed in an even more efficient manner.

The new condition reads as follows:

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

- (a) pay a cash in lieu public art contribution of \$<<insert contribution amount>> for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$<< insert development cost>>); OR*
  - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of << insert contribution amount>>) with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
    - (1) Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$<< insert development cost>>) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
    - (2) A Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’ have been submitted to and approved by the Town; or*
    - (3) The subject ‘Approval to Commence Development’ did not commence and subsequently expired.*
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*In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.*

*The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b)(1) under this condition of approval if:*

- (aa) a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work."*

### **Adopted Procedures**

As part of the cash in lieu for shortfall of car parking spaces and the percentage for public art contribution audit, it was highlighted at an early stage that the Town's procedures for ensuring compliance with these conditions required strengthening.

To address this inadequacy, revised procedures have been discussed between relevant Service areas, a review of the present procedures was undertaken to determine the shortfalls of previous procedures and interim procedures have been adopted to manage the Development Approval conditions.

Interim procedures for Development Approval conditions were implemented in early June 2007 and were continually expanded and revised during the review of the cash in lieu for shortfall of car parking spaces.

On 21 June 2007, interim procedures for Development Approval conditions were implemented and included the following provisions:

- All Development Approvals are disseminated by the Planning Officer/ Administration Officer and Development Approval conditions relating to:
  - cash in lieu for shortfall of car parking spaces;
  - percentage for public art contributions;
  - time bound conditions; and
  - retrospective development approvals;

are classified according to which Service areas are responsible for ensuring compliance.

- The Planning Officer/ Administration Officer maintains a record of these conditions on an electronic database and notifies each relevant Service area of the conditions.
  - Each Service area liaises and exchanges information with the Planning Officer/ Administration Officer as to the status of each Development Approval with conditions that require case by case management. (that is, cash in lieu for car parking, percentage for public art contributions).
-

- On a case by case basis, correspondence is sent to assist each applicant/ owner to comply with the conditions of the Development Approval which has led to a series of pro-forma letters that are sent out at different stages of the proposed development's progress.
- Part of this procedure is that an invoice is raised immediately after the Development Approval is granted and a letter to help the applicant/ owner comply is sent.
- The applicant/ owner under the streamlined interim procedure then has 30 days to:
  - pay the invoice with the intention that if they do not proceed with the development approval then the Town will refund these monies;
  - contact the Town to enter into a payment plan;
  - contact the Town to advise that they are not proceeding with the development approval until an advised date in which case the Town will not claim for the money until that agreed date; or
  - contact the Town to advise that they are not proceeding with the development approval.

The interim procedures ensure that there is a record of the conditions that require monies to be received by the Town in both the Development Services electronic database and also the Town's financial ledgers.

On 26 September 2007, the Audit Committee received the Progress Report relating to Development Approval Conditions – Interim Procedures.

On 31 October 2007, the above mentioned Interim Procedures were adopted.

### **Works Bonds**

In June 2007, the Town's Officers carried out an audit of all outstanding Works Bonds attached as a Development Approval condition between 1995 and 2004. Work Bonds that are held in trust by the Town relating to Development Approvals issued from 2004 to date relate to developments that are currently about to begin, are in progress or have just completed construction.

During the period from 31 August 2007 to 11 September 2007, correspondence was sent to approximately 950 applicants in an effort to release the outstanding and unclaimed Work Bonds currently held in trust by the Town.

The Town's Officers collated all responses and have produced payment vouchers for over 370 properties. The final payments were issued on 5 December 2007. The Town's Officers are now collating and preparing bulk payment vouchers for the monies to be transferred by the Town of Vincent to these applicants which is scheduled for completion by 31 December 2007.

### **DETAILS:**

#### **Cash in Lieu Contribution for Shortfall of Car Parking Spaces**

On 30 October 2007, a further letter was sent to those owners/ applicants that had failed to pay the outstanding contribution advising that if payment was not received within 14 days, that it was the Town's position that it could now proceed to prosecute the matter under the

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Planning and Development Act 2005 and this would require the owners/ applicant to cease the subject use of the premises.

As from 31 October 2007, the following new cash in lieu for car parking contribution condition has been imposed on the relevant Development Approvals, which enables a greater assurance of payment of such contributions:

*“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 \$<<insert contribution amount>> for the equivalent value of <<insert parking shortfall>> car parking spaces, based on the cost of \$2,700 per bay as set out in the Town’s 2007/2008 Budget; OR*
- (b) lodge an appropriate assurance bond/ bank guarantee of a value of \$<<insert contribution amount>> 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.”*

As at 5 December 2007, significant progress has been made in the recovery of monies from the owners/ applicants. In addition, a consolidation and formalisation of the best practice for recovery of the cash in lieu contribution has been achieved.

The following Table shows a summary of:

- (a) the number of Development Applications with cash in lieu imposed;
  - (b) the number of Development Applications where cash in lieu was rescinded or where developments have not or did not commence;
  - (c) the number of Development Applications where cash in lieu has been paid or a payment plan is in place;
  - (d) the number of Development Applications where cash in lieu is outstanding;
  - (e) the amount of cash in lieu received by the Town; and
  - (f) the amount of cash in lieu still outstanding.
-

**Table 1. 1995 to 2006 Cash In Lieu Payment (CIL) for Car Parking  
(As of 6 December 2007)**

<b>Year</b>	<b>Number of Development Applications with Cash in Lieu (CIL) Payment Imposed</b>	<b>Number of Development Applications Not Commenced or CIL Rescinded</b>	<b>Number of Development Applications with CIL Paid</b>	<b>Number of Development Applications Outstanding</b>	<b>CIL Amount Received by the Town</b>	<b>CIL Amount Outstanding</b>
1995	6	5	0	1	\$15,500	\$27,000
1996	14	7	6	1	\$204,438	\$10,800
1997	8	5	2	1	\$7,900	\$27,489
1998	7	3	3	1	\$99,261	\$11,000
1999	0	0	0	0	\$0	\$0
2000	0	0	0	0	\$0	\$0
2001	3	1	2	0	\$19,075	\$0
2002	7	2	4	1	\$29,550	\$12,500
2003	7	3	4	0	\$78,250	\$0
2004	16	7	9	0	\$95,260	\$0
2005	17	6	9	2	\$67,001	\$9,063
2006	19	11	7	1	\$94,107	\$8,385
<b>TOTAL</b>	<b>104</b>	<b>50</b>	<b>46</b>	<b>8</b>	<b>\$710,342</b>	<b>\$106,237</b>
<b>Percentage of Total Cash in Lieu Contribution</b>					<b>86.97%</b>	<b>13.01%</b>

On 5 December 2007 it was resolved that the six (6) outstanding contributions identified that exist from Development Approvals from 1995 to 1 January 2006 will be referred to the Town's Compliance Officer so that a written direction will be served under the Planning and Development Act 2005 according to the Town's legal advice on these items.

On 12 December 2007, the Town's auditor conducted an audit of the Town's procedures for cash in lieu, percent for art and work bonds and the action taken in recovering outstanding items. A report will be provided in due course to the next scheduled Audit Committee Meeting (in February 2008) after it becomes available, however, it is pleasing to report that the Auditor is satisfied with the Town's procedures and handling of this matter.

### Percentage for Public Art Contribution

The following Table shows a summary of this amount for each year.

<b>Table 2. 1998 to 2007 Percentage for Art Contribution (As of 6 December 2007)</b>						
<b>YEAR</b>	<b>Number of Development Approvals with % Art imposed</b>	<b>Number of Development Approvals Not Commenced</b>	<b>Number of Development Approvals Commenced</b>	<b>Number of Development Approvals Commenced and Not Resolved</b>	<b>Number of Development Approvals Commenced and Not Resolved</b>	<b>Amount Outstanding *</b>
1998	2	0	2	2	0	\$0
1999	5	2	3	3	0	\$0
2000	9	7	2	2	0	\$0
2001	10	8	2	2	0	\$0
2002	15	6	9	9	0	\$0
2003	12	5	7	7	0	\$0
2004	15	5	10	10	0	\$0
2005	10	5	5	5	0	\$0
2006	15	14	2	2	0	\$0
2007	11	11	0	0	0	\$0
<b>TOTAL</b>	<b>104</b>	<b>63</b>	<b>42</b>	<b>42</b>	<b>0</b>	<b>\$0</b>

In some instances, the Town will require a bond to be held in trust until the public artwork is in place and assessed. In the past, the option to provide the public artwork has been more readily taken up and thus, as agreements are entered into, the amount outstanding for each year's developments is reduced. It should be highlighted that the amount outstanding should not be seen as expected income but used as a guide to how many percentage for public art contributions are required to be settled per year.

With the adoption of the new percentage for public art work contribution condition for Development Approvals, management of the percentage for public art contribution has been eased between Service areas and for each Officer involved.

### Adopted Procedures

The Interim procedures have been consolidated and implemented since 26 September 2007 and now form the adopted procedure for Development Approval conditions.

On 31 October 2007, a new cash in lieu contribution for shortfall of car parking condition was adopted and has been applied to development approvals since that date.

Similarly, the percentage for public art contribution condition has also been reviewed and agreed upon with adoption effective as of 1 January 2008.

Both of these conditions reflect the Town's desire to manage the contributions to facilitate the Town's fiscal duties and trust accounting requirements but also recognise that substantial pressure is placed on the Town's Officers and the developer in question at the Building Licence stage. The new conditions enable any outstanding monies to be paid within a defined period of twenty - eight (28) days from the date of the issue of the approval and forms a

proactive relationship with owner(s), applicants and developers/ builders increasing the Town's community service. The new conditions employed also establish the process for claiming assurances/ bonds back from the Town if the development does not proceed or, in the case of per cent for public artwork contributions, the artwork is supplied and approved.

Continual streamlining of the procedure is expected in the future however, the structure of the procedure ensures all Service area requirements are met and managed effectively.

**Works Bonds**

At the time of conducting the audit, the Work Bond amounts with trust identification numbers ("Trust ID") and those without trust identification numbers are outlined in the following Table:

<b>Year</b>	<b>Work Bonds <u>with</u> Trust ID Numbers Available as at June 2007</b>	<b>Work Bonds <u>without</u> Trust ID Numbers Not Available as at June 2007</b>	<b>Payment Vouchers Issued to Property Owners/Residents</b>	<b>Payment Vouchers Issued to Town of Vincent</b>
COP 1990		\$400	Nil	\$400
COP 1991		\$1,100	Nil	\$1500
COP 1992		\$10,305	\$4,870	\$5,435
COP 1993		\$11,600	\$7,888	\$3,712
COP 1994		\$24,356	\$14,956	\$9,400
COP 1995		\$8,268	\$2,700	\$5,568
1995	\$15,300	\$5,200	\$6,100	\$6,500
1996	\$15,000	\$5,650	\$4,300	\$3,200
1997	\$20,200	\$17,200	\$4,500	\$13,400
1998	\$21,836	\$800	\$4,000	\$2,900
1999	\$91,000	\$10,820	\$23,200	TBA
2000	\$45,300	\$2,050	\$22,715	TBA
2001	\$42,785	\$12,070	\$58,415	TBA
2002	\$46,920	\$11,240	\$24,640	TBA
2003	\$42,150	\$43,150	\$34,710	TBA
2004	\$89,005	\$27,230	\$53,155	TBA
<b>TOTAL</b>	<b>\$429,496.00</b>	<b>\$191,439</b>	<b>\$266,149</b>	<b>\$52,015</b>

In relation to the above Table, the following comments are made:

- Work Bonds with Trust ID numbers are where the information is available and letters have duly been sent to applicants.
- Work Bonds without Trust ID numbers are still being processed by Officers as all the information is not available on the Town's corporate financial system that is, this could be due to refunds being previously made or the financial information not being transferred onto the new system. Further investigation of these items is continuing.

- Work Bonds transferred from the former City of Perth for the period 1990 to 1995 were audited in 1995, where it was identified that the Town had not received funds from the City of Perth.
- Payment Vouchers Issued to Property Owners indicates the amount already refunded to residents/owners.
- Payment Vouchers Issued to Town of Vincent is the amount to be received by the Town of Vincent where no refund is applicable.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act 1995 at Section 6.9 specifies the Trust Funds.

*"6.9 Trust Fund*

- (1) *A local government is to hold in the trust fund all money or the value of assets -
  - (a) that are required by this Act or any other written law to be credited to that fund; and
  - (b) held by the local government in trust.*
- (2) *Money or other property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it.*
- (3) *where money or other property is held in the trust fund, the local government is to -
  - (a) in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment;
  - (b) in the case of property, deliver it to the person entitled to it.*
- (4) *Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment."*

The Local Government Act 1995 requires local governments to have proper procedures in place for their various activities and correct record keeping to be carried out.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Town's Strategic Plan 2006-2011, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner."*

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## **FINANCIAL/BUDGET IMPLICATIONS:**

### **Cash in Lieu Contribution for Shortfall of Car Parking Spaces**

As at 6 December 2007, there is outstanding cash in lieu contribution for shortfall of car parking spaces of \$106,237, as detailed in Table 1 above.

### **Percentage for Public Art Contribution**

At present, there is nil outstanding in percentage for public art contributions.

### **Works Bonds**

As indicated in the Table, approximately \$429,000 is available for work bonds with trust identification numbers available as at June 2007 and about \$191,000 without trust identification numbers. To date, about \$52,000 has been retained by the Town in trust with a projected total of around \$250,000 expected to be retained by the Town in trust when the exercise has been completed.

## **COMMENTS:**

### **Cash in Lieu Contribution for Shortfall of Car Parking Spaces**

Substantial progress on this matter has been made and procedures between relevant Service areas have been agreed to ensure that this condition (and others) is enforced in a systematic matter. The consolidation and implementation of "best practice" procedures within the Town and the implementation of a new standard condition that imposes the cash in lieu for car parking contribution has occurred. In addition, the Town has increased its communication quality and level with applicant/ owners in the instances where the Town's Parking and Access Policy is applied or potentially may apply.

The Chief Executive Officer is confident that all outstanding monies will be recovered and that the new procedures instituted will ensure that Development Approval conditions will be enforced to ensure compliance.

### **Percentage for Public Art Contribution**

Substantial progress has been made in this audit and due to the type of developments that the percentage for public art applies to, it appears developers have been quite accepting of the condition and thus are eager to get the artwork approved and the development under way.

The Chief Executive Officer is confident that full compliance with the percentage for public art condition will be achieved. Further procedures have been instituted to ensure that percentage for public art contributions will be paid prior to the commencement of the development, which will become more streamlined with the adoption of the new condition as discussed above.

### **Adopted Procedures**

As at 6 December 2007, formal adopted procedures for the effective management of the approval conditions in question have been consolidated. Continual review and streamlining of the procedures around this framework will occur over the next year. A workshop meeting with key Officers has been held to build understanding between Officers and provide a holistic picture to all Officers involved of the procedure and the key requirements that must not be modified in the procedures. This will ensure that development conditions and their enforcement will be processed in a more efficient manner.

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The Chief Executive Officer is now satisfied and confident that these adopted procedures will provide a robust system that will ensure that compliance with Development Approval conditions is managed effectively and responsibly by the Town to ensure compliance with the Town's imposed requirements.

**Work Bonds**

Completion of refund vouchers for the Town of Vincent is imminent and upon this a trial balance review of the Town's trust account for Works Bonds can be completed to ensure all applicable monies have been identified and assigned correctly. Should any funds be located at this time that can not be identified, or raises a query as to its accuracy and the status of the related Development Approval, a courtesy letter will be forwarded to the owners/residents as per the abovementioned process and appropriate payment vouchers issued.

In accordance with the procedures established to continue auditing the Work Bonds the Town holds on trust on an annual basis, an audit of the 2005 Works Bonds is scheduled to occur in January 2008.

The Chief Executive Officer is now satisfied and confident that the abovementioned program of continual review of the Works Bonds held in trust by the Town will ensure that compliance with Development Approval conditions is managed effectively and responsibly by the Town to ensure compliance with the Town's imposed requirements, and that Works Bonds are discharged back to the relevant owner(s) /applicant in a timely manner.

**COMMENT:**

The Town's internal review/audit of the "Cash-in-lieu" payments was an extensive and comprehensive exercise, which was carried out over a period of 8 months. What commenced as a relatively straight forward review, resulted in a major exercise which identified a number of anomalies and flaws in the former Development Approval process and interdirectorale liaison concerning the collection of monies owed to the Town.

As outlined in this report, the anomalies and flaws have now been appropriately addressed and new procedures, introduced and adopted by the Town (as verified by the Town's Auditors) will ensure that future development applications will be dealt with in an efficient and effective manner.

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**10.4.7 Members Equity Stadium Committee Meeting held on 20 November 2007 - Receiving of Unconfirmed Minutes**

<b>Ward:</b>	South	<b>Date:</b>	7 December 2007
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the Unconfirmed Minutes of the Stadium Committee meeting held on 20 November 2007, as shown in Appendix 10.4.7(A);
- (ii) **ACCEPTS** the recommendations of the Stadium Committee;
- (iii) **ADOPTS IN PRINCIPLE** Policy No. 4.1.31 - "Patron Beverage Policy for Members Equity Stadium" as shown in Appendix 10.4.7(B);
- (iv) **AUTHORISES** the Chief Executive Officer to:
  - (a) *advertise the proposed Policy for a period of twenty-one (21) days, seeking public comment;*
  - (b) *report back to Council with any submissions received; and*
  - (c) *include the amended policy in the Town's Policy Manual if no public submissions are received; and*
- (v) **NOTES** that the Town's Policy No. 4.1.25 relating to Concerts at Members Equity Stadium is currently being reviewed and a report will be submitted to the Council in early 2008.

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 20 November 2007 and approve of a Policy relating to patrons' drinks at the Stadium.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

*"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...*

- (iii) *to delegate the following functions to the Committee;*
  - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*

- (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
- (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

*(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."*

**CONSULTATION/ADVERTISING:**

The draft Policy is recommended to be advertised for public comment for a period of twenty-one (21) days.

**LEGAL/POLICY:**

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

**STRATEGIC IMPLICATIONS:**

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

**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.

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**10.4.8 Loftus Recreation Centre Management Committee - Receiving of Unconfirmed Minutes**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2007
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0078
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 8 November 2007, as shown in Appendix 10.4.8.*

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on 8 November 2007.

**BACKGROUND:**

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

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to supervise the Loftus Recreation Centre, 99 Loftus Street, Leederville;*
- (ii) in accordance with the Deed of Contract between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer and Executive Manager Corporate Services, with the Manager Community Development as Deputy to both, to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
  - (a) to supervise the performance of the Services by the Contractor and to ensure that the Contractor performs the Services in accordance with the KPIs and the Contract;*
  - (b) to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*
  - (c) to receive and consider Performance Reports;*
  - (d) to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*
  - (e) to review the Risk Management Plan for the Premises.”*

**CONSULTATION/ADVERTISING:**

N/A.

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**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

**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.

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**10.4.9 Minutes of the Annual General Meeting of Electors held on 3 December 2007**

<b>Ward:</b>	Both	<b>Date:</b>	7 December 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0009
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES and CONFIRMS** the Minutes of the Annual General Meeting of Electors held at 6.00pm on Monday 3 December 2007, attached at Appendix 10.4.9; and
- (ii) **NOTES** that a further report will be submitted to the Council in early 2008 concerning the Motions carried at the Meeting.

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive and confirm the Minutes of the Annual General Meeting of Electors held on 3 December 2007.

**BACKGROUND:**

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 3 December 2007 at 6.00pm. It was attended by thirteen (13) Electors, 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. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting.

1. Moved Brian Fleay, Seconded Colin Scott

That the Town undertake early in 2008 a report outlining the background to these developments in the WA recycling product industry, followed by local publication. An in-depth report is not envisaged, just sufficient information to get an overall picture and what follow-up action may be required? Solutions will undoubtedly require action at city wide and even at state levels. I recognise that Council staff are under considerable pressure at the present time.

CARRIED

CEO's Comment:

*The Town's administration will investigate this matter and provide a further report to the Council in early 2008.*

2. Moved Colin Scott, Seconded Noel Youngman

That the Town investigate the placing of Heritage names on certain (heritage) bus stops in the Town, in conjunction with the relevant public Authorities.

CARRIED UNANIMOUSLY

CEO's Comment:

*The Town's administration will investigate this matter and provide a further report to the Council in early 2008.*

3. Moved Brian Fleay Seconded Marie Slyth

That the Town's Mayor, Councillors, CEO and Officers be publicly thanked for their work and contribution to the Town of Vincent during the year.

CARRIED UNANIMOUSLY

CEO's Comment:

*This is acknowledged and feedback is much appreciated.*

The following was also discussed at the meeting;

1. Marie Slyth of 89 Carr Street, West Perth

Spoke on the following matters:

- (i) Requested that the Town investigate arranging site meetings between applicants and local residents for controversial developments which impact on the amenity of the local area.
- (ii) Requested that the Council adopt a Policy to preserve trees on private properties in the Town. Believes that;
  - (a) each property in the Town (when possible) should have a minimum of one (1) tree;
  - (b) each development should have a specified minimum number of trees on the property.

- (iii) Requested the Town to more closely monitor the movement of large vehicles/trailers in the Cleaver Precinct.
- (iv) Requested the Town to allow the use of the name "Mt Hawthorn-West" for a Precinct Group which may be formed in that part of Glendalough which is now in the Town.
- (v) Asked whether the Town could investigate what is proposed for the Holden Dealership site in Newcastle Street, West Perth. Suggested that they be approached about the number of vehicles entering Newcastle Street.
- (vi) Stated that in her view that Vincent is a very good Council.
- (vii) Stated that it was a great acknowledgement that Vincent received the Heritage Council of Western Australia Heritage Award.
- (viii) Thanked the Mayor, Councillors and Officers for their hard work during the year.

2. Jan Adams of 47 Chatsworth Road, Highgate

Spoke on the following matter;

- (i) Believes that a number of the Town's halls operate at a loss and are not suitable for dance sessions, as the flooring is unsuitable and they back mirrors.

Suggested that the Town investigate promoting the use of Town halls for dance sessions.

3. Colin Scott of 17 Deague Court, North Perth

Spoke on the following matters;

- (i) Queried what is happening about the Heritage Trail in the Town. Believes this was being promoted and progressed several years ago. Suggested that the matter be more better promoted to encourage heritage walks.
  - (ii) Believes that litter in the Town, particularly emanating from large fast food outlets, is a problem and that the Town should be taking a larger role in the matter.
  - (iii) Believes that there is potential for the placement of heritage names on bus stops (e.g. Beatty Park, Browne's). Requested the Town investigate the matter. He moved the following motion;
-

**CONSULTATION/ADVERTISING:**

Notice of the Annual General Meeting of Electors was advertised in a local newspaper (*“Guardian Express”*) and *“The West Australian”* Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

The Minutes are attached for the information of the Council.

**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.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil at this stage. Once the various matters have been investigated, indicative costs will be known.

**COMMENTS:**

The various matters raised at the Annual General Meeting of Electors will be progressed and appropriate reports will be submitted to the Council.

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**10.4.10 Further Report – Amended Draft Policy Relating to Outdoor Eating Areas**

<b>Ward:</b>	Both	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0025
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer:</b>	A Giles		
<b>Checked/Endorsed by:</b>	R Boardman; J Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (iv) **RECEIVES** the report relating to the Amended Draft Policy No. 3.8.1 Relating to Outdoor Eating Areas;
- (v) **NOTES** that no submissions were received during the consultation period;
- (iii) **REVOKES** the existing Council Policy No. 3.8.1 – “Alfresco Dining” and **ADOPTS** the Amended Draft Policy No. 3.8.1 – “Outdoor Eating Areas”; and
- (iv) **LISTS** for consideration an amount of \$6,500 for the purchase and installation of brass plates for demarcation of the Outdoor Eating Areas, in the Draft 2008/2009 Budget.

**PURPOSE OF REPORT:**

The purpose of the report is to report back to the Council following the advertising period in relation to the advertised *Draft Policy No. 3.8.1 – Outdoor Eating Areas*, and to present the Amended Draft Policy for adoption by the Council.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 8 May 2007, resolved as follows:

**COUNCIL DECISION ITEM 10.4.4**

*That the Council;*

- (i) pursuant to Section 3.16 of the Local Government Act 1995 has advised of its intention to review its local laws and **NOTES** that no submissions were received at the close of the statutory six (6) week public consultation period of the proposed review of the Town’s Local Laws;
- (ii) pursuant to Section 3.12 of the Local Government Act 1995 advertises on a Statewide basis:
  - (a) its intention to repeal the following Local Laws Relating to:
    - Alfresco Dining, published in the Government Gazette of 30 April 1998;
    - Display of Items on a Footpath, published in the Government Gazette of 14 June 2000 and amendments; and
    - Street Trading, published in the Government Gazette of 22 December 1998.

- (b) *its intention to ADOPT a new Trading in Public Places Local Law as shown in Appendix 10.4.4 to provide for the regulation, control and management of outdoor eating facilities, stalls, traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities;*
- (c) *advising that a copy of the proposed local law may be inspected or obtained from the Town's Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
- (d) *seeking submissions on the proposed local law for a period of not less than six (6) weeks;*
- (iii) *APPROVES to amend the following Policies as shown in Appendix 10.4.4:*
  - (a) *No. 3.8.1 – Outdoor Eating Areas (Alfresco Dining); and*
  - (b) *No. 3.9.11 – Display of Items on a Footpath;*
- (iv) *REQUESTS the Chief Executive Officer to review Policy No. 3.8.1 – Outdoor Eating Areas (Alfresco Dining) Clause 3.8 requiring the current practice of placing the furniture in an outdoor eating area directly against the shop front wall and allowing the outdoor eating area furniture to be placed closer to the kerb (as is the current practice in many cities in Australia) and this review be carried out concurrently during the statutory consultation period.*
- (v) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the amended policies for a period of twenty-one (21) days, seeking public comment;*
  - (b) *report back to Council with any submissions received; and*
  - (c) *include the amended policies in the Town's Policy Manual if no public submissions are received;*
- (vi) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period; and*
- (vii) *REQUESTS the Chief Executive Officer to report to Council on how the impact of trading in public places can best be reflected in requirements for car parking and an appropriate addition be made to clause 2.17 of the proposed local law as follows:*
  - '2.17 ...*
  - (g) *the outdoor eating area will comply with the car parking requirements for the premises as specified in the town planning scheme.'*

**DETAILS:**

The amended Policy was compiled following extensive consultation by Health Services with Planning, Building and Heritage Services, Rangers and Community Safety Services, Technical Services, and Community Development services.

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### **CONSULTATION/ADVERTISING:**

The Town did not receive any submissions during the advertising period in relation to the *Draft Policy No. 3.8.1 – Outdoor Eating Areas*. In addition to the advertisement in the local paper, a mail out was conducted, seeking comment from all existing Alfresco Dining Licence holders, and food premises eligible for an Outdoor Eating Area within the Town of Vincent (that is, premises that hold an Eating House Licence or Liquor Licence, and have a Council footpath adjacent to their premises).

Following the adoption of the new Policy, all existing Alfresco Dining Licence holders will be formally advised in writing of the new Policy, and will be required to ensure full compliance with the policy as of the new financial year prior to being issued with a Outdoor Eating Area permit (this coincides with the annual renewal period).

All new Outdoor Eating Area applications will be assessed in accordance with the new Policy, upon formal adoption by the Council.

The amended Policy details a review of the current practices, with the most significant changes including, but not limited to:

- Permitting outdoor eating area (alfresco dining) furniture to be placed closer to the kerb, where traffic conditions are appropriate;
- Amended Public Liability Insurance cover requirements;
- Requiring applicants to comply with the car parking provision in relation to the total increase in the outdoor eating area, at a minimum rate of 1 car parking space per 4.5 square metres of outdoor eating area. This car parking requirement reflects the requirement for such uses in the Town's Planning Policy relating to Parking and Access, and may be reduced by the Town through the application of particular site and design adjustment factors as detailed in that Policy;
- Requiring total numbers of patrons to comply with Building Code of Australia requirements for sanitary provisions (this may require premises to install additional toilet facilities or reduce the total numbers of chairs on the premises, internally and externally); and
- The introduction of modified penalties for non-compliance.

### **LEGAL/POLICY:**

*Health Act 1911; Liquor Control Act 1988; Local Government Act 1995; and Draft Town of Vincent Trading in Public Places Local Law.*

### **STRATEGIC IMPLICATIONS:**

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

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

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

Sufficient funds for the purchase and installation of brass demarcation plates should be considered in the Draft 2008/2009 Budget (it is estimated that \$6,500 will be required). It is proposed that the majority of costs associated with the purchase and installation of the brass plates will be passed onto the Outdoor Eating Area permit holder in the 2008/2009 Fees and

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Charges Schedule. In recent years, approved funds have been reduced to a level which resulted in plates not being able to be purchased (that is, a minimum order could not be financed).

The brass plates effectively demarcate the Outdoor Eating Areas and have vastly reduced complaints received in previous years regarding alfresco furniture encroaching the pedestrian access. The use of brass plates is endorsed in the Disability Access Inclusion Plan 2006 - 2011.

**COMMENTS:**

The amended Policy has been advertised, with no submissions received. It is recommended that the Policy be adopted, as detailed in the report above and the Officer Recommendation.

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**10.4.11 Administration and Civic Centre, 244 Vincent Street, Leederville – Approval of Internal Alterations and Minor Refurbishment**

<b>Ward:</b>	South	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	RES0061
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the Report relating to the proposed internal alterations and minor refurbishment works for the Town’s Administration and Civic Centre, 244 Vincent Street, Leederville;
- (ii) **APPROVES** of the proposed alterations to the Administration and Civic Centre, as shown in Plans A002 and A004 in Appendix 10.4.11 at an estimated cost of \$277,300; and
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of \$237,300 from the Administration and Civic Centre Reserve Fund, to cover the shortfall of funds for the alteration works, as detailed in this report.

**PURPOSE OF REPORT:**

The purpose of the report is to obtain the Council’s approval for the proposed alterations and refurbishment works for the Town’s Administration and Civic Centre.

**BACKGROUND:**

The Town’s Senior Management Team have been reviewing the need to carry out alterations and minor refurbishment works at the Town’s Administration and Civic Centre, in order to accommodate all the Town’s employees.

The Town’s Administration and Civic Centre was constructed in 1994/95 and was occupied on 23 March 1995. Since 1995 there has been a progressive increase in the number of employees and it is now at a stage where action is required. Since 1995, no major alterations have been carried out.

The refurbishment works are considered necessary to provide additional work stations and a work place which is safe and promotes employee satisfaction and well being. At present there are insufficient work stations for the Town’s employees. Over the years, additional work stations have been added, however, it is at a stage where a major re-configuration of some areas (e.g. Rangers, Finance, Planning, Building and Heritage) is essential to provide sufficient work stations for all the Town’s employees. (Exit interviews held with employees departing the Town have revealed that some work areas are too cramped and inefficient/noisy). In today’s volatile work force, it is essential that every attempt is made to attract and retain employees. Providing a work place which is efficient and of a professional standard will assist. It will also promote employee satisfaction and well being, which in turn results in better productivity.

The proposed works involve the following;

### First Floor

1. New offices will be created for the Manager, Human Resources, Public Relations Officer and 4 new workstations for Payroll and Administration Officer. (Human Resources is directly responsible to the Chief Executive Officer. The Manager, Human Resources and Payroll work closely). Relocating these employees to the first floor will allow for additional space on the ground floor.
2. An additional internal interview/meeting room will be created, as there is a need for more meeting rooms for inter Directorate business.
3. The existing Committee Room and Staff Room will be modified to create the additional work areas. The Committee Room will remain the same size.
4. A glass wall will be installed for the Chief Executive Officer's Directorate to provide security and privacy. This will prevent unauthorised persons/public accessing the Chief Executive Officer's Personal Assistant and Executive Assistant work stations. (At present there is no security, particularly after hours and when functions/events are held in the function room).

### Ground Floor

1. Additional work stations will be created for all 3 Directorates, but particularly for Planning, Building and Heritage Services, Ranger and Community Safety Services, Financial Services and Technical Services.
2. The Records Room will be modified to include a new compactus for storage of files/records. (This can only be achieved in the (heavy weight area), due to the weight of the compactus).
3. The Print Room will be modified to allow for a larger new tea preparation area. The existing room is far too small to properly service the number of employees.
4. The IT/Communications room is to be modified to allow access between the two.

The work will be carried out by the Trades listed in the Town's Panel of registered trades (which was approved as a tender) and other works will be after obtaining the usual three (3) quotes.

Subject to Council approval, the first floor works will commence immediately after the Christmas holidays and take approximately 4 weeks. The ground floor works will follow thereafter and be progressively carried out over a period of 8-10 weeks. (This will enable the Town's administration to continue operations). After hours work will be limited to keep costs to a minimum.

The work will be supervised by the Town's Co-ordinator Major Projects and Property Maintenance Officer.

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

Not applicable.

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**LEGAL/POLICY IMPLICATIONS:**

The Town has a responsibility to provide a safe work place and provide work areas which comply with the Occupational Safety and Health Act and Regulations.

A number of work stations are non-compliant with prescribed standards (i.e. too small).

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 4 "Leadership, Governance and Management

*"4.2.3 Promote employee satisfaction and well being, and a safe and positive work place, particularly;*

*(b) Ensure the organisation enhances and promotes Employee satisfaction, health, safety and well being."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The following is a summary of works to be carried out (estimated costs), and unfunded Refurbishment Works (estimated costs).

The 2007/08 Budget contains the following funds:

<u>Item</u>	<u>Funds</u>
1. Alterations	\$ 40,000
2. New compactus	\$ 20,000

The above funds were based on minor changes being made. However, a survey of all Administration Centre employees was carried out in mid 2007 to seek input. As a result of feedback received, it was considered more beneficial to carry out a larger scope of works, particularly the new work stations and tea preparation area on the ground floor.

The following is a breakdown of the works.

<b>GROUND FLOOR</b>		<b>COST excl. GST</b>
1.	Demolition works, new walls, modifications to existing doors, work benches, alterations to interview room, computer/communications room access *	\$ 41,500
2.	New workstations / low height partitions #	\$ 71,300
3.	New tea preparation cupboards, hot/cold water unit, sink *	\$ 10,000
4.	New floor vinyl, carpet replacement *	\$ 2,500
5.	Alterations to air conditioning #	\$ 3,000
6.	New computer / data cabling #	\$ 12,000
7.	Electrical works / power points #	\$ 5,000
8.	New fridge, microwave oven *	\$ 1,500
9.	Miscellaneous / Contingency	\$ 2,500
		<b>\$ 149,300</b>

\* actual costs/quotes

# provisional sum

<b>FIRST FLOOR</b>	<b>COST</b>
1. Demolition works, new internal walls, painting, electrical *	\$ 101,000
2. New security glass wall partitioning *	\$ 15,000
3. New work stations / low height partitions *	\$ 2,500
4. New furniture desks, modifications *	\$ 3,000
5. Security / access data / works *	\$ 4,500
6. Signage #	\$ 1,000
7. Miscellaneous / Contingency	\$ 1,000
	<b>\$ 128,000</b>

**Total \$ 277,300**

\* actual quote/cost

# provisional sum

Therefore, the shortfall in funds is \$237,300.

As at 30 November 2007, the Administration and Civic Centre Reserve Fund contained \$343,310.

It is recommended that the funds be re-allocated from the Administration and Civic Centre Reserve Fund.

**COMMENTS:**

It is considered that the works required will bring the existing Administration Centre up to a refurbished standard and ensure that employee work areas area at a standard acceptable to retain employees.

It is considered that the new work stations and alterations will meet the organisations needs for the next 5-10 years. The Council's approval is therefore requested.

**10.4.12 Appointment of Community Representatives to Town of Vincent Advisory Groups**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	CVC0017/CMS0067/ PRO0689/TES0334/ ORG0064/ORG0076/ ORG0079
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *APPOINTS the following community representatives to the Town's Advisory Groups for the 2007-2009 period (until October 2009) from the nominations received;*

(a) *Aboriginal Liaison Occasional Advisory Group;*

*Membership as required;*

(b) *Art Advisory Group (up to 5 required);*

1. *Ms Florence Allain\*;*
2. *Ms Anna Ciffolilli\*;*
3. *Mr Vincent Sammut\*;*
4. *Ms Annie Keeping-Hood#; and*
5. *Ms Peta Turball#;*

(c) *Heritage Advisory Group (up to 5 required);*

1. *Ms Helen Griffiths\*;*
2. *Mr Vincent Sammut\*;*
3. *Ms Rebecca Shepherd#; and*
4. *Ms Marie Slyth#;*

(d) *Local Area Traffic Management Advisory Group (up to 5 required);*

1. *Mr Kinglsey Sullivan\*;*
2. *Ms Clare Chamberlain#;*
3. *Ms Rosie Dempster#; and*
4. *Mr Chris Parry#;*

(e) *Safer Vincent Crime Prevention Partnership (up to 7 required);*

1. *Mr Jim Dagostino\**;
2. *Ms Betty Kraemer\**;
3. *Ms Sharan Kraemer\**;
4. *Mr Suresh Rajan\**;
5. *Mr Ray Stevenson, JP\**;
6. *Mr Chris Parry#; and*
7. *Mr Allan Wilder-Bass#;*

(f) *Seniors Advisory Group (up to 5 required);*

1. *Ms Chris Costa\**; and
2. *Mr Carlo Penonne\**;

(g) *Sustainability Advisory Group (up to 5 required);*

1. *Ms Helen Griffiths\**;
2. *Ms Anne Bennett#; and*
3. *Ms Jodie Ferdinando (nee Oates) #;*

(h) *Universal Access Advisory Group (up to 5 required);*

1. *Ms Jasmine McDonald\**;
2. *Ms Britta Meyer (Carer's Representative)\*; and*
3. *Mr Ken Nylander\**;

(\* *Existing Members*

# *New Nominations received);*

(iii) *AUTHORISES the Chief Executive Officer to second interested persons to the Advisory Groups (where insufficient nominations have been received); and*

(iv) *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 newspaper on 6 November 2007 and nominations closed on 23 November 2007. At the close of the advertising period, nominations were received and these are shown in Appendix 10.4.12.

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**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.

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**10.4.13 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	13 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	G van den Bok		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 18 December 2007, as distributed with the Agenda, be received.*

**DETAILS:**

The items included in the Information Bulletin dated 18 December 2007 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Planning Bulletin 88 – Historic Heritage Conservation:- Key Issues: The Introduction of State Planning Policy 3.5 – <i>Historic Heritage Conservation</i> and the conservation and protection of WA’s historic heritage.
IB02	Letter from Hon Paul Omodei MLA, Leader of the Opposition regarding Prostitution Amendment Bill.
IB03	Letter from Hon John Kobelke, Minister for Police and Emergency Services, Community Safety, Water Resources, Sport and Recreation congratulating the Town on Beatty Park Leisure Centre’s Award in the 2007 Department of Water and Water Corporation Water Awards.
IB04	Media Release from Australian Bicycle Council regarding the launch of the Cycling Resource Centre.
IB05	Letter from WALGA regarding the Town of Vincent’s Application for assistance in the Local Activity Grants (LAG) Round 7.
IB06	Letter from the Keep Australia Beautiful Council Western Australia regarding the Town’s successful application in the Keep Australia Beautiful Litter Prevention Grants.
IB07	Minutes of Universal Access Advisory Group Meeting held on 26 November 2007.
IB08	Letter from Dante Alighieri Society of Western Australia Inc.
IB09	Letter from Mt Hawthorn Primary School P & C acknowledging the Town for their support for the Mount Hawthorn Community Fair.

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Cr Ian Ker – Use of Single Serve Water Bottles

*That the Town of Vincent:*

- (i) *in line with the recent decisions by many US cities, the New South Wales Department of Environment and Climate Change, the City of Manly (NSW) and the NSW Local Government Association, ceases to purchase single-serve bottles of water on environmental grounds; and*
- (ii) *investigates the feasibility of;*
  - (a) *installing more public drinking fountains in town centres, parks and recreation reserves and other public places; and*
  - (b) *following the example of the City of Cologne (Germany) in providing temporary water stations at Town of Vincent-supported outdoor functions (such as the Hyde Park Fair, Leederville Street Festival and Concerts in the Park);*

*with a report to be considered by Council in February 2008.*

#### SUPPORTING INFORMATION:

##### Bottled water

According to the Earth Policy Institute <http://www.earthpolicy.org/Updates/2007/Update68.htm>) each plastic bottle used for water requires the equivalent of nearly one-tenth of a litre of crude oil. In addition, pumping, processing, transportation and refrigeration require up to a further 0.2 litre.

To put this in perspective, a litre of crude oil produces just under half a litre of petrol. A typical Town of Vincent Council meeting (with nine elected members and four Executive staff) uses 1.5 litres of petrol to provide drinking water that could come straight out of the tap at less than 1% of the financial cost.

Over a full year (say, 22 Ordinary meetings, 11 briefings, 6 Special Meetings), that's 60 litres of petrol (125 litres of crude oil).

*We should be celebrating the fact that we have quality drinking water available on tap, when over one billion men, women, and children (more than fifty times the population of the Australia) do not have safe water to drink and therefore cannot live a healthy life (world Health Organisation, [http://www.who.int/water\\_sanitation\\_health/mdg1/en/index.html](http://www.who.int/water_sanitation_health/mdg1/en/index.html)).*

##### Temporary water stations

The importance of regular water intake in hot weather (as well as at other times) is a common health message. Many of the Town-supported outdoor functions are in the hot Summer months.

When I was in Cologne in June this year, those who attended a week-long festival in the central city were provided with opportunities to obtain drinking water, where there would have been no justification for permanent facilities.

Note that this could also be used to provide water for dogs brought to the function.



## 12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

<b>12.1</b>	<b>WALGA Nominations – Regional Development Council; Metropolitan Emergency Management Executive Group; FESA Bush Fire Brigade Capital Grants Committee; FESA State Emergency Service Capital Grants Committee; FESA Bush Fire Brigade Consultative Committee</b>
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<b>Ward:</b>	-	<b>Date:</b>	10 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

### **OFFICER RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *be nominated as WALGA Member - Regional Development Council (Panel of 6 Names) (Ministerial Approval);*
- (ii) \_\_\_\_\_ *be nominated as WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Servicing Officer (1));*
- (iii) \_\_\_\_\_ *be nominated as WALGA Member - FESA Bush Fire Brigade Capital Grants Committee (Member (x2) - at least one Member must be non-metropolitan) (Ministerial Appointment - Panel of 4 required);*
- (iv) \_\_\_\_\_ *be nominated as WALGA Member - FESA State Emergency Service Capital Grants Committee (Member (x2) - at least one Member must be non-metropolitan) (Ministerial Appointment - Panel of 4 required); and*
- (v) \_\_\_\_\_ *be nominated as WALGA Member - FESA Bush Fire Brigade Consultative Committee (Ministerial Appointment - Panel of 3 required).*

### **DETAILS:**

Please see Appendix 12.1 for details.

### **N.B.:**

**NOMINATIONS CLOSE COB MONDAY 21 JANUARY 2008**

**13. URGENT BUSINESS**

Nil.

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

**14.1 Chief Executive Officer's Annual Performance Review 2007**

<b>Ward:</b>	-	<b>Date:</b>	12 December 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *pursuant to section 5.23 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to the Chief Executive Officer's Annual Performance Review 2007 as the matter contains information concerning an employee; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

**DETAILS:**

The above report is of a confidential nature as it relate to information about an employee.

**LEGAL/POLICY:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
  - (i) *to be treated as strictly confidential; and*
  - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
    - (a) *the Members; and*
    - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

- (i) *then to be treated as strictly confidential; and*
- (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

**COMMENTS:**

The confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may wish to make some details available to the public.

**14.2 Premier's Australia Day Active Citizenship Awards - Nominations for 2008**

<b>Ward:</b>		<b>Date:</b>	12 December 2007
<b>Precinct:</b>		<b>File Ref:</b>	CVC0005
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	N Greaves, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *pursuant to section 5.23 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to the Premier's Australia Day Citizenship Awards 2008, as the matter contains information concerning the personal affairs of a person;*
- (ii) *SUPPORTS the nomination of ..... for the Premier's Australia Day Active Citizenship Award in the category of "A Person of 25 Years or Older" for their services to the Vincent community as outlined in Confidential Appendix A;*
- (iii) *CONSIDERS the nomination of ..... for the Premier's Australia Day Active Citizenship Award in the category for a "Community Group or Event", as outlined in Confidential Appendix A;*
- (iv) *NOTES that no nominations were received for the category of "A Person Under 25 years";*
- (v) *FORWARDS these nominations to the Australia Day Council of Western Australia for consideration;*
- (vi) *NOTES that the Awards will be presented at the Town's Australia Day Ceremony to be held on 26 January 2008; and*
- (vii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time;*

**DETAILS:**

In October 2007 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**

The Awards include the following categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- 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 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, your 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.

### **ADVERTISING/CONSULTATION:**

In October 2007 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

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of nominations on 23 November 2007, four (4) nominations were received. One (1) nomination was received after 23 November. Three (3) were for the category of "*Citizenship Award*" (for a person of 25 years or older) and two (2) were for the category of "*Community Group or Event*". No nominations were received for the category for a "*person under 25 years*". Nominations received by the closing date are shown in the Confidential Report circulated separately to Council Members.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil – apart from advertising costs in the community newspapers.

**LEGAL IMPLICATIONS:**

It is necessary for the nomination details to remain confidential until approved by the Australia Day Council, as the information relates to the personal affairs of a person.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2006-2011 – Community Development Objective 3.1.1 – "*Celebrate and acknowledge the Town's Cultural and Social Diversity*".

**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.

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**15. CLOSURE**