



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

20 NOVEMBER 2007

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15. CLOSURE

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 20 November 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Ian Ker, for work reasons. South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Fran Sanders	Administration Officer

Chris Thomson Journalist - *"The Perth Voice"* (until approximately 7.27 pm)

Lindsay Mcphee Journalist - *"Guardian Express"* (until approximately 7.45 pm)

Approximately 15 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Mugini Neilson of 214 Cape Street, Tuart Hill spoke on Item 10.3.4. Stated that North Perth Rotary celebrates 20 years of the Hyde Park Community Fair and strongly recommend that the Town of Vincent support and become major sponsors once again to the Rotary for the 2008 Hyde Park fair.
2. Ms Cathy Hood of 55 Paddington Street, North Perth spoke on Item 10.3.6. Stated that the Kyilla Primary school is requesting sponsorship from the Town of Vincent for their school Fete. It is to be held 14 March 2008, coinciding with Harmony Week.
3. Ms Quiying Morrison of 56 Britannia Road, Mount Hawthorn spoke on 10.1.2. Ms Morrison requested condition (iii) be deleted. Expressed appreciation for Rasa's assistance (Co-ordinator Planning Services) on the matter.

4. Mr John Meggett of 125 Hamersley Road, Subiaco spoke on Items 10.1.6 and 10.1.7 on behalf of ready mix and Hansen Cement batching plant, Mr Meggett is requesting these Items be deferred.
5. Mr Mel Winposner of 49 Stuart Street, Perth spoke on 10.1.1. Mr Winposner stated that he opposed this application. Mr Winposner believes that the right of way is going to cause a potential problem with the amount of traffic entering.

Cr Messina departed the Chamber at 6.12pm.

6. Mr Chris Areal from Hospitality Total Services spoke on Item 10.1.5. Mr Areal stated that proposal had been refused on parking regulations, he wants the 88% rule to apply to his application for parking.

Cr Messina returned to the Chamber at 6.14pm.

7. Mr Gowinda Gorgon from 560 Beaufort Street, Mount Lawley spoke on 10.1.5. He requested Council's consideration to review his application. Mr Gorgon believes that a Tavern Licence is the only appropriate Liquor Licence to obtain for his particular facility.
8. Mr David Hartree from 34 Queen Street, Perth spoke on Item 10.1.1 and provided a model of the proposed development for viewing. Mr Hartree stated that the Town needs to recognise that his application is an iconic site. It was designed to fit in with the Town.
9. Ms Fiona Edison from 49 Stuart Street, Perth spoke on Item 10.1.1. Ms Edison stated that she was concerned about the safety issues associated with this development.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.25pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that Cr Burns had requested Leave of Absence from 3- 7 December 2007, for personal reasons.

Moved Cr Messina, Seconded Cr Farrell

That the application from Cr Burns for leave of absence for the period 3-7 December 2007, be approved.

CARRIED (8-0)

Cr Ker was an apology for the meeting.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition from Ms Julia Knapton of 83 Shakespeare Street, Mount Hawthorn, together with 131 signatories of residents and visitors to the area, requesting the Town of Vincent erect a perimeter fence along the border of Edinboro Street Reserve, Mount Hawthorn.

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

Moved Cr Farrell, Seconded Cr Doran-Wu

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

CARRIED (8-0)

Cr Ker was an apology for the meeting.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 6 November 2007.

Moved Cr Farrell, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held on 6 November 2007 be confirmed as a true and correct.

CARRIED (8-0)

Cr Ker was an apology for the meeting.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 Investment Report. The extent of his interest being that he is Chairman of the Board of Directors of the North Perth Bendigo Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 Investment Report. The extent of his interest being that he is on the Board of Directors of the North Perth Bendigo Bank.
- 8.3 Cr Burns declared a financial interest in Item 10.3.1. Investment Report The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Bendigo Bank.
- 8.3 Cr Messina declared a proximity interest in Item 10.2.3. Proposed Bus Shelter – Scarborough Beach Road. The extent of his interest being that he has a franchise Location in close proximity.

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

Nil.

10. REPORTS

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

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

Items 10.3.4, 10.3.6, 10.1.2, 10.1.6, 10.1.7, 10.1.1 and 10.1.5

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

Items 10.1.1 and 10.4.3

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

Items 10.3.1 and 10.2.3

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

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

Cr Farrell	Nil
Cr Messina	10.4.4
Cr Youngman	Nil
Cr Ker	Apology
Cr Doran-Wu	Nil
Cr Lake	10.4.1 and 10.4.2
Cr Burns	Nil
Cr Maier	Nil
Mayor Catania	Nil

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

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

Items 10.1.3, 10.1.8, 10.1.9, 10.2.1, 10.2.2, 10.3.2, 10.3.3, 10.3.5 and 10.3.7

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

Nil

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

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

Items 10.1.3, 10.1.8, 10.1.9, 10.2.1, 10.2.2, 10.3.2, 10.3.3, 10.3.5 and 10.3.7

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

Items 10.3.4, 10.3.6, 10.1.2, 10.1.6, 10.1.7, 10.1.1 and 10.1.5

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

Moved Cr Farrell, Seconded Cr Messina

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

Items 10.1.3, 10.1.8, 10.1.9, 10.2.1, 10.2.2, 10.3.2, 10.3.3, 10.3.5 and 10.3.7.

CARRIED (8-0)

Cr Ker was an apology for the meeting.

Mayor Catania advised that Item 10.1.4 – No 2 Bream Court, Mount Lawley should be brought forward and dealt with, as the applicant had requested a Deferral of the matter.

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

Ward:	South	Date:	12 November 2007
Precinct:	Banks; P15	File Ref:	PRO2095; 5.2007.291.1
Attachments:	001		
Reporting Officer(s):	L Parker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council 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.*

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

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

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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks:			
-Ground Floor North-West	1.5 metres	1.0 metre	Supported - not considered to have an undue impact on adjoining property.
-First Floor East	4.2 metres	1.4 - 2.8 metres	Not supported - considered to have an undue impact on adjoining property.
North-West	4.1 metres	1.2 - 3.21 metres	Not supported - as above.
-Second Floor East	5.9 metres	1.4 - 3.7 metres	Not supported - as above.

North-West	5.7 metres	1.386 - 3.9 metres	Not supported - as above.
Open Space	50 per cent	42.8 per cent	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.
Building Height	Height of dwellings is to be sympathetic to adjacent properties and streetscape.	Bream Cove elevation - top of the wall ranges from 10.109 - 10.451 metres.	Not supported - considered to have an undue impact on neighbouring properties and the two-storey streetscape of Bream Cove
		Joel Terrace elevation - top of the wall ranges from 8.9 - 10.571 metres. East elevation - top of the wall ranges from 8.5 metres - 9.5 metres. North-West elevation - top of the wall ranges from 9.88 - 10.43 metres.	Not supported - as above. Not supported - as above. Not supported - as above.
Privacy Setbacks: Eastern Elevation	Setback 7.5 metres within the cone of vision in the case of balconies.	First Floor- setback 4.4 metres and 6 metres to eastern boundary in lieu of 7.5 metres. Second Floor- setback 4.4 metres and 6 metres to eastern boundary in lieu of 7.5 metres.	Not supported - considered to have an undue impact on adjoining property. Not supported - as above.
North-West Elevation	Setback 6 metres within the cone of vision in the case of habitable rooms other than bedrooms.	First Floor- activity room setback 3 metres and 4 metres to north-western elevation in lieu of 6 metres.	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

	Setback 4.5 metres within the cone of vision in the case of bedrooms.	Second Floor- bedroom 3 setback 2.5 metres and 4 metres to north-western elevation in lieu of 4.5 metres.	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. Supported - as above.
Consultation Submissions			
Support	Nil		Noted
Objection (6)	<ul style="list-style-type: none"> Excessive building height 		<ul style="list-style-type: none"> Supported - the proposed structure is inconsistent with the existing streetscape and is considered to have an undue impact on adjoining properties.
	<ul style="list-style-type: none"> Inadequate open space surrounding the dwelling 		<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> The building will result in a feeling of confinement on adjacent properties due to its excessive height and reduced setbacks. 		<ul style="list-style-type: none"> Supported - the height and bulk of the development is considered to have an undue impact on adjoining properties.
	<ul style="list-style-type: none"> Other home owners were required to comply with development requirements. 		<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> A three-storey house is not in keeping with the character of Bream Cove which is a predominantly two-storey streetscape. 		<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> The house is too large for the block of land. 		<ul style="list-style-type: none"> Supported - as above.

<ul style="list-style-type: none"> The building clearly contravenes development requirements. 	<ul style="list-style-type: none"> Supported - the development's non-compliance with the development requirements is considered to have an undue impact on adjacent properties.
<ul style="list-style-type: none"> The bulk and size of the building will have an adverse impact on existing homes in Pakenham Street and the rear block. 	<ul style="list-style-type: none"> Supported - adjoining properties fronting Pakenham Street and Bream Cove are considered to be unduly impacted upon by the proposed development.
<ul style="list-style-type: none"> There is potential for overshadowing on the street as well as adjacent properties and this has not been adequately demonstrated on the plans. 	<ul style="list-style-type: none"> Supported - the plans have incorrectly shown the overshadowing of the proposed development falling north across No. 4 Bream Cove and several 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.
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
<ul style="list-style-type: none"> The balcony and window location is not designed to avoid overlooking and will encroach significantly into the privacy of adjacent properties. 	<ul style="list-style-type: none"> Supported - as above.
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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

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

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

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

COMMENTS:

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.

10.1.3 No. 42 (Lot 24 D/P: 26565) Mary Street, dual frontage to Harold Street, Highgate - Proposed Change of Use from Place of Public Worship Building comprising Hall, Prayer Room, Entry, Kitchen and Toilets to Place of Public Worship Building comprising Prayer Room, Library, Museum, Office, Archival Storage, Reception, Kitchen and Toilets with Associated Additions and Alterations

Ward:	South	Date:	13 November 2007
Precinct:	Hyde Park; P12	File Ref:	PRO4109; 5.2007.321.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Santelli Architects Pty Ltd on behalf of the owner Roman Catholic Archbishop for proposed Change of Use from Place of Public Worship Building comprising Hall, Prayer Room, Entry, Kitchen and Toilets to Place of Public Worship Building comprising Prayer Room, Library, Museum, Office, Archival Storage, Reception, Kitchen and Toilets with Associated Additions and Alterations, at No. 42 (Lot 24 D/P: 26565) Mary Street, dual frontage to Harold Street, Highgate, and as shown on plans stamp-dated 30 August 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 Harold Street boundary and Mary Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres*

truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;

- (iii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) *the floor area of the proposed Place of Public Worship Building shall be limited to 330 square metres of gross floor area. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (v) *prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (vi) *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 Building Licence.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

Cr Ker was an apology for the meeting.

Landowner:	Roman Catholic Archbishop
Applicant:	Santelli Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Place of Public Worship
Use Class:	Place of Public Worship
Use Classification:	"AA"
Lot Area:	1720 square metres
Access to Right of Way	Western side, 3 metres wide, sealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The subject site comprises the Sacred Heart Church, which fronts Mary Street and an associated Church Hall, which has a frontage to Harold Street.

Approval is sought for the change of use of the existing place of public worship hall to place of public worship building comprising prayer room, library, museum, office, archival storage, reception, kitchen and toilets with associated additions and alterations.

The renovated building will be used for the storage of the Catholic Archives for a temporary period of three to five years.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support (1)	No comment provided.		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) Museum/Office/Library - 1 space per 50 square metres of gross floor area (305 square metres) – 6.1 car bays			12 car bays
Place of Assembly - 1 space per 3.8 square metres of public floor area (23 square metres) - 6.05; OR - 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater- no Maximum Accommodation Certificate has been provided for the site.			
Apply the adjustment factors • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of a car park within excess of 25 car parking spaces)			(0.8075) 9.69 car bays
Minus the car parking on-site			0 car bay
Minus the most recently approved on-site parking shortfall Hall - 1 space per 3.8 square metres of public floor area (172) - 45.26 car bays ;OR - 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater - no Maximum Accommodation Certificate has been provided for the site.			41.43 car bays

Place of Assembly - 1 space per 3.8 square metres of public floor area (23 square metres) - 6.05; OR - 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater- no Maximum Accommodation Certificate has been provided for the site. (= 51.31 car bays X 0.8075)	
Resultant Surplus	31.74 car bays
Bicycle Parking	
Museum (328 square metres of gross floor area) - 1 space per 1500 square metres gross floor area - 2 space and 1 per 1500 square metres gross floor area	0.22 (Class1 or 2) spaces 2.22 (Class 3) spaces

* 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 is on the Town's Municipal Heritage Inventory with a Category A Conservation Essential listing as part of the Sacred Heart Group, which also comprises the places at Nos. 40 and 64 Mary Street, Highgate. The place is not included on the State Register of Heritage Places or individually included on the Heritage Council assessment program. However, the place forms part of the Sacred Heart Group (which comprises different places from the Town's Sacred Heart Group), which is on the Heritage Council's current assessment program.

The Conservation Plan for the Sacred Heart Church, which was prepared by Heritage and Conservation Professional in 2004 identifies the subject Church Hall as an element of little significance, which may be retained and adapted for ongoing use or may be demolished.

Whilst the place is recognised as having little significance, the development application was referred to the Heritage Council for comment, as a component of the larger Sacred Heart Group. The Heritage Council provided some general advice in relation to the proposal including a requirement for an archival record to be prepared as evidence of the former situation.

Car Parking

The subject hall was constructed in 1938. A block file search of the City of Perth property files did not reveal any formally approved shortfall for the site. However, as per the above car parking table, the car parking requirement for the proposed change of use is significantly less than the requirement for the existing use (hall and prayer room).

In addition to the above, the planning application is considered to generally be compliant with the Town's TPS 1 and associated Policies and not to have an undue impact on the amenity of the area.

Hours of Operation

The Officer Recommendation includes a condition limiting the hours of operation that reflects the hours provided by the applicant, and this is considered necessary given the Residential Zoning of the subject property and surrounding area.

With the above in mind, the planning application is recommended for approval, subject to standard and appropriate conditions to address the nature of the proposal.

10.1.8 Western Australian Planning Commission Planning Bulletin 85 – ‘Small Bar Licensed Premises’, September 2007

Ward:	Both Wards	Date:	13 November 2007
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	A Rayner, R Rasaratnam, A Giles		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Western Australian Planning Commission Planning Bulletin 85 – ‘Small Bar Licensed Premises’, September 2007; and*
- (ii) *ADVISES the Western Australian Planning Commission that the Council has NO OBJECTION to the proposed definitions of Hotel, Tavern and Small Bar as contained in Planning Bulletin 85, and their inclusion into the Model Scheme Text.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Western Australian Planning Commission Planning Bulletin 85, in relation to measures for Local Government to consider when assessing development applications for small bar licensed premises, which is attached as Appendix 10.1.8.

BACKGROUND:

Changes to Section 41 of the Liquor Control Act 1988 (previously the Liquor Licensing Act 1988) came into effect on 7 May 2007, which increased the number of types of licences that can be issued - a Hotel Licence, Tavern Licence and Small Bar Licence.

DETAILS:

The September 2007 Planning Bulletin 85 – ‘Small Bar Licensed Premises’ (‘Bulletin’) sets out interim measures recommended by the Western Australian Planning Commission (‘WAPC’) for Local Governments to adopt until the Model Scheme Text could be amended to reflect the legislative changes which came into effect under the *Liquor Control Act 1988* (WA).

The Western Australian Planning Commission is also inviting comments on the following suggested definitions for Hotel, Tavern and Small Bar to be included in the Model Scheme Text, and subsequent Local Planning Schemes:

“Hotel: means premises providing accommodation the subject of a hotel licence under the Liquor Control Act and may include a betting agency on those premises;

Tavern: means premises licensed as a tavern under the Liquor Control Act and used to sell liquor for consumption on the premises.

Small bar: means premises licensed as a small bar under the Liquor Control Act and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to maximum of 120.”

The Bulletin states that as an interim measure, local planning authorities may approve the use of premises as a small bar according to an interim procedure that is the same as the Town’s internal procedure.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 –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.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The WAPC through its advice Planning Bulletin 85 – ‘Small Bar Licensed Premises’ is suggesting interim measures which is reflected in the Town’s existing internal procedure for small bar licensed premises. The definitions proposed for inclusion in the Model Scheme Text appear to be similar to what the Town is already using but amended to reflect the new Liquor Control Act, and a definition for small bar is added. As such, it is recommended that the Council advises the Western Australian Planning Commission that it has no objection to the proposed definitions of Hotel, Tavern and Small Bar and their inclusion into the Model Scheme Text.

**10.1.9 Western Australian Local Government Association – Discussion Paper
on the Proposed Western Australian Food Act 2007**

Ward:	Both	Date:	13 November 2007
Precinct:	All	File Ref:	LEG0061
Attachments:	001		
Reporting Officer(s):	M Fallows, A Giles		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the proposed Western Australian Food Act 2007;*
- (ii) *ACKNOWLEDGES the Officer's comments detailing the implications of the implementation of the Food Act 2007 on the Town of Vincent; and*
- (iii) *ADVISES the Western Australian Local Government Association of the Town's IN PRINCIPLE support of the position outlined in the WALGA Policy/Position Paper – Food Bill, as "Laid on the Table", subject to this not being construed as support for any shifting of costs to Local Government without adequate consultation and resourcing.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

The Western Australian Local Government Association (WALGA) has released a discussion paper on the proposed *Western Australian Food Act 2007* (the Food Act), as "Laid on the Table". The Food Act is currently being debated in State Parliament and it is expected that the Food Act will be introduced within the year. This report details the Officer comments in relation to the seven questions and further comment requested by WALGA from Local Government authorities by 23 November 2007.

BACKGROUND:

Local Government has traditionally been responsible for the safety and hygiene inspections of food businesses within their jurisdiction. The introduction of the Food Act combined with the repealing of the existing food safety provisions in the *Health Act 1911 (as amended)* and associated regulations will have an impact on the Town of Vincent's food safety monitoring programme. It is foreseen that the Town of Vincent will be able to recover costs from all food

businesses (including manufacturers, supermarkets, and taverns) as opposed to 'Eating Houses' only (that is, restaurants, cafes and takeaway premises). To ensure a smooth transition to the new legislation, the Metropolitan Environmental Health Managers Group (MEHMG) prepared eight discussion papers which dealt with matters such as legislated options for charging fees, notification/registration of food businesses, classification, identification of resources required to discharge its duties, and the transition process. The WALGA Policy paper summarises the key points, and advises of their recommended position.

DETAILS:

The following comments are provided by Health Services in response to WALGA Discussion Paper on the Proposed WA Food Act 2007:

1. New Food Act

The Town agrees with the proposed introduction of the new Western Australian Food Act 2007 based on a national model for the following reasons:

- (a) The new Food Act ensures that there is uniform food legislation in every Australian state and territory which in turn benefits food businesses who operate nationwide, and allows for better resourcing and support for the Environmental Health workforce;
- (b) Currently, food safety in WA is regulated under the provisions of the *Health Act 1911* (as amended). The *Health Act 1911* is antiquated, inflexible, non-risk based and does not contain sufficient tools for enforcement action. Currently, enforcement action relies on prosecution, whereas the new legislation will provide the opportunity to issue infringement notices; and
- (c) The full implementation of the Food Standards Australia and New Zealand (FSANZ) Food Safety Standards under the provisions of the proposed Food Act will ensure a risk based outcome approach and requires all food businesses to possess knowledge and to take responsibility for necessary practices such as temperature monitoring, and adequate cleaning of their premises.

2. Communication

The Town agrees that an overall communication strategy, including significant information in the media, is a necessity to notify all food businesses of the pending changes. A smooth introduction of new food legislation is to be led by the Department of Health, and should be implemented so long as this strategy involves adequate consultation with Local Government, bearing in mind that Local Government Environmental Health Officers have a wealth of experience in applying food safety laws at the frontline.

3. Administration Costs

The Town agrees that a standard fee should be incurred to cover costs associated with the notification and registration of food businesses under the provisions of the new Food Act for the following reasons:

- (a) Increased revenue ensures a better service by the Town;
- (b) Financial sustainability of Health Services; and
- (c) The business should bear the mandatory administrative costs imposed on the Town.

4. Option to Charge Fees

The Town agrees that Local Government should be able to charge fees based on the nature and scope of the business (including charity events), under s 6.16 of the *Local Government Act 1995* for the following reasons:

- (a) Local Government has the practical experience to determine appropriate fees that are accurate to the service provided;

- (b) In many cases, the Town currently waives or substantially subsidises fees for temporary events operated by Community and Charity groups, and will look to continue supporting community groups in this regard; and
- (c) This fee structure will capture all food businesses. Currently there is legislated inconsistency whereby 'Eating Houses' (that is, restaurants, cafes and takeaway premises) are charged annual fees in accordance with the *Health Act 1911*, and food businesses such as supermarkets, manufacturers, and licensed premises (that is, taverns and hotels), cannot be charged an 'Eating House' licence and registration fee, despite requiring a similar level of inspection frequency and monitoring by Local Government Environmental Health Officers.

5. Formula for Setting Fees

The Town agrees that it should be able to set its own level of fees based on its own circumstances, in accordance with s 6.16 of the *Local Government Act 1995*. This will ensure that all costs are recovered. A standard formula should only be adopted by all Local Governments just so long as there is a uniform agreement amongst all Local Government Authorities, and that this formula is flexible to allow for different costs that are associated with different service provisions and different salaries associated with each Local Government.

6. Surveillance Fees

The Town agrees that the cost of food business surveillance should be charged annually, in addition to registration and notification fees for the following reasons:

- (a) Annual renewals of 'Eating House' licence and registrations has already been adopted and has proven to be effective; and
- (b) This will be less time consuming and create a lesser administrative burden.

7. Reporting to the Department of Health

The Town feels that an internet based reporting mechanism to the Department of Health (DOH) will be most effective. Such a process has already been adopted in Victoria and will be less time consuming and more accessible. Reporting should result in meaningful data being reported, and appropriate and timely feedback being received by the Local Government authority. Evaluation of collective statistics should assist DOH and in turn Local Government, to identify key and emerging issues requiring further attention/resources (moving away from prescriptive to risk based assessment).

In addition to the policy questions, the Town would also like to make the following comments:

- Local Government should have the option to be able to charge a fee for follow-up inspections that are required as a result of the proprietor of the business not completing works as requested or should a major non-conformance be observed. The fee should also cover administrative costs. The fee could be charged if the Inspecting Officer feels that the offence committed is not at a severity that warrants the issuing of an infringement notice.
- Local Government will be required to budget for increased costs associated with the communication of the implementation of the proposed Food Act to food businesses.
- A transition policy will need to be adopted that will address how and when Local Government and food businesses will be required to adopt all necessary legislative changes in a timely manner.
- It is recommended that the Town of Vincent introduce a policy that will ensure that all food businesses comply with the structural requirements of the FSANZ Food Safety Standards in a timely manner whilst ensuring a flexible approach (for example, all food businesses will be required to ensure that hot water and cold water are

distributed via the same outlet in kitchen hand wash basins under the provisions of the FSANZ Food Safety Standards).

- The Town will be required to repeal its *Eating House Local Law 2004*.
- Food Safety Auditor training should be considered for the Town's Environmental Health Officers so that the Officers will be better equipped to assess and monitor Food Safety Programs that will be adopted by many businesses.
- A new food business should be charged on a pro rata basis; however, an initial application fee should be charged to cover the cost of increased consultation and on-site assessments with the food business proprietor.

CONSULTATION/ADVERTISING:

Not required at this stage.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment

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

LEGAL POLICY:

- Health Act 1911 (as amended);
- Proposed Food Act;
- Health (Food Hygiene) Regulations 1997;
- FSANZ Food Standards Code;
- Town of Vincent Eating House Local Law 2004; and
- Local Government Act 1995.

FINANCIAL/BUDGET IMPLICATIONS:

The opportunity to recover costs associated with the Town's statutory role and responsibilities can be made under the provisions of the *Local Government Act 1995*.

It is anticipated that the introduction of the Food Act will consume a considerable amount of Officer and administration time. Health Services is currently operating on limited resources, and additional staffing, at least for the transition period, will be necessary to ensure that all public health issues continue to be addressed in a timely manner, in the best interests of the community.

As of 13 November 2007, the Town has 230 'Eating Houses', which are charged either a \$380 or \$350 fee, dependant on whether food preparation is undertaken on the premises (that is, risk based assessment). This results in revenue of approximately \$85,000. The remainder of the 86 known food businesses which currently cannot be charged an 'Eating House' fee will be captured by the new legislation. It is estimated, that between \$28,000 and \$32,000 additional revenue will be achieved by the Town's Health Services. It is proposed that the administration fee associated with registration and notification of these food businesses, be allocated to temporary staffing costs. At this point, it is unclear whether the additional staffing required will be administrative staff, and/or an Environmental Health professional (that is, Environmental Health Officer, Environmental Health Assistant or an Environmental Health Student), due to the shortage of Environmental Health Officers in Western Australia.

COMMENTS:

It is recommended that WALGA be advised of the Town's agreement in principle with the proposals detailed in the WALGA Policy/Position paper, and advise of the specific comments relating to the implementation and cost recovery related to the introduction of the proposed Food Act 2007 identified in the body of the report. In addition, it is recommended that the additional revenue obtained by registering food businesses not currently captured by the 'Eating House' fee, be allocated to temporary staffing costs.

10.2.1 Carbon Neutral Program - Progress Report No. 3

Ward:	Both	Date:	12 November 2007
Precinct:	All	File Ref:	ENS0027
Attachments:	-		
Reporting Officer(s):	J Lockley		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Carbon Neutral Program - Progress Report No. 3;*
- (ii) *LISTS \$13,000 for consideration in the 2008/2009 draft budget and subsequent budgets to fully implement the Town's Carbon Neutral Program;*
- (iii) *NOTES that while the Carbon Neutral initiative supplements measures to reduce greenhouse gas it DOES NOT completely replace other initiatives to reduce the use of non-renewable energy resulting from the Town's ongoing operations; and*
- (iv) *RECEIVES further reports as required on future carbon Neutral planting programs.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

The purpose of this report is to inform of the Council of the increase in the cost per tonne for the Carbon Neutral Program (CNP) and to advise of the progress with the CNP tree planting through *Men of the Trees* held in July and August 2007.

BACKGROUND:

At its Ordinary Meeting held on 10 October 2006, the Council received a comprehensive report (progress report No 1) on the CNP where the following decision was adopted (in part).

"That the Council;

- (ii) *NOTES as part of this programme, that two (2) Tree Planting Sessions will be held in July 2007 and August 2007 respectively, as outlined in the report;*

- (iii) *APPROVES the placing of relevant information (including details, maps and locations of the proposed tree planting sessions) on the Town's web site, and provides the Town's precinct groups, Elected Members and staff with this information; and*
- (iv) *RECEIVES further reports as required on future planting programs."*

The Town subsequently joined the CNP in late 2006.

DETAILS:

Planting Sessions

As previously reported to the Council, Men of the Trees conducted two (2) planting sessions where the Town's staff, Elected Members and residents had an opportunity to volunteer to plant carbon neutral seedlings.

Relevant information including details, maps and locations of the proposed tree planting sessions were placed on the Town's website, and was provided to the Town's precinct groups, Elected Members and staff.

Details of the two (2) sessions are outlined below.

Planting Session 1 - July 2007

This planting session run by Men of the Trees and City Farm was attended by the Town's Environmental Officer, Josephine Lockley.

Josephine is pictured below at the Ballidu planting in July 2007.



At this planting approximately 37,000 trees were planted.

Planting Session 2 - August 2007

No officers attended this planting session and approximately 20,000 trees were planted at Comberdale Moora.

Price Increase:

The following correspondence was received from Men of the Trees in August 2007:

"We are delighted to advise that Carbon Neutral (CN) is now a registered company limited by guarantee with not for profit status. This will allow CN to expand nationally.

Acquiring tax deductibility status for Carbon Neutral Ltd is now in progress so in future donations can be made to CN instead of Men of the Trees Public Environmental Gift Fund saving confusion and administration delays. Men of the Trees Inc. maintain a controlling interest in Carbon Neutral, ensuring the integrity and accountability of all involved.

To satisfy the demand for a more secure, verifiable product CN has decided to provide a product that can be accredited with the Australian Greenhouse Office and are in the process of becoming an Approved "Greenhouse friendly" Abatement Provider.

Since 2003 CN has been planting trees on sites with 30 year agreements or covenants to protect the trees. This product was based on calculations of an average of 4.3 trees to sequester one tonne of CO₂ over 30 years.

From 1 July 2007 prices will be based on \$15.50 per tonne for organisations and \$16.50 per tonne for individuals."

CONSULTATION/ADVERTISING:

Relevant information (including details, maps and locations of the proposed tree planting sessions) will be placed on the Town's website and provided to the Town's precinct groups, Elected Members and staff for any future planting sessions.

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. *"(c) implement and promote further methods to reduce the impact of pollution."*

FINANCIAL/BUDGET IMPLICATIONS:

Council lists for consideration in the 2008/2009 draft budget, and subsequent budgets, an amount of \$13,000 to fully implement the Carbon Neutral Program as the fee per tonne produced has increased to \$15.00.

COMMENTS:

With the rise in awareness of Global Warming, scientists warn us that carbon dioxide (CO₂) is causing increasing levels of atmospheric carbon which is leading to accelerated climate change. One viable way to reduce the pace of global warming is to reduce carbon emissions by planting trees to reduce the greenhouse gases effects.

The Carbon Neutral Program allows the Town to offset the emissions generated from its vehicle fleet. Staff, Elected Members and the community are encouraged to become actively involved in the tree planting sessions as outlined in this report.

10.2.2 RoadWise White Ribbons for Road Safety 2007 Campaign

Ward:	Both	Date:	13 November 2007
Precinct:	All	File Ref:	TES0173
Attachments:	-		
Reporting Officer(s):	J Greenwood		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the RoadWise White Ribbons for Road Safety 2007 campaign; and*
- (ii) *APPROVES:*
 - (a) *the Town's fleet vehicles being fitted with a white ribbon for the duration of the campaign, and*
 - (b) *displaying and distributing White Ribbons to the general public from the Customer Service Centre and Library.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the 2007 RoadWise White Ribbons for Road Safety Campaign.

BACKGROUND:

As in previous years, RoadWise, under the auspices of the Western Australian Local Government Association (WALGA) and the Road Safety Council, has invited the Town to participate in the 2007 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2007/08 Christmas and New Year period and is a joint WALGA and Road Safety Council initiative.

The campaign, which began in 1996, is now recognised as the major Local Government contribution to the Christmas road safety campaign.

DETAILS:

The primary objective of the annual White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

Each year during the Christmas period, the WA Local Government Association's Community Road Safety Program, 'RoadWise', distributes white ribbons throughout the community. While white crosses on the side of the road represented lives that had been lost, the white ribbon symbolises the positive efforts being made by many agencies working with the community to reduce and prevent road trauma. The campaign encourages all road users to "look out for each other", with the white ribbon being a reminder to slow down, don't drink and drive, always wear a seatbelt and avoid driving when tired.

This will be the twelfth White Ribbons campaign and will run from Monday, 3 December 2007 to Monday, 7 January 2008

Similar to the 2005 and 2006 campaign, Roadwise are asking Councils and staff to display the large white ribbon, wear their individual white ribbons and take photos of staff and councillors promoting the *White Ribbons™ for Road Safety* message.

CONSULTATION/ADVERTISING:

The 2007 White Ribbons campaign will be launched on Monday 3 December 2007 and, in conjunction with the Road Safety Council, WALGA will be promoting it in the media.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2006-2011 - 3.1 Enhance community development and wellbeing. *"3.1.2 Provide and develop a range of community programs and community safety initiatives."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no costs to the Town for participation with the program.

COMMENTS:

As a symbol of the Town's commitment to road safety over the coming festive season, a white ribbon will be provided for Elected Members, the Town's Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Monday 3 December 2007 to Monday, 7 January 2008.

10.3.2 Authorisation of Expenditure for the period 1 - 31 October 2007

Ward:	Both	Date:	02 November 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	G Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 October – 31 October 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

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

Cr Ker was an apology for the meeting.

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 - 31 October 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:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$2,881,243.03
Total Municipal Account		\$2,881,243.03
Advance Account		
Automatic Cheques	60278-60521, 60523-60553, 60555-60565	\$511,780.02
EFT Batch	712, 715, 717, 719	\$167,143.84
Municipal Account		
Transfer of Creditors by EFT Batch	714, 718, 720-721	\$4,069,020.17
Transfer of PAYG Tax by EFT	October 2007	\$271,734.35
Transfer of GST by EFT	October 2007	\$0.0
Transfer of Child Support by EFT	October 2007	\$965.91
Transfer of Superannuation by EFT:		
• City of Perth	October 2007	\$49,923.15
• Local Government	October 2007	\$164,294.61
Total		\$5,234,862.05
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$19,521.47
Lease Fees		\$1,872.36
Corporate Master Cards		\$5,699.55
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$57,086.95
Rejection Fees		\$15.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$84,195.33
Less GST effect on Advance Account		-\$187,647.00
Total Payments		\$8,012,653.41

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.

10.3.3 Financial Statements as at 31 October 2007

Ward:	Both	Date:	12 November 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B C Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 October 2007 as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 October 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 31 October 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 31 October 2007.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1% over the budget.

Governance (Page 2)

Governance is showing 21% over budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 76% under budget.

Health (Page 4)

Health is showing 107%, of the budget this is due to 338 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 7% under budget.

Community Amenities (Page 6)

Community Amenities is 3% below the year to date budget. There were 256 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently 5% over the revenue budget. Beatty Park Leisure Centre revenue is 24 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 100%

Transport (Page10)

The total revenue for Transport is 19 % over the budget.

Economic Services (Page 12)

Economic Services is 123% over budget due to the increase number of building licences (229) issued compared to last year 186 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 64% 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 95% of the year to date budget for the month ending 31 October 2007.

Capital Expenditure Summary (Pages 17 to 23)

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 \$7,540,919 which is 31 % of the budget of \$24,362,667.

	Budget	Actual to Date	%
Furniture & Equipment	538,150	36,184	7%
Plant & Equipment	1,487,450	140,862	9%
Land & Building	12,403,039	5,047,686	41%
Infrastructure	9,934,028	2,316,187	23%
Total	24,362,667	7,540,919	31%

**Balance Sheet (Statement of Financial Position) and
Statement of Changes in Equity (Pages 24 & 25)**

The statement shows the current assets of \$33,253,613 and non current assets of \$125,930,806 for total assets of \$159,184,419.

The current liabilities amount to \$5,337,738 and non current liabilities of \$15,760,514 for the total liabilities of \$21,098,253. The net asset of the Town or Equity is \$138,086,167.

Restricted Cash Reserves (Page 26)

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 27)**

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 \$2,254,469 is outstanding at the end of October 2007. Of the total debt \$38,684 (1.7%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue. An invoice for \$1,182,500 issued to the Department of Sports and Recreation in regards to the Financial Assistance Agreement contributes to the higher than normal debtor's balances. This amount was paid in early November.

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

Rate Debtors (Page 28)

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

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
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 \$5,650,519 which represents 33% of the outstanding collectable income compared to last year 29%. 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 29)

As at 31 October 2007 the operating deficit for the Centre was \$232,192 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash deficit of \$71,392 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 30)

The closing surplus carry forward for the year to date 31 October 2007 was \$18,707,474.

Net Current Asset Position (Page 31)

The net current asset position \$18,707,474.

Variance comment Report (Pages 32 to 35)

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

**10.3.5 Annual Plan - Capital Works Programme 2007/2008
Progress Report No 1 as at 30 September 2007**

Ward:	Both	Date:	2 November 2007
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Capital Works Programme 2007/2008 Progress Report No 1 for the period 1 July - 30 September 2007, as detailed in Appendix 10.3.5.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Programme 2007/2008 for the period 1 July 2007 to 30 September 2007.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 14 August 2007. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the first Progress Report for this financial year covering the period ending 30 September 2007.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2007.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One - Environment and Infrastructure

- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2007/2008.

COMMENTS:

The Capital Works Programme is currently progressing according to the Council approved schedule.

10.3.7 Meals on Wheels Service - Request for Variation in Funding Allocation

Ward:	Both	Date:	11 November 2007
Precinct:	All	File Ref:	CMS0011
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council;

- (i) *APPROVES the allocation of \$30,000 provided to the Rosewood Care Group to deliver a Meals on Wheels services to eligible residents in the Town of Vincent for 2007/2008; and*
- (ii) *REQUESTS an interim evaluation report on the Meals on Wheels service provided by Rosewood Care Group by January 2008 and a final evaluation report by July 2008 as a condition of the funding allocation.*

COUNCIL DECISION ITEM 10.3.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

Cr Ker was an apology for the meeting.

PURPOSE OF REPORT:

To seek approval for funds to be allocated towards costs of running the Meals on Wheels service.

BACKGROUND:

At the Ordinary Council meeting on 26 September 2006, the following recommendation was adopted;

"That the Council;

- (i) *RECEIVES the report on the service provision options for the Meals on Wheels service to Town of Vincent residents; and*
- (ii) *APPROVES payment to Rosewood Care Group subject to:*
 - (a) *payment being made in two (2) instalments in the first (September) and third (March) quarters of the financial year 2006/07 without the need for a further report to Council; and*

- (b) *the additional \$6,000 being subject to the Town receiving and accepting a project proposal which demonstrates clear benefits to the Town."*

DETAILS:

Meals on Wheels services that are available to the Town's residents are primarily funded by the Home and Community Care (HACC) Program, which is a cost-shared program between the Commonwealth and State/Territory governments. The HACC Program is a key provider of community care services to frail aged people and younger people with disabilities, and their carers

Rosewood Care group are a HACC contracted service provider for meals on wheels, meals at centre and assessments for HACC eligible residents in the Town of Vincent. They also service other areas in the western suburbs with the exception of the areas in the City of Subiaco. Meals cost \$5.00 per person per day. Meals are delivered to 97 residents of the Town per day. A nutritionally balanced, chilled two course meal is delivered by volunteers Monday to Friday and frozen meals are available if required for weekends and public holidays.

Earlier in the year Rosewood were facing a number of issues in terms of needing to upgrade its food preparation responsibilities when the accreditation agency requested that in three years time, that all staff responsible for meal preparation be qualified in HACCP (Hazard Analysis Critical Control Point) food safety management certification.

As a result, Rosewood appointed an external contractor for this purpose and through a series of unfortunate events which included industrial relations issues, this had a negative impact on the number of volunteers assisting with the service. Despite active promotional strategies, Rosewood has not been able to recruit enough volunteer drivers to deliver the meals. The staff at both Rosewood and Aurum Catering continue to assist with deliveries taking them away from normal duties.

It should be noted that at that time the majority of their volunteers were in their eighties, so it would have been inevitable that Rosewood would have had to investigate alternative solutions to their reliance on volunteer drivers, in the near future when the incident arose.

The Rosewood Care Group have approached the officers of the Town and outlined the severity of the current situation regarding the lack of volunteer drivers. Rosewood are requesting that the funds allocated towards a special project be redirected towards a paid employee delivery service in order to continue the service.

Previous investigations on other service providers have found that agencies were prepared to assist with meal preparation but unable to undertake the delivery of the meals. In essence, if Rosewood can not sustain the current service delivery requirements, seniors in the Town would not be able to receive meals on wheels.

Rosewood reports that a total of 14,952 meals were delivered in 2006. Based on current meal deliveries, they are projecting delivering 17,888 meals to 97 recipients within the Town of Vincent for the financial year of 2007/2008.

The following figures illustrate the number of meals being delivered for the various local governments as of December 2006, along with the subsidies provided.

Local Government	Number of Meals (per annum)	Subsidy (per annum)
Town of Vincent	14,952	\$14,000
Town of Cambridge	21,616	\$7,500
Town of Claremont	12,311	\$7,000
Town of Cottesloe	8,094	\$4,900
City of Perth	1,694	\$850
City of Nedlands	16,439	\$8,200
Total	75,106	\$40,350

The full cost per meal after taking into account paid delivery drivers for 2007/2008 is \$9.84 per meal. This is made up of \$7.99 (cost of preparing the meal) and \$1.85 (cost of delivering the meal). Proposed contributions from 1 July 2007 are;

Recipients	\$5.75
HACC	\$1.70
Town of Vincent	\$2.09
Rosewood	\$0.30
Total	\$9.84

This proposal would require a net increase of \$0.75 per meal for residents in the Town of Vincent, with the Town contributing a total of \$37,385.92.

Reducing the resident contribution to a net increase of \$0.50 per meal would require the Town of Vincent to contribute \$2.34 per meal. This would mean a total contribution of \$41,857.92 from the Town.

Currently, an amount of \$30,000 is listed on the 2007/2008 budget as the Town's contribution towards meals on wheels services. Based on 17,888 meals as an estimate, the Town's contribution would be \$1.68 per meal. With the projected number of recipients being 97 residents, the Town would be contributing \$309.30 per resident for the year towards their meals.

Other Councils (who used Rosewood services)

The Town of Cambridge are proposing an increase of \$1.00 per meal for residents with their proposal for 2007/2008 which does not involve utilising Rosewood Care Group as the provider of meals. A confidential report was prepared to their Council recently proposing the possibility of outsourcing Meals on Wheels to another provider. It is reported that they are utilising Home Chef, an established home delivery meal provider based at South Guilford. Home Chef prepares and delivers meals once a week if the client has five or more meals per week or once a fortnight if the client orders four or less meals a week. The meals cost \$7.37 as compared to the cost of \$5.75 per meal with Rosewood. Home Chef charges the clients \$6.00 per meal and bills the Town of Cambridge for the \$1.37 difference, of which they claim the GST component back from the government.

As Home Chef only provides meals, the Town of Cambridge has had to look at compensating for the social support aspect of the volunteer driver system. To address this, they have investigated other personal care services that may visit the clients such as Silver Chain. This aspect of the service is important to communicate with them about the status of the client and their changing needs. Another service they use for this purpose is the Red Cross Telecross service where they ring the client on a daily basis to make sure they are fine.

The reception from the seniors has been very positive with the only complaint being that the dessert portions were too small. The Town of Cambridge enlisted staff to visit every senior that received meals on wheels to discuss with them the change to the system which they said was a valuable experience. The Town of Cambridge already provides HACC services so they are qualified to assess the clients themselves and receive a subsidy from HACC.

The City of Nedlands is proposing an increased contribution to the total of \$2.00 per meal in the 2007/2008 financial year. Previously their contribution was \$0.41 per meal.

The City of Perth have not taken any significant action apart from their current meals on wheels service at Rod Evans Seniors Citizen's Centre picking up meals within and outside of the City's boundaries.

The Town of Claremont are proposing an increase in contribution to \$2.31 per meal which is around \$20,000 per annum. They will be entering an agreement to pay the subsidy by the number of meals being delivered rather than paying an annual contribution based on projected figures.

The Town of Cottesloe has a total contribution of \$16,000 listed for approval in the 2007/2008 financial year.

Other Council providers

The City of Stirling produces 10,000 meals per day from their kitchen and is currently operating their kitchens under capacity. They provide meals for Town of Bassendean, City of Swan and Shire of Mundaring.

For Bassendean and Mundaring, Stirling assess the clients and delivers the meals to a central point from which volunteers then deliver the meals to clients . Stirling claims \$1.50 from HACC for a transport subsidy

For Swan, Stirling does not assess the clients but they deliver to their clients, collect the money for the meals from the clients and claim the subsidy

Stirling charge \$6.25 per meal. They would prefer to provide the meals and deliver to a central point but would consider delivery at a fee that would need to be negotiated. They use the cook chill method which allows the client to reheat their fresh meal or freeze it to have later. Volunteers are paid \$0.55c per km for delivery of meals.

The City of Subiaco is also a HACC service provider and has a kitchen where they prepare meals. They have a team of volunteers that deliver the meals to clients. Their kitchen also operates under capacity. They have stated that they could provide meals to be distributed from a central point but were not able to provide volunteers for delivery.

Other options

As outlined in the report to the Ordinary Council Meeting on 26 September 2006, officers have discussed options with other meals on wheels providers, namely Cities of Subiaco, Stirling and Perth. Whilst these kitchens have the capacity prepare more meals, none of them are able to provide the additional service of delivering the meals to the residents.

Taking on the sole responsibility of the service would mean that the Town would also be up for the costs that Rosewood are currently subsidising for each meal which is \$0.30.

The decision to contract service providers for Meals of Wheels services rests solely with the HACC programme and not with the Town of Vincent. Discussions with the HACC representative indicate that if the Town withdraws funding from a HACC service provider, HACC would not top up the funding of that agency to make up the shortfall. Similarly, HACC would not withdraw funding from the agency if it continues to meet with the targets and objectives of the service contract.

Given the hypothetical that the Town wants to partner with another agency to provide meals on wheels for the Town's residents, HACC would not necessarily withdraw funding from an agency and re distribute to the Town's preferred agency, if the current agency continues to meet its service obligations. In consideration to the service history of Rosewood and its commitment to providing HACC services, it is also unlikely that HACC would withdraw funding if it continues to meet its contractual obligations with HACC.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011: Strategic Objective 3-Community Development

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town of Vincent allocated a contribution to Rosewood Care of \$18,000 as listed in the 2006/2007 Financial Budget. An increased allocation of \$30,000 is listed in the 2007/2008 budget.

COMMENTS:

It is important that the delivery of the Meals on Wheels service continues to be provided to the seniors in the Town of Vincent. The Rosewood Care Group has provided this service to the locality since 1957. It should be noted that the issue surrounding the industrial relation matter last year has been satisfactorily resolved.

It is recommended that the increased allocation of funds be approved subject to a full evaluation report being provided at the end of the 2007/2008 financial year. It is important that the Town is privy to any changes in standards and outcomes of the service delivery given the significant changes that have occurred during this year. All aspects of the service should be maintained in order to continue to secure funding from the Town. This would include ensuring high quality of assessments and advice to seniors on the service and how it operates, delivery of meals, number of residents serviced, ability to cater to a wide range of tastes and needs of the client group and most importantly the ability to respond to the needs and expectations of the client group. This report should also outline continuous improvement strategies to meet the needs of clients in the Town of Vincent.

10.3.4 Hyde Park Rotary Community Fair 2008

Ward:	South	Date:	29 October 2007
Precinct:	Hyde Park Precinct P12	File Ref:	RES0031
Attachments:	-		
Reporting Officer(s):	J Anthony		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **PERMITS** the Rotary Club of North Perth to hold the Hyde Park Community Fair on 2 and 3 March 2008, subject to;
 - (a) *event application fees for the fair at Hyde Park being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report; and*
 - (d) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

to the satisfaction of the Chief Executive Officer; and
- (ii) **APPROVES** the sponsorship contribution of \$12,000 to assist with the costs of the event, as listed in the 2007/2008 Budget.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Burns

That new clauses (iii) and (iv) be added to read as follows:

- (iii) **APPROVES** a one off amount of \$2000 for the organisers of the fair, for the sole purpose of developing a special event celebrating the 20th anniversary of the Hyde Park Festival.
- (iv) **ADVISES** the North Perth Rotary Club that:
 - (a) *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped / mulched garden area located under any tree canopy;*

- (b) *only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event; and*
- (c) *the Town will issue infringement notices to ALL vehicles not displaying an official Town of Vincent parking permit.*

Cr Messina departed the Chamber 6.37pm

Cr Messina returned to the Chamber 6.38pm

Debate ensued.

Clause (iii) AMENDMENT PUT AND CARRIED (8-0)

Cr Ker was an apology for the meeting.

Clause (iv) AMENDMENT PUT AND CARRIED (8-0)

AMENDMENT

Moved Cr Lake, Seconded Cr Farrell

That a new clause (v) be added to read as follows:

- (v) *the Towns staff negotiate with the North Perth Rotary Club in developing a plan for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff.*

AMENDMENT PUT AND CARRIED (8-0)

Debate ensued

MOTION AS AMENDED PUT AND CARRIED (8-0)

Cr Ker was an apology for the meeting.

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) *PERMITS the Rotary Club of North Perth to hold the Hyde Park Community Fair on 2 and 3 March 2008, subject to;*
 - (a) *event application fees for the fair at Hyde Park being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
 - (d) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report to the satisfaction of the Chief Executive Officer;*

-
- (ii) *APPROVES the sponsorship contribution of \$12,000 to assist with the costs of the event, as listed in the 2007/2008 Budget;*
- (iii) *APPROVES a one off amount of \$2000 for the organisers of the fair, for the sole purpose of developing a special event celebrating the 20th anniversary of the Hyde Park Festival;*
- (iv) *ADVISES the North Perth Rotary Club that:*
- (a) *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped / mulched garden area located under any tree canopy.*
 - (b) *only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event; and*
 - (c) *the Town will issue infringement notices to ALL vehicles not displaying an official Town of Vincent parking permit; and*
- (v) *the Town's staff negotiate with the North Perth Rotary Club in developing a plan for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff.*

PURPOSE OF REPORT:

To approve the Hyde Park Community Fair to be held in Hyde Park on 2 and 3 March 2008, subject to conditions as listed in the report.

DETAILS:

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of 2nd and 3rd of March 2008.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The overall objective is to present a *Free Family Fair*, attractive to a broad section of the community while raising money for charities.

The Rotary Club of North Perth considered the 2007 Hyde Park Fair to be successful, with good attendance figures, increased stall holders and quality entertainment. Attendee numbers were higher than 2006 with a bumper attendance on Sunday. Estimated attendance is 25,000 over the 2 days.

The proceeds from the 2007 Fair were distributed to the following projects;

- Rotary Cord Blood Bank;
- Rotary Oceania Medical Aid for Children (ROMAC);
- Life Education;
- Manna Industries; and
- St. Bartholomew's.

Since 2005, event organisers have continued to put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

1. "Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The Organisers are responsible for any damage to the Park vegetation;
2. Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;
3. Leaf and ground coverage is not to be removed from the ground of your site; and
4. All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this."

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- Manager Community Development (Chairperson)
- Manager Parks Services
- Manager Ranger and Community Safety Services
- Manager Health Services
- WA Police Service
- plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

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

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. This year, fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the Town;

1. Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food

preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date;

2. Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;
3. Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and
4. The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the Town of Vincent.

CONSULTATION/ADVERTISING:

NIL

LEGAL/POLICY:

The standard conditions for sponsorship would apply to this event:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011

Strategic Objective

3 Community Development

3.1 Enhance community development and wellbeing

FINANCIAL/BUDGET IMPLICATIONS:

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2003 and 2004 for this event. An increase in sponsorship to a total of \$10,000 (ten thousand dollars) was provided for the event since 2005. An amount of \$12,000 has been listed in the 2007/2008 Budget for the 2008 event.

Event organisers have requested an increase in sponsorship from \$10,000 to \$15,000 to cover increased costs in organising the Fair. In return, a platinum sponsorship package is offered which includes exposure of the Town on radio, television, and local and State wide newspaper coverage.

COMMENTS:

This is one of the most heavily patronised events organised in the Town apart from the Leederville Street Festival which also receives sponsorship funds from the Town. The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives.

The Rotary Club has taken responsibility for any damage on the park through the forfeit of the bond in previous years and they are proactive in working with officers to ensure damage is minimised. It is considered that the Rotary Club of North Perth has managed the Fair in accordance with the recommendations outlined by officers, if conducted in the same manner incorporating suggested minor improvements, the Fair will continue to be well supported by the Town and the community.

10.3.6 Kyilla Primary School Harmony Fete - Sponsorship

Ward:	Both	Date:	11 November 2007
Precinct:	All	File Ref:	FIN0155
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the sponsorship request of \$3000 of Kyilla Primary School Harmony Fete Committee to hold a "Harmony Day" Fete on 24 March 2008.

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued

AMENDMENT

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be amended to increase the sponsorship amount from \$3000 to \$4000.

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

Cr Ker was an apology for the meeting.

COUNCIL DECISION ITEM 10.3.6

That the Council APPROVES the sponsorship request of \$4000 of Kyilla Primary School Harmony Fete Committee to hold a "Harmony Day" Fete on 24 March 2008.

PURPOSE OF REPORT:

To seek approval for the sponsorship of a school fete timed to support "Harmony Day" conducted on 14 March 2008.

BACKGROUND:

Harmony Day was introduced in 1999 to celebrate Australia's success as a diverse society. Kyilla Primary School is planning to run a school fete as close to Harmony Day as possible to celebrate its commitment to racial respect and community harmony.

DETAILS:

An application for sponsorship has been received from the Kyilla Primary School Harmony Fete Committee.

The Kyilla Primary School Harmony Fete Committee plan to hold a community fete on Friday 14 March 2008 from 5pm – 9pm. The timing of this fete has been organised as close to “Harmony Day” as possible. The fete will incorporate a range of items, performances and interests.

Through the fete, Kyilla hopes to celebrate its commitment to racial respect and community harmony; a date which coincides with the United Nation’s International Day for the elimination of racial discrimination. All of North Perth and approximately 6 surrounding suburbs will be invited to this community initiative. This will be achieved through advertising (supported by Community Newspapers – The Guardian Express), and two separate letter drops.

Entertainment is planned in keeping with the theme for “Harmony”. The acts will be multicultural such as a Noongar input to the opening of the fete. The organisers are specifically approaching the Italian, Greek, Macedonian, Vietnamese and Korean communities. It is anticipated entertainment will include music, dance and drama. Some young musicians have also been contacted and artworks from the school will be on display.

There will be carnival amusements, fete stalls, silent auctions, not-so-silent auctions and chocolate wheels. Because this is an afternoon/evening fete there will be plenty of food available, also taking on a multicultural theme.

In particular funding is requested to go towards a stage and sound system to support the multicultural acts.

Funding is supported for the provision of a range of non profit cultural activities on the day which will include performances from local entertainers.

This event will be accessible to members of the community including people with a disability. Residents of the Town of Vincent will be targeted for this project through advertising and editorial in the local Guardian Express Newspaper.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The sponsorship application addresses the following objectives of the Town’s Strategic Plan 2006–11:

“3.1.1 Celebrate and acknowledge the Town’s cultural and social diversity

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

FINANCIAL/BUDGET IMPLICATIONS:

This sponsorship will be funded from the Donations account in the 2007/08 budget.

COMMENTS:

The funding is supported for the provision of infrastructure in staging, sound and lighting that will enable the presentation of multicultural acts from within the community.

The Kyilla Primary School Harmony Fete Committee will acknowledge the Town's support of the community fete through a range of promotional methods including verbal and written acknowledgements at school assemblies and in the school newsletter in the lead up to the fete. During the fete, Town of Vincent signage shall be displayed and verbal acknowledgement given from the stage.

The applicant will be required to complete an acquittal report after the event, detailing how the sponsorship funds were expended.

10.1.2 No. 56 (Lot: 2 D/P: 80738) Britannia Road, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Addition to Existing Single House

Ward:	North	Date:	12 November 2007
Precinct:	Mount Hawthorn;P1	File Ref:	PRO2740 ; 5.2007.281.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin, D Bothwell		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Q Morrison on behalf of the owner A M Morrison for proposed Partial Demolition of and Alterations and Two-Storey Addition to Existing Single House, at No.56 (Lot: 2 D/P: 80738) Britannia Road Mount Hawthorn, and as shown on plans stamp-dated 27 July 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 Britannia Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted be submitted and approved demonstrating the window to bedroom 1 on the northern*

elevation, on the first floor, being screened with a permanent obscure material and be non - openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.2 Kalgoorlie Street, stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variations to the requirements of the requirements of the Residential Design Codes and the Town's Policies.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

Cr Ker was an apology for the meeting.

Landowner:	A M Morrison
Applicant:	Q Morrison
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	279 square metres
Access to Right of Way	N/A

BACKGROUND:

- 27 April 2004 The Council at its Ordinary Meeting granted conditional approval for partial demolition of and alterations and two storey additions to existing single house at No. 56 (Lot: 2 D/P: 80738) Britannia Road, Mount Hawthorn.
- 24 May 2005 The Council at its Ordinary Meeting granted conditional approval for partial demolition of and alterations and two storey additions to existing single house at No.56 (Lot: 2 D/P: 80738) Britannia Road, Mount Hawthorn (amended plans).

DETAILS:

The proposal involves the partial demolition of and alterations and two-storey addition to existing single house.
The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Front- South	6.0 metres	-3.0 metres to main dwelling -2.75 metres to balcony	Supported – not considered to have an undue impact on adjoining properties and on the streetscape. Proposed setback is generally consistent with setback of existing house, and the lot was created from a previous corner lot. Refer to 'Comments'.
Privacy Setbacks: - South (Balcony)	6.0 metres	2.75 metres to southern boundary	Supported – not considered to have an undue impact on adjoining properties as overlooking front setback area.
- North (Bedroom 1)	4.3 metres	2.3 metres to northern boundary	Not supported – undue impact on neighbouring property, and condition applied to provide compliant screening.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
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

The Town's Anzac Residential Locality Statement Policy requires a 6 metre setback to the upper floor, from the primary street, in order to avoid 'boxy' style developments, which do not provide any interest when viewed from the street.

Notwithstanding the above, the subject land has resulted from the subdivision of an original corner lot, and as such the Town can consider variations to the 6 metre setback requirement to the upper floor. Although the applicant is proposing a significant setback variation of 2.75 metres, and there are no other examples in the immediate street of reduced setbacks to the upper floor, the subject land is not a vacant site, so there is little scope for the applicant to comply with the Town's requirements on a block with a depth of only 16.34 metres, and there is limited scope to extend on the ground floor due to the R Codes open space requirements. Furthermore, the addition includes architectural features (that is, gable and three windows) and the building is slightly staggered, all of which provide interest and reduce the visual impact, when viewed from the street. Also, the gable roof and the top of the roof on the adjoining dwelling to the east almost sits in-line with the proposed two-storey addition.

Given the above, the proposal is not considered to create an undue impact on the amenity of area.

Privacy

Additionally, the window to the bedroom on the northern elevation overlooks the adjoining property to the west. In order to protect the privacy of the landowners to the west, a standard screening condition has been recommended.

Summary

The Council has already granted conditional approval for the proposal on two occasions, most recently on 24 May 2005; however, the Planning Approval expired on 25 May 2007. In light of the previous Council decision to approve the development, the absence of objections to the proposal and the proposed development is not considered to create an undue impact on the amenity of the area or the streetscape, conditional approval is recommended.

10.1.6 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)

Ward:	South	Date:	13 November 2007
Precinct:	Claisebrook North	File Ref:	PRO0733; 5.2007.314
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

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.*

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.

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

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.

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

BACKGROUND:

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

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

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

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

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

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

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

"That the Council;

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

- batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
- (b) *a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
 - (c) *a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 10.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*
 - (d) *the City of Perth commits to assist Town of Vincent residents with any complaints or queries raised in relation to the Plant and that the City of Perth's Environmental Health Officers undertake noise investigations including attending Town of Vincent properties for the purpose of undertaking sound level measurements; and*
 - (e) *a review of conditions by April 2008 including community consultation within a 250 metre radius."*

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

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

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

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

2.1 noise management for on-site activities;

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

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

2.4 methods for notifying affected properties along Claisebrook Road and Edward Street on occasions when unusually high truck movements

are likely to occur outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;

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

The above approval expired on 4 November 2007.

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

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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Operating Hours	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.	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.	Not supported - for the reasons stated in the Officer Recommendation.
Consultation Submissions			
The proposal was advertised to residents and occupiers by way of letters to properties within 300 metres of the subject site.			
Support (5)	<ul style="list-style-type: none"> • No comments provided. 		Noted.
Objection (49)	<ul style="list-style-type: none"> • 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. 		Supported - as the current operating times are adequate for the plant, for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> • 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. 		Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> • Further planning approval should not be issued so that they do not encourage 		Supported - as above.

	the continued use of the site, and only then will there be sufficient incentive to encourage operators to seek other more appropriate locations.	
	<ul style="list-style-type: none"> Proximity of premises to residential dwellings. 	Noted.
	<ul style="list-style-type: none"> Noise from operations and trucks is having an undue impact on neighbouring properties. 	Supported- for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> Trucks entering and exiting the premises along Claisebrook Road are a traffic hazard to pedestrians and other vehicles. 	Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> East Perth is being redeveloped into a prime residential and commercial area. Industrial uses are not in keeping with this. 	Supported - as above.
	<ul style="list-style-type: none"> Premises are an eyesore. 	Supported – as the plant does not contribute to the positive visual amenity of the area.
	<ul style="list-style-type: none"> Operations and trucks are creating unacceptable levels of dust pollution. 	Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> Neighbouring property(s) are suffering cracks from vibrations of passing trucks. 	Noted.
	<ul style="list-style-type: none"> Presence of batching plants is holding back the redevelopment of the area. 	Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> Presence of batching plants has a negative effect on surrounding property values. 	Not supported - as impact on property values is not a significant planning consideration.
	<ul style="list-style-type: none"> Extended trading hours constitute an unacceptable intensification of the operations. 	Supported - as above.
	<ul style="list-style-type: none"> Previous condition of approval for open discussions on addressing environmental and health concerns has not been complied with. 	Noted - as this was when the plant was under the jurisdiction of the City of Perth.
	<ul style="list-style-type: none"> The Town is responsible for protecting human health in the area. 	Supported-as this is one of the objectives of the Town of Vincent Town Planning Scheme No.1
	<ul style="list-style-type: none"> Fumes from trucks are contributing to unacceptable odours. 	Noted.
	<ul style="list-style-type: none"> Trucks queuing to enter and exit premises are causing traffic congestion 	Supported - as not considered acceptable within an emerging

	along Claisebrook Road.	residential neighbourhood.
	<ul style="list-style-type: none"> Operations are having an undue impact on amenity of area for residents. 	Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> Trucks are causing damage to Claisebrook Road and Lord Street. 	Noted.
	<ul style="list-style-type: none"> Concrete residue is being left on the road and at times on cars parked along the streets. 	Noted.
	<ul style="list-style-type: none"> Proposal should be referred to the EPA under Section 38 of the Environmental Protection Act 	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.
Other Implications		
Legal/Policy		TPS1 - 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.
Strategic Implications		Strategic Plan 2006-2011: <i>"1.1.4-Minimise negative impacts on the community and environment."</i>
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:

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

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.

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

Ward:	South	Date:	13 November 2007
Precinct:	Claisebrook North	File Ref:	PRO4024; 5.2007.312.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

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 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;*
- (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.*

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 Allerdig & Associates concerning this matter was tabled and circulated to all Council Members.

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

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 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;

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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Operating Hours	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.	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.	Not supported - for the reasons stated in the Officer Recommendation.
Consultation Submissions			
The proposal was advertised by way of letters to residents and occupiers of properties within 300 metres of the subject site.			
Support (7)	<ul style="list-style-type: none"> No comments provided. 		Noted
Objection (52)	<ul style="list-style-type: none"> 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. 		Supported - as the current operating times are adequate for the plant, for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> 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. 		Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> 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 		Supported - as above.

	<ul style="list-style-type: none"> encourage operators to seek other more appropriate locations. 	
	<ul style="list-style-type: none"> Presence of batching plants is holding back the redevelopment of the area. 	Supported - as above.
	<ul style="list-style-type: none"> Presence of batching plants has a negative effect on surrounding property values. 	Not supported – as impact on property values is not a significant planning consideration.
	<ul style="list-style-type: none"> Operations and trucks are creating unacceptable levels of dust pollution. 	Supported - as above.
	<ul style="list-style-type: none"> Trucks entering and exiting the premises along Edward Street are excessively noisy. 	Supported - as above.
	<ul style="list-style-type: none"> Trucks entering and exiting the premises along Claisebrook Road are a traffic hazard to pedestrians and other vehicles. 	Supported - as above.
	<ul style="list-style-type: none"> Extended trading hours constitute an unacceptable intensification of the operations and further compounds associated problems. 	Supported - as above.
	<ul style="list-style-type: none"> Previous condition of approval for open discussions on addressing environmental and health concerns has not been complied with. 	Noted - as this was when the plant was under the jurisdiction of the City of Perth.
	<ul style="list-style-type: none"> The Town is responsible for protecting human health in the area. 	Supported - as this is one of the objectives of the Town of Vincent Town Planning Scheme No.1
	<ul style="list-style-type: none"> Fumes from trucks are contributing to unacceptable odours. 	Noted.
	<ul style="list-style-type: none"> Trucks queuing to enter and exit premises are causing traffic congestion along Edward Street. 	Supported - as not considered acceptable within an emerging residential neighbourhood.
	<ul style="list-style-type: none"> Operations are having an undue impact on amenity of area for residents. 	Supported - for the reasons stated in the Officer Recommendation.
	<ul style="list-style-type: none"> Edward Street is not suitable for heavy vehicles due to street parking. 	Supported - as above.
	<ul style="list-style-type: none"> Extended trading hours will increase traffic along Edward Street. 	Supported - as above.
	<ul style="list-style-type: none"> Concrete residue is being left on the road and at times on cars parked along the streets. 	Noted.
	<ul style="list-style-type: none"> Premises are an eyesore. 	Supported – as the plant does not contribute to the positive visual amenity of the area.
	<ul style="list-style-type: none"> Neighbouring property(s) are suffering cracks from vibrations of passing 	Noted.

	trucks.	
	<ul style="list-style-type: none"> Far preferable to have Sunday operation. 	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"> Proposal should be referred to the EPA under Section 38 of the Environmental Protection Act. 	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.
Other Implications		
Legal/Policy		TPS1 - 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.
Strategic Implications		Strategic Plan 2006-2011: "1.1.4-Minimise negative impacts on the community and environment."
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:

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.

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.

10.1.1 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

Ward:	South	Date:	14 November 2007
Precinct:	Beaufort; P13	File Ref:	PRO3278; 5.2006.486.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES 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:*
 - (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;*
- (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;

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.

<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.

Landowner:	North Perth Developments Pty Ltd
Applicant:	S Buljan
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Reservation Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80 and Other Regional Road Reservation.
Existing Land Use:	Unoccupied Warehouse Building
Use Class:	Office Building, Eating House, Shop, Multiple Dwelling
Use Classification:	"AA", "SA", "AA", "P"
Lot Area:	1409 square metres
Access to Right of Way	East side, 3.04 metres wide, sealed, Town owned

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 Pendall 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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
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.	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-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.
Plot Ratio	2.0	2.0	Noted.
Commercial-Residential Mix	66 per cent	60 per cent	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.

Stores	4 square metres	4 and 3.7 square metres	Supported- as the smaller size stores can be allocated to the single bedroom dwellings.
Single Bedroom Dwelling	60 square metres	68 square metres	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.
Car Parking for the Commercial Component	32.56 car bays	29 car bays	Supported- as the variation is considered minor in nature and a cash-in lieu payment is considered appropriate in this instance.
Awning	Full length of building	Only for part of length of building.	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
Communal Open Space	16 square metres	Part provided	Not supported - undue impact on occupant's amenity, and a condition requiring compliance has been recommended.
Building Setbacks			
West-ground floor	Nil	Nil to 7.8 metres	Supported - as the design of the proposal complies with the general intent for a "Nil" setback, except for a few areas.
1st floor	Nil	Nil to 6.8 metres	Supported- as the setback assist in reducing any undue impact of bulk and scale.
2nd floor	Nil	Nil to 2.8 metres	Supported - as above.
3rd floor	Away from boundary	Nil to 4.4 metres	Supported - as above.
4-7 floor	Away from boundary	Nil to 4.6 metres	Supported - as above.
North Side-4-7 floor	Nil	2 metres to 5.6 metres	Supported - as above.
South side-4-7 floor	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.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No comments provided. 		Noted.
Objection (4)	<ul style="list-style-type: none"> The 8 storey height is considered to be excessive and will adversely affect the surrounding properties and the streetscape. 		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"> Loss of privacy to the windows facing the northwest and southwest windows and also afternoon shadow cast. 		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"> 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. 		Noted –as the proposal complies with the overshadowing 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"> 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? 		Noted.

	<ul style="list-style-type: none"> 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? 	<p>Noted – as all construction related noise is controlled by the relevant State legislation.</p>
	<ul style="list-style-type: none"> 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. 	<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 Pandal 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"> Under the impression that the heights were above the Town's planning requirements for building heights. 	<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 Pandal Lane, Perth affecting the site.</p>
	<ul style="list-style-type: none"> Proposal is too dense, and not in keeping with the history, designs of the area and would affect property values. 	<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"> • Building is significantly higher than any other building in the area, and would set a precedent for the adjoining lot. 	<p>Noted – as this site is within a separate precinct, where higher buildings are permissible.</p>
	<ul style="list-style-type: none"> • The road is not designed for additional traffic and there is also not enough car parking. 	<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"> • This area has a high crime rate, and such dense developments would exacerbate the problem. 	<p>Not supported – as this claim has not been substantiated with any relevant evidence.</p>
	<ul style="list-style-type: none"> • The commercial aspect will not be beneficial, as there are already vacant commercial sites in the vicinity. 	<p>Not supported – as above.</p>
	<ul style="list-style-type: none"> • Rear right-of-way which is 3.04 metres wide is too narrow to accommodate anticipated traffic volumes. 	<p>Not supported – as the Town’s Technical Services is satisfied that the width of the ROW and the increased setback within the development site is sufficient for entry to the site and catering for the expected traffic flows.</p>
	<ul style="list-style-type: none"> • Serious potential excavation risk to the art gallery on the adjoining lot to the north of the subject site. 	<p>Noted - as a condition has been imposed to this effect.</p>
	<ul style="list-style-type: none"> • Right of access from right -of -way. 	<p>Noted – as each individual owners is required to ascertain their individual access rights from the rear right-of way.</p>
	<ul style="list-style-type: none"> • 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. 	<p>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.</p>

	<ul style="list-style-type: none"> 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. 	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.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

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.

Car Parking- Commercial Component	
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 (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	56 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 0.90 (provision of "end of trip" facilities for bicycle users) 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 	(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

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

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.

Environment Sustainability

The proposal incorporates "Green Building Technologies". The development proposal at Building Licence stage is required to be accompanied with an independent environment sustainability assessment report prepared by a Green Star Accredited Professional. The applicant has submitted a comprehensive statement (attached) addressing the above matter, which is included as an attachment to this report.

Mixed Uses

The proposed uses are considered compatible in terms of a mixed use residential and commercial development at this particular location consisting of office, eating house and shop as they provide services to the immediate and surrounding area. The limited scale and nature of the proposed eating house and shop will not undermine such active uses being established in the commercial area along Newcastle Street.

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 and the scale and nature of the development.

10.1.5 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

Ward:	South	Date:	9 November 2007
Precinct:	Mount Lawley; P11	File Ref:	PRO0710 5.2007.308.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council 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.*

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	

Journalist Lindsay McPhee departed the Chamber at 7.45pm.

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

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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Mount Lawley Centre Precinct	Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.	Nil on-site car parking.	Not supported - the proposal is considered to have an undue impact on the amenity of the area.
Waste Management Policy No. 2.2.18	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.	The current proposal does not indicate a suitable bin store area.	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. Notwithstanding the above, the current proposal does not indicate a suitable bin store area for the minimum bin store requirement.
Consultation Submissions			
Support (1)	- Support in principle provided. However, concerns about noise, traffic, parking, privacy, loitering and waste services were expressed.		Noted.
Objection (6)	- Parking problems in an already congested area.		Supported - considered to have an undue impact on the amenity of the area.
	- Increase in traffic utilising ROW, which will further damage boundary walls.		Not supported - the right of way will not be directly utilised by patrons.
	- Increase in noise, anti-social bad		Supported in part- in the

	behaviour and loitering.	event of an approval the applicant will need to prepare and implement a Management Plan to address such problems.
	- Insufficient Bin Store.	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.
	- The area has enough pub type venues.	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.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car Parking Requirement (nearest whole number) Tavern -1 space per 3.8 square metres of public floor area or (262) - 68.94 car bays; OR - 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater (200) - 44.44 car bays		69 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) 49.85 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		35.4 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:

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.

Mayor Catania, Cr Burns, and Cr Messina had declared a financial interest in this Item. They departed the chamber at 7.48pm and did not speak or vote on the matter. Deputy Mayor Cr Steed Farrell assumed the Chair.

10.3.1 Investment Report as at 31 October 2007

Ward:	Both	Date:	1 November 2007
Precinct:	All	File Ref:	FIN0008
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 October 2007 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Youngman, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (5-0)

Cr Ker was an apology for the meeting.

Mayor Catania, Cr Burns, and Cr Messina returned to the chamber at 7.52pm.

Mayor Catania assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 October 2007 were \$18,485,726 compared with \$20,913,406 at 30 September 2007. At 31 October 2006, \$17,444,949 was invested.

Total accrued interest earned on Investments as at 31 October 2007:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	208,621	38.99
Reserve	547,600	214,282	39.13

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 significant increase in investment funds from August this year in comparison to last year is due to receipt of loan funds in July and August for Loftus Recreation Centre Redevelopment, which will be utilised over the forthcoming months.

Cr Messina had declared a proximity interest in this Item. He departed the Chamber at 7.53pm and did not speak or vote on the matter.

10.2.3 Proposed Bus Stop Modification Adjacent the 'Mezz' Shopping Centre, Scarborough Beach Road, Mount Hawthorn

Ward:	North	Date:	13 November 2007
Precinct:	Mt Hawthorn Centre; P2	File Ref:	PRO0266 & TES0128
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed modification to the bus stop adjacent to the 'Mezz' Shopping Centre, in Scarborough Beach Road, Mt Hawthorn;*
- (ii) *APPROVES IN PRINCIPLE the proposal to reconfigure the existing bus stop outside the 'MEZZ' in Scarborough Beach Road, as shown on attached plan No 2252-DP-09;*
- (iii) *NOTES that the proposal as outlined on the attached plan No 2252-DP-09 would still provide buses with unencumbered egress from the proposed reconfigured bus stop onto Scarborough beach Road;*
- (iv) *SEEKS comments from the Public Transport Authority and adjoining businesses regarding the proposal as outlined on plan No 2252-DP-09; and*
- (v) *in the event that no adverse comments are received, AUTHORISES the Chief Executive Officer to implement the proposal as part of the current Scarborough Beach Road Streetscape improvements.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Youngman

Debate ensued

That the recommendation be adopted.

CARRIED (7-0)

Cr Ker was an apology for the meeting.

Cr Messina had declared a Proximity Interest in this Item and was out of the Chamber.

Cr Messina returned to the chamber at 7.54pm.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of a proposal to reinstate the embayed bus stop outside the 'Mezz' Shopping Centre in Scarborough Beach Road, Mt Hawthorn.

BACKGROUND:

The redevelopment of the Mt Hawthorn Plaza Shopping Centre, located in Scarborough Beach Road, Mt Hawthorn, commenced in December 2005 and was largely completed by December 2006 with the centre re-opening as the 'Mezz' in early 2007.

During the course of 2006 the Council considered a series of four (4) reports which either made reference to, or were about, a proposal to replace the city bound embayed bus stop in Scarborough Beach Road, near the intersection of Fairfield Street, with a kerbside bus stop.

Ordinary Meeting of Council 28 February 2006

The Council considered a request from Hawaiian Developments to replace the embayed bus stop in Scarborough Beach Road with a kerbside stop at the same location. The developer's request was based upon an anticipated significant increase in pedestrian traffic using Scarborough Beach Road once the shopping centre redevelopment was completed.

Further, Hawaiian envisaged that some of the tenancies fronting Scarborough Beach Road would be cafés and/or restaurants seeking to incorporate alfresco dining under the new awnings to be installed as part of the upgraded facade.

At the meeting, the Council deferred the item for a more detailed assessment to be made of the traffic implications and a report be provided.

Ordinary Meeting of Council 28 March 2006

Further information was provided to Council as part of a larger report on a proposed Scarborough Beach Road Streetscape Upgrade through the Mt Hawthorn Centre Precinct.

In respect of the bus stop, Council requested the applicant to submit the proposal to remove the 'embayed' bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as the information was received.

Ordinary Meeting of Council 13 June 2006

Council was provided with additional information in respect of the potential impact upon traffic and advising of the responses of Main Roads WA and the Public Transport Authority.

Having considered the additional information, it was decided (*in part*):

"That the Council;

- (iii) *APPROVES IN PRINCIPLE the proposed modification of the bus stop as shown on attached plan SK_01 subject to the existing bus shelter being relocated and retained at this location to the satisfaction of the Town;*
- (iv) *REQUESTS the applicant to advertise/display the proposal in the Mt Hawthorn Plaza redevelopment display area for 21 days, from a date to be agreed by the Town;*
- (v) *ADVERTISES the proposal to the Mount Hawthorn Precinct Group and adjoining businesses and residents for 21 days seeking comments on the proposal; and*

- (vi) *in the advent that no adverse comments are received at the conclusion of advertising period, AUTHORISES the Chief Executive Officer to approve the replacement of the embayed bus stop with a kerb side stop and in the advent that adverse comments are received RECEIVES a further report on the matter."*

Ordinary Meeting of Council 25 July 2006

In accordance with clauses (iv) and (v) of the Council's decision of 13 June 2006, the proposed changes were displayed in the mall area of the Mt Hawthorn Plaza for a period of 21 days, seeking comment. Further, a copy of the proposal was sent to the Mt Hawthorn Precinct Group and nearby businesses with a replied paid envelope.

After considering the results of the public consultation, the Council approved the proposed modification of the bus stop subject to either the existing or a new bus shelter being relocated and retained at this location.

DETAILS:

Traffic Study

In support of the original proposal to install a 'kerbside' bus stop, Hawaiian Developments engaged Riley Consulting Traffic and Transportation Consultants to assess the impact of the proposed changes. The primary concern at the time was one of potential traffic queuing if a Transperth bus, typically the high frequency No. 400 service, was stopped in the traffic lane while passengers embarked/disembarked during the morning peak period. Given the proximity of the bus stop to the signalised intersection at Flinders Street, traffic could potentially queue back through the intersection.

The report concluded that the bus stop was located 50 to 60m metres clear of the Flinders Street traffic signal intersection and a queue of 9 vehicles could be accommodated before the queue would be likely to interfere with the operation of the intersection.

Implementation

In accordance with Council's decision of 26 July 2006, the kerbside bus stop was installed in the latter part of 2006 in conjunction with other civil works undertaken by the Town, at the developers cost, in the vicinity of the 'Mezz'.

Current scenario

Once the changes were implemented, it was fully expected that there would be a 'settling in period' while motorists became familiar with the new arrangement. In fact, during the initial three months it was a common sight to see impatient motorists cross onto the wrong side of Scarborough Beach Road in order to pass a stationary bus (however with the installation of the central streetlights in 2007 this is no longer possible).

In respect of the likelihood of vehicles queuing back through the intersection, it quickly became apparent that the consultant's conclusions were erroneous and morning peak hour traffic on occasions often backs up as far as Coogee Street. The Consultant also thought it unlikely that two buses would arrive at the stop in tandem, a regular occurrence that exacerbates the problem. Further, errant driver behaviour contributes with eastbound motorists entering the intersection knowing that the traffic ahead is not moving. This in turn blocks the left turn movement out of Flinders Street.

As a result of the above, the Town receives frequent complaints from motorists and the adjoining business proprietors in Scarborough Beach Road.

Anecdotal evidence also suggests that as a consequence of the above, some motorists are using alternative routes including the prior Access Roads linking to Anzac Road.

Proposal

The obvious solution is to either relocate the bus stop or reinstate the bus embayment. However, the Town gave the Public Transport Authority an undertaking that irrespective of the outcome of installing a kerbside stop, that a bus stop would be maintained in the immediate vicinity and therefore a significant relocation is not being considered.

Rather than reinstalling the embayment at the same location, it is proposed to move the stop approximately 25m closer to Fairfield Street, as shown on drawing No. 2252-DP-09. The rationale being that an alfresco area has now been successfully established and the reinstatement of the bus embayment would not only meet with significant opposition from the traders but would also detract from the alfresco dining experience, i.e. exhaust fumes, noise, etc.

The original bus embayment was located approximately midway between Flinders and Fairfield Streets and incorporated 2 x 1/4P parking bays. However, when the kerbside bus stop was installed, the embayed 1/4P parking bays were retained.

The new proposal essentially uses the existing embayment with the short term parking spaces to remain as is and the embayed area extended toward Fairfield Street. As there is a left hand curve in Scarborough Beach Road at this point, the width of footpath diminishes as you approach Fairfield Street. However, this is of benefit to the proposal as it allows the bus to re-enter the traffic stream on a straight line rather than having to turn back into the traffic.

Officers' comments

It is acknowledged by the Officers that the kerbside stop has not worked as well as anticipated and is perceived by many to be a failure and an unnecessary impediment to traffic flow in Scarborough Beach Road. While this can be attributed in part to driver impatience, there is enough evidence to suggest the impact upon traffic has been far greater than the Consultant predicted.

CONSULTATION/ADVERTISING:

The Public Transport authority, the Mount Hawthorn Precinct Group and the businesses along Scarborough Beach Road in the vicinity of the proposal would be consulted.

LEGAL/POLICY:

As Scarborough Beach Road is under the care and control of the Town of Vincent, the Council has the authority to approve the proposed changes.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – *1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment...Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*

FINANCIAL/BUDGET IMPLICATIONS:

The budgetary impact upon the approved Mt Hawthorn Centre Precinct - Scarborough Beach Road Upgrade Project would be negligible. The existing brick paving laid was laid directly over the road pavement by the then City of Perth in the late 1980s and therefore it is a matter of removing the paving and kerbing and reinstating both on the new alignment. The estimated cost, in the order of \$3,000, would be absorbed into the overall project budget.

COMMENTS:

The kerbside bus stop in Scarborough Beach Road, adjacent to the 'Mezz' Shopping Centre, was a good idea at the time, however, is less than satisfactory in a practical sense. In theory it should have had minimal impact upon traffic flow and congestion whereas in practice the opposite has occurred.

Since its installation, the bus stop has been the subject of ongoing complaints. Accordingly, approval to change the bus stop is recommended.

10.4.1 Council Meeting Dates and Times for 2008 - Approval

Ward:		Date:	14 November 2007
Precinct:		File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council meets on the second and fourth Tuesday of each month (except January (no Meeting), October, November and December) in 2008, as detailed in Appendix 10.4.1 attached to this report; and*
- (ii) *meetings be held at the Town's Administration and Civic Centre (Council Chamber) at 6.00pm on the dates as detailed in Appendix 10.4.1.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That clause (i) be amended to read as follow;

That (i) "the Council meets on the second and fourth Tuesday of each month (except January (no meeting), February, March, October, November and December) in 2008, as detailed in Appendix 10.4.1 (as amended), attached to this report; and the meeting in February and March be held on the first and third Tuesday," and ...

Debate ensued

AMENDMENT PUT AND LOST (3-5)

Cr Ker was an apology for the meeting.

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

MOTION PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 10.4.1

That;

- (i) *the Council meets on the second and fourth Tuesday of each month (except January (no Meeting), October, November and December) in 2008, as detailed in Appendix 10.4.1 attached to this report; and*
- (ii) *meetings be held at the Town's Administration and Civic Centre (Council Chamber) at 6.00pm on the dates as detailed in Appendix 10.4.1.*

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve of the Council Meeting dates and times for 2008.

BACKGROUND:

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the Town.

LEGAL/POLICY:

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

“Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

“12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which -*

- (a) *the ordinary Council meetings; and*
- (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

Are to be held in the next 12 months;

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

During the Festive Season holiday period, many of the Town's employees, and a number of Council Members proceed on annual leave. Christmas/Boxing Day and New Year public holidays both fall on a weekday. It is therefore appropriate and beneficial that this period be used to have a break from the hectic meeting schedule. Furthermore, in accordance with the Town's community consultation policy, the advertising of development applications will not be carried out from 19 December 2007 to 7 January 2008. As such, it is recommended that no meetings be held in January. It is considered that there will be insufficient items to justify a

meeting and any matters necessitating a decision can be approved under Delegated Authority (if applicable). Any matters of urgency will be dealt with, if they arise.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the Meeting and Forum dates will cost approximately \$250.

COMMENTS:

It is recommended that the Council continue to meet on the second and fourth Tuesday of each month in 2007, with the exception of January (no Meeting), October, November and December. The meeting dates for October, November and December are as follows:

- Tuesday 7 October 2008 – to allow for a two week break between meetings;
- Tuesday 21 October 2008 – to allow for a two week break between meetings;
- Tuesday, 6 November 2008 – to allow for a two week break between meetings;
- Tuesday, 20 November, 2008– to allow for a two week break between meetings;
- Tuesday, 4 December 2008– to allow for a two week break between meetings;
- Tuesday, 18 December 2008– to allow for a two week break between meetings.

10.4.2 Forum - Schedule of Dates 2008 - Approval

Ward:	-	Date:	13 November 2007
Precinct:	-	File Ref:	ADM0066
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the dates and times for Forums to be scheduled in 2008, as detailed in Appendix 10.4.2, attached to this report.

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued

Cr Doran-Wu departed the Chamber at 7.58pm.

CARRIED (7-0)

Cr Ker was an apology for the meeting.

Cr Doran-Wu was out of the Chamber.

PURPOSE OF REPORT:

The purpose of the report is for the Council to adopt the schedule of dates for its Forums for 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 November 2006, the Council resolved inter-alia as follows;

"4.6 Meeting Notification

- 4.6.2 (a) *Forums will be held on a regular basis such as an alternative third week to the ordinary Council meeting. The dates will be advertised in accordance with the Council Policy Relating to Community Consultation.*
- (b) *The Mayor, in liaison with the Chief Executive Officer, may schedule additional Forum dates, as the need arises.*
- (c) *Any additional Forum dates will be advertised on a local basis by placing a Notice on the Public Notice Boards in the Administration and Civic Centre and in the Town's Library, on the Town's webpage and by advertising in a local newspaper (if time permits)."*

CONSULTATION/ADVERTISING:

Notices of Forum are available for viewing on the Town's website www.vincent.wa.gov.au and are placed on the Notice Board at the Town's Administration & Civic Centre.

LEGAL/POLICY:

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

“Ordinary and Special Council meetings:

- (1) A Council is to hold ordinary meetings and may hold special meetings;*
- (2) Ordinary meetings are to be held not more than three months apart;*
- (3) If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

- “12 (1) At least once a year a local government is to give local public notice of the dates on which and the time and place at which -*
- (a) the ordinary Council meetings; and*
 - (b) the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- Are to be held in the next 12 months;*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

There is no statutory requirement to advertise Forum dates.

Forums are held in accordance with the Forum Guidelines which were adopted at the Ordinary Meeting of Council held on 10 August 2004.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the dates will cost approximately \$250.

COMMENTS:

It is recommended that the Forums continue to be scheduled on the third Tuesday of every month in 2008 (with the exception of January [no Forum], October, November and December [second Tuesday]).

10.4.3 Delegated Authority – 2007-2008 Council Recess Period

Ward:	-	Date:	14 November 2007
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 19 December 2007 to 11 February 2008, subject to:

- (i) *the action taken only being in accordance with the Officer’s recommendation;*
- (ii) *reports being issued to all Council Members for a period of three (3) days prior to approval and a simple majority be accepted;*
- (iii) *a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2008;*
- (iv) *a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and*
- (v) *items being displayed in the Town of Vincent Administration Centre, the Library and on the Town’s website for a period of three (3) days prior to approval.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 7.59pm.

Debate ensued

AMENDMENT

Moved Cr Lake, Seconded Cr Maier

That clause (ii) be amended to insert the words “(of responses received)” after the word “majority”.

Debate ensued

AMENDMENT PUT AND LOST (3-5)

Cr Ker was an apology for the meeting.

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

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-2)

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

Cr Ker was an apology for the meeting

COUNCIL DECISION ITEM 10.4.3

That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 19 December 2007 to 11 February 2008, subject to:

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) reports being issued to all Council Members for a period of three (3) days prior to approval and a simple majority be accepted;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2008;*
- (iv) a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and*
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of three (3) days prior to approval.*

PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority for the Council recess period.

BACKGROUND:

Subject to approval of the Council meeting dates, the Council will be in recess from 19 December 2007 to 11 February 2008. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with. This procedure has operated satisfactorily in previous years.

CONSULTATION/ADVERTISING:

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be advertised for a period of three (3) days.

LEGAL/POLICY:

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town’s Strategic Plan 2006-2011 - Objective 4 – *“Leadership, Governance & Management” – 4.1.1 – Provide good strategic decision-making, governance, leadership and professional management.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Council is in recess from 19 December 2007 until 11 February 2008. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

In keeping with the Council’s philosophy of providing a high standard of customer service, it is appropriate to continue processing ratepayer requests and development applications. Where possible, these should be determined as soon as practicable, in order to minimise any delays or inconvenience.

In keeping with the Town’s previous practice, reports will be issued to Council Members for a period of three (3) days, on a Thursday evening. The reports will be placed on the Town’s webpage on the Friday (usually by midday). Responses from Council Members are required to be received by the Chief Executive Officer by midday on the Monday (following issue). If no response is received, it will be assumed that the Council Member does not have any objection to the Officer Recommendation, and the item will be processed, if a simple majority is achieved.

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2007/2008 recess period.

10.4.4 Information Bulletin

Ward:	-	Date:	14 November 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 20 November 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued

CARRIED (8-0)

Cr Ker was an apology for the meeting.

DETAILS:

The items included in the Information Bulletin dated 20 November 2007 are as follows:

ITEM	DESCRIPTION
IB01	Letter of appreciation from the Drug and Alcohol Office (DAO) thanking Alison Giles, Manager Health Services, for her assistance in the development of the Local Government Alcohol Project.
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/303 of 2007 – Lau & Ors v Town of Vincent (441 William Street, Perth).
IB03	Progress Report No. 2 – Small Business Initiatives Investigation (PLA0183)
IB04	Letter of appreciation from Kelly McConkey thanking the Town for the \$500 prize in the Town of Vincent Rates Prize Draw.
IB05	Letter from Mindarie Regional Council regarding the request from the Town for disposal of its waste at Mindarie Regional Council,
IB06	Letter of thanks from Liam Shier of Aranmore Catholic College for the Town’s sponsorship in the Town of Vincent Citizenship Award.
IB07	Letter of appreciation from The Sustainable Transport Coalition of WA thanking the Town for their hospitality in hosting the ‘Local Government Responses to Higher Fuel Prices and Climate Change’ Forum held on Thursday 27 September 2007.
IB08	Letter of thanks from Alma Obretenoff thanking the Town for the Seniors “Morning Melodies” at Braithwaite Park.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 8.05pm with the following persons present:

Mayor Catania	
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director, Technical Services
Fran Sanders	Administration Assistant

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 November 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007