



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

20 OCTOBER 2009

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 20 October 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Director Technical Services, Rick Lotznicker – apology due to annual leave.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Jeremy van den Bok	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”

Approximately 24 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Dan Caddy of 1 Eucla Street, Mt Hawthorn – Item 9.1.7. Stated it appears from reading the report that the process is a little flawed as this is a Council that prides itself on public consultation with many Councillors talking about the importance of public consultation. Stated when the Amendment was first proposed at the end of a long period of public consultation there was a sunset clause placed on it. Stated that the fundamental flaw in what is now happening can be found on page 31 and it seems incredible that the North Perth Precinct Group can put a letter to the Council asking for something to be done that affects residents of a neighbouring suburb. Realised at the time they were part of what was the same locality but that is no longer applicable. Believed if residents are going to be affected in that way it ought to go back out to consultation as the sunset clause was put in as a protection mechanism at the end of a long consultation period and now the proposal is an administrative solution through deleting these clauses. Believed this is taking it out of the hands of what was agreed at public consultation and Officer’s making a decision. Getting rid of it will affect Mt Hawthorn residents that have not had a say and are not by definition part of the area covered by the North Perth Precinct Group. Believed this needs to go out to consultation again or the Officer’s recommendation needs to be overturned.

2. Loraine Vicensoni of the North Perth Precinct Group – Item 9.1.7. Advised she was the author of the letter mentioned by the previous speaker. Stated the Amendment will be advertised and it is not an administrative process. Stated the only reason the letter was written was so staff could put a report to the Council and there was no intention to not advertise. Advised in the past, over 80% of Mt Hawthorn residents have been supportive of the R20 however, that will be established when the Amendment is readvertised. Asked the Council to support initiation of this so the process can commence. Stated the Council has been very supportive in the past but unfortunately because of the sunset clause numerous amendments have been required. Advised that they fully support the Officer's recommendation. Believed that the Amendment is now generally consistent with Directions 2031 which basically supports increase in densities being targeted rather than blanket redevelops. Advised that they do not oppose density increases around Town Centres. Urged the Council to support the recommendation.
3. Betty Kraemer of Redfern Street, North Perth. Congratulated Cr Lake on her election as Deputy Mayor. Wished all new Councillors well. Also congratulated Cr Maier on being re-elected.
4. Judith Barrows of 70 Auckland Street, North Perth – Item 9.1.7. Stated consultation over Mt Hawthorn and North Perth has been exhaustive over the years and each time the Amendment has come up, and as can be seen in the report it has come up many times, they have not just left it to letters but have actually door knocked everybody to find out what their views are and to make sure they put in some sort of report on what they wanted for their locality. Therefore it has been very well documented with over 80% of the residents wanting this each and every time. She does not understand where statements saying "*it has not been consulted*" come from. Advised if the Amendment goes through it will be go under consultation again. Requested that the Council make every effort to ensure that this Amendment is adopted, that it goes out to consultation and when it goes to the Government, hopes the Council can make sure there are no more sunset clauses as well as it being tied in with the Scheme Review. Congratulated and welcomed the new Councillors.
5. Marie Slyth of 89 Carr Street, West Perth. Congratulated all the Councillors on their election. Asked that they all be very tuned in to what the ratepayers and community want, as well as help the precinct groups, who really needing a lot of help.
6. Anne Courtley of 6 St Albans Avenue, Highgate. Congratulated Cr Lake on her election as Deputy Mayor and welcomed the return of a diligent Councillor and all newly elected Councillors to their important position on the Council. Stated it is heartening for the independent and forward thinking members of the community to believe that they will be represented by like minded Councillors in a diverse and delightful Town.
7. Cosi Schirripa of North Perth – Item 9.1.7. Stated that this amendment has definitely been consulted as he has walked at least 4 times in the past 5/6 years and knocked on every single door in Dunedin, Shakespeare and London Streets. Advised that he knows exactly what those people were trying to say as he was the one who encouraged them to response to the advertised amendment and he was very happy to see that those 3 streets in particular were probably the most vocal and supportive of the amendment, and there were very few people that said "*no we are not interested*" or "*no we would like to develop our property*". Stated the general concern was that there was infill development going on all around them and they wanted to preserve what they had. Stated if anyone believes people were not consulted, are welcome to walk with him next time to find out exactly what people think.

8. Michael Dryka of Suite 8, 9 Cleaver Street, North Perth – Item 9.1.6. Requested that this Item be brought forward.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 6 October 2009.

Moved Cr Farrell, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held 6 October 2009 be confirmed as a true and correct record.

CARRIED (9-0)

6.2 Minutes of the Special Meeting of Council held on 13 October 2009.

Moved Cr Farrell, Seconded Cr Maier

That the Minutes of the Special Meeting of Council held 13 October 2009 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Local Government Elections

As you are aware, Local Government elections were held on Saturday 17 October 2009, including the Town of Vincent.

I wish to congratulate the newly elected Councillors;

SOUTH WARD: Warren McGrath and Joshua Topelberg

NORTH WARD: Matt Buckels and Taryn Harvey

on their election to the Council. May I also congratulate, Councillor Dudley Maier on his re-election, for the North Ward.

7.2 Appreciation to Former Councillors

It is appropriate to formally acknowledge the services of former Councillors as follows;

Councillor Ian Ker:

Cr Ker was one of the original members of the inaugural Council of the Town of Vincent, voted into Council in 1995. He has been an active member and has involved himself in a number of Council activities, including, but not limited to;

- Chair of the Local Area Traffic Management Advisory Group;
- Chair of the Universal Access Advisory Group;
- Member of the North West District Planning Committee; and
- Town's representative on the WALGA Central Metropolitan Zone.

Ian's expertise in traffic management will be surely missed.

Councillor Izzi Messina:

Councillor Izzi Messina served four and a half years on the Council and at the time of his election, was one of the youngest Councillors in Western Australia.

Councillor Messina was a very active Councillor and more recently, was Chair of the Art Advisory Group, member of the Safer Vincent Crime Prevention Partnership and the Town's Garden Awards Committee.

Councillor Helen Doran-Wu:

May I also again extend my appreciation to Councillor Helen Doran-Wu for her eight and a half years' service, as you are aware Helen did not re-nominate.

Cr Doran-Wu has been active in a number of the Town's Statutory Committees and Working Groups over the past years, more recently as Chair of the Safer Vincent Crime Prevention Partnership, Heritage and Seniors Advisory Groups and a member of the Sustainability Advisory Group.

Councillor Doran-Wu chose not to re-nominate so that she could spend more time with her family.

Councillor Noel Youngman:

I also express my appreciation to Councillor Youngman, who was appointed to Council in October 2007 until he resigned in late August 2009, when he relocated his residence to Dalkeith.

In accordance with the Council Policy I will arrange for an appropriate occasion to present the former Council Members with a Certificate of Appreciation and an appropriate gift to acknowledge their services to the Town of Vincent.

Received with acclamation!

The Future:

As you are aware, local government is undergoing structural reform and no doubt the forthcoming years will be hectic. There are many important strategic matters to be considered and I look forward to working with you, the rest of the Council and the Town's Administration in the exciting times that lie ahead.

7.3 Regional and Local Community Infrastructure Program (RLCIP) – Round Two

The Town recently received a letter from the Hon Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government; Leader of the House, to formally advise that the Town of Vincent is eligible to receive \$65,000 under Round Two of the Regional and Local Community Infrastructure Program (RLCIP).

The Minister further wrote as follows;

“On 25 June 2009 at the second meeting of the Australian Council of Local Government, the Prime Minister announced an additional \$220 million for Round Two of the program in 2009-10. This additional funding demonstrates an ongoing commitment to a partnership between the Australian Government and local government.

This funding will be distributed to all local governments, to support jobs whilst building and modernising infrastructure in communities across Australia.”

Item 9.4.6 on tonight's Agenda relates to this matter.

7.4 Heritage Grant

Last week, the Chief Executive Officer and I were pleased to attend a Presentation Ceremony with the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon John Castrilli, MLA in Moir Street, Perth, whereby the Minister announced the Heritage Grants 2009.

During the presentation, the Minister acknowledged the Town of Vincent's excellent track record and tremendous support for heritage.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Burns declared a Financial interest in Item 9.1.6 – No. 20 (Lot 10, D/P 2536) Monmouth Street and No. 137 (Lot: 4, D/P 2536) Walcott Street, Mount Lawley - Proposed Construction of Nine (9) Two-Storey Single Houses (Amendment to Planning Approval). The extent of her interest being that a company that her father and husband are directors and shareholders may benefit from the development of this Item.
- 8.4 Cr Burns stated that at the Special Meeting of Council held on 13 October 2009, the Council considered Item 7.1 – No. 212 (Lot: Y72) Carr Place, Leederville - Proposed Demolition of Existing Single House and Construction of Four-Storey Mixed Use Development Comprising Five (5) Offices, Eight (8) Multiple Dwellings and Associated Basement Car Parking. Stated that she did not speak on the matter and voted against the Item. Stated that at no time of voting on this matter did she have any interest in the matter however, she is now aware that she may have a financial interest as her husband and father are involved in the construction industry and she is not fully aware of the extent of their interests. Upon becoming aware that she may have a financial interest in this matter, she made full disclosure to the Chief Executive Officer at the earliest option and hereby formally advises the Council of her possible interest in the matter.

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

Nil.

10. REPORTS

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

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

Items 9.1.7 and 9.1.6.

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

Items 9.1.1, 9.2.1, 9.4.1, 9.4.2, 9.4.3 and 9.4.6.

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

Item 9.1.6 and 9.3.1.

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

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

Cr Farrell	Nil.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr McGrath	Items 9.1.4 and 9.1.8.
Cr Harvey	Nil.
Cr Lake	Items 9.1.3 and 9.3.5.
Cr Burns	Nil.
Cr Maier	Items 9.1.5 and 9.1.9.
Mayor Catania	Nil.

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

10.5 Unopposed items which will be moved "En Bloc" and the following was advised:

Items 9.1.2, 9.2.3, 9.3.2, 9.3.3, 9.3.4, 9.3.6, 9.4.4, 9.4.5, 9.4.7 and 9.4.8.

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 9.1.2, 9.2.3, 9.3.2, 9.3.3, 9.3.4, 9.3.6, 9.4.4, 9.4.5, 9.4.7 and 9.4.8.

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

Items 9.1.7 and 9.1.6.

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

Moved Cr Farrell, Seconded Cr McGrath

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

Items 9.1.2, 9.2.3, 9.3.2, 9.3.3, 9.3.4, 9.3.6, 9.4.4, 9.4.5, 9.4.7 and 9.4.8.

CARRIED (9-0)

9.1.2 No. 359 (Lot: 638, D/P: 1627) Oxford Street, Mount Hawthorn - Proposed Demolition Of Existing Single-Storey Building Fronting Oxford Street And Construction Of a Three-Storey Commercial Development Comprising Of Offices, Two (2) Shops And Change Of Use Of Existing Warehouse To Carparking Associated With Office Development And Construction Of Three (3) Multiple Dwellings

Ward:	North	Date:	12 October 2009
Precinct:	Mount Hawthorn; P01 Mount Hawthorn Centre; P02	File Ref:	PRO3467; 5.2009.13.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES ~~BY AN ABSOLUTE MAJORITY~~ the application submitted by M Meloni on behalf of the owner 359 Oxford Pty Ltd, for Proposed Demolition of Existing Single-Storey Building fronting Oxford Street and Construction of Three-Storey Commercial Development comprising of Offices, Two (2) Shops and Change of Use of Existing Warehouse to Carparking Associated with Office Development and Construction of Three (3) Multiple Dwellings, at No. 359 (Lot: 638, D/P: 1627) Oxford Street, Mount Hawthorn, and as shown on plans stamp-dated 8 October 2009, subject to:

- (i) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ii) the Council AUTHORIZES the Chief Executive Officer to remove No. 359 (Lot: 638, D/P: 1627) Oxford Street, Mount Hawthorn from the Town's Non-Conforming Use Register in the event the non-conforming use is discontinued for a period of six (6) consecutive months OR upon issue of a Certificate of Classification for the completed development.*
- (iii) 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;*
- (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) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$18,181 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,818,181); and*
- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR*
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (vi) *first obtaining the consent of the owners of Nos. 357 and 361 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 357 and 361 Oxford Street in a good and clean condition;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x) *prior to the first occupation of the development a minimum of 3 car parking spaces for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xi) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours. Detail of how visitors shall access the commercial car parking bays including the provision of a fire rated door between the two areas shall be submitted and approved prior to the issue of a Building Licence;*

- (xii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *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;*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xv) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xvi) *a Waste Management Plan is to be submitted to and approved by the Town's Technical Services, prior to the issue of a Building Licence;*
- (xvii) *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;*
- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the balconies to the multiple dwellings on the southern and northern elevations within the cone of vision of 7.5 metre respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along southern and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;*
 - (b) *the pedestrian access way to the rear multiple dwellings, being a minimum unobstructed width of 1 metre where it abuts the existing warehouse;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and
- (xix) *the maximum gross floor area of the non-residential component shall be limited to 1083 square metres of offices and 95.44 square metres of retail. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town.*

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

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	359 Oxford Pty Ltd
Applicant:	M Meloni
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial and Residential R30
Existing Land Use:	Light Industry (Registered Non-Conforming Use)
Use Class:	Office, Shop and Multiple Dwelling
Use Classification:	"P", "P" and "P"
Lot Area:	1391 square metres
Access to Right of Way	Southern side, 5 metres wide, sealed, Town owned

BACKGROUND:

20 November 2001 The Council considered the Town of Vincent Non-Conforming Use Register – Stage 1 dated November 2001, at its Ordinary Meeting and resolved as follows:

"That;

- (i) the Council adopts the Town of Vincent Non-Conforming Use Register - Stage 1 dated November 2001 as an Appendix to the Planning and Building Policy Manual; and*
- (ii) a copy of the Town of Vincent Non-Conforming Use Register (as attached at Appendix 10.1.25) and Inventory (as 'Laid on the Table') - Stage 1 dated November 2001 be kept at the Town's Administration and Civic Centre and be available for public inspection during office hours."*

The subject site, which is used for 'Light Industry' is identified on the Town's Non-Conforming Use Register. At the time of writing this report, the property still continues to operate for Light Industry purposes.

DETAILS:

The proposal involves demolition of the existing single storey building fronting Oxford Street, and construction of a three-storey commercial development, comprising of offices, two (2) shops and change of use of existing warehouse to carparking associated with office development, and construction of three (3) multiple dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R30 coded land - 2 multiple dwellings Commercial (as per R60) - 4 multiple dwellings	A total of 3 multiple dwellings located on the portion of land zoned Residential R30, which equates to R43.	Supported - In considering the total land area may support 6 dwellings, it is not considered an over-development of the site. The development is consistent with the objectives of Clause 40 of TPS 1 with respect to enhancing the amenity of the area, and the cessation of a non-conforming use.
Plot Ratio	Commercial Portion of land 0.7 or 487 square metres Residential R30 land - no plot ratio requirement.	1.1 or 785.86 square metres	Supported - as above.
Non Residential/ Residential Interface Policy: Height of Commercial Component	Commercial component 2 storeys where it abuts R30 coded land	3/4 storeys	Supported - The proposed commercial development has a rear setback of approximately 9 metres from the nearest northern residential property. The height of the building is influenced by the significant slope of the land and is not considered to unreasonably impact on the surrounding area.
Building Setbacks: Covered walkway to residential dwellings.	1.5 metres	Nil to northern boundary.	Supported - The residential dwellings are to be contained within the existing warehouse roof space. This covered link will be minor in comparison and will not have an undue impact on adjacent affected neighbours.

Pedestrian Access way	1.5 metres	1 metre along rear portion of site.	Supported in part - The walk way is constrained by the existing warehouse structure; however, to ensure compliance with the minimum standards of the Building Code of Australia, and the Australian Standards, a condition of approval has been imposed to ensure that the walkway is unobstructed at a minimum width of 1 metre.
Privacy Balconies to apartments	7.5 metres	1.8 metres to northern boundary 1 metre to southern boundary	Not supported - conditioned to comply. Not supported - conditioned to comply.
Awning	A maximum fascia depth of 300 millimetres	400 millimetres	Supported - Variation is considered minor and not considered to adversely impact on the Oxford Street streetscape.

Consultation Submissions

The application underwent two periods of community consultation. The first period of consultation between 5 June - 26 June 2009, resulted in a total of 5 objections and 3 submissions of support. As a result of the comments received during the period of consultation, the applicant amended the proposal, and the application was re-advertised. The following table outlines the submissions received from this second period of community consultation.

Support (1)	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> The proposal will over look in the adjacent properties back yards. 	Supported - any privacy variation will be conditioned to be screened in accordance with the requirements of the R Codes.

Other Implications

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

Car Parking Requirements

<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> Office: 1 bay per 50 square metres gross office floor area (1083.1 square metres) = 21.66 car bays Shops: 1 bay per 15 square metres of gross floor area (95.44 square metres) = 6.3 car bays 	28 car bays
--	-------------

Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop) 0.95 (within 400 metres of public car park with in excess of 25 car parking bays - Oxford Street)	(0.8075) 22. 61 car bays
Minus the car parking provided on-site for Commercial Component	23 car bays
Minus the most recently approved on-site car parking shortfall	Nil car bays
Resultant surplus	0.39 car bay
Bicycle Parking Facilities	
Offices: • 1 space per 200 square metres gross floor area (proposed 1083.1 square metres) (class 1 or 2) - 6 spaces. • 1 space per 750 square metres (proposed 1083.1 square metres) over 1000 square metres for visitors (class 3) - spaces - 1 space Shop: • 1 space per 300 square metres gross floor area (95. 44 square metres) (class 1 or 2) - 1 space • 1 space per 200 square metres (95. 44 square metres) (class 3) - 1 space	8 class one bays provided - no variation. 6 class three bays provided - no variation. As above- no variation. As above- no variation.

* 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.

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

COMMENTS:

Building Services

A preliminary review of the proposal against the Building Code of Australia has been carried out. There are some non-compliances identified; however, the issues will be further addressed and resolved by the applicant, upon granting the Development Approval and prior to the issue of the Building Licence.

Demolition

The subject Light Industrial complex at No. 359 Oxford Street, Leederville, has been incrementally developed with the front façade to the main building fronting Oxford Street, being completed in 1963. Based on the external inspection and the existing site and floor plans, it is considered that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory. In light of the above, it is considered that approval should be granted for demolition of the front Oxford Street building subject to standard conditions.

Car Parking

Five car bays are required for the residential component; however, only four have been provided. In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking 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 condition of planning approval has been imposed to require a pedestrian fire rated door to be provided between the commercial and residential car parking areas to ensure the parking required for other users is easily accessed by visitors to the multiple dwellings, outside normal business hours without having to walk along the right of way.

Non Conforming Use

In accordance with Clause 16 (3) of the Town's Town Planning Scheme No. 1, it is considered that the proposal, which removes the non-conforming Light Industry use, and changes it to car parking ancillary to the proposed office building, and incorporates three multiple dwellings, will have a less detrimental impact on the amenity of the locality than the original nonconforming use and is, closer to the intended purpose of the Residentially zoned land.

Absolute Majority

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

In this instance, clause 20 of the Town Planning Scheme enables the Council to grant an increase in the permitted dwelling density by up to 50% where the proposed development effects the discontinuance of the non-conforming use.

In view of the above, it is considered that the application is supportable; as it is considered the development will significantly improve the use, and overall appearance of the site.

9.2.2 Proposed Naming of the Right of Way off Smith Street, bounded by Stirling, Lincoln, Smith & Bulwer Streets, Perth – Further Report

Ward:	South	Date:	14 October 2009
Precinct:	Forrest P14	File Ref:	TES0419 & TES0419
Attachments:	001		
Reporting Officer(s):	A Scott		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council

- (i) **RECEIVES** the Further report on the naming of the right of way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth;
- (ii) **NOTES** that;
 - (a) at its Ordinary Meeting held on 25 August 2009, approved the application of the name ‘Stones lane’ to the Right of Way legs as shown on attached Plan No. 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street nameplate/s and poles/s; and requested the Geographic Names Committee to approve the naming; and
 - (b) the Geographic Names Committee has since advised that the name ‘Stones lane’ is not deemed suitable to the Committee due to the overuse of the name ‘Stone’ in the immediate community and has suggested alternative suitable names;
- (iii) **APPROVES** the application of either the name ‘Dilhorn Lane’ or ‘Barron Lane’ to the right of way as illustrated on attached Plan 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and pole/s; and
- (iv) **ADVISES** the Geographic Names Committee, the applicant and all residents adjoining the right of way of its decision.

***COUNCIL DECISION ITEM 9.2.2**

Moved Cr Farrell, **Seconded** Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

***Note:** This Item was recommitted later in the meeting (after Item 9.4.6), as the Council is required to approve of a name.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the private right of way (ROW) as illustrated on attached Plan 2675-RP-1.

BACKGROUND:

A previous report on this matter was presented to the Council at its Ordinary meeting held on 25 August 2009, where the following decision was made:

"That the Council

- (i) RECEIVES the report on the naming of the Right of Way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth;*
- (ii) APPROVES the application of the name "Stones Lane" to the Right of Way legs as shown on attached Plan No. A, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and poles/s;*
- (iii) REQUESTS the Geographic Names Committee to approve the naming subject to clause (ii) above;*
- (iv) ADVISES the applicant and all adjacent residents of the approved name once formal approval has been received from the Geographic Names Committee."*

DETAILS:

As per the Council decision, the Geographic Naming Committee was advised of the adopted name for the ROW.

The Geographic Naming Committee has since advised the Town that the choice of 'Stone Lane' is not deemed suitable due to overuse of the name "Stone" in the immediate community. 'Stone' appears in 10 separate naming cases.

The Committee also advised that the other choices previously submitted, i.e. Barron's Lane Loton's Lane and Charlie's Lane are also not suitable as the Committee no longer approve roads with the possessive 's'. 'Loton' is not suitable due to the name being used within a ten kilometre radius. 'Loton's Park Lane' would not be suitable as it is a dual name.

The Geographic Naming Committee recommendations for the name of the lane are as follows:

- Barron Lane - Edward Barron, a farmer and grazier owned a portion of land prior to it being turned into Perth Oval; or
- Dilhorn Lane - after Loton's home 'Dilhorn' at 2 Bulwer Street which overlooked the area. Loton purchased from Edward Barron in 1884.

CONSULTATION/ADVERTISING

Consultation regarding ROWs, road or place names is not usually undertaken. Such naming is based on the decision of the Council, together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The applicant will be required to pay the costs of manufacture and installation of the street nameplates estimated to cost \$350.00.

COMMENTS:

The naming of the ROWs will improve the amenity of the adjacent residents. The Town encourages the use of names of early residents for application to ROWs so that they are remembered for their significant contribution to the local culture. The proposed names are worthy candidates, and it is recommended that the Council approve the application of either the name ‘Dilhorn Lane’ or ‘Barron Lane’ to this ROW.

9.2.3 Proposed Taking of Right of Way Bounded by Bulwer, Victoria, Cowle & Fitzgerald Streets - ROW 2.76 Part B

Ward:	South	Date:	5 October 2009
Precinct:	Hyde Park (12)	File Ref:	TES0362
Attachments:	001		
Reporting Officer(s):	A Scott		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed taking of the right of way bounded by Bulwer, Victoria, Cowle & Fitzgerald Streets – Part B; and
- (ii) **APPROVES** the commencement of the taking process in accordance with Section 52 of the Land Administration Act 1997 as shown on attached Plan 2674-RP-1.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE:

The purpose of this report is to seek the Council’s approval to acquire a previously sealed and drained private Right of Way (ROW).

BACKGROUND:

A request has been received for the Town to acquire the ROW immediately adjacent to the Fitzgerald Street Carpark, and Dorrien Gardens.

The Town of Vincent currently own and maintain the adjoining park so for ease of maintenance it makes sense for the adjoining parcel of land to be acquired.

DETAILS:

Seven (7) properties currently have implied right of access to the ROW.

Landgate records indicate that this ROW is held on Title Plan 4602 Volume 818 Folio 169 in the names of James Patrick Maxwell and Timothy Francis Quinlan.

Searches undertaken at the Probate Office of the Supreme Court have revealed Grants of Probate for James Patrick Maxwell and Patrick Francis Quinlan who died in 1947 and 1935 respectively. The Town’s consultants, Complex Land Solutions, have been unable to locate any beneficiaries to the deceased estate to date.

Taking:

"TAKING" is the term used under the Land Administration Act 1997 in lieu of "resumption" or "compulsory acquisition". When a ROW is "taken", it reverts from private land with an access easement conferred on certain parties (those with an implied or expressed right), to Crown Land, vested in the Local Authority for the purposes of access way. The ROW is then available to be used by the general public per se, however, it differs from a minor public road in that it is not dedicated. Therefore, there is no requirement for the Town to pave, drain, name or provide lighting in the ROW prior to its resumption. In this case, the ROW has already been sealed, is in reasonably good condition and soak wells are installed.

Changes to the Land Administration Act now permit taking of a private road by providing written advice to the Minister for Lands that all reasonable steps have been taken to contact the owners. In this case, the title being dated 1922, it is considered reasonable to assume the Probate Office has failed to locate any heirs.

CONSULTATION/ADVERTISING:

Should the Council approve the taking of the ROW, the process will be carried out in accordance with the Land Administration Act 1997. Section 52(3) requires the Town to give 30 days notice to all suppliers of public utilities, all adjacent property owners and, if possible, the owner of the freehold of the ROW. Any comments or objections received within that period must be presented to the Minister together with the application to "take".

FINANCIAL/BUDGET IMPLICATIONS:

The costs involved in the "taking" of the ROW are limited to Department of Land Information costs, the requirement to place an advertisement in the *West Australian* having been lifted by the Land Administration Amendment Act 2000. It is estimated that these will be less than \$200.00. The applicants will be required to pay all costs associated with the "taking".

STRATEGIC IMPLICATIONS:

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

COMMENTS:

As it is in line with the Town's acquisition policy, it appears to be a sensible pre-emptive step to proceed with the "taking" of this ROW at this time, and thereby normalise the right of access for all adjacent lots.

The lack of accountable ownership to the ROW can be easily resolved by the conversion of the ROW to public accessway, and it is therefore recommended that the Council approve the initiation of the "taking" process.

It is therefore recommended that the Town of Vincent should acquire the land by compulsory acquisition pursuant to the provisions of the Land Administration Act 1997.

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

Ward:	Both	Date:	8 October 2009
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officer(s):	K Ball		
Checked/Endorsed by:	B Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

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

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

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

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$201,124.08
Total Municipal Account		\$201,124.08
Advance Account		
Automatic Cheques	66759-66904	\$186395.30
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	962-967, 969-972, 974	\$2,211,731.91
Transfer of PAYG Tax by EFT	September 2009	\$282,980.22
Transfer of GST by EFT	September 2009	
Transfer of Child Support by EFT	September 2009	\$1,705.84
Transfer of Superannuation by EFT:		
• City of Perth	September 2009	\$44,995.57
• Local Government	September 2009	\$159,186.06
Total		\$2,886,994.90
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$25,305.44
Lease Fees		\$2,919.63
Corporate Master Cards		\$8,143.32
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$15.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$95,591.67
Less GST effect on Advance Account		0.00
Total Payments		\$3,183,710.65

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.3 Financial Statements as at 30 September 2009

Ward:	Both	Date:	12 October 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 September 2009 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 September 2009.

BACKGROUND:

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period;
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 September 2009:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-41);
- Monthly Financial Positions Graph (page 42-44).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities**Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$14.7 million
YTD Budget	-	\$17.9 million
Variance	-	-\$3.2 million
Full Year Budget	-	\$12.9 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

Operating Revenue

YTD Actual	-	\$23.7 million
YTD Budget	-	\$23.7 million
YTD Variance	-	\$0 million
Full Year Budget	-	\$34.7 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 153% over budget;

Education and Welfare – 20% below budget;

Community Amenities – 19% over budget;

Economic Services – 39% over budget

Other Property and Services – 105% over budget;

Administration General – 24% over budget.

More details variance comments are included on the page 34 – 40 of this report.

Operating Expenditure

YTD Actual	-	\$9.2 million
YTD Budget	-	\$9.5 million
YTD Variance	-	-\$0.3 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently on budget.

The major variance for expenditure is located in the following programmes:

Education and Welfare – 13% below budget;

Other Property and Services – 15% below budget;

Administration General – 95% below budget.

Detailed variance comments are included on the page 34 – 39 of this report.

Income Statement by Nature and Type Report

This income statement shows operating revenue and expenditure are classified by nature and type.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2009/10 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 30 September 2009 of \$1,179,291 which represents 5 % of the revised budget of \$21,868,789.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	132,900	132,900	14,866	11%
Plant & Equipment	1,229,450	1,317,450	153,214	12%
Land & Building	12,659,500	12,898,024	231,137	2%
Infrastructure	7,570,415	7,520,415	780,075	10%
Total	21,592,265	21,868,789	1,179,291	5%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$32,273,492 and non current assets of \$139,578,846 for total assets of \$171,852,338.

The current liabilities amount to \$9,590,324 and non current liabilities of \$13,030,193 for the total liabilities of \$22,620,517. The net asset of the Town or Equity is \$149,231,821.

Restricted Cash Reserves

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

The balance as at 30 September 2009 is \$9.4m. The balance as at 30 June 2009 was \$7.3m.

General Debtors

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 \$238,154 is outstanding at the end of September 2009.

Of the total debt \$120,519 (35%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

Rate Debtors

The notices for rates and charges levied for 2009/10 were issued on the 14 July 2009.

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

First Instalment	18 August 2009
Second Instalment	20 October 2009
Third Instalment	5 January 2010
Fourth Instalment	9 March 2010

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

Instalment Administration Charge	\$7.00
(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 as at 30 September 2009 including deferred rates was \$7,289,911 which represents 36.40% of the outstanding collectable income compared to 36.83% at the same time last year.

Summary Comments:

The reduced percentage amount outstanding in comparison to last year is due to the fact that the Rates Notices were distributed one week earlier than last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 30 September 2009 was \$14,111,306.

Net Current Asset Position

The net current asset position as at 30 September 2009 is \$23,502,919.

Beatty Park – Financial Position Report

As at 30 September 2009 the operating deficit for the Centre was \$252,927 in comparison to the annual budgeted deficit of \$231,189.

The cash position showed a current cash deficit of \$138,204 in comparison annual budget estimate of a cash deficit of \$71,575. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.3.4 Annual Plan - Capital Works Program 2009/2010-Progress Report No. 1

Ward:	Both	Date:	2 October 2009
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey/R Lotznicker/R Boardman		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 1 for the period 1 July 2009 – 30 September 2009, for the Annual Plan – Capital Works Program 2009/2010, as detailed in Appendix 9.3.4.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council’s Annual Plan – Capital Works Program 2009/2010 for the period 1 July 2009 to 30 September 2009.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 28 July 2009. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Program. This is the first Progress Report for this financial year covering the period ending 30 September 2009.

DETAILS:

This 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 2009.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

Plan for the Future 2009-2014 – Key Result Area One – Natural and Built Environment:

”1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.”

SUSTAINABILITY IMPLICATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The process is currently proceeding according to funding in the Annual Budget 2009/10.

COMMENTS:

The timing of projects may be the subject to change during the year. Progress for the first quarter is generally on schedule in accordance with the scheduled program.

9.3.6 Halvorsen Hall 176 Fitzgerald Street, North Perth – Proposed Lease to Artists - Graham Hay, Umberto Alfaro, Frances Dennis, Carol Rowling, Lauren Wilhem and Renae Edward

Ward:	South	Date:	12 October 2009
Precinct:	Hyde Park, P12	File Ref:	RES0023, PRO1490
Attachments:	-		
Reporting Officer(s):	T Lumbis		
Checked/Endorsed by:	R Lotznicker/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES of a five (5) year lease term with an option of a further five (5) years with Artists - Graham Hay, Umberto Alfaro, Frances Dennis ,Carol Rowling, Lauren Wilhem and Renae Edward for Halvorsen Hall situated at Robertson Park, 176 Fitzgerald Street, Perth, subject to satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the above artist's request for a new lease at Halvorsen Hall situated at Robertson Park, 176 Fitzgerald Street, Perth.

BACKGROUND:

This group of artist's have leased Halvorsen Hall since January 2000, operating as a collective of visual artists who, for the last nine (9) years, have been producing sculptures, paintings, creating music and running art classes.

The current three (3) year lease is due to expire on 28 February 2010.

DETAILS:

The Town contacted the group to seek their intention to continue with the lease. Correspondence was received from the group on the 7 September 2009. The group has confirmed it's request to continue and has sought a lease period of five (5) years with a five (5) year option. This would provide stability for future growth.

When the lease was originally leased, the individual artists were concerned about committing themselves for a lengthy period. However, after a successful decade of operation, the artists are confident of being able to maintain this facility and believe that a longer lease is reasonable and will enable the studio to continue long into the future.

The group of artists has generated many community projects from the premises and has produced works, which have received international recognition. The support of the community to this group is that there have been a number of donations made to the group including a kiln over the past twelve (12) months. The open plan environment makes this studio an excellent learning experience which has been acknowledged by many community artists.

The service is well patronised by the local community and caters for a diverse range of artistic styles.

It is recommended that they be allowed to continue to use the premises under a five (5) year lease arrangement. The group will be requested to submit their constitution, operating and financial statements for assessment as part of the negotiations.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Town of Vincent Policy 1.2.8 – Policy Statement:

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

STRATEGIC IMPLICATIONS:

Strategic Plan for the Future 2009 – 2014; Key Objective Two: Economic Development:

Objective 2.1: Progress Economic Development with adequate financial resources:

- “2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town;
- 2.1.6 Develop business strategies that provide a positive tripled bottom line return for the Town; and
 - (a) continue to renew leases and commercial contracts to ensure the best return for the Town, whilst being cognisant of its community service obligations.”

SUSTAINABILITY IMPLICATION:

This group is an important collective model for the social composition of the Town. It encourages and maintains artist work in the community.

FINANCIAL/BUDGET IMPLICATIONS:

Graham Hay and co-artists currently pay an annual lease fees of \$5,077.

COMMENTS:

The group have been model lessees for the past decade. It is recommended that the Council approves a lease to Graham Hay, Umberto Alfaro, Frances Dennis, Carol Rowling, Lauren Wilhelm and Renae Edward as co-artists for five (5) years with an option to renew for a further five (5) years.

9.4.4 Strategic Plan 2009-2014 – Progress Report for the Period 1 July 2009 – 30 September 2009

Ward:	Both	Date:	13 October 2009
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Directors		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2009-2014 for the period 1 July 2009 – 30 September 2009 as shown in Appendix 9.4.4.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 July 2009 – 30 September 2009.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2009-2014. The reporting on a quarterly basis is in accordance with the Strategic Plan 2009-2014 Key Result Area.

This is in keeping with the Town's Strategic Plan 2009-2014 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.4.5 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes

Ward:	North	Date:	7 October 2009
Precinct:	Leederville	File Ref:	TEN 0390
Attachments:	001		
Reporting Officer(s):	M. Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 6 October 2009, as shown in Appendix 9.4.5.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 6 October 2009.

BACKGROUND:

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

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014:

Key Result Area Four - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENT:

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

9.4.7 Draft Policy – ‘Healthy Vincent’ Policy (Public Health)

Ward:	Both	Date:	13 October 2009
Precinct:	-	File Ref:	ENS0017
Attachments:	001		
Reporting Officer(s):	A Giles; S Teymant		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the draft 'Healthy Vincent' Policy;*
- (ii) *NOTES that the need for a stand alone Health Policy has arisen from conditions of grant funding provided by Healthway for the 'Healthy +' healthy eating options programme, currently being implemented by the Town's Health Services in conjunction with the Department of Health, Cancer Council, Heart Foundation, Diabetes WA, Catering Institute of WA, and Nutrition Australia;*
- (iii) *APPROVES of the Draft Policy 3.8.9 – 'Healthy Vincent'; and*
- (iv) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the Draft Policy 3.8.9 – 'Healthy Vincent', for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the Policy in the Town's Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 9.4.7

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the basis for developing the draft 'Healthy Vincent' Policy as shown in Appendix 9.4.7, and to obtain approval from the Council to seek comment from the community in relation to the proposed Policy.

DETAILS:

The Department of Health has developed the *Western Australian Health Promotion Strategic Framework 2007-2011* which identified six priority areas of focus, as follows:

- Preventing Smoking
- Healthy Eating
- Physical Activity
- Healthy Weight
- Low Risk Alcohol Use
- Preventing Injury

The *Western Australian Health Promotion Strategic Framework 2007-2011* can be viewed in full at:

http://www.health.wa.gov.au/publications/documents/WA_Health_Promotion_Strategic_Framework_2007_2011.pdf

The Federal Government taskforce on preventative health recently released the final strategy document entitled '*Australia: The Healthiest Country by 2020 - National Preventative Health Strategy*'. The Strategy identified the following three priority areas relating to evidence based recommendations, which are detailed as follows:

- Tobacco
- Obesity
- Alcohol

The *National Preventative Health Strategy* can be viewed in full at:

<http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/NPHS>.

The reason for development of the draft '*Healthy Vincent*' Policy is two-fold. Firstly, as part of the Town's Health Services successful \$48,550 (excl GST) grant application to Healthway in December 2008, for the development of a healthy eating options programme for local food retailers, the Town was required to give an undertaking to formalise a dedicated Policy relating to public health.

Healthway's '*Health Policies - Guidelines for Healthway Sponsored Organisations*' document outlines how a health policy can benefit an organisation. The identified benefits are as follows:

- *"It demonstrates an organisation's commitment to providing a duty of care to members, spectators and participants;*
- *It is attractive to participants/members – a 'health promoting' organisation will appeal to a broader community interest;*
- *A healthy organisation is good for young people – parents feel reassured when children are involved in organisations where they are less likely to be exposed to passive smoking, excessive alcohol consumption, injuries, sunburn and other risks;*
- *It offers the potential to increase income – a health promoting organisation is more likely to be eligible for Healthway sponsorship and, in addition, may be more attractive to other sponsors; and*
- *It promotes a positive image in the community – by taking steps to develop policies that encourage healthy behaviour."*

Secondly, there are numerous policies, procedures and plans currently in operation throughout the organisation that address entirely, or in part, issues aligned with the health and wellbeing of our community. Whilst it is a credit to the Town that numerous Service areas within the organisation have invested in health and wellbeing issues, it is considered that a centralised, strategic approach will provide better outcomes, and improve recognition of the Town's efforts with regard to the 'health and wellbeing' of our community.

With this in mind, it is proposed that the draft policy (which sets the way for further development of a 'Public Health Plan', as will be a requirement of local government authorities under section 42 of the *Public Health Bill* - upon enactment), be used to collaborate existing initiatives, and better define the future direction of health and wellbeing initiatives within the organisation. The key priority areas detailed in the *Western Australian Health Promotion Strategic Framework 2007-2011* and the *National Preventative Health Strategy* provide further evidence based strategic direction.

Section 40 of the *Public Health Bill* defines the meaning of a public health plan as follows:

"*public health plan*" means —

- (a) *the State public health plan prepared by the CEO under section 41; or*
- (b) *a local public health plan prepared by a local government under section 42."*

Section 42 of the *Public Health Bill* details the requirement for local public health plans, as follows:

"42. *Local public health plans*

- (1) *A local government is to prepare, having regard to any relevant public health policy, a public health plan (a "local public health plan") that applies to its local government district.*
- (2) *A local public health plan is to be consistent with the State public health plan.*
- (3) *A local public health plan may be prepared in conjunction with a plan for the future of the local government district prepared under the Local Government Act 1995 section 5.56.*
- (4) *A local public health plan is to —*
 - (a) *identify the public health needs of the local government district; and*
 - (b) *include an examination of data relating to health status and health determinants in the local government district; and*
 - (c) *establish objectives and policy priorities for —*
 - (i) *the promotion and protection of public health in the local government district; and*
 - (ii) *the development and delivery of public health services in the local government district; and*
 - (d) *identify how, based on available evidence, the objectives and policy priorities referred to in paragraph (c) are proposed to be achieved; and*
 - (e) *describe how the local government proposes to work with the CEO and other bodies undertaking public health initiatives, projects and programmes to achieve the objectives and policy priorities referred to in paragraph (c); and*
 - (f) *include a strategic framework for the identification, evaluation and management of public health risks in the local government district and any other matters relating to public health risks in the local government district —*
 - (i) *that the local government considers it appropriate to include in the plan; or*
 - (ii) *that are required to be included in the plan by the CEO, a public health policy or the regulations; and*
 - (g) *include a report, in accordance with any relevant public health policy, on the performance by the local government of its functions under this Act.*
- (5) *A local government is to review its local public health plan each year and may amend or replace it at any time.*
- (6) *Unless it is sooner replaced, a local public health plan is to be replaced at the end of the period of 3 years after it was prepared."*

The *Public Health Bill* can be viewed in full at:

[http://www.newpublichealthact.health.wa.gov.au/publication/docs/D08%20\(Exposure\)%20Public%20Health%20Bill%202008.pdf](http://www.newpublichealthact.health.wa.gov.au/publication/docs/D08%20(Exposure)%20Public%20Health%20Bill%202008.pdf)

CONSULTATION/ADVERTISING:

The amended Policy will be advertised for a period of 21 days, and will be included in the Town's Policy Manual if no public submissions are received. Alternatively, the matter will be reported to the Council again, for further consideration.

LEGAL/POLICY:

- Public Health Bill - expected to be enacted in 2010/2011; and
- Healthway Funding Agreement (dated 5 February 2009).

STRATEGIC IMPLICATIONS:

Strategic Plan 2009 - 2014 - *'Leadership, Governance and Management:*

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

(1) *implement health promotion activities*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders'.*

SUSTAINABILITY IMPLICATIONS:

The development of a stand alone *'Healthy Vincent'* Policy and *'Public Health Plan'* (in the future) will ensure that the Town delivers services in line with best practice, specific to health and wellbeing initiatives. By maintaining a health and wellbeing service that is both relevant and strategically focussed, it is anticipated that the Town's resources will be invested where the community needs them most.

FINANCIAL/BUDGET IMPLICATIONS:

This Policy is not intended to pave the way for cost shifting from Federal and State Government, nor does the Town intend to increase the burden on its ratepayers, with grant funding opportunities to be investigated where possible. Budgetary contributions to health and wellbeing initiatives may be provided, where funding opportunities likely to benefit the triple bottom line of the Town's population are identified.

The following financial/budgetary implications have been identified:

- minor advertising costs associated with advertising the draft Policy; and
- it is likely that the Town will need to engage the services of an appropriately qualified consultant to assist with preparation of a *'Public Health Plan'*, as is expected to be a statutory requirement of local government authorities upon enactment of the Public Health Bill in 2010/2011. Appropriate funding will be identified in the 2010/2011 and/or 2011/2012 Draft Budgets.

COMMENTS:

Whilst the development of the *'Healthy Vincent'* Policy is a requirement of the Healthway grant funding agreement, it is considered a timely, positive and proactive step toward a coordinated approach to health promotion activities within the Town. The subsequent and future development of a *'Public Health Plan'* as required by the Public Health Bill (to be enacted) and referenced in the *'Healthy Vincent'* Policy, places the Town in good stead to effectively meet the needs of its community.

9.4.8 Information Bulletin

Ward:	-	Date:	13 October 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 20 October 2009, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.8

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 20 October 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Silver Chair regarding Transfer of Operating Licences
IB02	Letter from the Department of Planning regarding Planning Makes It Happen – A Blue print for Planning Reform
IB03	Letter from Minister for Planning; Culture & the Arts regarding State Planning Policy No. 9 – Request for Review
IB04	Letter from Local Government; Heritage; Citizenship and Multicultural Interests regarding Strong Response to Local Government Reform Submissions
IB05	Letter from Department of Attorney General, Victim Support & Child Witness Service regarding Website for Victims of Crime
IB06	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 8 July 2009
IB07	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 5 August 2009
IB08	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 2 September 2009
IB09	Ranger Services Statistics for July, August and September 2009 (PER0018)
IB10	Proposed Amendments to the Energy Efficiency Requirements in the Building Code of Australia (BCA2010), Australian Building Codes Board (ADM006)
IB11	Letter to Mr D. Caddy of Eucla Street, Mt Hawthorn - Response to Questions taken on Notice at Special Meeting of Council held on 6 October 2009
IB12	Letter of Appreciation from St Vincent de Paul Society (WA) Inc regarding Donation

9.1.7 Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Coded R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8

Ward:	North	Date:	12 October 2009
Precinct:	Mount Hawthorn, P1; North Perth, P8	File Ref:	PLA0202
Attachments:	-		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council pursuant to Section 74 of the Planning and Development Act 2005 RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;

- (a) *clause 20(4)(c)(ii) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (b) *clause 20(4)(h)(i) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to initiate an amendment to the Town’s Town Planning Scheme No. 1 (TPS1), to delete the following clauses:

- “(i) *clause 20(4)(c)(ii) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct; and*
- (ii) *clause 20(4)(h)(i) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct;”*

These clauses generally relate to the land coded R20 in the area contained in the “*Mount Hawthorn Precinct – Scheme Map 1*” and the “*North Perth Precinct – Scheme Map 8*” (which is the area formerly known as the “*Eton Locality*”).

BACKGROUND:

Amendment No. 11

The proposed deletion of the clauses as part of Scheme Amendment No. 28 relate directly with the Scheme Amendment No. 11, which was promulgated on 7 October 2003. Amendment No. 11 sought to down code the majority of the properties within the Eton Locality from R30/R40 to R20. The basis for this down coding was a desire to maintain the residential amenity of the area and to deter the subdivision of larger size lots to the detriment of the character of the area and housing stock within the Locality.

The former Hon. Minister for Planning and Infrastructure inserted sunset clauses at the time of final adoption. Justification provided by the former Hon. Minister, at the time of imposing these clauses, was based on a number of representations made by affected property owners at the time of the Scheme Amendment being considered for final adoption, as well as the State Government Policy direction with respect to urban consolidation within the Perth Metropolitan area.

Amendment No. 22

A second Amendment (Amendment No. 22) to TPS No. 1 was subsequently initiated to delete the clauses inserted by the Hon. Minister and allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the former Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 1 July 2006 to 30 December 2007.

Amendment No. 24

A third Amendment (Amendment No. 24) to TPS No. 1 was subsequently initiated to delete the clauses inserted by the Hon. Minister and to allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the former Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 30 December 2007 to 1 September 2008.

Amendment No. 27

A fourth Amendment (Amendment No. 27) was subsequently initiated to reflect the community's vision derived for the Town's community visioning project *Vincent Vision 2024*. *Vincent Vision 2024* expresses a desire within the community for the retention of the existing density, streetscapes and for dwellings with significant heritage and local character to be retained in the North Perth area. It was considered that the deletion of the above sunset clauses would be reflective of the desired outcomes presented in the Town's community visioning process.

Notwithstanding the above, the Town was cognisant of a conflict in the timeframe between not only the review of TPS No. 1, but that the 'sunset clause' of 1 September 2008 had expired, and the effect of the initiated Scheme Amendment No. 27 was ineffectual as a result. In this respect, it was considered that deletion of the clauses as initiated in this Scheme Amendment would not alone affect a return to a Residential R20 zoning on the Scheme Maps. Accordingly, the proposed Scheme Amendment No. 27 was modified to reflect the original intent of maintaining a Residential R20 zoning in the area commonly referred to as the former Eton Locality.

- 12 January 2009 The Chief Executive Officer, under delegation from the Council, resolved with regard to Amendment No. 27:
- “That the Council;*
- (i) RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 19 December 2008, relating to the modifications required to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1;*
 - (ii) RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 19 December 2008, BE ADOPTED FOR FINAL APPROVAL as follows:*
 - 1. Retain clauses 20)4)c)ii) and 20)4)h)i) and change the date referred to in both clauses to ‘1 June 2010’; and*
 - 2. Insert the proposed Scheme Amendment Map into the amendment documents;*
 - (iii) AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 modified amendment documents reflecting the Council’s endorsement of final approval;*
 - (iv) ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Special Meeting of Council held on 28 October 2008, of clauses (i), (ii) and (iii) above; and*
 - (v) FORWARDS the relevant executed modified amendment documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1.”*
- 17 February 2009 The Minister for Planning and Infrastructure granted final approval to modify Amendment No. 27.
- 3 March 2009 Amendment No. 27 was gazetted and published in the Government Gazette.

DETAILS:

The Town has received a letter dated 24 September 2009 from the North Perth Precinct Group Inc. requesting a further Scheme Amendment in order to ‘*retain the status quo for the Eton Locality (i.e. R20 density)...and avoid a gap period when the R20 lapses and a subsequent amendment has not been gazetted...*’

On this basis, as well as the fact that the sunset clause is due to expire prior to the promulgation of Town Planning Scheme No. 2, it is recommended that the Town initiate a new Scheme Amendment in relation to the land coded R20 within the Mount Hawthorn and North Perth Precincts, which proposes the deletion of clauses 20(4)(c)(ii) and 20(4)(h)(i) of the Scheme. The rationale applied in recommending the deletion, rather than the extension of the sunset clause date, is as follows:

1. The Town has recommended in the four previous Scheme Amendments relating to the subject land (being Scheme Amendment No. 11, Scheme Amendment No. 22, Scheme Amendment No. 24, and Scheme Amendment No. 27) that the area referred to in the above mentioned clauses be down - coded from the higher "R30" and "R30/40" density to "R20", on the premise that the lower coding is more consistent with, and will facilitate the orderly and proper planning within the locality.
2. On all four occasions, the Minister for Planning and Infrastructure's final determination has been contrary to the Town's recommendation. The Minister has decided to impose a sunset clause on down - coding within the Mount Hawthorn Precinct and North Perth Precinct to "R20" in order to make provision for the completion of the Town's Residential Density Review Study, and most recently, to coincide with the anticipated gazettal of the proposed Town Planning Scheme No. 2.
3. The Town's proposed Town Planning Scheme No. 2 will not be gazetted by the date stated in the sunset clause, which will result in a significant time lapse between the end of the sunset clause and the gazettal of the new Scheme. The Town's Officers have proposed, as per the Local Planning Strategy endorsed by the Council at its Ordinary Meeting held on 14 April 2009, that other than the residential area along London Street (proposed to go to the higher zoning of R60), it is considered appropriate at this point in time to maintain the Residential R20 zoning within the subject areas due to public concern being raised regarding the effect of higher densities on the loss of amenity resultant from the demolition of character dwellings. In terms of those lots fronting London Street, within the subject areas, it is considered appropriate that (consistent with all other major roads within the Town) the zoning be Residential R60. However, for the purpose of Scheme Amendment No. 28 to the Town Planning Scheme No. 1, the down coding of this area is to be considered as part of Town Planning Scheme No. 2.
4. As a matter of consistency, and with regard to the community consensus in relation to this matter, it is considered most appropriate to recommend the same recommendation that has been put forth for Scheme Amendments No. 11, Scheme Amendment No. 22, Scheme Amendment No. 24, and Scheme Amendment No. 27 at the time of their initiation, which is to down - code the subject areas to "R20", which is regarded as being congruous with the current orderly and proper planning within the subject areas.

The Town's main concern is that due to unanticipated delays in the progression of the Town Planning Scheme Review, should the Minister determine a further extension to the sunset clause, uncertainty to the Town and the residents affected by the Scheme Amendment area will result. Depending on the progression of the final gazettal of the Town Planning Scheme No. 2, a subsequent Scheme Amendment may again be required to be initiated and progressed to further extend the date specified in the new sunset clause.

Accordingly, it is considered that the most appropriate approach to deal with this matter in an orderly administrative way, would be to delete clauses 20 (4) (c) (ii) and 20 (4) (h)(i), and remove any reference to a sunset date. Effectively, the "R20" coding would apply for the remainder of time until the new Town Planning Scheme No. 2 is adopted and gazetted.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure...

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In light of the above, it is recommended that the Council initiates Amendment No. 28 to the Town's Town Planning Scheme No. 1.

The Chief Executive Officer advised that Cr Burns declared a financial interest in Item 9.1.6. She departed the Chamber at 6.30pm. She did not speak or vote on this matter.

9.1.6 No. 20 (Lot: 10, D/P: 2536) Monmouth Street and No. 137 (Lot: 4, D/P 2536) Walcott Street, Mount Lawley - Proposed Construction of Nine (9) Two-Storey Single Houses (Amendment to Planning Approval)

Ward:	South	Date:	12 October 2009
Precinct:	Norfolk; P10	File Ref:	PRO2911; 5.2009.324.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Dryka & Partners Architects on behalf of the owner Skybridge Holdings Pty Ltd for proposed Construction of Nine (9), Two-Storey Single Houses (Amendment to Planning Approval), at No. 20 (Lot: 10, D/P: 2536) Monmouth Street and No. 137 (Lot: 4, D/P: 2536) Walcott Street, Mount Lawley and as shown on plans stamp-dated 24 August 2009 , subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street wall, fence and gate within the Walcott Street and Monmouth Street setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the bedroom 1 window (first floor) of Unit 1 on the western elevation within the 4.5 metre cone of vision to the northern boundary;*
 - (b) the bedroom 1 windows (first floor) of Unit 3 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*
 - (c) the bedroom 1 windows (first floor) of Unit 4 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*
 - (d) the bedroom 1 windows (first floor) of Unit 5 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*
 - (e) the bedroom 1 windows (first floor) of Unit 6 on the western elevation within the 4.5 metre cone of vision to the southern boundary; and*
 - (f) the bedroom 1 windows (first floor) of Unit 7 on the eastern elevation within the 4.5 metre cone of vision to the southern boundary;*

being screened with a permanent obscured material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of Nos. 135 and 139 Walcott Street, and No. 18 Monmouth Street, stating no objections to the respective proposed privacy encroachment;

- (g) the maximum and average height of boundary wall of Unit 3 along the southern boundary shall be 3.5 metres and 3.25 metres from the natural ground level;*
- (h) the maximum and average height of boundary wall of Unit 9 along the southern boundary shall be 3.5 metres and 3.25 metres from the natural ground level; and*
- (i) adequate on-site manoeuvring area for Lot 1 to allow motor vehicles to enter the existing Right of Way in forward direction.*

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

- (iv) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Monmouth Street and Walcott Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) no street verge tree(s) shall be removed unless written approval has been received from Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) first obtaining the consent of the owners of Nos. 135 and 139 Walcott Street, and No. 18 Monmouth, Mount Lawley, for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls/retaining walls facing Nos. 135 and 139 Walcott Street and No. 18 Monmouth, Mount Lawley, in a good and clean condition;*
- (vii) prior to the issue of a Building Licence, the subject land shall be amalgamated and subdivided into nine lots 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 and subdivide the subject land into eight lots 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); and*
- (viii) no development shall be permitted within the Walcott Street Other Regional Road-Road Widening Reservation.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-2)

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

(Cr Burns was absent from the Chamber and did not vote on this matter.)

Cr Burns returned to the Chamber at 6.33pm. The Mayor advised Cr Burns that the item was carried 6-2.

Landowner:	Skybridge Holdings Pty Ltd
Applicant:	Dryka & Partners Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): No. 137 Walcott Street- Residential R 60 No. 20 Monmouth Street- Residential R40
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	No. 137 (Lot 4) Walcott Street= 1404 square metres No. 20 (Lot 10) Monmouth Street= 721 square metres
Access to Right of Way	North side, 5.03 metres wide, unsealed, privately owned

BACKGROUND:

- 10 August 2004 A planning application was submitted for demolition of existing two-storey single house and construction of eight (8) two-storey with loft grouped dwellings at No. 137 Walcott Street. The application was withdrawn.
- 10 August 2004 A planning application was submitted for demolition of existing single house and construction of one (1) two-storey and two (2) two-storey with loft grouped dwellings at No. 20 Monmouth Street. The application was withdrawn.
- 4 May 2007 A subdivision application was submitted for the amalgamation of No. 137 Walcott Street and No. 20 Monmouth Street. This application is being held in abeyance until such time as the Town determines the development application, or if the Western Australian Planning Commission decides to determine the subdivision application with or without the Town's advice, or if the applicant chooses to withdraw the application.
- 4 May 2007 A subdivision application was submitted for the survey strata of No. 137 Walcott Street and No. 20 Monmouth Street. This application is being held in abeyance until such time as the Town determines the development application, or if the Western Australian Planning Commission decides to determine the subdivision application with or without the Town's advice, or if the applicant chooses to withdraw the application.

- 18 December 2007 The Council at its Ordinary Meeting approved the initiation of the dedication process for the right-of-way bounded by William, Monmouth, Forrest and Walcott Streets, Mount Lawley.
- 24 June 2008 The Council at its Ordinary Meeting approved demolition of two (2) existing single houses and construction of eight (8) two-storey single houses.
- 20 January 2009 The Western Australian Planning Commission conditionally approved the amalgamation and subdivision of No. 20 Monmouth and No. 137 Walcott Street, Mount Lawley.
- 8 June 2009 The Town issued a Demolition Licence.

DETAILS:

The proposal involves the construction of an additional two-storey single house to the approved eight single houses. The existing houses on the site have been demolished.

The main change from the previous application is that Lot 7 has changed into two lots (Lot 7 and Lot 9). A new two-storey single house is being proposed on the new lot 7.

The applicant's submission is "*Laid on the Table*". Briefly, the applicant advises:

"We further advise that demolition & clearance of both lots has to date been effected as part of WAPC's conditional approval in progress of the sub division process.

Skybridge have in addition initiated a geotechnical investigation of the site and completed a feasibility of civil works required to complete the conditions of the sub-division approval [WAPC 138112]."

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	No. 137 Walcott Street= 7 dwellings- R60 No. 20 Monmouth Street= 3 dwellings- R40	6 dwellings= R42.7 3 dwellings	Noted.
Plot Ratio	N/A	N/A	Noted.
Setbacks: <u>Unit 1</u> <u>First Floor</u> <u>East- Walcott Street frontage</u>	<u>6 metres</u>	<u>4 metres/3.1 metres</u>	<u>Supported – as the variation will not unduly impact on the streetscape.</u>

<u>North side</u>	<u>2.1 metres</u>	<u>1.9 metres</u>	<u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>Unit 2</u>			
<u>First Floor</u>			
<u>East- Walcott Street frontage</u>	<u>6 metres</u>	<u>4 metres/3.1 metres</u>	<u>Supported- as the variation will not unduly impact on the streetscape.</u>
<u>Unit 3</u>			
<u>Ground Floor</u>			
<u>South side</u>	<u>1.5 metres</u>	<u>1.5 metres/1.05 metres</u>	<u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>Boundary Walls</u>	<u>Average Height= 3 metres</u> <u>Maximum Height= 3.5 metres</u>	<u>3.5 metres</u> <u>3.686 metres</u>	<u>Not supported – as it results in an undue impact on the adjoining property. If this application is supported, a condition of planning approval is for the boundary wall to comply with an average height of 3.25 metres and maximum height of 3.5 metres. An average height of 3.25 metres can be supported, as it would not have an undue impact on the neighbouring property.</u>
<u>First Floor</u>			
<u>East- Walcott Street frontage</u>	<u>6 metres</u>	<u>4 metres/3.1 metres</u>	<u>Supported- as the variation will not unduly impact on the streetscape.</u>
<u>South side</u>	<u>1.3 metres/2.3 metres</u>	<u>1.1 metres/1.2 metres/1.9 metres</u>	<u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>

<u>Unit 4</u>			
<u>Ground Floor-South side</u>	<u>1.5 metres</u>	<u>0.75 metre to 1.2 metres</u>	<u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>First Floor-South side</u>	<u>1.3 metres</u>	<u>0.75 metre to 1.2 metres</u>	<u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>Unit 5</u>			
<u>Ground Floor-South side</u>	<u>1.5 metres</u>	<u>0.75 metre to 1.2 metres</u>	<u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>First Floor-South side</u>	<u>1.3 metres</u>	<u>0.75 metre to 1.2 metres</u>	<u>Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>North side</u>	<u>2.5 metres from right-of-way</u>	<u>2 metres</u>	<u>Supported – as a relatively small part of the building will encroach into the 2.5 metres setback which is an internal right-of-way. As such, the variation will not impact on the streetscape of the right-of-way.</u>
<u>Unit 6</u>			
<u>Ground Floor-South side</u>	<u>1.8 metres</u>	<u>0.75 metre to 1.2 metres</u>	<u>Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>
<u>First Floor-South side</u>	<u>1.3 metres</u>	<u>0.75 metre to 1.2 metres</u>	<u>Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u>

<u>North side</u>	<u>2.5 metres from right-of-way</u>	<u>2 metre</u>	<u>Supported – as a relatively small part of the building will encroach into the 2.5 metres setback which is an internal right-of-way. As such, the variation will not impact on the streetscape.</u>
<u>Lot Unit 7</u>			
Ground Floor			
South	1.5 metres	0.75 metre to 1.2 metres	Supported- The variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
First Floor South	1.2 metres	0.75 metre to 1.2 metres	Supported- The variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
North	2.5 metres from Right of Way	2 metres from Right of Way	Supported- A relatively small part of the building will encroach into the 2.5 metres setback which is an internal right-of-way. As such, the variation will not impact on the streetscape.
<u>Unit 8</u>			
<u>Ground Floor- North side</u>	<u>1.5 metres</u>	<u>0.971 metre</u>	<u>Supported – as the variation will not unduly impact on the streetscape of the right of way.</u>
<u>First Floor- West- Monmouth Street Frontage</u>	<u>6 metres</u>	<u>3.474 metres/4.364 metres</u>	<u>Supported – as the variation will not unduly impact on the streetscape.</u>
<u>North side</u>	<u>1.5 metres</u>	<u>1.195 metres to 1.895 metres</u>	<u>Supported – as the variation will not unduly impact on the streetscape of the right of way.</u>

<p><u>Unit 9</u></p> <p><u>Ground Floor-South side</u></p> <p><u>Boundary Walls-South side</u></p> <p><u>First Floor</u></p> <p><u>West-Monmouth Street Frontage</u></p> <p><u>South side</u></p>	<p><u>1.5 metres</u></p> <p><u>Average Height= 3 metres</u></p> <p><u>Maximum Height= 3.5 metres</u></p> <p><u>6 metres</u></p> <p><u>3 metres</u></p>	<p><u>1 metre to 1.6 metres</u></p> <p><u>Average Height= 3.6 metres</u></p> <p><u>Maximum Height = 4.15 metres</u></p> <p><u>3.474 metres/4.364 metres</u></p> <p><u>1.195 metres to 1.895 metres</u></p>	<p><u>Supported- as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u></p> <p><u>Not supported – as it would result in an undue impact on the adjoining property. If this application is supported, a condition of planning approval will require the boundary wall to comply with an average height of 3.25 metres and maximum height of 3.5 metres. An average height of 3.25 metres can be supported, as it would not have an undue impact on the neighbouring property.</u></p> <p><u>Supported – as the variation will not unduly impact on the streetscape.</u></p> <p><u>Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</u></p>
<p><u>Open space</u></p>	<p><u>45 per cent</u></p>	<p><u>Lot Unit 7 - 40.9 per cent</u></p> <p><u>Lot Unit 9 - 42.16 per cent</u></p> <p><u>Unit 4= 42.13 per cent</u></p> <p><u>Unit 5= 40.9 per cent</u></p> <p><u>Unit 6= 40.9 per cent</u></p>	<p><u>Supported – the proposed house on Lot 7 will be afforded a sense of openness via the lot facing the right-of-way as the houses will be facing a right-of-way which will create a greater sense of openness. Moreover, if this proposal is considered as a survey strata, then the right-of-way would have been considered as common property and each lot would be entitled to a proportionate share of common property to add to each of the exclusive lot areas for the purpose of calculating open space and would comply with the open space.</u></p>

<p>Height Lot 7</p>	<p>7 metres to top of concealed roof</p>	<p>7.916 metres Unit 1= 7.8 metres Unit 2= 7.8 metres Unit 3= 7.8 metres Unit 4= 8.086 metres Unit 6= 8.086 metres Unit 7= 7.916 metres Unit 8= 7.23metres Unit 9= 8.1 metres</p>	<p>Supported - The proposed dwellings could reasonably have been constructed with a roof pitch of 9 metres above the natural ground level. Therefore, the variation will not unduly impact on the surrounding area in terms of visual amenity.</p>
<p>Site Works South Side</p>	<p>Retaining wall height not more than 0.5 metre above the natural ground level</p> <p>Fill not more than 0.5 metre above the natural ground level</p> <p>Setback of retaining wall=1.5 metres form the southern boundary</p>	<p>0.5 metre to 1.35 metres</p> <p>0.5 metre to 1.35 metres</p> <p>'Nil' setback</p>	<p>Supported – as the retaining walls are stepped which reduces the visual impact on the adjoining neighbours. There is also less impact in terms of ventilation and sunlight.</p> <p>Supported – as the dwellings have been designed to step with the natural topography which reduces the visual impact on the adjoining neighbours.</p> <p>Supported – as the retaining walls have been stepped which reduce the impact on the adjoining neighbours in terms of visual impact, ventilation and sunlight.</p>
<p>Privacy</p>	<p>Bedroom Window- 4.5 metres from boundary</p>	<p>Unit 7- bedroom 1 window (first floor) is setback 3 metres from the southern boundary.</p> <p>Unit 1- bedroom 1 window (first floor) is setback 4 metres from the northern boundary.</p> <p>Unit 3 – bedroom 1 windows (first floor) are setback 3 metres and 4.4 metres from the southern boundary.</p>	<p>Not supported- as it results in an undue visual/privacy impact on the neighbouring property. Windows are to be screened 1.6 metres above the finished floor level.</p> <p>Not supported – as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the finished floor level.</p> <p>Not supported – as it results in an undue visual/privacy impact on adjacent property, and windows should be screened 1.6 metres above the finished floor level.</p>

		<p><u>Unit 3 – bedroom 3 window (first floor) is setback 1.2 metres from the southern boundary.</u></p> <p><u>Unit 4- bedroom 1 window (first floor) is setback 3 metres from the southern boundary.</u></p> <p><u>Unit 5 - bedroom 1 window is setback 3 metres from the southern boundary.</u></p> <p><u>Unit 6- bedroom 1 window (first floor) is setback 3 metres from the southern boundary.</u></p>	<p><u>Not supported – as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the floor level.</u></p> <p><u>Not supported – as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the floor level.</u></p> <p><u>Not supported – as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the finished floor level.</u></p> <p><u>Not supported - as it results in an undue visual/privacy impact on neighbouring property. Windows should be screened 1.6 metres above the finished floor level.</u></p>
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Consultation Submissions		
Support	Nil.	
Objection (1)	<p>Boundary Fence The proposed boundary wall will act as a fence which is not supported. If this application is supported, the developer would have to make good the existing remaining fence line.</p> <p>Privacy All windows should be frosted and there should be no overlooking on the adjoining properties.</p> <p>Drainage Due to the subject property being retained, the developer should ensure that any surface water should not drain into the adjoining property.</p>	<p>Not supported- The Council at its Ordinary Meeting held on 24 June 2008 approved the boundary wall. With regard to the existing boundary fence, it is a Dividing Fence issue which is not controlled by the Town.</p> <p>Supported- Refer to Assessment Table above.</p> <p>Not supported- This matter will be dealt with at the Building Licence Stage. The applicant will be required to comply with the requirements of the Town.</p>

	<p>Trees There are three large trees on the subject property and the developer should use a professional to remove these trees.</p> <p>Compliance The variations to the proposal should not be supported by Council.</p> <p>Parking on Walcott Street Concerns that there are no visitors bays provided. There will be an increase of illegal parking on the adjoining property.</p>	<p>Not supported- It is a civil matter between the owners of the subject and the adjoining properties.</p> <p>Not supported- The Residential Design Codes allow variations to standards subject to the Town being satisfied that there would be no impact on the amenity of the adjoining property.</p> <p>Not supported- The application is for single houses. There is no requirement for the provision of visitors parking as each single house is required to provide 2 car bays for the occupants of each site. Any unauthorized parking on the property is a civil matter.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

The Council at its Ordinary Meeting held on 24 June 2008, approved eight single houses at No. 137 Walcott Street and No. 20 Monmouth Street, Mount Lawley. The current application is for an additional house to the two proposed single houses at No. 20 Monmouth Street, Mount Lawley.

The site at No. 20 Monmouth Street is located within the Norfolk Precinct. Clause 20(4)(d)(ii) of Town Planning Scheme No. 1 specifies that within the Norfolk Precinct, within the areas coded R40, a maximum of two dwellings will be permitted per lot. The Town received previous legal advice that notwithstanding the two (2) dwellings per lot limitation in the Norfolk Precinct, properties within this Precinct can still be subdivided into more than two (2) lots provided they comply with the minimum lot area requirements. The Western Australian Planning Commission (WAPC) conditionally approved the subdivision of the subject property into three lots. Moreover, as noted by the applicant, the developer is progressing conditions for subdivision clearance. Given the above, the Town can consider the development application for three dwellings at No. 40 Monmouth Street, Mount Lawley.

In light of the above, the development proposal for nine single houses is recommended for approval.

9.1.1 Nos. 8-10 (Lot: 123 D/P: 490) Church Street, Perth - Proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	5 October 2009
Precinct:	Beaufort Precinct; P13	File Ref:	PRO1495; 5.2009.168.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application submitted by Allerding & Associates on behalf of the owner M Krynski for proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House, at Nos. 8-10, Lot 123 D/P 490) Church Street, Perth, and as shown on existing site plan, upper floor plan and elevations stamp-dated 12 May 2009, survey plan and ground floor plan stamp-dated 28 July 2009, subdivision plan stamp-dated 23 September 2009 and overshadowing diagram and eastern elevation plans stamp-dated 25 September 2009, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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) *first obtaining the consent of the owners of No. 6 Church Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 6 Church Street in a good and clean condition;*
- (iii) *any new street wall, fence, store and gate within the Church Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portion of the eastern elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *the proposed timber privacy screens to the balconies of No. 8 Church Street (northern and southern elevations) shall comply with the requirements of the Residential Design Codes 2008; and*

(vi) 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; and

(b) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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.

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Burns

That the item be DEFERRED to clarify the boundaries of the property, as it is noted on the Feature Survey Plan that they may encroach into the adjoining park.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Landowner:	M Krynski
Applicant:	Allerding & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	465 square metres
Access to Right of Way	Not applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and second-storey addition to single house and additional two-storey single house to existing single house.

The applicant's submission is "*Laid on the Table*". The justification for the reduced site areas is as follows:

"The Metropolitan Sewerage plan for the area from 1952 shows dwellings on Nos. 8, 10 and 12 Church Street. This plan is shown in Figure 4 above ('Laid on the Table'). This proves that No. 8 is an existing site which originally accommodated a single dwelling. It is considered that the lot arrangement of Lot 123 should be maintained to reflect the historical configuration of this site. The lot configuration is typical of this particular street where dwellings have been established at different lot sizes under various title arrangement (on single lots). The adjoining property to the west (lot 11) includes five dwellings on the single lot in a similar configuration. All properties along the northern side of Church Street benefit from the adjoining POS which allows for greater residential amenity for this pocket of high density mixed use land.

Based on the above we believe that the proposed variation in site area can be justified as being a historical configuration on the subject site which is consistent with the established character of the locality."

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density Given the application is for single houses, the density coding of R60 applies.	R60-2 dwellings	R 64.5- 3 dwellings 16 per cent density bonus – 75 square metres	Supported- refer to "Comments" below.
Plot Ratio	N/A	N/A	Noted.
Site Area	Minimum Area= 160 square metres Average Area= 180 square metres	Lot 1 (No. 12) = 177 square metres Lot 2 (No. 10) = 163 square metres Lot 3 (No. 8) = 127 square metres Average Area= 155.67 square metres	Supported- refer to "Comments" below.

<p>Building Articulation: Western Boundary of proposed No. 8</p>	<p>Any portion of wall greater than 9 metres in length is required to incorporate horizontal or vertical articulation.</p>	<p>Portion of wall has (first floor) 11.6 metres in length without articulation</p>	<p>Supported- The majority of buildings along Church Street are built to the boundaries, hence the proposed additional dwelling is considered consistent with the built form of the street. No objection was received from the adjoining neighbour. It is recommended that design features be incorporated on the wall to minimise the impact onto the adjoining neighbours.</p>
<p>Buildings on Boundary: Eastern Boundary of proposed lot No. 8</p>	<p>Average height= 3 metres Maximum height = 3.5 metres.</p>	<p>Maximum average height of 7.2 metres</p>	<p>Supported- As per above.</p>
<p>Open Space</p>	<p>45 per cent</p>	<p>No. 8-26.5 per cent No. 10- 24.5 per cent</p>	<p>Supported- The proposed dwellings are located nearby a local park which will enhance the amenity of the dwellings.</p>
<p>Outdoor Living Area:</p>	<p>16 square metres with a minimum dimension of 4 metres</p>	<p>No. 8-10.3 square metres with a minimum dimension of 2.1 metres No. 10-3.2 metres in dimension</p>	<p>Supported- As per above.</p>
<p>Building Height:</p>	<p>Maximum height of 7 metres from natural ground level to the top of the concealed roof.</p>	<p>Maximum height of 7.5 metres from natural ground level to the top of the skylights. Wall height is 7.2 metres.</p>	<p>Supported- The skylights will not occupy the full width of the buildings. Given the reduced land areas and the dwellings proposed, the skylights will enhance the amenity of the residences. The proposed buildings are of similar scale to other dwellings in the area and comply with overshadowing.</p>

<p>Front Setbacks:</p>	<p>Upper Floor to be setback a minimum of 2 metres behind the ground floor.</p> <p>Store is not to be located within the front setback.</p>	<p>Upper floors of proposed dwellings are in line with the ground floor.</p> <p>Store is located within the front setback.</p>	<p>Supported- The first floors are of a contemporary design, consisting of full length windows including timber screening and setback 6 metres from the street, which minimises the impact on the streetscape. Moreover, there is considered no unreasonable impact on the streetscape given two storey buildings in the street are setback less than 6 metres.</p> <p>Supported – No unreasonable impact on the streetscape; however, the solid portion of the store will be required to have a maximum height of 1.2 metres.</p>
<p>Parking Spaces</p>	<p>2 parking bays per dwelling.</p>	<p>1 parking bay per dwelling.</p>	<p>Supported- Given the small lot areas and the site is located near major transport routes along Newcastle Street and Fitzgerald Street, the variation to parking is supported.</p>
<p>Carport</p>	<p>Roller doors are not permitted for any carports located within the street setback area.</p> <p>Total width of car port is not to exceed 50 per cent of lot frontage.</p>	<p>Roller doors</p> <p>57 per cent.</p>	<p>Supported- The majority of buildings in Church Street have solid roller doors and given the ‘quasi’ industrial nature of the street, the variation is supported.</p> <p>Supported- The proposed widths are narrow; hence it is acknowledged it would be difficult to have a compliant car port in this situation.</p>
<p>Street Walls and Fences</p>	<p>Maximum height of solid portion to be 1.2 metres above adjacent footpath level and a minimum fifty percent visual permeability above 1.2 metres.</p>	<p>Solid Walls to Nos. 8 and 10 of 2.1 metres and solid gates of 1.6 metres, in height</p>	<p>Not supported-In the event the application is supported, a condition of planning approval will be to comply with the Town’s requirements for fences within the front setback area.</p>

Consultation Submissions		
Support (1)	Nil	Noted
Objection	Nil	Nil
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Density and Site Areas

As depicted in the Metropolitan Sewerage Plan (1952), there were dwellings existing on Nos. 8-12 Church Street, Perth. Currently, there are two attached single storey dwellings existing on No. 10 and No. 12 Church Street; No. 8 Church Street is vacant.

A variation to the density code for the subject lots and minimum/average areas is supported as the proposed lot configuration reflects the pattern of existing Lots from No. 24 to No. 32 Church Street, and the proposal is consistent with the proper and orderly planning of the locality. The intensity and use of the lots are consistent with surrounding development and land uses. In addition, it is considered that no undue impact on occupiers of the development nor the amenity of the locality will occur as a result of this development.

Absolute Majority

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

In view of the above, it is considered that the application is supportable; as it is considered the development will significantly improve the use and appearance of the overall site, and will not result in any undue impact on the amenity of the surrounding area.

9.1.3 No. 458 [Lot: 172 D/P: 3784(1)] Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two- Storey Grouped Dwellings, Two (2) Two-Storey Multiple Dwellings and Two (2) Two-Storey Single Bedroom Multiple Dwellings

Ward:	North	Date:	12 October 2009
Precinct:	North Perth; P08	File Ref:	PRO4709; 5.2009.118.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, APPROVES and in accordance with the provisions of the Metropolitan Region Scheme, RECOMMENDS SUPPORT to the Western Australian Planning Commission, of the application submitted by the owner North Perth Properties Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings, Two (2) Two-Storey Multiple Dwellings and Two (2) Two-Storey Single Bedroom Multiple Dwellings, at No. 458 [Lot: 172 D/P: 3784(1)] Charles Street, North Perth, and as shown on plans stamp-dated 8 April 2009 and 28 July 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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;*
- (iv) any new street/front wall, fence and gate within the Charles Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (v) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (vi) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (vii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (viii) *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;*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the addition of windows on the western (Charles Street) elevation of unit 1;*
- (x) *no development shall occur within 1 metre of the right of way on the northern boundary of No. 458 Charles Street and the right of way as a 1 metre wide right of way widening is requirement of the Town;*
- (xi) *the proposed family room on the ground floor of unit 5 shall not be used for habitable purposes unless it can be demonstrated through revised plans at the Building Licence stage, that these rooms can comply with Building Codes of Australia;*
- (xii) *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; and*
- (xvii) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department of Planning and/or Western Australian Planning Commission.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr McGrath

That the item be DEFERRED to allow the Town's Officer's to further discuss the item with the Applicant.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

Attached is a revised upper floor plan denoting relabelled unit numbers.

Landowner:	North Perth Properties Pty Ltd
Applicant:	North Perth Properties Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling and Multiple Dwelling
Use Classification:	"P"
Lot Area:	1037 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two (2) two-storey grouped dwellings, two (2) two-storey multiple dwellings and two (2) two-storey single bedroom multiple dwellings.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2 grouped dwellings and 4 multiple dwellings.	2 grouped dwellings (units 5 and 6), 2 multiple dwellings (units 1 and 2) and 2 single bedroom multiple dwellings (units 3 and 4).	Noted – no variation.
Plot Ratio:	0.7 or 726 square metres	0.44 or 452 square metres	Noted – no variation.
Single Bedroom Dwelling Plot Ratio (Units 3 and 4 only):	70 square metres	Unit 3 = 70 square metres Unit 4 = 69 square metres	Noted – no variation.
Building Setbacks: Ground Floor -East	1.5 metres	1 metre – 2.22 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected landowner.
Upper Floor -West (Charles Street)	Upper floor to be setback 2 metres behind the ground floor main building line.	In line with the ground floor main building line.	Supported – this is not considered to have an undue impact on the amenity of the immediate area, which comprises single and two-storey residential dwellings.
-North (Units 1-4)	2.8 metres	2.27 metres – 3.34 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected landowner.

-East	2 metres	1.5 metres – 2.6 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected landowner.
Outdoor Living Area: Units 5 and 6	A minimum dimension of 4 metres by 4 metres.	The terraces and courtyards have a dimension of less than 4 metres by 4 metres.	Supported – whilst the dimensions of the terraces and courtyards are all less than 4 metres, the total area of terraces and courtyards for Unit 5 is 61 square metres and for Unit 6 is 54 square metres. This is much greater than the required 16 square metres for grouped dwellings at R60.
Communal Open Space: Units 1–4	16 square metres	Nil	Supported – this is not required as the private courtyards provided for the multiple dwellings are much larger than what is required.

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
Sustainability Implications	Nil

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

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

COMMENTS:

Demolition

The subject property at No. 458 Charles Street, North Perth is a brick and tile dwelling constructed circa 1935 in the Interwar California Bungalow style of architecture. The dwelling has a triple-gabled front, with a gable to the south which features exposed battened gable ends and simple wide barge boards. The roof is low-pitched, maintaining a generally horizontal line of the house.

The Wise's Post Office Directories indicate that the earliest resident at the subject dwelling was John D. McRae who stayed in residency from 1935 to at least 1949. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 458 Charles Street, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Planning Control Area No. 88

The subject property falls within Planning Control Area No. 88. The control area ensures no development occurs on land, within the control area, which might prejudice the future widening of Charles Street, should it be required for Primary Regional Roads in the Metropolitan Region Scheme. In the Western Australian Planning Commission's (WAPC) letter dated 15 September 2006, the Town was advised that any development within this area requires the approval of both the Town and the WAPC. The Officer Recommendation has been structured to reflect this requirement.

Conclusion

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

9.1.4 Nos. 147-149 (Lot: 500, D/P: 77320) Brisbane Street, corner Brisbane Place, Perth - Proposed Change of Use from Offices to Three (3) Multiple Dwellings and Associated Alterations and Additions

Ward:	South	Date:	12 October 2009
Precinct:	Beaufort Precinct; P13	File Ref:	PRO0056; 5.2009.245.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by G Kallidis on behalf of the owner K L Lam & T G Quach for proposed Change of Use from Offices to Three (3) Multiple Dwellings and Associated Alterations and Additions at Nos. 147-149 (Lot: 500, D/P: 77320) Brisbane Street, corner Brisbane Place, Perth, and as shown on plans stamp-dated 16 September 2009, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the provision of an enclosed store for each multiple dwelling, with a minimum dimension of 1.5 metres and minimum area of 4 square metres; and*
 - (b) *the proposed awning, along the western Brisbane Place elevation, being a minimum of 2,750 millimetres above the adjacent footpath level.*

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

- (iii) *prior to the first occupation of the development, each apartment shall be provided with a clothes tumbler dryer for clothes drying;*
- (iv) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (v) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (vi) *prior to the first occupation of the development, three (3) car parking spaces, for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development.*

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Topelberg

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

“(v) *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; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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.”

AMENDMENT PUT AND CARRIED (6-3)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.4

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by G Kallidis on behalf of the owner K L Lam & T G Quach for proposed Change of Use from Offices to Three (3) Multiple Dwellings and Associated Alterations and Additions at Nos. 147-149 (Lot: 500, D/P: 77320) Brisbane Street, corner Brisbane Place, Perth, and as shown on plans stamp-dated 16 September 2009, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

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

(a) *the provision of an enclosed store for each multiple dwelling, with a minimum dimension of 1.5 metres and minimum area of 4 square metres; and*

(b) *the proposed awning, along the western Brisbane Place elevation, being a minimum of 2,750 millimetres above the adjacent footpath level.*

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

(iii) *prior to the first occupation of the development, each apartment shall be provided with a clothes tumbler dryer for clothes drying;*

(iv) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*

(v) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

(vi) *prior to the first occupation of the development, three (3) car parking spaces, for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and*

(v) *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; and*

(b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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.

Landowner:	K L Lam & T G Quach
Applicant:	G Kallidis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Eating House, Shop, Office
Use Class:	"P", "P", "P"
Use Classification:	Multiple Dwelling - "AA"
Lot Area:	607 square metres
Access to Right of Way	N/A

BACKGROUND:

1 November 1993 The Perth City Council at its Ordinary Meeting resolved to refuse an application for a two-storey office, retail and eating house complex on the subject site, on the grounds that the proposal did not comply with the Scheme generally and, in particular, with the standard requirements relating to setbacks, landscaping, on-site car parking and amenity of the area.

The applicant lodged an appeal with the then Minister for Planning, who dismissed the appeal.

14 February 1995 A further application for four shops with four offices above was approved by Commissioners on behalf of the newly formed Town of Vincent.

25 October 1999 The Council at its Ordinary Meeting granted conditional approval for the change the use of one of the four shop tenancies on the ground floor of the subject site to an eating house. The shop is located on the east side of the site, closest to the corner of William Street.

DETAILS:

The proposal involves the conversion of existing Office space on the first floor of the subject place into three Multiple Dwellings.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 dwellings	3 dwellings	No Variation.
Plot Ratio	1.0/607 square metres.	0.64/394.05 square metres.	No Variation.
Stores	Minimum area of 4 square metres.	3.9 square metres.	Not supported - conditioned to comply.
Outdoor living area	Balcony not less than 1.5 metres in depth and a minimum area of 4 square metres.	1.2 metres by 4 metres within existing first floor lobby area for apartments 2 and 3.	Supported - the ability to provide a balcony for apartments 2 and 3 is constrained by the existing building. However, in accordance with the Performance Criteria of the R Codes, the dwellings are provided with an outdoor area, at the entrance of the dwellings, which provides open space appurtenant to each dwelling, which provides views to the city.

Awnings	Not to project over any part of a thoroughfare unless the bottom of such unit is not less than 2,750 millimetres above such thoroughfare.	2- 2.3 metres	Not Supported - conditioned to comply.
Privacy Apartment 1 Balcony	7.5 metres to eastern boundary	2 metres	Supported - the balcony is existing and overlooks an adjacent car park to a commercial complex.
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
Sustainability Implications			Nil
Financial/Budget Implications			Nil
Car Parking Requirements			
Car parking requirement (nearest whole number)			26 car bays
<ul style="list-style-type: none"> • Office: 1 bay per 50 square metres gross office floor area (95.35 square metres) = 1.9 • Eating House: 1 bay per 4.5 square metres public floor area (76.5 square metres) = 17 car bays • Shops: 1 bay per 15 square metres of gross floor area (148 square metres - as per 25 October 1999 (Council Meeting Minutes) = 6.9 bays 			
Apply the parking adjustment factors.			(0.7225)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of public car park with in excess of 75 car parking bays - Brisbane Street) 			18.7 car bays
Minus the car parking provided on-site for Commercial Component			13 car bays
Minus the most recently approved on-site car parking shortfall			9.9 car bays
<ul style="list-style-type: none"> • 13.8 car bays as per 25 October 1999 Council Meeting Minutes; 9.9 car bay after the application of adjustment factors. 			
Resultant surplus			4.2 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:

The Town's Officers consider that the proposal effectively converts the commercial building to mixed-use; consistent with the increasing trend for inner city living. In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.5 No. 68 (Lot: 151, D/P: 2861) Vincent Street, Mount Lawley - Proposed Partial Demolition of, and Alterations and Additions to Existing Front Fence of Existing Single House (Retrospective Application)

Ward:	South	Date:	12 October 2009
Precinct:	Norfolk; P10	File Ref:	PRO4578; 5.2009.158.1
Attachments:	001		
Reporting Officer(s):	J Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners N Y Sun and J M Chen for proposed Partial Demolition of, and Alterations and Additions to Existing Front Fence of Existing Single House (Retrospective Application), at No. 68 (Lot 151, D/P 2861) Vincent Street, Mount Lawley, and as shown on plans stamp-dated 7 May 2009, subject to:

- (i) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under Section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989; and*
- (ii) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Maier

Landowner:	N Y Sun & J M Chen
Applicant:	N Y Sun
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	463 square metres
Access to Right of Way	5 metres wide, sealed, Town of Vincent owned

BACKGROUND:

- 23 December 2008 The Town under delegated authority from the Council refused a retrospective satellite dish addition to the existing single house.
- 22 April 2009 The Town notified the owners of the subject property that the alterations and additions to the existing front fence are non-compliant with the Town’s Residential Design Elements Policy relating to Street Walls and Fences.
- 24 September 2009 The Town under delegated authority from the Council conditionally approved an additional two-storey grouped dwelling to the existing single house.

DETAILS:

The proposal involves retrospective alterations and additions to the existing front fence at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
SADC 13: Street Walls and Fences	To incorporate meter boxes into the wall and fence and such meter box wall and fence must be a maximum length of 1 metre and perpendicular to the street boundary.	<ul style="list-style-type: none"> The meter box is not perpendicular to the street boundary. The meter box is 1.5 metres in length. 	Supported – The proposed retrospective front fence complies with visual truncations, has incorporated the correct number of design features and is not over height (1.8 metres). These variations (meter box length and location) are minor and can be supported.
Consultation Submissions			
No consultation required in this instance as the application is retrospective.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The subject variation to the acceptable development fencing requirements of the Town’s Residential Design Elements Policy 3.2.1 is of a minor nature and is not considered to have an undue impact on the streetscape. The applicant has complied with the more important variations such as wall height (not above 1.8 metres as it is located on a District Distributor Road) and two design features (navy blue colour and the leaning display of some of the bricks) being incorporated into the wall. It is also noted that the front fence, as existing, is compliant with standard visual truncations.

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

9.1.8 Department of Planning - Implementing Development Assessment Panels in Western Australia

Ward:	Both	Date:	15 October 2009
Precinct:	All	File Ref:	ORG0016
Attachments:	001 ; 002		
Reporting Officer(s):	T Woodhouse, John Giorgi		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES:**

- (a) *the report regarding Implementing Development Assessment Panels in Western Australia - Discussion Paper as shown in Attachment 001; and*
- (b) *a copy of the Department of Planning 'Development Assessment Panels - Questions and Answers' publication, as shown in Attachment 002 to this report;*

(ii) **ADVISES** the Department of Planning that it **DOES NOT SUPPORT** the introduction of the Development Assessment Panels as outlined in the Discussion Paper for the following reasons:

- (a) *the perceived purpose and intent of the panels will not assist to improve the efficiency of determining development applications;*
- (b) *the lack of quantifiable evidence underlying the rationale of the proposal;*
- (c) *the considerable additional costs and resources to be incurred by the Local Government Authorities;*
- (e) *the arbitrary threshold selected as a criterion for the Development Assessment Panels;*
- (e) *the omission of other government agencies within the development assessment process, such as the East Perth Redevelopment Authority, the Heritage Council of Western Australia and the Swan River Trust;*
- (f) *adequate provisions already exist within the Planning and Development Act 2005 and State Planning Policies to ensure consistency and transparency in decision-making of matters relating to planning by Local Government Authorities;*
- (g) *the decision of the Development Assessment Panel to be defended, and costs incurred, by the Local Government Authority, in the case an Appeal to the State Administrative Tribunal;*
- (h) *the lack of local knowledge of members within the proposed Development Assessment Panels;*
- (i) *the inequitable ratio (3:2) towards State representation within the proposed composition of the Development Assessment Panel; and*
- (j) *the absence of consideration towards funding local government authorities in the administration of Development Assessment Panels;*

- (iii) *ADVISES the Department of Planning that if Development Assessment Panels are to be introduced, that:*
- (a) *the benchmark value for an inner city local government (such as the Town of Vincent) should be \$5 million; and*
 - (b) *Council Members elected to the Panel should be paid the same sitting fee as the other Panel Members; and*
- (iv) *REQUESTS the Minister for Planning to legislate for the mandatory reporting and publishing of development application data by local governments, in a consistent format which would enable comparison and bench marking of performance between local governments.*
-

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Farrell

That a new subclause (ii)(k) be inserted as follows:

“(ii)(k) the proposal adds a level of bureaucracy, rather than streamlining the process, and does not reduce processing time or costs;”

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

AMENDMENT NO 2

Moved Cr McGrath, Seconded Cr Farrell

That a new subclause (iii)(c) be inserted as follows:

“(iii)(c) further consideration be given to the composition of the Joint Development Assessment Panels, with the suggestion that the Town of Vincent be grouped in a Joint Development Assessment Panel with the “inner collar” Councils, comprising the Town of Cambridge, the Town of Victoria Park, the City of Subiaco and the City of South Perth; and”

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

The proposed groupings of local governments into Development Assessment Panels are detailed in Appendix D of the *'Implementing Development Assessment Panels in Western Australia Discussion Paper.'* The groupings that are outlined in Appendix D of the paper are based on the current grouping of local governments, as set out in Schedule 4 of the *Planning and Development Act 2005.*

The Discussion Paper notes that consideration will also be given to provide for the assemblage of Councils in alignment with established local government groupings that are not based on the District Planning Committee or WAPC Regions groupings where they exist.

It is noted that the proposed amendment for the Town to be grouped with the inner collar Councils, as outlined above, is consistent with the recently formed Capital City Framework Technical Advisory Group. The Capital City Planning Framework was initiated by the Central Perth Planning Committee on 20 May 2009. The purpose of the initiative is to establish a strategic growth for the City over 20 years and to build on the State initiative *'Directions 2031 - A Draft Spatial Framework for Perth and Peel.'* The core study area is defined by the City of Perth boundary however the broader frame has been notionally defined by a 5 kilometre radius from the Perth GPO.

As part of the project, the Town of Vincent, along with the City of Perth, the Town of Cambridge, the City of Subiaco, the City of South Perth and the Town of Victoria Park have combined to form a Local Government Technical Group to provide input into the framework. At the last meeting of the Local Government Technical Group held on 24 September 2009, it was resolved that the Department of Planning present the project to the respective Council's prior to the workshop scheduled for late November where the process will be aired in a more public domain. Accordingly, the project will be presented to the Council Member Forum scheduled for 13 November 2009.

COUNCIL DECISION ITEM 9.1.8

That the Council;

(i) **RECEIVES:**

(a) *the report regarding Implementing Development Assessment Panels in Western Australia - Discussion Paper as shown in Attachment 001; and*

(b) *a copy of the Department of Planning 'Development Assessment Panels - Questions and Answers' publication, as shown in Attachment 002 to this report;*

(ii) **ADVISES** *the Department of Planning that it DOES NOT SUPPORT the introduction of the Development Assessment Panels as outlined in the Discussion Paper for the following reasons:*

(a) *the perceived purpose and intent of the panels will not assist to improve the efficiency of determining development applications;*

(b) *the lack of quantifiable evidence underlying the rationale of the proposal;*

(c) *the considerable additional costs and resources to be incurred by the Local Government Authorities;*

- (e) *the arbitrary threshold selected as a criterion for the Development Assessment Panels;*
- (e) *the omission of other government agencies within the development assessment process, such as the East Perth Redevelopment Authority, the Heritage Council of Western Australia and the Swan River Trust;*
- (f) *adequate provisions already exist within the Planning and Development Act 2005 and State Planning Policies to ensure consistency and transparency in decision-making of matters relating to planning by Local Government Authorities;*
- (g) *the decision of the Development Assessment Panel to be defended, and costs incurred, by the Local Government Authority, in the case an Appeal to the State Administrative Tribunal;*
- (h) *the lack of local knowledge of members within the proposed Development Assessment Panels;*
- (i) *the inequitable ratio (3:2) towards State representation within the proposed composition of the Development Assessment Panel;*
- (j) *the absence of consideration towards funding local government authorities in the administration of Development Assessment Panels; and*
- (k) *the proposal adds a level of bureaucracy, rather than streamlining the process, and does not reduce processing time or costs;*
- (iii) **ADVISES** *the Department of Planning that if Development Assessment Panels are to be introduced, that:*
 - (a) *the benchmark value for an inner city local government (such as the Town of Vincent) should be \$5 million;*
 - (b) *Council Members elected to the Panel should be paid the same sitting fee as the other Panel Members; and*
 - (c) *further consideration be given to the composition of the Joint Development Assessment Panels, with the suggestion that the Town of Vincent be grouped in a Joint Development Assessment Panel with the “inner collar” Councils, comprising the Town of Cambridge, the Town of Victoria Park, the City of Subiaco and the City of South Perth; and*
- (iv) **REQUESTS** *the Minister for Planning to legislate for the mandatory reporting and publishing of development application data by local governments, in a consistent format which would enable comparison and bench marking of performance between local governments.*

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Department of Planning 'Implementing Development Assessment Panels in Western Australia - Discussion Paper' currently out for consultation, and to provide a summary and critique of the document to the Council.

BACKGROUND:

Since the beginning of 2009, the Department of Planning have released a series of Strategic Planning documents and initiatives targeted at streamlining planning processes in Western Australia. In March 2009, the Department of Planning released the *Building a Better Planning System* consultation paper for comment. This paper set out the broader planning agenda for planning reform in Western Australia. One of the reform initiatives suggested in this paper was the introduction of Development Assessment Panels.

The Discussion Paper states that the introduction of Development Assessment Panels is one of the fundamental principles of the national Development Assessment Forum's (DAF) Leading Practice Model for Development Assessment. In particular, Leading Practice Model Eight (Professional Determination for Most Applications) promotes the principle of development assessments being determined by professional staff or private sector experts against known policies, objectives and rules. The Discussion Paper notes that South Australia and New South Wales have introduced Development Assessment Panels into their planning system, in accordance with the DAF model.

It is important however to consider direct comparisons between other states with caution, given that the planning systems and legislation are different to that in Western Australia and that the Development Assessment Panels in the other two states mentioned, are not mandatory in the way in which they are promoted to be in Western Australia.

On Friday, 11 September 2009, the Minister for Planning announced the release of the Discussion Paper *'Implementing Development Panels in Western Australia'*.

The Town's Officers attended the information session presented by the Department of Planning on 25 September 2009, which provided an overview of the proposal. In addition, the Town's Officers also attended an information session on the Development Assessment Panels hosted by McLeods Lawyers on 8 October 2009. At both of these events, overwhelming concern was raised from the audience, in particular Local Government representatives, as to the appropriateness of the proposed Development Assessment Panels, and the infringement it was to impose on one of the key operations of Local Government Authorities.

DETAILS:

In a letter dated 11 September 2009, the Department of Planning advised the Town of the Development Assessment Panels and provided a summary of the proposed Panels as follows:

"Two different types of development assessment panels will be established by the Minister for Planning in Western Australia.

1. Local Development Assessment Panels - will be established to determine applications made to a single local government, where that local government is deemed to be a high-growth local government with enough development to support its own local development assessment panel.

2. Joint Development Assessment Panels - will be established to determine applications made to two or more local governments that are not high-growth local governments and do not have enough development to support their own local development assessment panel.

Development Assessment Panels will be mandatory in Western Australia, and will be established to determine applications made under local and region planning schemes which are of a class of monetary value identified in new regulations made under the Planning and Development Act 2005. As these panels will focus on determining development applications, local governments and the Western Australian Planning Commission will be able to dedicate their resources to the development of strategic planning instruments.

The objectives of the proposed model are to:

- *streamline the determination process for particular types of development applications, by eliminating the requirement for two decision-makers to make a decision on the same development application where the provisions for both local and region planning schemes apply;*
- *involve independent technical experts in the determination process, in accordance with the DAF Leading Practice Model;*
- *encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and*
- *reduce the number of complex development applications being determined by local governments to focus their resources on strategic planning."*

In summary, it is proposed that the *Planning and Development Act 2005* will be amended to make the relevant Development Assessment Panel the responsible authority for determining applications of prescribed class and value (\$AUD) prescribed in the proposed new *Planning and Development (Development Assessment Panels) Regulations 2010*. Essentially Development Applications of the prescribed class and value (\$AUD) will continue to be assessed by the relevant local government under the local planning scheme, and by the WAPC under the region planning scheme (where applicable), as prescribed in the respective scheme. The difference will be that a Development Assessment Panel, instead of the local government authority or the WAPC, will determine the development application.

Implications for the Town of Vincent

The Town's Officers have reviewed the *Implementing Development Assessment Panels in Western Australia Discussion Paper* and have highlighted points of note considered most relevant to the Town.

Criteria for Applications for Development Assessment Panels

Section 4.1.2 of the Discussion Paper details what applications that development assessment panels will determine. In metropolitan areas to meet the criteria for the Development Assessment Panels, development is to be equal to and/or over \$2 million. Single houses and minor nature development are exempt from the Development Assessment Panels. The proposed criteria have been applied to the applications determined by the Town in the 2007/2008 and 2008/2009 financial year as follows:

2007 - 2008 Financial Year		
Total No. of Applications Determined	Total No. of Applications that would meet criteria	% of Applications that would meet criteria
501	18	3.6%
2008 - 2009 Financial Year		
Total No. of Applications Determined	Total No. of Applications that would meet criteria	% of Applications that would meet criteria
552	28	5%

NB The above figures do not include those applications that were determined cancelled, withdrawn, no DA required, appeal dismissed or approved by an external authority.

Establishment of Development Assessment Panels

As outlined in the Details section of this report two types of Development Assessment Panels have been identified. The Town of Vincent would qualify for the Joint Development Assessment Panels. The Minister of Planning will establish the panels by the publication of an Order in the Government Gazette.

The discussion paper states that it is anticipated that there will be a minimum of 15 development assessment panels in Western Australia. With the exception of the City of Perth which will have its own panel, all other local authorities will be grouped together into 14 joint development assessment panels (5 metro and 9 non-metro). Whilst it does not explicitly state what the groupings will be, the discussion paper notes that, 'In general, it is anticipated that metropolitan joint development panels will be based on the local current grouping of local government, as set out in the *Planning and Development Act 2005*.

Schedule 15 of the *Planning and Development Act 2005* places the Town of Vincent in the 'North-West Group' with the City of Joondalup, the City of Wanneroo and the City of Stirling.

Composition of Development Assessment Panels

The composition of Local Development Assessment Panels will be determined by the Minister for Planning. The local government membership of the panel will depend on the location of the development applications being determined at the time. It is intended that the local government members will rotate on and off the panel accordingly. The Development Assessment Panels will consist of the following 5 members;

- the Chairperson (a specialist member);
- two local government representatives from the relevant local government; and
- two specialist members.

The range of expertise required of the specialist members appointed to the panel may include (but not limited to) planning, architecture, urban design, engineering, landscape design, environment, law property development or management.

Training will be mandatory for panel members, and will cover aspects such as the planning framework, development assessment, roles and responsibilities and code of conduct issues. The Department of Planning will be responsible for developing the training course.

The specialist members only will be paid a sessional sitting fee by the local government, which will be prescribed in the new Regulations. The sessional rate will include all site visits and pre-reading. Local government Council Members will not receive a fee, which appears inequitable. It is considered that Council Members should receive a fee.

Planning Framework for Development Assessment Panels

The development assessment panel will determine the applications in accordance with the existing planning framework and the relevant local planning scheme and associated policies and provisions. If the development assessment panel believes that the provisions of a local planning scheme should be amended, the panel will be able to provide the Minister and the relevant local government with written advice regarding a recommended scheme amendment.

Type of development to determined by Development Assessment Panels

Applications for development approval valued at \$2 million or more (\$1 million or more in country areas), and that fall into one of the following categories, will be required to be determined by the Development Assessment Panel:

- All commercial, retail and office applications;
- All mixed use/centre applications (such as commercial, retail and residential);
- All industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications;
- All grouped dwelling or multiple dwelling applications of over 10 dwellings;
- Non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings;
- All aged and dependent persons dwelling applications;
- All infrastructure proposals;
- Applications requiring dual approval of the local government and the WAPC, under the Metropolitan Region Scheme;
- Strategic land use, transport and infrastructure projects;
- Public works of State/regional significance where not exempt from local planning approval requirements;
- All applications for hospitals, TAFEs, universities and non-government schools.

Development that will not be required to be determined by the panel include:

- Applications for approval of one or more single houses, complying and non-complying;
- Applications application for approval of not more than 10 complying grouped dwellings or multiple dwellings;
- Minor applications, such as carports, shade sails, outbuildings and sheds.

Where the approval of both the local government and the WAPC is usually required, the panel will be the only approval authority.

Panel Costs

Development application fees will continue to be levied in accordance with current fee regulations. The local government will continue to receive the fee, however, the local government will be required to pay the sitting fees of the specialist panel members, as well as secretariat and technical support.

Secretariat support for the panel will be provided by staff from the local government on a six monthly rotational basis. These duties will include preparing agendas, advertising meetings, organising meetings, taking minutes and publicising outcomes.

Operation of the Panel

Meeting of the panel will be conducted in a place open to the public such as a local government meeting room. People who made submissions during public comment periods will be permitted to make a presentation on that particular application.

Meetings will operate according to a set of Standing Orders to be developed by the Department of Planning. A quorum for the panel will be three members which comprise of at least the chair (or deputy chair), one local government member and one specialist member. Meeting frequency will be determined by the individual panel, however is likely to be monthly as a minimum.

The panel will be required to assess applications in accordance with the existing planning framework, that is, in accordance with all local government planning schemes and policies and WPC region schemes and policies.

Applicants will have the right to request panel decisions to be reviewed by the State Administrative Tribunal (SAT). The local government will be respondent for applications determined under the local planning scheme, while the WAPC will be the respondent for applications determined under the metropolitan region scheme.

Appeals

All reports for consideration by a Development Assessment Panel are prepared by the responsible Local Government. The Panel only operates as a decision making body. The local government will be the respondent for any application of review lodged for the decision made under the local planning scheme.

Minister's Call in Power

The Minister for Planning will have the power to 'call in' any application that is prescribed in the Regulations (yet to be drafted) as a project of State or regional significance. The Minister will be the determining person in the event that an application is called in, and there will be no right of review on those decisions (i.e. no appeal rights).

Delegation

The extent of delegation to determine Development Applications varies across Local Government Authorities through the application of Sections 5.42, 5.44, 5.45 and 5.46 of the Local Government Act 1995. At the Town of Vincent, under current delegation, the Development Applications that would meet the criteria for determination by Development Assessment Panels would be determined by the Council. Given this situation, the procedure for determining Development Applications of this nature would need to be reviewed. The Council would have to decide as to whether the Development Application is first presented to a Council Meeting for determination prior to being forwarded to the Development Assessment Panel, or whether the Development Application is determined under delegation, and then directly forwarded to the Development Assessment Panel.

Department of Local Government Checklist

As reported to the Ordinary Meeting of Council held on 22 September 2009, Confidential Item relating to Structural Reform, the Department of Local Government Checklist resulted in a No. 1 Ranking for the Town.

The Checklist highlighted many positive aspects of the Town's administration and performance. However, it also highlighted the need for improvement in relation to:

- *"delays with processing development applications."*

The Town has taken positive steps to address this matter, as reported to the Council on 8 September 2009 (Confidential Item 14.1).

CONSULTATION/ADVERTISING:

The Department of Planning is currently seeking comment from local government authorities on *the Implementing Development Assessment Panels in Western Australia Discussion Paper*. The submission period closes on Monday 2 November 2009.

LEGAL/POLICY:

Town Planning and Development Act 2005
Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for the purpose of this report however the proposed Development Assessment Panels would require additional resources from the Town's budget.

At this stage, precise costs have not be determined.

COMMENTS:

As outlined above, a review of the proposed Development Assessment Panels indicates that, in essence, the proposal has not been properly thought through with regards to the impact on Local Governments and it would not assist in streamlining the Development Assessment process. In fact from the perspective of the Town, it will prolong the process, and incur greater costs on the local government authority. Furthermore, it is considered the proposal would see an unwarranted shift from a system emphasising decisions made by elected members responsible to the local community, to elected members being supplanted by technical specialists who are appointed by the State Government and are not responsible to the local community. In addition, it is considered that the proposal lacks a proper understanding of the operation of local government and demonstrates the progressive deliberate reduction in local government influence in planning decisions in Western Australia.

It appears that one of the reasons for introduction of the Panels is the delays experienced in the processing of development applications. The introduction of mandatory reporting to make comparison and bench marking between local governments would alleviate the need for such panels.

In light of the above, it is requested that the Council receive the report and support the Officer Recommendation to advise the Department of Planning and the Western Australian Local Government Association of the Town's response to the *Implementing Development Assessment Panels in Western Australia - Discussion Paper*.

9.1.9 Residential and Visitor Parking Permits – Major Developments within the East Perth Redevelopment Authority (EPRA) Precincts

Ward:	South	Date:	12 October 2009
Precinct:	EPRA (P23) and (P24)	File Ref:	PKG0004; PRO4028
Attachments:	-		
Reporting Officer(s):	S Beanland, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** an amendment to the Town's current Policy 3.9.8 "Residential and Visitor's Parking Permits", by adding a new sub-clause 1(c) which states:

"1(c) No Residential or Visitor Parking Permits will be issued to occupants of large residential or mixed use developments, which were approved by the City of Perth, prior to the land being transferred to the Town of Vincent, or which have been approved by the East Perth Redevelopment Authority (EPRA)";

- (ii) **AUTHORISES** the Chief Executive Officer to **REFUSE** to issue any Residential or Visitor Parking Permits to residents of major developments, where the development has been approved by EPRA, under their guidelines effective from 21 October 2009; and

- (iii) **AUTHORISES** the Chief Executive Officer to:

- (a) *advertise the amended Policy for a period of twenty-one (21) days, seeking public comment;*
- (b) *report back to the Council with any submissions received; and*
- (c) *include the amended Policy in the Town's Policy Manual if no public submissions are received.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.00pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.01pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

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

“(i) APPROVES an amendment to the Town's current Policy 3.9.8 "Residential and Visitor's Parking Permits", by adding a new sub-clause 1(c) which states:

I(c) (i) No Residential or Visitor Parking Permits will be issued to occupants of large residential or mixed use developments, which were approved by the City of Perth, prior to the land being transferred to the Town of Vincent, or which ~~have been~~ were approved by the East Perth Redevelopment Authority (EPRA); and

(ii) Development Approvals, which were issued for Parry Street, Perth, prior to 21 October 2009 are excepted from the requirements of clause 1(c)(i);

.....

(iv) AUTHORISES the Chief Executive Officer to seek the co-operation of EPRA in having a standard clause or advisory note added to their Development Approvals, similar to that used in Town of Vincent development approvals, for large residential or mixed use developments, indicating that parking permits will not be issued by the Town of Vincent.

Cr Maier requested that his proposed amendment be considered and voted on in two parts.

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

Debate ensued.

AMENDMENT CLAUSE (i) PUT AND CARRIED (9-0)

AMENDMENT CLAUSE (iv) PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

With regard to clause (i), the purpose of the report is to preclude the Town from issuing parking permits to the occupiers of new residential and mixed use developments, such as Tyne Square, because of the likely impact of issuing a large number of permits for any given street. New developments should already be providing adequate parking facilities to meet the current and future needs of their occupants, so there should be no need to issue permits. When the City of Perth oversaw the area covered by EPRA, their policies would have precluded the issuing of parking permits to any of the large developments that had been approved by EPRA. A number of years ago, the Town recognised that parking facilities were already inadequate in most areas, so they included a clause in all Development Approvals, for large residential and mixed use developments, which specified that, since the developer had attested that there was adequate parking provided, no Residential or Visitor Parking Permits would be issued.

There are a number of unit developments in the immediate area, which were approved by EPRA - Tyne Square, No. 150 Stirling Street (49 Units), No. 76 Newcastle Street (59 Units), No. 2 Pisoneri Street (18 Units), etc - and, by creating a precedent for Parry Street, there is a danger that these other developments will seek similar treatment, resulting in a large number of Visitor Parking Permits being issued (potentially around 200 permits). It could be argued that Parry Street is not substantially different from many other streets in the Town.

Without the above amendment, the Town's current Policy 3.9.8 would require the issuing of Visitor Parking Permits to every Unit in every large development, which could create substantial congestion if all (or many) were used at the same time. This amendment to Policy 3.9.8 would ensure that developers are held to account to provide sufficient parking facilities.

Almost all of the Parry Street residents are currently eligible to apply for permits and this is unlikely to change in the foreseeable future. As a result, it is not considered necessary to single out Parry Street, or to specify any start-date, for the commencement of this clause.

COUNCIL DECISION ITEM 9.1.9

That the Council;

(i) ***APPROVES an amendment to the Town's current Policy 3.9.8 "Residential and Visitor's Parking Permits", by adding a new sub-clause 1(c) which states:***

"1(c) (i) No Residential or Visitor Parking Permits will be issued to occupants of large residential or mixed use developments, which were approved by the City of Perth, prior to the land being transferred to the Town of Vincent, or which were approved by the East Perth Redevelopment Authority (EPRA)"; and

(ii) Development Approvals, which were issued for Parry Street, Perth, prior to 21 October 2009 are excepted from the requirements of clause 1(c)(i);

(ii) ***AUTHORISES the Chief Executive Officer to REFUSE to issue any Residential or Visitor Parking Permits to residents of major developments, where the development has been approved by EPRA, under their guidelines effective from 21 October 2009;***

(iii) ***AUTHORISES the Chief Executive Officer to:***

(a) advertise the amended Policy for a period of twenty-one (21) days, seeking public comment;

(b) report back to the Council with any submissions received; and

(c) include the amended Policy in the Town's Policy Manual if no public submissions are received; and

(iv) ***AUTHORISES the Chief Executive Officer to seek the co-operation of EPRA in having a standard clause or advisory note added to their Development Approvals, similar to that used in Town of Vincent development approvals, for large residential or mixed use developments, indicating that parking permits will not be issued by the Town of Vincent.***

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's authorisation to amend its existing Policy by refusing to issue Residential or Visitor Parking Permits to applicants residing in major, recently constructed residential developments within the EPRA Precincts.

BACKGROUND:

Residential and Visitors Parking Permits are issued in accordance with the Town of Vincent Parking and Parking Facilities Local Law and Residential and Visitors Parking Permits Policy 3.9.8.

This Policy states that on application, the Town will issue a maximum of one Visitor Parking Permit to the occupant(s) of a Residential Unit. However, the Town of Vincent imposes a condition in the Development Approval for new major residential developments that residents will not be eligible for residential or visitor parking permits. This helps to ensure that on-site parking is made available to occupiers, by making Developers responsible for providing adequate parking facilities for current and future needs. This prevents new development from worsening the existing shortage of on-street parking.

This condition has not been imposed on developments approved by EPRA and this may have an impact on the parking facilities for existing residences; a number of which have limited or no off-street parking available.

Until 1 July 2007, the area encompassed in the EPRA Precincts was under the care and control of the City of Perth. The City of Perth's method for issuing Residential and Visitor Parking Permits was in accordance with their Resident On-Street Parking Policy 22.6, which defines the requirements where a parking permit may be issued. Under their Policy, no permits would have been issued to any resident within the (now) EPRA Precincts, except those residing in Parry Street, Perth. Since 2007, the Town of Vincent has issued permits to eligible residents on both the north and south sides of Party Street. The Town's existing Policy does not take into account the major developments approved by the City of Perth and the consequential parking demands.

DETAILS:

Parking is at a premium within the confines of inner city areas and there is competition for existing on-street parking facilities between residents, all-day commuters, staff and customers of businesses within the vicinity. The issuing and examination of Parking Permits is the standard method of parking control in restricted streets to manage the parking demands.

Although it is a condition of approval for Visitor Parking Permits that they not be used by Residents, it is a common occurrence for residents to utilise a Visitor Parking Permit as a defacto Residential Parking Permit without consequence, as identification of offenders is onerous and difficult to enforce.

Recently, the Town received an application from a new resident, of No. 154 Newcastle Street, Perth, for a Residential and a Visitor Parking Permit. This was the first application received for this particular address, which comprises specialty shops, a supermarket and eighty (80) residential dwellings.

In accordance with procedure, a Ranger assessed the available on-site parking and on-street parking in the vicinity and noted that one or more parking bays were available to each residential dwelling.

Under Policy 3.9.8, a Visitor Parking Permit would normally have been issued to the resident, entitling their visitor to park on Newcastle Street for longer than the time allowed.

The Town's Planning Services commented "generally, the Town of Vincent, when issuing planning approval for such a proposal, would include a condition that the Town would not issue a residential or visitor car parking permit to any owner or occupier of the units." Accordingly, had the Development Approval been issued by the Town of Vincent, a condition would have been imposed which states:

"(...) 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; and*
- (b) the Town of Vincent will not issue a residential or a visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

There are only four time-restricted parking bays in Newcastle Street, Perth, outside No. 154. As a result, it is likely that issuing a Visitor Parking Permit to one unit occupier would create an unwanted precedent, should other occupiers make a similar application. If a permit was issued to each unit within the development, it would result in the parking bays on Newcastle Street being occupied every day and evening and would adversely impact on the local businesses and patrons of the nearby Weld Square.

Alternative unrestricted paid parking is available in the nearby angled parking bays in Stirling Street. These bays are rarely full and are within 200metres from No. 154 Newcastle Street.

CONSULTATION/ADVERTISING:

As this would require a Policy Amendment, it will be necessary to undertake a Public Consultation process, in accordance with the Town's Community Consultation Policy. The policy amendment would be advertised for 21 days.

LEGAL/POLICY:

There are no legal impediments to the approval of the above recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area Two: 2.1.4 *Identify the needs and expectations of the business community and facilitate outcomes in the Town.* "(b) *implement the Town's Car Parking Strategy.*" (currently in draft form).

SUSTAINABILITY IMPLICATIONS:

The Town has engaged Luxmoore Parking Consultants to prepare a Car Parking Strategy and Precinct Parking Management Plans for each of the Town's five (5) activity centres. Essentially, the recommendations within the draft documents promote a paradigm shift in the way that the Town approaches parking management from 'predict and provide' to a more sustainable approach.

If endorsed by the Council, the Strategy and the Plans will inform the review of the Town's Parking and Access Policy and other associated approaches to parking management. However, the proposed changes will be undertaken in a staged manner, on the principle outlined by the consultants that, *'a fine balance needs to be struck between encouragement of sustainable transport options and the provisions of enough parking...not too much and not too little, but just the right amount of parking.'*

Notwithstanding the above, it is recommended that to ensure that parking is managed in a sustainable manner within the EPRA area and across the Town more generally, that EPRA develop a Strategy and/or Policy that contextualises the parameters for calculating car parking requirements and addresses the pressures that potential large scale development will place on the area, to ensure that parking is managed sustainably.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Because of the likely consequences of issuing parking permits to large developments, such as that at No. 154 Newcastle Street, Perth, it is recommended that the Town refuses any application for developments within the area formerly part of the City of Perth and currently under the planning jurisdiction of EPRA. The Town's Car Parking Strategy, once adopted, is likely to address Residential and Visitor Parking Permits for developments, such as Nos. 154- 156 Newcastle Street, together with existing parking congestion, when issuing parking permits.

9.2.1 Gymnastics WA – Provision for Wheelchair Spectators

Ward:	South	Date:	5 October 2009
Precinct:	Oxford Centre Precinct	File Ref:	PRO3449
Attachments:	-		
Reporting Officer(s):	J van den Bok; K Bilyk		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the request from Gymnastics WA for the provision of seating for wheelchair spectators within the existing grandstand at the Loftus Recreation Centre; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$3,500 from the Loftus Recreation Centre Function Room Toilets Refurbishment budget to enable the grandstand seating modification to be undertaken as outlined within the report.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request received from Gymnastics WA to allow provision within the existing grandstand seating at the Loftus Recreation Centre for wheelchair spectators and to seek approval for the reallocation of funding to enable the works to be undertaken.

BACKGROUND:

A letter has been received from the Director Gymnastics WA, requesting that the Town give consideration to modifying the existing grandstand seating to allow for the provision of up to four (4) wheelchairs for spectators.

Gymnastics WA have advised that they have been identified by the Department of Sport & Recreation as an organisation that has been progressive with their “Inclusion Policy”, having recently completed their Inclusive Charter and the final draft of their Inclusive Action Plan.

Gymnastics WA have had a number of wheelchair spectators over the past couple of months and there is currently no formalised arrangement within the grandstand for wheelchair spectators.

DETAILS:

This request can easily be accommodated by removing a small section of the grandstand seating along the bottom level adjacent to the ramp access. A railing will be required along the top of the step behind the recess to ensure persons do not fall into the area below.

A quotation of \$3,500 to undertake the required works has been received and the requested works can be implemented immediately subject to the Council approval.

CONSULTATION/ADVERTISING

Nil.

LEGAL/POLICY:

The Access and Equity Policy aims to ensure that the Town of Vincent responds to the needs of all residents and customers in an equitable and non-discriminatory way. The policy provides the mechanism to ensure that the needs of different groups are recognised and addressed.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2009-2014 – 3.1.4 Continued implementation of the principles of universal access. *“a) Continue to implement the disability Access and Inclusion Plan and report on outcomes.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

As part of the 2009/2010 Capital Works Program, a budget allocation of \$25,000 was allowed for the refurbishment of the function room toilets within the Loftus Recreation Centre.

Quotations have recently been received for these works, with the cheapest quotation coming in at \$21,000.

Therefore, there is a budget surplus of \$4,000, of which \$3,500 can be reallocated to enable the grandstand seating modification works to be completed.

COMMENTS:

It is therefore recommended that the Council approve the reallocation of funding for this minor modification to the existing grandstand seating to allow wheelchair spectators to view gymnastic events held at the centre from time to time.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 7.08pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the chair at 7.08pm.

9.3.1 Investment Report as at 30 September 2009

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

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 7.09pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 September 2009 were \$21,773,889 compared with \$21,773,889 at 31 August 2009. At 30 September 2008, \$18,632,734 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	350,000	96,258	27.50
Reserve	300,000	81,255	27.08

COMMENT:

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

The funds invested are more favourable than previous year due to the instalment option plan offered for the payment of the ESL Levies.

The report comprises of:

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

9.3.5 Physical Activity Strategic Plan

Ward:	Both	Date:	22 September 2009
Precinct:	All	File Ref:	CMS0084
Attachments:	001		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Physical Activity Strategic Plan 2009-2013 as shown in Appendix 9.3.5;*
- (ii) *ADOPTS the strategies and timelines as recommended in the Physical Activity Strategic Plan 2009-2013; and*
- (iii) *AUTHORISES the Chief Executive Officer to establish a Physical Activity Working Group to implement the plan.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Harvey

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

*“(ii) **ADOPTS IN PRINCIPLE** the Strategies and timelines as recommended in the Strategic Plan 2009-13;” and*

A new clause (iv) be inserted as follows:

*“(iv) **ADVERTISE** the Physical Activity Strategic Plan 2009-13 for a period of twenty-one (21) days for public comment.”*

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.3.5

That the Council;

- (i) *RECEIVES the Physical Activity Strategic Plan 2009-2013 as shown in Appendix 9.3.5;*
- (ii) *ADOPTS IN PRINCIPLE the strategies and timelines as recommended in the Physical Activity Strategic Plan 2009-2013;*
- (iii) *AUTHORISES the Chief Executive Officer to establish a Physical Activity Working Group to implement the plan; and*
- (iv) *ADVERTISE the Physical Activity Strategic Plan 2009-13 for a period of twenty-one (21) days for public comment.*

PURPOSE OF REPORT:

To seek approval for the Physical Activity Strategic Plan 2009 – 2013.

BACKGROUND:

At the Ordinary Meeting of Council on 25 March 2008, the following resolutions were adopted:

"That Council;

- (i) ENDORSES the initiative to develop a Physical Activity Plan; and*
- (ii) REQUESTS a report on the status of the Physical Activity Plan Project be provided to Council on a quarterly basis."*

The Town of Vincent Physical Activity Plan will be a strategic planning document to ensure that physical activity is a priority for the Town. It will link to the Town's Strategic Plan, listing actions targeting awareness raising and increasing participation in physical activity. The overall objective would be to achieve a 5% increase in participation levels over a span of five (5) years. The Physical Activity Plan will have objectives and actions over a five-year period and will prioritise current and new initiatives through a multi-faceted consultation process with measurable goals, appropriate resource allocation and timeframe for action.

A Physical Activity (PA) Plan identifies:

- existing resources that support people to be active;
- community needs and barriers to participation;
- strategies and actions that will increase participation in physical activity;
- measurable goals and a time frame for action; and
- priorities for action and lead agencies/groups.

At the Ordinary Meeting of Council on 22 July 2008, the first progress report for the development of the PA plan was outlined for endorsement with the following results documented:

- Appointment of Consultant;
- Establishment of the Working Group;
- Data collection for community profile;
- Internal policy analysis;
- Benchmarking study;
- Literature review;
- Drafting tools and mechanisms for community consultation and stakeholder consultation in consultation with working group;
- Physical Activity (PA) audit tool developed for the Town's facilities; and
- PA audits of the Town's facilities and activities are underway.

At the Ordinary Meeting of Council on 7 October 2008, the second progress report for the development of the PA plan was outlined for endorsement with the following results documented:

- A background paper outlining preliminary analysis on the Town's demographic profile, internal policy analysis and literature review has been completed;
- A comprehensive list of community members/agencies and stakeholders have also been compiled by Community Development;
- Stakeholder consultations have been actively progressed through a mix of methodology involving interviews and surveys;

- A consultation report has been prepared outlining findings on key results from the interviews conducted with key agencies who are involved in physical activity;
- A draft report has been prepared on the audit conducted on the physical activity opportunities in the Town.
- A GIS consultant has been working on plotting statistical information and survey information for physical activity opportunities across the town.

The Physical Activity Strategic Plan 2009-2013 has now been completed and was presented at an Elected Members Forum on Tuesday 15 September 2009.

DETAILS:

The methodology undertaken in understanding the community on which to base strategies for increasing physical activity is outlined below:

- Literature review;
- Benefits of PA, importance of supportive environments, good practice in local governments nationally;
- Benchmarking study of adjoining and other metropolitan Local Governments;
- Reviewed Town policies to identify supportive internal structures;
- Demographic analysis by suburb;
- Physical Activity audits – private and public physical activity opportunities;
- Consultation;
- Stakeholders, community & sporting groups;
- Online survey, discussion groups, interviews;
- Workshop with Town of Vincent staff;
- Draft plan prepared; and
- Presentation to Elected Members.

The key findings are outlined in the attached Physical Activity Strategic Plan 2009-2013 and summarised below:

Key Findings

- Over half population do not do enough PA, stating lack of time as barrier;
- 24% of ToV population are baby boomers;
- High proportion of 25-49 year olds;
- High proportion of CaLD communities;
- 57% of population are tertiary educated;
- 63% of population have a sedentary job;
- 10% of population have a disability;
- 50% of population is comprised of family units; and
- Higher than national average weekly income.

Online survey results

- Most people walk on streets/paths for PA;
- 71% did not do enough PA for health benefits;
- Main barriers = time, family commitments;
- 1 in 5 were not aware of how much PA is needed for health benefits; and
- 4.3% of people walk to work and 1.6% cycle to work.

Key motivators in why people within the Town are active

- Makes me feel good;
- Weight loss/body toning;
- Prevent chronic disease; and
- Social experience.

Identified barriers to physical activity have been

- Barriers (>18) – work & family commitments, time, costs, motivation;
- Barriers (<18) - access to electronic equipment, lack of facilities & parents too busy to take young people to PA opportunities.

Seniors feedback

- Access to PA opportunities is an issue;
- Variety of activities for seniors to be active together is limited;
- Neighbourhood based physical activity is the preferred type of activity;
- Some of the minority groups within the Seniors (e.g. Italian) would like activities organised specifically for them; and
- Neighbourhood safety is a barrier to being active.

New Parents thoughts

- Limited childcare places and times offered;
- Childcare at venues is expensive;
- Need more family oriented activities;
- Need more “fun”;
- Need for free or inexpensive PA.

Culturally and Linguistically Diverse Community Ideas

Limited information about the wide range of physical activity opportunities available on the Council website. Need to consider different ways to present the information (languages, style, targeted at certain groups, placement in media, brochures, etc).

There is an opportunity to disseminate additional information about local sporting clubs activities, etc.

Physical Activity audits

Investigated:

- Facilities at venue and their state of repair;
- Type of activity that occurs there;
- Attractiveness;
- Safety;
- Dog walking facilities;
- Ease of parking or travel to and from site (e.g. links with public transport); and
- Equity issues (cost, access, child minding, access, flexibility of hours, etc).

Audit Results

- Lack of end of route facilities such as bike racks, showers & taps available to people who ride, run or walk to facilities;
- Security & community safety issues;
- Access - only 3% of Council managed facilities have a pedestrian crossing;
- Lack of signage for facilities;
- Opportunity to provide a range of services for people of all capabilities;
- Good links to public transport; and
- Services for the young and elderly were available but gap for people aged 12-22 years.

Sporting Club consultation

Interviews were conducted with twenty (20) sporting clubs from across the Town with the following indicative response.

Room for improvement

- Amenities block 90%
- Parking 75%
- Playing surface 66.7%
- Clubroom 63.2%
- Shade 42.1%

19% of clubs advised the playing fields exceeded their needs, with another 17.6% stating the lighting, maintenance on buildings and clubroom facilities all individually exceeded their needs.

Recommendations

There are thirty-nine (39) strategies identified under the following four broad directions listed below:

Program delivery

- Seniors programs : introductory outdoor gym sessions, Living Longer Living Stronger, continue Energywise program, mobilising elderly;
- General community: free walking groups, continuing Paws on Path, participate in events (Bike Week, etc), Trails program, PA integrated into festivals, Family Fun programs/projects;
- Staff: Investing in Town staff through a staff fitness program;
- School children: Walking School Bus.

Disseminating Information

Providing information

- General community PA/wellbeing database linked to Town of Vincent website;
- Regular information on PA & sport in newsletters;
- Information on PA opportunities for specific groups;
- Promote Find 30;
- Use Beatty Park Leisure Centre & school newsletters to disseminate information;
- Include PA information in Welcome packs;
- 'Best of' parks online;

- Staff initiatives;
- GIS generated maps;
- Multicultural information available;
- PA good news stories for inclusion in the local newspaper; and
- Use of library more proactively to promote PA.

Environments for Physical Activity

Creating Environments that Support Physical Activity

- Plan for end of route facilities in parks;
- Review Town of Vincent end of route facilities;
- Ongoing planning processes to ensure PA integrated into Development Applications;
- Business incentive program for end of route facilities;
- Reassess child care fees/times at Council facilities;
- Plan for continuous paths;
- Distance markers to be installed;
- Criteria developed for placement of outdoor gym equipment;
- Plan parks that match the changing demographic; and
- Consider PA equipment for people with a disability.

Physical Activity partnerships

- Physical Activity Advisory Group to oversee PA Plan;
- Work with Department of Sport and Recreation & sporting clubs to promote PA to general public e.g. come and try days;
- Source external funds to implement Plan; and
- Integrate PA into other business unit policies.

CONSULTATION/ADVERTISING:

The project methodology involved consultation with stakeholders and businesses to ensure that issues of access and inclusion were embraced as part of the objectives of the project.

Consultation was undertaken with key stakeholders including community groups, sporting groups, and local residents via online surveys, discussion groups and interviews.

Physical Activity audits were conducted across private and public physical activity opportunities and a workshop was held with Town staff and the final plan presented to a Council forum.

Ongoing consultation will be sought with the community in implementing the various strategies.

LEGAL/POLICY:

As strategies are initiated there may be policy changes required.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 Community Development
Objective 3.1 Enhance community development and wellbeing

SUSTAINABILITY IMPLICATIONS:

This plan is in alignment with the strategic directions of the Town and aims to increase the overall health and wellbeing of the Town's residents, visitors and staff.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$15,000 is on the 2009/10 budget to initiate strategies to support the Physical Activity Strategic Plan.

COMMENTS:

This strategy provides a comprehensive insight into the current and future opportunities to increase physical activity across the Town of Vincent. The plan focuses on encouraging members of the community to be physically active, no matter what their age or physical capability.

There is a comprehensive working schedule and timeline detailed within the Physical Activity Strategic Plan. Implementation will be undertaken in consultation with the Physical Activity Advisory Group and reported at regular Council meetings through quarterly progress reports.

The recommendation is that the strategic plan is adopted and the strategies implemented.

9.4.1 Adoption of Annual Financial Report 2008-2009

Ward:	Both	Date:	14 October 2009
Precinct:	All	File Ref:	ADM0032
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the Annual Financial Report of the Town of Vincent for the financial year 2008/09, as shown in Appendix 9.4.1.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)**

PURPOSE OF REPORT:

To consider and accept the 2008/09 Annual Financial Report and the Independent Auditor's Report.

BACKGROUND:

In accordance with Section 6.4 of the Local Government Act 1995, the 2008/09 Annual Financial Report has been prepared and the accounts and the report have been submitted to the Town's Auditors. The preparation of an Annual Financial Report and the submission of the report and the Town's accounts to the Auditors for audit are statutory requirements of the Local Government Act 1995.

The Town's Auditors have completed their audit of the Town's accounts and the Annual Financial Report for the 2008/09 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report.

Section 6.4 of the Local Government Act 1995 sets out the requirements for a Local Government to prepare an Annual Financial Report and to submit both the report and its accounts to the Auditor by the 30th September each year. The Town of Vincent has met these requirements and the Town's Auditors have completed the audit of Council's accounts and Annual Financial Report for the financial year 2008/09.

DETAILS:

The Annual Financial Report is required to be accepted by the Council in order to enable the holding of an Annual General Meeting of Electors at which the Town's Annual Report containing the financial report (or at a minimum the abridged version) will be considered. A copy of the Annual Financial Report is also required to be submitted to the Director General of the Department of Local Government.

The Annual Financial Report for the financial year 2008/09 is included with the report at Appendix 9.4.1.

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Town's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As per previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the Town's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre, Beatty Park Leisure Centre and Customer Service Centre.

LEGAL/POLICY:

Local Government (Financial Management) Regulation 51(2) states:

“A copy of the Annual Financial Report of a local government is to be submitted to the Director General within 30 days of the receipt by the CEO of the Auditor's report on that financial report.”

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f) *the financial report for the financial year;*

Section 5.54 of the Local Government Act states:

6.64 Financial Report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-14

"4.1.2 Manage the Organisation in a responsible, efficient and accountable manner."

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of preparing the Annual Report, which contains the Financial Report, will be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor's total costs are \$9,900 (GST inclusive).

The Financial Report is prepared by the Town's administration, as such, these costs are contained in the Town's Operating Budget.

COMMENTS:

It is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the Town's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre, Beatty Park Leisure Centre and Customer Service Centre.

In order the Town to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2008/09.

9.4.2 Adoption of Annual Report 2008/09 and Annual General Meeting of Electors 2009

Ward:	Both	Date:	14 October 2009
Precinct:	All	File Ref:	ADM0032, ADM0016
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2008/09 Annual Report of the Town of Vincent as shown in Appendix 9.4.2;**
- (ii) **CONVENES the 2009 Annual General Meeting of Electors on Monday 23 November 2009 at 6.00pm in the Town of Vincent, Leederville;**
- (iii) **ADVERTISES by public notice that the Town of Vincent Annual Report 2008/09 will be available from approximately Monday 23 November 2009; and**
- (iv) **PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2).**

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

Note: The Chief Executive Officer advised that the report will be amended where necessary to re-word phrases to better explain matters.

PURPOSE OF REPORT:

The purposed of the report is to set a date for the Annual General Meeting of Electors and to accept the 2008/09 Annual Report.

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2008, the Council considered the matter and resolved as follows;

That the Council:

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2007/08 Annual Report of the Town of Vincent as shown in Appendix 9.4.3;**
- (ii) **CONVENES the 2008 Annual General Meeting of Electors on 8 December 2008 at 6.00pm in the Town of Vincent, Leederville;**

- (iii) *ADVERTISES by public notice that the Town of Vincent Annual Report will be available from approximately 3 December 2008; and*
- (iv) *PROVIDES a copy of the Annual Report and Annual Financial Statements to the Executive Director, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2).*

DETAILS:

The Local Government Act requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the Town's achievements during 2008/09 and focus on the many highlights of a busy year.

In accordance with Section 5.53 of the Local Government Act 1995, the 2008/09 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Town's Auditors have completed the audit of Council's financial statements for the 2008/09 financial year. The Financial Statements will form part of the 2008/09 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report; and
- (c) General Business.

PROCESS:

The Council previously resolved that the Chief Executive Officer streamline the process so that the Annual General Meeting can be held earlier. It should be noted that the process timetable is predominantly dictated by the availability of the Town's Auditor. The Town's Auditor is also the Auditor for many other local governments and their workload at this time of the year is very heavy, due to their commitments.

The Town's administration compiles the Annual Report within 2 months of the end of the financial year. It also prepares the Annual Financial Report. The Annual Financial Report is then submitted to the Auditor's for auditing. The Auditors are unable to complete their work until about mid October.

Therefore, the earliest opportunity for the Council to consider and adopt the Annual Report and Financial Report is late October (at the earliest) or the first meeting in November. Once adopted, the Town must give at least 14 days notice of the date of the Annual General Meeting.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 23 November 2009 at 6.00pm.

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is proposed that the Annual Report will be produced on CD-Rom and made available on the Town's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre, Beatty Park Leisure Centre and Customer Service Centre.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

Local Government (Financial Management) Regulation 51(2) states:

“A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report.”

Section 5.53 of the Local Government Act states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report s to contain:*
 - a. *a report from the mayor or president;*
 - b. *a report from the CEO;*
 - (c) and (d) deleted*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*
 - g. *such information as may be prescribed in relation to the payments made to employees;*
 - h. *the auditor's report for the financial year;*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.27 states:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-14

"4.1.2 Manage the Organisation in a responsible, efficient and accountable manner."

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of preparing the Annual Report, which contains the Financial Report will be carried out in-house. This will provide cost savings of approximately \$4,000 for typesetting of the report.

The Auditor's total costs are \$9,900 (GST inclusive).

The Annual Report is prepared by the Town's administration, as such, these costs are contained in the Town's Operating Budget.

COMMENTS:

In order for the Town to meet its legislative requirements, it is recommended that the Council accepts the Annual Report for 2008/09 and convenes the 2009 Annual General Meeting of Electors for Monday 23 November 2009 at 6.00pm.

9.4.3 Delegations for the Period 1 July 2009 to 30 September 2009

Ward:	Both	Date:	8 October 2009
Precinct:	All	File Ref:	ADM0018
Attachments	001		
Reporting Officer(s):	J MacLean, S Beanland, M Bowen		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 July 2009 to 30 September 2009 as shown at Appendix 9.4.3; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$54,535.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$590.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$3,590.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$2,695.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$10,210.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$8,595.00</i>
<i>Ranger/Clerical Error</i>	<i>\$12,830.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,845.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$2,280.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$7,620.00</i>
<i>Penalties Modified</i>	<i>\$270.00</i>
<i>Litter Act</i>	<i>\$2,000.00</i>
<i>Dog Act</i>	<i>\$200.00</i>
<i>Health Act</i>	<i>\$1,750.00</i>
<i>Pound Fees Modified</i>	<i>\$60.00</i>
TOTAL	\$54,535.00

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 July 2009 to 30 September 2009 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

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

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

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of "Ranger/Clerical Error" however it should be noted that in most cases the infringement notices were reissued to the offending vehicle, on the spot, when the error was identified. It should also be noted that the Town has engaged a number of new Temporary Rangers, in the past few months.

The next most prevalent withdrawal class is that of where a resident or visitor was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

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

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at shown in Appendix 9.4.3.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.2 of the Town of Vincent Strategic Plan 2009-2014: "Manage the organisation in a responsible, efficient and accountable manner."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$590.00
Details Unknown/Vehicle Mismatched	\$3,590.00
Equipment Faulty (Confirmed by Technicians)	\$2,695.00
Failure to Display Resident or Visitor Permit	\$10,210.00
Interstate or Overseas Driver	\$8,595.00
Ranger/Clerical Error	\$12,830.00
Signage Incorrect or Insufficient	\$1,845.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$2,280.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$7,620.00
Penalties Modified	\$270.00
Litter Act	\$2,000.00
Dog Act	\$200.00
Health Act	\$1,750.00
Pound Fees Modified	\$60.00
TOTAL	\$54,535.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

9.4.6 Federal Government – Regional and Local Community Infrastructure Programme (RLCIP) 2009 – 2010

Ward:	All	Date:	21 September 2009
Precinct:	All	File Ref:	FIN 0180
Attachments:	001 ; 002		
Reporting Officer(s):	M Rootsey, R Lotznicker, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report concerning the Federal Government Regional and Local Community Infrastructure Programme (RLCIP) Round Two 2009 – 2010.
- (ii) **NOTES** that;
 - (a) the Town of Vincent has been advised that it will receive \$65,000 shown in Appendix 9.4.6(b);
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY** to;
 - (a) amend the Town of Vincent Budget 2009 – 2010 to include the Federal Government Grant of \$65,000;
 - (b) the following project to be carried out during the 2009 - 2010 financial year using the RLCIP Round Two funding:
 1. North Perth Town universal accessibility upgrade - \$81,000, with the remaining \$16,000 to be funded from a source to be identified by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

To inform the Council that the Town of Vincent received \$65,000 in the recent announcement by the Federal Government to commit \$100 million of infrastructure grants to local governments across Australia as part of the Regional and Local Community Infrastructure Programme 2009/10 and approve a project which meets the guidelines.

BACKGROUND:

On the 25 June 2009 the Australian Government announced additional funding of \$220 million for the Regional and Local Community Infrastructure Program (RLCIP) in 2009/2010, bringing the total funding under the RLCIP to more than \$1 billion since November 2008. The RLCIP is designed to stimulate local economies and support employment by building projects. It will assist councils to build and modernise community facilities including town halls, libraries, community centres, sports grounds and environmental infrastructure.

The additional \$220 million of RLCIP funding is comprised of two components:

1. \$100 million allocated to all 566 of Australia's councils and eligible local government areas on a formula basis; and
2. \$120 million available for larger Strategic Projects on a competitive basis.

DETAILS:

Guidelines:

The guidelines for the second round of the RLCIP have been released, these are shown in Appendix 9.4.6(a).

List of Grants:

A list of grants for Western Australian Local Governments is shown at Appendix 9.4.6(b).

Projects to be considered for Approval:

Since the Town received the correspondence of notification of this second round of grants the Chief Executive Officer and Directors have reviewed a number of projects which have met the guidelines.

The projects listed for consideration are as follows:

- *Project 1: North Perth Town Hall*
- *Estimated Cost: \$81,000*
- *Description: Upgrading of hall and surrounds to provide universal accessible access to all. This building is again frequently used by various regular and casual hirers and has also been identified and prioritised for upgrade. The additional funds are required to complete the project are to be sourced from the Town. The service for these funds will be declared at the mid-year budget review.*
- *Project 2: Kyilla Park Playground Upgrade*
- *Estimated Cost: \$65,000*
- *Description: This project is listed on the Town's Playground Upgrade Program for completion in 2010/2011 with a budget of \$33,000 which allows for the installation of softfall and the replacement of some minor components of playground equipment.*

With additional funding the Town could upgrade all the existing equipment, which at present is very static and boring (given the high level of use this playground received from the nearby Kyilla Primary School), install softfall and provide some paths to the playground and around the new BBQ (to be shortly installed nearby) therefore allowing access to all areas.

- *Project 3: Provision of Shelters within Parks & Reserves*
- *Estimated cost: \$65,000*

- *Description: The existing electric BBQ's are currently being replaced and the Town is providing new BBQ's at several locations as part of the 2009/10 Capital Works Program. This has been noted under the Town's Strategic Plan 2009-2014 Key Result Area 1.1.6:*

"h) the inclusion of BBQ's and attractive shelters within the our parks."

With the above allocated funding, the Town could undertake the following:

- *Installation of a Gazebo at Robertson Park between Halverson Hall and carpark as originally intended - \$30,000;*
- *Installation of colourbond steel shelters on concrete pads at locations where new BBQ's are installed – 5 x \$7,000 each + \$35,000.*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The funds are required to be used in accordance with the guidelines.

STRATEGIC IMPLICATIONS:

Plan for the Future- Strategic Plan 2009-2014 – Key Result Area 1 - Natural and Built Environment:

*"1.1.5 Enhance and maintain parks and community facilities; and
1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

Key Result Area 4 – Leadership, Governance and Management:

"4.2.1 Provide quality services with the best use of resources."

SUSTAINABILITY IMPLICATION:

External funding for a large infrastructure project will increase the Town's financial capacity to deliver projects within budget and enhance the local economy and social well-being of its residents.

FINANCIAL/BUDGET IMPLICATIONS:

This report relates to potential funding for infrastructure projects at the Town from the Federal Government. The Town's budget will need to be amended to reflect the grants monies which will be received.

COMMENTS:

The Federal Government Grant is most welcomed and will enable the Council to approve of bringing forward projects, which will generate employment, stimulate the economy and also benefit the community.

The Chief Executive Officer advised that Item 9.2.2 required a decision for the naming of the Right of Way and requested the Item be recommitted.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Topelberg

That Item 9.2.2 be recommitted.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

9.2.2 Proposed Naming of the Right of Way off Smith Street, bounded by Stirling, Lincoln, Smith & Bulwer Streets, Perth – Further Report

Ward:	South	Date:	14 October 2009
Precinct:	Forrest P14	File Ref:	TES0419 & TES0419
Attachments:	001		
Reporting Officer(s):	A Scott		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council

- (i) **RECEIVES** the Further report on the naming of the right of way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth;
- (ii) **NOTES** that;
 - (a) at its Ordinary Meeting held on 25 August 2009, approved the application of the name ‘Stones lane’ to the Right of Way legs as shown on attached Plan No. 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street nameplate/s and poles/s; and requested the Geographic Names Committee to approve the naming; and
 - (b) the Geographic Names Committee has since advised that the name ‘Stones lane’ is not deemed suitable to the Committee due to the overuse of the name ‘Stone’ in the immediate community and has suggested alternative suitable names;
- (iii) **APPROVES** the application of either the name ‘Dilhorn Lane’ or ‘Barron Lane’ to the right of way as illustrated on attached Plan 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and pole/s; and
- (iv) **ADVISES** the Geographic Names Committee, the applicant and all residents adjoining the right of way of its decision.

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Burns, Seconded Cr Lake

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

“(iii) APPROVES the application of ~~either the name ‘Dilhorn Lane’ or ‘Barron Lane’~~ to the right of way as illustrated on attached Plan 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and pole/s; and”

Debate ensued.

AMENDMENT PUT AND CARRIED (8-1)

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

Against: Cr Maier

MOTION CARRIED AS AMENDED (9-0)

COUNCIL DECISION ITEM 9.2.2

That the Council

- (i) RECEIVES the Further report on the naming of the right of way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth;*
 - (ii) NOTES that;*
 - (a) at its Ordinary Meeting held on 25 August 2009, approved the application of the name ‘Stones lane’ to the Right of Way legs as shown on attached Plan No. 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street nameplate/s and poles/s; and requested the Geographic Names Committee to approve the naming; and*
 - (b) the Geographic Names Committee has since advised that the name ‘Stones lane’ is not deemed suitable to the Committee due to the overuse of the name ‘Stone’ in the immediate community and has suggested alternative suitable names;*
 - (iii) APPROVES the application of ‘Dilhorn Lane’ to the right of way as illustrated on attached Plan 2675-RP-1, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and pole/s; and*
 - (iv) ADVISES the Geographic Names Committee, the applicant and all residents adjoining the right of way of its decision.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the private right of way (ROW) as illustrated on attached Plan 2675-RP-1.

BACKGROUND:

A previous report on this matter was presented to the Council at its Ordinary meeting held on 25 August 2009, where the following decision was made:

"That the Council

- (i) RECEIVES the report on the naming of the Right of Way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth;*
- (ii) APPROVES the application of the name "Stones Lane" to the Right of Way legs as shown on attached Plan No. A, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and poles/s;*
- (iii) REQUESTS the Geographic Names Committee to approve the naming subject to clause (ii) above;*
- (iv) ADVISES the applicant and all adjacent residents of the approved name once formal approval has been received from the Geographic Names Committee."*

DETAILS:

As per the Council decision, the Geographic Naming Committee was advised of the adopted name for the ROW.

The Geographic Naming Committee has since advised the Town that the choice of 'Stone Lane' is not deemed suitable due to overuse of the name "Stone" in the immediate community. 'Stone' appears in 10 separate naming cases.

The Committee also advised that the other choices previously submitted, i.e. Barron's Lane Loton's Lane and Charlie's Lane are also not suitable as the Committee no longer approve roads with the possessive 's'. 'Loton' is not suitable due to the name being used within a ten kilometre radius. 'Loton's Park Lane' would not be suitable as it is a dual name.

The Geographic Naming Committee recommendations for the name of the lane are as follows:

- Barron Lane - Edward Barron, a farmer and grazier owned a portion of land prior to it being turned into Perth Oval; or
- Dilhorn Lane - after Loton's home 'Dilhorn' at 2 Bulwer Street which overlooked the area. Loton purchased from Edward Barron in 1884.

CONSULTATION/ADVERTISING

Consultation regarding ROWs, road or place names is not usually undertaken. Such naming is based on the decision of the Council, together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The applicant will be required to pay the costs of manufacture and installation of the street nameplates estimated to cost \$350.00.

COMMENTS:

The naming of the ROWs will improve the amenity of the adjacent residents. The Town encourages the use of names of early residents for application to ROWs so that they are remembered for their significant contribution to the local culture. The proposed names are worthy candidates, and it is recommended that the Council approve the application of either the name ‘Dilhorn Lane’ or ‘Barron Lane’ to this ROW.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nomination – Heritage Council of Western Australia; Keep Australia Beautiful Council (WA); Local Government Active Advisory Panel

Ward:	-	Date:	14 October 2009
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Heritage Council of Western Australia (Panel of 3 names) (Approval by Minister);*
- (ii) _____ *be nominated as WALGA Metropolitan Member - Keep Australia Beautiful Council (WA) (Panel of 3 required) (Ministerial Approval);*
- (iii) _____ *be nominated as WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA) (Panel of 3 required) (Ministerial Approval); and*
- (iv) _____ *be nominated as WALGA Member - Local Government Active Advisory Panel (6 Members).*

The Presiding Member called for nominations and Mr Rob Boardman, Director Development Services nominated for;

- (i) **WALGA Member - Heritage Council of Western Australia.**

Moved Cr Farrell, Seconded Cr Burns

That the nomination as received be approved as follows, that:

- (i) *Mr Rob Boardman, Director Development Services, be nominated as WALGA Member - Heritage Council of Western Australia (Panel of 3 names) (Approval by Minister).*

MOTION PUT AND CARRIED (9-0)

The Presiding Member called for any further nominations, however none were received.

COUNCIL DECISION ITEM 12.1

That the following nominations be approved:

- (i) *Mr Rob Boardman, Director Development Services, be nominated as WALGA Member - Heritage Council of Western Australia (Panel of 3 names) (Approval by Minister).*
-

DETAILS:

Please see Appendix 12.1 for further details.

N.B.:

NOMINATIONS CLOSE 4PM MONDAY 16 NOVEMBER 2009

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.25pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Jeremy van den Bok	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”

Approximately 3 Members of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 October 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009