



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

21 OCTOBER 2008

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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 21 October 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.07pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

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

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.28pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Bee Choo Tan	A/Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (until approximately 7.05pm)

Approximately 5 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. Michael Booth of 25 Majestic Parade, Dianella – Item 10.1.3. Representing the applicant. Thanked the Planning Officers for their assistance in preparing their revised submission and as a result of their advice and direction, they have managed to create an additional three surplus car parking bays to their submission. Requested the Council approve the application.

2. Robert Engelhard of Scope Property Group, 26 Lifford Road, Floreat – Item 10.1.5. Advised that the development application was originally approved on 22 April 2008 and subsequent to that, they have had some internal changes to the building to make it more efficient and also to ensure that the size of the apartments met market conditions. Seeking to amend clause (iii)(c) to 14.6m on the basis that the height of the proposed development has not actually increased from what was previously approved on 22 April 2005. Stated that in the recommendation on page 34 that the maximum height of the building has reduced/changed from 16.15m to 14.6m. Stated the height from natural ground level to the top of the building, in particular on the top of Stirling and Edward Streets is 13.2m with a 2.5m setback. The top of the corner statement on that corner is 14.6m and to the top of the majority of the building it is approximately 11m high. Requested the height of the building be allowed to remain at 14.6m, which is still well below the previously approved height of 16.15m.

There being no further speakers, public question time was closed at approx. 6.11pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 7 October 2008.

Moved Cr Farrell, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held 7 October 2008 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

6.2 Minutes of Special Meeting of Council held on 14 October 2008.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Special Meeting of Council held 14 October 2008 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for October 2008

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For OCTOBER 2008, the award is presented jointly to Jeff Fondacaro, Assistant Manager - Aquatic & Operations, Kevin Concha, Centre Supervisor and Christopher (Kit) Wilkinson, Casual Lifeguard at Beatty Park Leisure Centre. Jeff, Kevin and Kit were nominated following the expert assistance they gave to a Centre user, Mr Paul Robinson. An email of appreciation was received from Mr Robinson, who stated as follows;

"...in early October..., I was getting out of the shallow end of the indoor pool, when I lost my balance, after climbing the step ladder. I fell sideways and hit my head on the cement pole and fell down onto the hard area and hit my elbow hard also. I almost lost consciousness.

Someone must have seen it happen and suggested that I rest against the pole for a few seconds.

This was all it took for three management staff, complete with first aid kits to attend the scene. Goodness knows how they arrived so fast! Jeff [Fondacaro] felt that seeing as how they were here, why didn't they give me a quick check over. Another staff member suggested that oxygen be applied.

It was pointed out by another staff member this was probably a good idea as I had a history of head injury.

The staff worked quickly, confidently, friendly-like, calmly, in a reassuring manner to allay any fears I had and to treat my abrasions. They easily, automatically adopted a hierarchy of management whilst one first aid worker assessing what needed to be done and the other two first aid assistants supplying him with what was needed and doing other tasks which were required, so much so that when Jeff asked a question, they had already performed the task.

I bring this to your attention to give recognition and show appreciation of the treatment I received by your staff at Beatty Park Leisure Centre.

The treatment continued and I was placed in a wheelchair and sent home in a taxi.

Thank you again for supplying staff of this calibre at your Centre."

Congratulations Jeff, Kevin and Kit and on behalf of the Council – well done!

Received with Acclamation!

7.2 Mt Hawthorn Cappuccino Festival

I attended at part one of the Mt Hawthorn Cappuccino Festival held in and around the Mezz Shopping Centre and quite a few people attended. During the event I walked around and asked shopkeepers what they felt and they were all very happy. Hopefully with some of the lessons learnt on this event it will be a much big and better Mt Hawthorn festival, as part of the cappuccino festival next year and perhaps some more interaction with the businesses on Scarborough Beach Road.

7.3 North Perth Cappuccino Festival

The North Perth Festival as part of the Cappuccino Festival is to be held on 30 November 2008 and it is not to be missed! This is to be held down Fitzgerald Street, Angove Street and around the Rosemount Hotel. This will be a different style festival where Angove Street will be closed off from Fitzgerald Street up a couple of 100 metres up the road. This is will advertised extensively. Please come along to the festival.

These are the two this year and there will be a couple next year, Leederville and where we can possibly have one in Mt Lawley.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 10.3.3 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has shares.
- 8.2 Cr Burns declared a Financial interest in Item 10.3.3 – 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 shares.
- 8.3 Cr Messina declared a Financial interest in 10.3.3 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.
- 8.4 The Chief Executive Officer, John Giorgi declared a Financial interest in 14.5 – Confidential Report – Chief Executive Officer's Annual Performance Review 2008. The extent of his interest being that it relates to his Contract of Employment.

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 10.1.3 and 10.1.5.

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

Items 10.1.1 and 10.4.5.

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

Item 10.3.3.

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 and the following was advised:**

Cr Farrell	Nil.
Cr Youngman	Item 10.4.6.
Cr Ker	Item 10.4.3.
Cr Doran-Wu	Item 10.1.4.
Cr Lake	Nil.
Cr Burns	Item 10.1.6.
Cr Maier	Nil.
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 10.1.2, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.3.4, 10.4.1, 10.4.2 and 10.4.4.

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

Items 14.1, 14.2, 14.3, 14.4 and 14.5.

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

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

Items 10.1.2, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.3.4, 10.4.1, 10.4.2 and 10.4.4.

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

Items 10.1.3 and 10.1.5.

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

Moved Cr Farrell, Seconded Cr Ker

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

Items 10.1.2, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.3.4, 10.4.1, 10.4.2 and 10.4.4.

CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

10.1.2 No. 87A (Lot: 301 D/P: 99985) Sydney Street, North Perth – Proposed Two-Storey Single House

Ward:	North	Date:	13 October 2008
Precinct:	North Perth; P08	File Ref:	PRO4261; 5.2007.517.1
Attachments:	001		
Reporting Officer(s):	A Du		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Boab Design on behalf of the owner G A Moy & K A Henderson for proposed Two-Storey Single House, at No. 87A (Lot: 301 D/P: 99985) Sydney Street, North Perth, and as shown on plans stamp-dated 28 August 2008, 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 the following:*
 - (a) *the terrace on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the finished floor level of the proposed terrace area being no greater than 0.5 metre above the natural ground level. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 76 and 78 Eton Street stating no objection to the respective proposed privacy encroachments; and*
 - (b) *the street/front wall, fence and gate between the Sydney Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

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

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

- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels with a minimum visual permeability of eighty (80) per cent are permitted), except where it abuts the proposed store room; and*
- (iv) *first obtaining the consent of the owners of No. 87 Sydney 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. 87 Sydney Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

Landowner:	G A Moy & K A Henderson
Applicant:	Boab Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Vacant Lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	424 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two-storey single house on a vacant lot.

This application is being referred to the Council for its consideration and determination, mainly as it is in the former Eton Locality area and is affected by Clause 20 (4) (c) (ii) of Town Planning Scheme No. 1, which states as follows:

“After 1 September 2008 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.”

In this instance, the subject application is also being referred to the Council for its consideration and determination as the Residential Design Elements (RDE) Policy adopted by the Council at its Ordinary Meeting held on 18 December 2007 introduced significant changes to the previous policy requirements for residential development. The applicant has demonstrated that the subject proposal has been designed over a lengthy period prior to the adoption of the RDE Policy and based on the previous policy requirements.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Ground Floor -North (Side)	1.5 metres	Nil – 1.5 – 3 metres	Supported – not considered to have undue impact on the neighbouring property. No objections received during the advertising period.
Upper Floor -North (Side)	2 metres	Nil – 2.6 – 1.5 metres	Supported – as above.
Privacy Setbacks: -West (Terrace)	7.5 metres	1.2 – 4 metres to the western boundary	Not supported – considered to have undue impact on the affected neighbours. Condition of approval applied to screen, or to reduce floor level to no greater than 0.5 metre above natural ground level, or to obtain neighbour’s consent.
Buildings on Boundaries	A boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.67% (28 metres) length of one side boundary	Non-compliant maximum height of 6.5 metres. Non-compliant average height of 5.4 metres. Compliant in terms of length (10 metres).	Supported – see ‘Comments’ below.

Street Walls and Fences	Maximum height (solid portion) of 1.2 metres	1.4 metres	Not supported – undue impact on the adjoining neighbours and the amenity of the streetscape. Condition applied to comply with the Street Walls and Fences requirements.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> ▪ Slight concern about the degree of overshadowing ▪ Slight concern about the building height 		<p>Not supported – the overshadowing does not exceed the maximum permitted amount of 35 per cent.</p> <p>Not supported – amended plans dated 28 August 2008 addresses this concern as the proposed dwelling now does not exceed the maximum permitted height of 7 metres.</p>
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 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:

Buildings on Boundaries

The dwelling has two portions proposed along the northern boundary with a nil setback. These are minor in width, being 6.9 metres and 3.2 metres. The requirements for buildings on boundaries under Clause 6.3.2 of the Residential Design Codes states that a boundary wall is permitted no higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary, to one side boundary only. Although the two portions exceed the permitted maximum and average height, they abut existing boundary walls with heights of 4 metres and 6.5 metres at the locations concerned. As the proposed sections along the boundary do not exceed the height of the existing boundary wall at any point, it is not considered to have any undue impact on the northern neighbouring property.

Conclusion

The application is considered acceptable and would not result in any undue impact on the streetscape or amenity of the surrounding area. In addition, there were no objections received during the advertising period, and the comments raised have been addressed accordingly. In light of the above, the application is recommended for approval subject to standard and appropriate conditions to address the above matters.

10.2.1 Proposed Naming "Merlo Lane" to Rights of Way bounded by View Street, Leake Street, Alma Road and Glebe Street, North Perth

Ward:	South	Date:	6 October 2008
Precinct:	Smith's Lake Precinct (P6)	File Ref:	TES0276
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the report on the naming of the two (2) connected Rights of Way legs bounded by View Street, Leake Street, Alma Road and Glebe Street, North Perth;*
- (ii) *APPROVES the application of the name "Merlo Lane" to the rights of way as shown on attached Plan No. 2617-RP-1; and*
- (iii) *ADVISES the Geographic Names Committee, the applicant and all adjacent residents of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of two (2) rights of way (ROWs) legs which together form an "L" shaped rear access to properties in View Street, Leake Street, Alma Road, and Glebe Street, North Perth.

BACKGROUND:

The Town has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee of the Department for Planning and Infrastructure.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart Directory, and are therefore identifiable to FESA, should their attendance be necessary, other emergency services and to the public in general. Also, Australia Post will deliver mail to addresses off named ROWs provided they meet other standards set down by them.

Naming of ROWs is also an effective way of remembering those early residents who have contributed to the richness of the developing suburbs in which they lived.

DETAILS:

The Town has received an application for the naming of two (2) ROW legs in North Perth. The ROWs are privately owned, not sealed or drained, and five (5) metres wide. If not upgraded by developers earlier, the ROW is listed for acquisition and upgrade in the program 2013/2014.

The naming of a ROW is for identification purposes only and does not imply any alteration of elevation in the amenity that the ROW currently provides. Therefore there is no impediment to the naming of the ROW prior to their acquisition and upgrade.

The applicant has requested that the ROWs at the rear of his home in Glebe Street be named "Merlo Lane" in honour of his late father. It is the Geographic Names Committee's policy that where practical, contiguous or adjoining ROWs which can clearly be identified as a single system, bear the same name, therefore it is proposed that the adjoining leg which opens onto Leake Street also bears the name "Merlo Lane".

Geographic Names have provided a preliminary assessment and found the name "Merlo Lane" to meet with all their requirements, however, the Council's approval is required before the name can be applied. The Town has in the past been supportive of families who wish to have ROWs named to remember those who have now passed away but who have contributed to the development and fabric of the suburb where they lived.

An extract from the applicant's written request are reproduced below:

My widowed mother Giuseppina Merlo and I were interviewed by Maxine Laurie from the Town of Vincent to gather historical information to be placed in the new library and Local History Centre.

I recently won the 2007 Local History Photographic Award with a photograph of my family relatives in front of our old house on a 1950's International ute, ready to go to our usual Boxing Day picnic. I also donated our original Certificate of Title dated 1911 and an old 1920's street directory.

My father Vincenzo (Vince) Merlo, born on 6 September 1928, arrived in Fremantle by ship from Sicily on 12 December 1952 and my mother arrived in the same port from Calabria on the 19 February 1956.

My parents got married on the 4 January 1958, and moved into a two bedroom town house in Royal Street, East Perth.

My parents moved into 9 Glebe Street, North Perth in June 1962 and on 1st July that year I was born. Previously my mother, when she was single, lived with her father and sister on Angove Street, North Perth.

My father used to make home made wine, sausages and tomato sauce. Sadly he passed away on the 18 March 1991 from a heart attack and is survived by my mother Giuseppina (Josephine), brothers Charlie and Donato, sister Nuccia and myself Ralff Merlo.

My mother still lives at 9 Glebe Street North Perth with my brothers Charlie and Donato, so please consider my request to name the laneway after my late father's surname as "Merlo Lane. "

CONSULTATION/ADVERTISING:

Consultation regarding ROW, 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 2006-2011 - *1.1 Improve and maintain the environment and infrastructure; and 1.1.3 Enhance and maintain the character and heritage of the Town.*

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The applicants have given an undertaking to pay the costs of manufacture and installation of the street nameplates.

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 name is a worthy candidate, and it is recommended that the Council approve its application to these ROWs.

10.2.2 Tender No. 388/08 - Supply and Delivery of One (1) 4 Tonne Crew Cab Utility Truck

Ward:	Both	Date:	15 October 2008
Precinct:	All	File Ref:	TEN0397
Attachments:	-		
Reporting Officer(s):	J van den Bok; D Hoy; M Dennis		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Major Motors for the Supply of One (1) x 4 Tonne Crew Cab Utility Truck with steel tray body and five (5) year extended warranty for the total cost of \$86,746.00 (GST inclusive), in accordance with the specifications as detailed in Tender No. 388/08.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to award a tender for the Supply of One (1) x 4 Tonne Crew Cab Utility Truck with steel tray body to the preferred supplier.

BACKGROUND:

Tenders closed at 2.00pm on 17 September 2008 for the Supply of One (1) x 4 Tonne Crew Cab Utility Truck with steel tray body and two (2) tenders were received. Present at the tender opening were the Purchasing/Contracts Officer and the Parks Services Technical Officer.

DETAILS:

Details of all submissions received are as follows:

Items	WA HINO (Incl. GST)	MAJOR MOTORS (Incl. GST)
Vehicle Model	Hino 300 Series 816 Crew Cab	2008 Isuzu NQR 450 Crew Premium cab
Vehicle Cost	\$89,676.40	\$95,315.00
Less Trade in Isuzu NPR 400	-\$28,000.00	-\$44,000.00
Subtotal	\$ 61,676.40	\$51,315.00
All steel tray body - Park Motor Body Builders' Quote No. DD/9/08	\$33,506.00	\$33,506.00
TOTAL	\$95,182.40	\$84,821.00

Warranty	36 months or 100,000 km service intervals every 20,000 km	36 months/100,000km/2,000 hours on new vehicle 36 months/unlimited km on cab perforation corrosion
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Options	WA HINO (Incl. GST)	MAJOR MOTORS (Incl. GST)
Extended warranty: 4 years/200,000km	-	\$ 1,584.00
5 years/200,000km	\$ 1,633.00	-
5 years/250,000km	-	\$ 1,925.00
6 years/300,000km	-	\$ 2,244.00

Evaluation Criteria

The following evaluation criteria were applied in the assessment of the tenders:

Evaluation Criteria		Weighting
Mandatory Product Feature	Product features essential to undertake required function. Specification conformance. Response and Detail to Specification	25%
Service Facilities	Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.	20%
Price Tender	The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the Town's discretion	20%
Life Cycle Costs	Service/maintenance costs	15%
Operators Ergonomics	Ease of operation/controls. Operator comfort	10%
Warranty	Assessed on performance. Warranty period offered	5%
Delivery	Required in eight (8) weeks	5%
TOTAL		100%

An evaluation panel consisting of the Director Technical Services, Manager Parks Services, Co-ordinator Parks Services and the Team Leader – Mowing Operations assessed the tenders using the selection criteria in accordance with the tender documentation as follows:

Tender Evaluation

Evaluation Criteria	Weighting	Major Motors	WA Hino
Mandatory Product Features	25%	25	8
Special Facilities	20%	20	20
Price Tender	20%	20	17.92
Life Cycle Costs	15%	15	12
Operators Ergonomics	10%	10	10
Warranty	5%	5	5
Delivery	5%	5	0
Total	100%	100	72.92
Rating		1	2

The existing Parks mowing truck is an Isuzu truck (Major Motors) and this has performed well over the past eight (8) years.

The submission for the Isuzu NQR 450 from Major Motors provides the best value for money and rates the highest following evaluation of the tender. The Isuzu NQR 450 has a more powerful engine, with the lowest emissions of any Japanese truck engine in Australia.

The Hino tender price supplied was for a manual, with an uncosted option for Automatic, Tender 388/08 asked specifically for automatic. In addition, the Hino 300 would require a wheelbase extension which will delay delivery and therefore no delivery time for the truck or bodywork was stated.

In conclusion, the Major Motors tender for the Isuzu NQR 450 addressed all the selection criteria and provided a better trade price, for the existing truck. The Isuzu NQR 450 does not require modification and has a specified delivery time in accordance with the tender requirements.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Tender 388/08 for the Supply of One (1) x 4 Tonne Crew Cab Utility Truck with steel tray body was advertised in accordance with the Local Government Act Tender Regulations.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$120,000 has been allocated in the 2008/2009 budget for replacement of this item of plant funded from the Plant and Equipment Reserve.

COMMENTS:

It is recommended that the Council ACCEPTS the tender submitted by Major Motors for the Supply of One (1) x 4 Tonne Crew Cab Utility Truck with steel tray body and five (5) year extended warranty for the total cost of \$86,746.00 (GST inclusive) in accordance with the specifications as detailed in Tender No. 388/08.

10.3.1 Financial Statements As At 30 September 2008

Ward:	Both	Date:	15 October 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	B C Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 September 2008 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 September 2008.

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 2008.

- Income Statement
- Summary of Programmes/Activities (pages 1-17)
- Capital Works Schedule (pages 18-24)
- Balance Sheet and Statement of Changes in Equity (pages 25-26)
- Reserve Schedule (page 27)
- Debtor Report (page 28)
- Rate Report (page 29)
- Statement of Financial Activity (page 30)
- Net Current Asset Position (page 31)
- Beatty Park Report – Financial Position (page 32)
- Variance Comment Report (page 33-36)

Comments on the financial performance are set out below.

Operating Statement and Detailed Summary of Programmes/Activities**Operating Result**

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	-\$14.4 million
YTD Budget	-	-\$13.5 million
Variance	-	\$0.9 million
Full Year Budget	-	-\$4.9 million

Summary Comments:

The current favourable variance is due to increase revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$22.4 million
YTD Budget	-	\$22.1 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is on target with the year to date budget.

Recreation Services – Increased revenue at Beatty Park accounts for variance in revenue for this program. Swim School revenue is 27 % above budget due to early registration and booking for the year. In addition there are significant increases in revenue for Crèche, Health & Fitness and Aerobics.

More details variance comments are included on the page 33.-36 of this report.

Operating Expenditure

YTD Actual	-	\$8.0 million
YTD Budget	-	\$8.6 million
YTD Variance	-	-\$0.6 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently on track being only 6% under the first quarter year to date budget.

Detailed variance comments are included on the page 33.-36 of this report.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2008/09 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 2008 of \$1,668,367 which represents 12% of the revised budget of \$14,087,936.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	163,850	209,755	42,721	20%
Plant & Equipment	1,520,700	1,220,700	105,666	9%
Land & Building	3,952,834	4,424,369	518,561	12%
Infrastructure	8,502,612	8,233,112	1,001,420	12%
Total	14,139,996	14,087,936	1,668,367	12%

Summary Comments:

There has been minimal activity in the first two months of the financial year but the Capital Works programme has increased in September with the receipt of the Rates income.

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$29,322,594 and non current assets of \$141,079,514 for total assets of \$170,402,108.

The current liabilities amount to \$8,500,912 and non current liabilities of \$13,953,713 for the total liabilities of \$22,454,625. The net asset of the Town or Equity is \$147,947,483.

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 2008 is \$7.2m. The balance as at 30 June 2008 was \$6.8m.

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 \$651,007 is outstanding at the end of September 2008.

Of the total debt \$241,619 (21%) relates to debts outstanding for over 60 days, of which \$89,010 is related to Cash in lieu Parking and \$110,000 contribution from Belgravia Leisure.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

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

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$5.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding as at 30 September 2008 was \$6,843,553 which represents 36% of the outstanding collectable income compared to 39% 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 approximately one (1) month earlier than last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 30 September 2008 was \$14,495,973.

Net Current Asset Position

The net current asset position \$14,495,973.

Beatty Park – Financial Position Report

As at 30 September 2008 the operating deficit for the Centre was \$51,328 in comparison to the annual deficit of \$532,109.

The cash position showed a current cash surplus of \$56,718 in comparison annual budget estimate of a cash deficit of \$73,080. 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.

10.3.2 Authorisation of Expenditure For The Period 1 – 30 September 2008

Ward:	Both	Date:	8 October 2008
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 September – 30 September 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

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 2008.

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	\$303,026.97
Total Municipal Account		\$303,026.97
Advance Account		
Automatic Cheques	63738-63956	\$526,778.61
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	831, 833-836, 838-841	\$2,549,335.05
Transfer of PAYG Tax by EFT	September 2008	\$179,477.60
Transfer of GST by EFT	September 2008	\$0.00
Transfer of Child Support by EFT	September 2008	\$590.78
Transfer of Superannuation by EFT:		
• City of Perth	September 2008	\$15,801.14
• Local Government	September 2008	\$52,984.80
Total		\$3,324,967.98
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$17,417.60
Lease Fees		\$3,419.33
Corporate Master Cards		\$13,192.51
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$58,131.94
Rejection Fees		\$12.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$92,173.88
Less GST effect on Advance Account		-\$142,713.00
Total Payments		\$3,577,455.83

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.4 Capital Works Programme 2008/2009 – Progress Report No 1 as at 30 September 2008

Ward:	Both	Date:	26 Sep 2008
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M. Rootsey/R. Lotznicker/R. Boardman		
Checked/Endorsed by:	J. Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No 1 for the period 1 July – 30 September 2008, for the Capital Works Programme 2008/09, as detailed in Appendix 10.3.4.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council’s Capital Works Programme 2008/09 for the period 1 July 2008 to 30 September 2008.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 22 July 2008. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the first Progress Report for this financial year covering the period ending 30 September 2008.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2008.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

Plan for the Future 2006-2011 – Objective One – Natural and Built Environment

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

SUSTAINABILITY IMPLICATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2008/09.

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 programme.

10.4.1 Australian Council of Local Government - Inaugural Meeting

Ward:	-	Date:	15 October 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *APPROVAL be granted for the Mayor to attend the inaugural meeting of the Australian Council of Local Government to be held at Parliament House in Canberra on Tuesday 18 November 2008, at an estimated cost of \$1,190;*
- (ii) *the Council submit the following Items for Consideration to the Organisers of the event:*
 - 1. *Funding for restoration of Hyde Park Lakes (Labor Federal Government pre-election promise of \$2 million) (\$3 million);*
 - 2. *Refurbishment and upgrade of Beatty Park Leisure Centre (\$5 million);*
 - 3. *Implementation of the Leederville Masterplan and upgrade of the local infrastructure (\$2 million);*
 - 4. *Implementation of the West Perth Regeneration Masterplan (\$2 million);*
- (iii) *Council Members be encouraged to submit further Items for Consideration; and*
- (iv) *the Mayor and Chief Executive Officer be authorised to finalise the list of Items for Consideration to be submitted to the Organisers.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor to attend the inaugural meeting of the Australian Council of Local Government to be held in Canberra on Tuesday 18 November 2008.

BACKGROUND:

In September 2008, the Prime Minister, the Hon Kevin Rudd MP, announced the establishment of the Australian Council of Local Government (ACLG) to build a new corporative engagement between the Commonwealth and Local Government and extended an invitation to meet with all Council Mayors and Presidents at Parliament House in Canberra on 18 November 2008.

The meeting is anticipated to assist in the development of the Federal Government's new regional and local community infrastructure fund, which is due to commence in 2009.

DETAILS:

The inaugural meeting of the Australian Council of Local Government is scheduled to be held on Tuesday 18 November 2008 at Parliament House, Canberra, with an official welcoming function to be held on the evening of 17 November 2008. Winners of the 2008 National Awards for Local Government will also be awarded at this function.

All Mayors and Presidents of Councils across the country have been invited to attend, as well as representatives from Local Government peak bodies and State Local Government and Planning Ministers. Travel and attendance costs are at the expense of the attendees.

In a letter received from the Hon Anthony Albanese MP, Minister for Local Government, inviting all Mayors and Shire Presidents to attend the inaugural one-day meeting, the Minister stated the following;

"The one-day meeting will give communities a real voice in addressing issues of vital national and local interest, including priorities for national and local infrastructure, tackling the challenges of our major cities and examining a process for recognition of local government in the Commonwealth Constitution."

The meeting will discuss the following issues:

- Building national and local infrastructure to boost economic capacity and improve the quality of life in our communities;
- Tackling immediate challenges facing major cities and growth corridors, including urban congestion, urban planning and design; and
- Steps towards constitutional recognition for Local Government.

After this first meeting, the Federal Government will announce the ongoing membership and charter of the Australian Council of Local Government to establish a regular dialogue with local government on issues of national significance.

Items for Consideration

The Council should submit a list of items it wants considered and these should include (but not be limited to);

1. *"Building national and local infrastructure to boost economic capacity and improve the quality of life in our communities."*
 - 1.1 Funding of restoration of Hyde Park Lakes (Labor Federal Government pre-election promise of \$2 million, plus \$1 million for additional funds) (\$3 million)
 - 1.2 Refurbishment and upgrade of Beatty Park Leisure Centre (\$5 million)
2. *"Tackling immediate challenges facing major cities and growth corridors, including urban congestion, urban planning and design."*
 - 2.1 Implementation of the Leederville Masterplan and upgrade of the local infrastructure (\$2 million)
 - 2.2 Implementation of the West Perth Regeneration Masterplan (\$2 million)

The above list is preliminary and Council Members are encouraged to submit items for consideration.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL POLICY:

Council's Policy 4.1.15 – *“Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters”*.

The invitation is for the Mayor only (or their representative).

As this is the inaugural meeting, there has been no prior attendance.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objective 4.2 - *“Provide a positive and desirable workplace in particular 4.2.4 (b) “Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice”*.

Attendance at this inaugural meeting will be an excellent opportunity for the Mayor to be appraised of current issues relating to Local Government, to network with colleagues and to lobby politicians.

SUSTAINABILITY IMPLIATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Federal Government will meet the costs of holding the meeting. Participating Councils will meet the costs for travel and accommodation for their respective Mayor/President to attend. The Mayor has advised that he will already be in the Eastern States on other local government related business. As such, costs will be reduced, by saving on a full air fare.

An approximate costing of travel and accommodation is listed below:

	Costs
Meeting Registration	Nil
Accommodation (<i>up to \$230. per night</i>)*	\$230.00
Airfare - <i>Melbourne-Canberra-Melbourne</i> ** (full economy fare) - <i>indicative cost</i>	\$750.00
Expenses allowance (<i>2 days @ \$105 per day</i>)	\$210.00
	<hr/>
	\$1,190.00
	<hr/>

* *As per Council Policy No. 4.1.15*

** *The Mayor will be in the Eastern States at this time on other business and accordingly will only require travel from Melbourne-Canberra-Melbourne.*

COMMENT:

It is requested that approval be granted for the Mayor to attend the Inaugural Meeting of the Australian Council of Local Government.

10.4.2 Local Government Constitutional Summit - A Special National General Assembly of Local Government 2008

Ward:	-	Date:	10 October 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That APPROVAL be granted for the Mayor and Chief Executive Officer to attend the Local Government Constitutional Summit - a Special National General Assembly, to be held in Melbourne from Monday 8 December 2008 to Thursday 11 December 2008, at an estimated cost of \$2,560 each.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor and Chief Executive Officer's attendance at the Local Government Constitutional Summit - a special National General Assembly to be held in Melbourne from Monday 8 December 2008 to Thursday 11 December 2008.

BACKGROUND:

The Australian Local Government Association (ALGA) is convening the *Local Government Constitutional Summit - A Special National General Assembly* in December to bring local government together to discuss and debate formal recognition and local government's place in the Constitution. The Summit will come to reach agreement on a preferred option for a Constitutional Amendment.

DETAILS:

Constitutional recognition of local government is firmly on the Federal Government's agenda with the establishment of the new Australian Council of Local Government recently announced by the Prime Minister and the priority that Council will give to the steps necessary to advance recognition of local government. It is now more important than ever that a clear position is developed to be able to articulate and communicate its benefits to the community.

This year's Constitutional Summit program is designed to give delegates the maximum opportunity for participation, to "have your say", reflect on the views of our peers and ensure that our community and state are represented. Delegates will have the opportunity to engage with the speakers, by asking questions or seeking their views on real life local government situations.

"Delegate Discussion" sessions will provide delegates with an unparalleled opportunity to participate in this important national discussion. The sessions will be a facilitated discussion to allow delegates to fully explore the merits of the various options for pursuing constitutional recognition.

Options for Constitutional Recognition include: symbolic recognition, institutional recognition, and financial recognition. An option that combines all or some of these will also be discussed.

Throughout 2008, ALGA, in conjunction with State and Territory local government associations, have been implementing a strategy to take forward the issue of constitutional recognition of local government.

This Local Government Constitution Summit is the culmination of this process which will see a convincing and comprehensive case developed to be taken to the Australian Government.

The speakers include;

- former Western Australian Premier, Professor Geoff Gallop,
- Australian Academic, Dr Keith Suter;
- Professor of Law and Foundation Director of the Gilbert and Tobin Centre of Public Law at the University of New South Wales, Professor George Williams; and
- Constitutional Lawyer and Associate Professor of Law at the University of Sydney, Anne Twomey.

(See further information regarding the speakers attached at Appendix 10.4.2.)

A Ministerial address is to be made by the Hon Anthony Albanese, MP, Minister for Infrastructure, Transport, Regional Development and Local Government.

The Prime Minister, the Hon Kevin Rudd MP and the Leader of the Opposition, the Hon Malcolm Turnbull MP, have also been invited to attend and address the Summit.

It is envisaged that the Summit will be attended by in excess of 500 delegates, Council Members and Senior Local Government personnel.

A copy of the program is "Laid on the Table".

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL POLICY:

Council's Policy 4.1.15 – "*Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters*"- Clause 1.1 states that up to a maximum of one Council Member and one officer may attend conferences.

Previous Attendances

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

Chief Executive Officer's Comment:

Previous attendance at the National General Assembly has been as follows;

<u>Year*</u>	<u>Attendees</u>
1998	Chief Executive Officer, John Giorgi and former Mayor John Hyde (in his capacity as President of the Local Government Association)
2002	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2003	Mayor Nick Catania, Chief Executive Officer, John Giorgi and Councillor Steed Farrell**
2005	Mayor Nick Catania (7-8/11/05 only) and Deputy Mayor, Cr Steed Farrell (7-10/11/05)
2007	Cr Helen Doran-Wu (representing Mayor Nick Catania) and Chief Executive Officer, John Giorgi

* Nil attendance 1995, 1996, 1997, 1999, 2000, 2001, 2004 and 2006

** Councillor Farrell was already in Canberra on work matters and therefore only a Day Registration for the Conference was paid (at a cost of \$400).

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objective 4.2 - “Provide a positive and desirable workplace in particular 4.2.4 (b) “Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice”.

SUSTAINABILITY IMPLIATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

	Costs
Assembly Registration (early bird - payment by 24 October 2008)	\$770.00
Accommodation (at \$240 per night x 3 nights)*	\$720.00
Airfare (economy class) - indicative cost	\$650.00
Expenses allowance (4 days @ \$105.20 per day)	\$420.00
	\$2,560.00

* As per Council Policy No. 4.1.15

COMMENT:

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the Local Government Constitutional Summit - A Special National General Assembly.

Attendance at this Constitutional Summit will be an excellent opportunity for the Mayor and Chief Executive Officer to be appraised of issues relating to Local Government, to network with colleagues and to lobby politicians.

10.4.4 Strategic Plan 2006-2011 – Progress Report for the Period 1 July 2008 – 30 September 2008

Ward:	Both	Date:	14 October 2008
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 2006-2011 for the period 1 July 2008 – 30 September 2008 as shown in Appendix 10.4.4.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 July 2008 – 30 September 2008.

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 a Plan for the Future at the Ordinary Meeting of Council held on 21 November 2006. 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 2006-2011. The reporting on a quarterly basis is in accordance with the Strategic Plan 2006-2011 Key Result Area.

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

SUSTAINABILITY 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.

10.1.3 Nos. 511-513 (Lot: 25 D/P: 672) Beaufort Street, Highgate - Proposed Change of Use from Shop to Unlisted Use – Small Bar and Associated Alterations

Ward:	South	Date:	14 October 2008
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0261; 5.2008.219.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bremick Group on behalf of the owner D Di Florio for proposed Change of Use from Shop to Unlisted Use – Small Bar and associated alterations at Nos. 511-513 (Lot: 25 D/P: 672) Beaufort Street, Highgate, and as shown on plans stamp-dated 22 September 2008 (floor plan and elevations) and 3 October 2008 (location plan and car park plan), subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the maximum number of patrons to occupy the small bar at any one time shall be 68 persons;*
- (iii) packaged liquor shall not be sold at the premises;*
- (iv) the bin compound shall be constructed in accordance with the Town's Health Services specifications and sized to contain 1 mobile garbage bin per unit, and 1 recycle bin per unit or per 200 square metres of floor space;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;*
- (vii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating sanitary facilities being provided in accordance with the requirements of the Building Codes of Australia.*

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

- (viii) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ix) *prior to the first occupation of the development for the proposed small bar at Nos. 511-513 (Lot 25) Beaufort Street, Highgate, the owner(s) of No. 507 (Lot 26) Beaufort Street, Highgate, shall enter into a legal agreement with the Town OR register a grant of easement with the Town being a party on No. 507 Beaufort Street, Highgate, to provide rights of access to/from and use of a minimum of 7 car parking bays on No. 507 (Lot 26) Beaufort Street, Highgate. The subject 7 car parking bays are to be provided at no cost for use by the employees, customers and visitors of the small bar at Nos. 511-513 Beaufort Street, Highgate. The legal agreement shall be secured by a caveat, while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town and be to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (x) *the hours of operation of the small bar shall be limited to 12:00pm to 12:00am Monday to Saturday, and 12:00pm to 10:00pm Sunday, inclusive.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

Landowner:	D Di Florio
Applicant:	Bremick Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Butcher and Takeaway Outlet
Use Class:	Unlisted Use
Use Classification:	Unlisted Use
Lot Area:	379 square metres
Access to Right of Way	North west side, 3 metres wide, sealed, Town owned

BACKGROUND:

26 August 2008

The Council at its Ordinary Meeting resolved to refuse an application for change of use from shop to unlisted use – small bar and associated alterations, for the following reasons:

1. Impact on parking in the area; and
2. Lack of parking in the area.

DETAILS:

The proposal involves the change of use from shop to unlisted use – small bar and associated alterations.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted – no variation.
Car Parking			
Car parking requirement (nearest whole number) - Small Bar – 68 patrons at any one time Requires = 15.11 car bays			= 15 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 			(0.7225) = 10.84 car bays
Minus the car parking provided on-site (Nos. 507 and 511-513 Beaufort Street)			14 car bays
Minus the most recently approved on-site car parking shortfall			N/A
Resultant surplus			3.16 car bays
Consultation Submissions			
Support	Nil.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

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

COMMENTS:

Small Bar Licence

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

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

Car Parking

The applicant has submitted an amended proposal demonstrating a reduction in the number of patrons from 80 to 68, and the paved area at the rear of the buildings at Nos. 507 and 511-513 Beaufort Street being used as a car park associated entirely for the subject proposed small bar.

An eating house (Soto Espresso) at No. 507 Beaufort Street was approved by the Council at its Ordinary Meeting held on 17 December 2002. At the time of the planning application, the car park at the rear of the property was used as vehicle sales premises, hence there was nil car bays on-site for the eating house. The approved car parking requirement/shortfall was 6.35 car bays with a public floor area of 99 square metres and this car parking shortfall has been satisfied via payment of cash-in-lieu for 6.35 car bays.

Due to the eating house being approved with no car bays on-site and the payment of the cash-in-lieu being made, the owner of No. 507 Beaufort Street has no obligation to provide any car bays for Soto and proposes that all the car parking at the rear of the two properties be for the exclusive use of the proposed small bar. A condition should be applied to adequately secure this car parking agreement on the adjoining property at No. 507 Beaufort Street, for the use of the small bar, especially in terms of future owners, occupiers and land uses of both lots, through the effective measures of either a legal agreement secured by a caveat on the certificate of title or a grant of easement registered on the certificate of title, for No. 507 Beaufort Street.

In terms of planning legislation, the small bar use runs with the land, regardless of who is the owner, occupier or licence holder. The Town has received legal advice from the Town's solicitors that a legal agreement or a grant of easement is appropriate in this instance (as opposed to an amendment to a lease agreement) as a legal agreement or a grant of easement is secured on the certificate of title and is carried with the land, regardless of who is the owner, occupier or licence holder.

Summary

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

10.1.5 Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street, corner Edward Street, Perth - Proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Four (4) Offices and Basement Car Parking, to Existing and Approved Shop/Office/Warehouse

Ward:	South	Date:	14 October 2008
Precinct:	Beaufort; P13	File Ref:	PRO4220; 5.2008.368.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Parry and Rosenthal Architects on behalf of the owner Scope Property Group Pty Ltd for proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Four (4) Offices and Basement Car Parking, to Existing and Approved Shop/Office/Warehouse, at Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street, corner Edward Street, Perth, and as shown on survey plan stamp-dated 7 August 2008, basement, first, second and mezzanine floor plans, elevations and section plans, stamp-dated 19 September 2008 and site plan, ground floor plan, section c-c plan, stamp-dated 25 September 2008, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *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;*
- (iii) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*

- (a) *the bin compound being redesigned to accommodate the following bins:*

Residential Component-

One (1) Bedroom Dwellings

General Waste: *Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly)*

Recycle Waste: *Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly)*

Two (2) or more Bedroom Dwellings

General Waste: *One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly)*

Recycle Waste: *One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly)*

Commercial Component-

General Waste: *One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly)*

Recycle Waste: *One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly);*

- (b) significant appropriate design feature(s) being incorporated into the bin store wall adjacent to Edward Street to reduce its visual impact;*
- (c) the maximum height of the street corner portion of the building Stirling Street and Edward Street being reduced to 13.6 metres from the natural ground level; however, this portion of the building incorporating design features to emphasise its corner landmark feature without increasing its height;*
- (d) the rights of carriageway easement adjacent to the eastern boundary being modified to allow the proposed building encroachments and this modified easement documentation being executed and registered on the relevant Certificate(s) of Title; and*
- (e) each store for the multiple dwellings having a minimum dimension of 1.5 metres and an internal area of 4 square metres.*

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

- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owner of No. 153 Edward 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. 153 Edward Street in a good and clean condition;*
- (vi) prior to the first occupation of the development, five (5) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ix) *the doors, windows and adjacent floor areas on the ground floor fronting Stirling and Edward Streets shall maintain an active and interactive relationship with these streets;*
- (x) *the total gross floor area of the offices, including the offices for Stage 1, shall be limited to 4,023 square metres and further increase or decrease in the number of offices tenancies is allowed. 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;*
- (xi) *prior to the first occupation of the development, sixteen (16) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xii) *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;*
- (xiii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xiv) *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;*
- (xv) *prior to the issue of a Building Licence for the multiple dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the multiple dwellings 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 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 multiple dwellings;

- (xvi) *any proposed vehicular entry gates shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xviii) *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; and*
- (xix) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Messina entered the Chamber at 6.28pm.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Ker

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

“(c) the maximum height of the street corner portion of the building Stirling Street and Edward Street being reduced to ~~13.6~~ 14.6 metres from the natural ground level; however, this portion of the building incorporating design features to emphasise its corner landmark feature without increasing its height;”

Debate ensued.

AMENDMENT PUT AND CARRIED (6-3)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Parry and Rosenthal Architects on behalf of the owner Scope Property Group Pty Ltd for proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Four (4) Offices and Basement Car Parking, to Existing and Approved Shop/Office/Warehouse, at Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street, corner Edward Street, Perth, and as shown on survey plan stamp-dated 7 August 2008, basement, first, second and mezzanine floor plans, elevations and section plans, stamp-dated 19 September 2008 and site plan, ground floor plan, section c-c plan, stamp-dated 25 September 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) 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;*
- (iii) prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*

- (a) the bin compound being redesigned to accommodate the following bins:*

Residential Component-

One (1) Bedroom Dwellings

General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly)

Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly)

Two (2) or more Bedroom Dwellings

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly)

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly)

Commercial Component-

General Waste: One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly)

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly);

- (b) *significant appropriate design feature(s) being incorporated into the bin store wall adjacent to Edward Street to reduce its visual impact;*
- (c) *the maximum height of the street corner portion of the building Stirling Street and Edward Street being reduced to 14.6 metres from the natural ground level; however, this portion of the building incorporating design features to emphasise its corner landmark feature without increasing its height;*
- (d) *the rights of carriageway easement adjacent to the eastern boundary being modified to allow the proposed building encroachments and this modified easement documentation being executed and registered on the relevant Certificate(s) of Title; and*
- (e) *each store for the multiple dwellings having a minimum dimension of 1.5 metres and an internal area of 4 square metres.*

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

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owner of No. 153 Edward 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. 153 Edward Street in a good and clean condition;*
- (vi) *prior to the first occupation of the development, five (5) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ix) *the doors, windows and adjacent floor areas on the ground floor fronting Stirling and Edward Streets shall maintain an active and interactive relationship with these streets;*
- (x) *the total gross floor area of the offices, including the offices for Stage 1, shall be limited to 4,023 square metres and further increase or decrease in the number of offices tenancies is allowed. 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;*
- (xi) *prior to the first occupation of the development, sixteen (16) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*

- (xii) *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;*
- (xiii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xiv) *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;*
- (xv) *prior to the issue of a Building Licence for the multiple dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the multiple dwellings 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 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 multiple dwellings;
- (xvi) *any proposed vehicular entry gates shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xviii) *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; and*
- (xix) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development.*

Landowner:	Scope Property Group Pty Ltd
Applicant:	Parry and Rosenthal Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R80)
Existing Land Use:	Shop/Office/Warehouse
Use Class:	Office Building and Multiple Dwellings
Use Classification:	"AA" and "P"
Lot Area	3,957 square metres
Access to Right of Way	East side, 6 metres wide, sealed, right of carriageway easement

BACKGROUND:

- 9 March 1998 The Council at its Ordinary Meeting resolved to conditionally approve demolition of the existing building and construction of a two (2) storey shop/office/warehouse.
- 11 November 1998 The Western Australian Planning Commission issued a conditional subdivision approval.
- 22 April 2008 The Council at its Ordinary Meeting resolved to conditionally approve additional four-storey mixed use development comprising sixteen (16) multiple dwellings, twelve (12) offices and basement car parking to existing shop/office/warehouse.

DETAILS:

The applicant has generally divided the development approved on 22 April 2008 into two stages. The **first stage** will involve office addition to the existing shop/office/warehouse and a Building Licence has been submitted for this development.

The **second stage** involves a four (4) storey mixed use development comprising sixteen (16) multiple dwellings four (4) offices and basement car park at the subject property, which is subject to this application.

The main differences between the plans approved in April 2008 and the new plans submitted are as follows:

- The 16 multiple dwellings have been reconfigured into 2 bedrooms units only;
- The office areas on the ground floor have been redesigned;
- There are two additional offices being proposed on the first and second floors on the eastern side of the building; and
- The maximum height of the building has been changed from 16.15 metres to 14.6 metres.

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	R 80 or 31 multiple dwellings	16 multiple dwellings	Noted – no variation.
Plot Ratio	1 or 3,957 square metres	0.998 or 3,952.54 square metres (includes the offices for Stage 1)	Noted-no variation.
No. of Storeys	Two storeys	4 storeys plus basement	Supported in part-refer to 'Comments'.

Building Height	Two storeys- 7 metres Three storeys- 10 metres	4 storeys- 17.8 metres including the vertical element	Not supported- refer to 'Comments'.
Building Setbacks:			
Ground Floor-			
Front-West-Stirling Street (Primary Street) (variation previously approved)	4 metres or maintaining existing front setback.	Nil	Supported-no undue impact on streetscape, and other properties along Stirling Street have nil setback.
East (variation previously approved)	Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height.	Wall within the street setback. Height=11.6 metres.	Supported-there is already a two storey boundary wall on the adjoining eastern property on No. 153 Edward Street. It is considered that there will be no undue impact in terms of visual impact, ventilation and overshadowing.
North -Edward Street-Secondary Street (variation previously approved)	1.5 metres	Nil	Supported- no undue impact on the streetscape as other properties along Edward Street have nil setbacks.
First, Second and Third Floors-			
Front-West-Stirling Street- Primary Street (variation previously approved)	6 metres	Nil	Supported- no undue impact on the streetscape as other properties along Stirling Street have nil setbacks up to the third floor.
East-First and Second Floors (variation previously approved)	Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height.	Wall within the street setback. Height=11.6 metres.	Supported- there is an existing a two storey boundary wall on the adjoining property at No. 153 Edward Street. It is considered that there will be no undue impact in terms of visual impact, ventilation and overshadowing.

First, Second and Third Floors- North-Edward Street- Secondary Street (variation previously approved)	1.5 metres	Nil	Supported-no undue impact on the streetscape as other properties along Parry Street have nil setbacks.
Stores	Minimum dimension of 1.5 metres and an internal area of 4 square metres	Dimension= 1.2 metres Areas = 3.12 square metres to 3.96 square metres	Not supported-required to comply with the minimum dimension and the internal areas.
Privacy Setback (variation previously supported)	Room other than bedroom= 6 metres	Office 4 on first and second floors= 3 metres to the eastern boundary	Supported- no undue impact as there is an existing warehouse on the adjoining property at No. 153 Edward Street.

Consultation Submissions

The application was not advertised as the plans submitted do not have significant changes from the plans approved by the Council on 22 April 2008 and do not involve any greater variation to the development requirements.

Water Corporation	Applicant has submitted a letter from Water Corporation. In that letter, Water Corporation has stated that it agrees in principle with the development placement on the easement.	Noted.
Rights of Carriageway	The Town has signed a legal document submitted by the applicant giving consent for the proposed building encroachment on the carriageway. At present, the legal document is being executed.	Noted.

Other Implications

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

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

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

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 16 car bays, based on the standard of one (1) car bay for each of the 16 proposed multiple dwellings. Therefore, the number of car bays provided for the residential component will be 16 bays. A total of 29 car bays have been provided for this development (stage 2); therefore, resulting in 13 car bays available for the office component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 1,020 square metres) = 20.4 car bays.	20 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.578) 11.56 car bays
Car parking provided on-site for office component	13 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant surplus	1.44 car bays

Bicycle Parking

Requirements	Required	Provided
Office 1 per 200 square metres (proposed 1,020 square metres) gross floor area for employees (class 1 or 2).	5.1 spaces= 5 spaces	Bicycle parking shown on plans at the ground level.
1 space per 750 square metres (proposed 1,020 square metres) over 1,000 square metres for visitors (class 3).	Nil space	Bicycle parking shown on plans at the ground level.

COMMENTS:

Number of Storeys and Height

The proposal will have a fourth floor component where the second storey of units 8-13 will be located. At the corner of Stirling and Edward Streets, there will be the second storey of unit 10, along Edward Street there will be the second storey of units 11, 12 and 13, and along Stirling Street there will be the second storey of Units 8 and 9. On top of the fourth floor of Unit 10, there is a wall and a vertical element.

The proposed corner fourth storey matches the existing development located at the corner of Parry Street and Stirling Street, and the proposed development on the adjoining lot at Nos. 178 - 188 Stirling Street which Council approved at its Ordinary Meeting held on 12 February 2008.

The height of the building at the Stirling Street and Edward Street corner portion, including the vertical element, is 17.8 metres from the lowest natural ground level. However, the maximum height of the main building only from the lowest natural ground level will be 14.6 metres at the corner. The proposed development on the adjoining property at Nos.178-188 Stirling Street was approved to a maximum height of 13.6 metres above the natural ground level. It is considered that the height is excessive and will have a visual intrusion on the surrounding area. In this instance, it is considered that the height of the proposed development should match with the proposal on the adjoining property at Nos. 178-188 Stirling Street. Therefore, if this proposal is supported, then it is recommended as a condition of approval, that the maximum height of proposed building at the street corner portion should be 13.6 metres from the natural ground level.

Public Art Condition

The previous public art contribution condition is not included as a condition of this approval, because the applicant has addressed this condition with respect to the previous Planning Approval.

Levels of the bottom of the first floor slabs

Condition (iv) (d) of the previous Planning Approval states as follows:

“the levels of the bottom of the first floor slabs above the rights of easement being notated on the Building Licence plans and matching with the clearance easement specified in the above modified easement documentation;”

For this new application, the applicant has addressed the heights of the first floor slabs above the rights of easement to the satisfaction of the Town’s Technical Services. Therefore, this condition is not included as part of this Planning Approval.

Conclusion

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

10.1.1 Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley - Proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two Grouped Dwellings (One Duplex Pair), and One (1) Warehouse

Ward:	South	Date:	14 October 2008
Precinct:	Banks; P15	File Ref:	PRO2552; PRO2962; PRO0985; TES0295; TES0303; 5.2005.2727.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council NOTES,*
 - (a) *at its Special Meeting held on 7 September 2005 (Item 7.2), the Council decided to recommend approval to the Western Australian Planning Commission for the proposed demolition of the existing corner shop-house, eight (8) single houses, two (2) grouped dwellings (one duplex pair), and one (1) warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, subject to conditions; and*
 - (b) *at its Ordinary Meeting held on 24 July 2007 (Item 10.1.14), the Council decided that it would support, subject to conditions, Option 3 of the proposed Interim Landscape Proposal, which was required to be submitted and endorsed prior to the issue of Demolition Licences for the places at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, as per the resolution of the Council from the Ordinary Meeting held on 7 September 2005;*
- (ii) *..... MOVES a motion to REVOKE the Council decisions;*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Councillor Farrell and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke the Council decisions;*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY:*
 - (a) *to REVOKE the resolutions adopted by the Council at its Special Meeting held on 7 September 2005 (Item 7.2) and Ordinary Meeting held on 24 July 2007 (Item 10.1.14);*

- (b) *in accordance with the provisions of the Metropolitan Region Scheme, to RECOMMEND APPROVAL to the Western Australian Planning Commission for the application submitted by Main Roads Western Australia on behalf of the owners Main Roads WA, WA Planning Commission, B Epps, Chelmsford House Pty Ltd., Jaimi Pty Ltd., and Volga Pty Ltd for proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley and as shown on plans stamp-dated 8 July 2005, subject to the following conditions:*
- (1) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
 - (2) *demolition of the existing buildings may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (3) *any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies;*
 - (4) *the site shall be landscaped in accordance with Option 2 of the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley, which was produced by the Western Australian Planning Commission (WAPC) for the properties at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley. The landscaping, which shall retain any mature tree specimens, shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s). Maintenance works shall ensure the site is not overgrown and is kept in a clean and tidy state and free of rubbish; and*
 - (5) *the mature trees located within the subject properties, including the mango tree and mulberry tree located behind the corner shop at No. 204 (Lot 202 D/P: 2001), two (2) eucalypt trees behind Nos. 208-210, date palm behind No. 206A and eucalypt tree within No. 214 East Parade, Mount Lawley, shall be retained where practicable and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (c) *to REQUEST the Western Australian Planning Commission to determine the planning application and undertake the works for the demolition of the properties at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, as a matter of high priority.*

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

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 6.45pm.

Debate ensued.

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

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

ADDITIONAL INFORMATION:

There are no trees listed on the Town's Trees of Significance Inventory within any of the subject properties. However, in liaison with the Town's Parks Services, a clause has been added to ensure the retention and protection of the mature trees within the various sites.

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *the Council NOTES,*
 - (a) *at its Special Meeting held on 7 September 2005 (Item 7.2), the Council decided to recommend approval to the Western Australian Planning Commission for the proposed demolition of the existing corner shop-house, eight (8) single houses, two (2) grouped dwellings (one duplex pair), and one (1) warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, subject to conditions; and*
 - (b) *at its Ordinary Meeting held on 24 July 2007 (Item 10.1.14), the Council decided that it would support, subject to conditions, Option 3 of the proposed Interim Landscape Proposal, which was required to be submitted and endorsed prior to the issue of Demolition Licences for the places at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, as per the resolution of the Council from the Ordinary Meeting held on 7 September 2005;*
- (ii) *Cr Messina MOVES a motion to REVOKE the Council decisions;*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Councillor Farrell and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke the Council decisions;*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY:*
 - (a) *to REVOKE the resolutions adopted by the Council at its Special Meeting held on 7 September 2005 (Item 7.2) and Ordinary Meeting held on 24 July 2007 (Item 10.1.14);*

- (b) *in accordance with the provisions of the Metropolitan Region Scheme, to RECOMMEND APPROVAL to the Western Australian Planning Commission for the application submitted by Main Roads Western Australia on behalf of the owners Main Roads WA, WA Planning Commission, B Epps, Chelmsford House Pty Ltd., Jaimi Pty Ltd., and Volga Pty Ltd for proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley and as shown on plans stamp-dated 8 July 2005, subject to the following conditions:*
- (1) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
 - (2) *demolition of the existing buildings may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (3) *any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies;*
 - (4) *the site shall be landscaped in accordance with Option 2 of the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley, which was produced by the Western Australian Planning Commission (WAPC) for the properties at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley. The landscaping, which shall retain any mature tree specimens, shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s). Maintenance works shall ensure the site is not overgrown and is kept in a clean and tidy state and free of rubbish; and*
 - (5) *the mature trees located within the subject properties, including the mango tree and mulberry tree located behind the corner shop at No. 204 (Lot 202 D/P: 2001), two (2) eucalypt trees behind Nos. 208-210, date palm behind No. 206A and eucalypt tree within No. 214 East Parade, Mount Lawley, shall be retained where practicable and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (c) *to REQUEST the Western Australian Planning Commission to determine the planning application and undertake the works for the demolition of the properties at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, as a matter of high priority.*
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PURPOSE OF REPORT:

The purpose of this report is for the Council to consider the revocation of the Council decisions made at the Special Meeting held on 7 September 2005 (Item 7.2) and Ordinary Meeting held on 24 July 2007 (Item 10.1.14) and to consider a alternative approach to the demolition of the subject places.

BACKGROUND:

The Western Australian Planning Commission (WAPC) has progressively been acquiring the dwellings adjacent to the junction of Guildford Road and East Parade, Mount Lawley for the purpose of road widening and upgrading. As part of the acquisition, future planning and implementation process, the WAPC and Main Roads Western Australia have submitted a series of planning applications to the Town for the demolition of the subject places. This background section of the report, details when each of the subject places have been considered by the Council.

It is to be noted that the proposed demolition is considered to be public works and, therefore, does not require Planning Approval from the Town under the Planning and Development Act 2005 and the Town's Town Planning Scheme No. 1 respectively. Planning Approval is required from the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS).

28 March 2000 The Council at its Ordinary Meeting considered the matter of the proposed demolition of dwellings on Nos. 20 - 40 (Lots 244 - 254) Guildford Road, Mount Lawley. The area on which the subject dwellings were located had been identified by Main Roads Western Australia for road widening. In relation to this matter, the Council resolved to approve the proposed demolition of dwellings at Lots 244 (No. 20), 245 (No. 22), 246 (No. 24), 247 (No. 26), 248 (No. 28), 249 (No. 30), 250 (No. 32), 251 (No. 34), and 252 & Pt 253 (No. 38), excluding Pt Lots 253 & 254 (No. 40), Guildford Road, Mount Lawley, subject to standard conditions and:

- '(b) all mature and significant trees as identified by the Town shall be retained, and appropriate measures for the protection of these trees shall be submitted and approved prior to the issue of the Demolition Licence, and thereafter implemented and maintained; and*
- (c) a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 - 254 (Nos. 20 - 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issue.'*

At this meeting, the Council resolved to refuse the proposed demolition of the dwelling at No. 40 (Pt Lots 253 & 254) Guildford Road, Mount Lawley, as it was found to have cultural heritage significance in terms of its aesthetic, historical and rarity values. In relation to this property, the following was also resolved:

- '(iv) notifies the owners of Pt Lots 253 & 254 (No. 40) Guildford Road, Mount Lawley of the intention to include No. 40 Guildford Road, Mount Lawley (the place) on the Town of Vincent Municipal Heritage Inventory and give the owners the right of reply and comment within 28 days of notification;*

- (v) *considers the proposed listing of Pt Lots 253 & 254 (No. 40) Guildford Road, Mount Lawley on the Town of Vincent Municipal Heritage Inventory should the owners of the place submit objections to the proposed listing; and*
- (vi) *requests Main Roads Western Australia to reconsider plans for the slip-lane on Guildford Road to account for the cultural heritage significance and subsequent retention of the dwelling at Pt Lots 253 & 254 (No. 40) Guildford Road, Mount Lawley.'*

23 May 2000

The Council at its Ordinary Meeting reconsidered the proposed demolition of the dwelling on No. 40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley. The proposed demolition was refused and in accordance with the policies relating to the Town of Vincent Municipal Heritage Inventory (MHI), the place was adopted onto the MHI.

15 October 2002

At the Special Meeting of Council, representatives from Main Roads Western Australia (MRWA) made a presentation to the Mayor and Councillors on the proposed changes to East Parade. MRWA advised that several studies has been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road/East Parade intersection prior to and after the opening of the Graham Farmer Freeway. The project involved the demolition of an additional ten dwellings and one warehouse building along East Parade.

23 August 2005

After the receipt and review of individual heritage assessments for the subject properties, the Council at its Ordinary Meeting refused the proposed demolition of the existing corner shop-house, eight (8) single houses, two (2) grouped dwellings (one duplex pair), and one (1) warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, for the following reasons:

- '1. *No demonstrated need for demolition and it is considered irreversible.*
- 2. *Heritage values of the properties.'*

7 September 2005

The Council at a Special Meeting considered a motion to revoke or change the Council decision made at the above Ordinary Meeting of Council held on 23 August 2005 and resolved to recommend approval to the Western Australian Planning Commission for the proposed demolition of the existing corner shop-house, eight (8) single houses, two (2) grouped dwellings (one duplex pair), and one (1) warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, subject to the following conditions:

- '(1) *plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for the subject properties shall be submitted and approved prior to the commencement of demolition works. Clause (iv) (a) (1) is not applicable to the owners of private properties The*

landscaping shall be undertaken within three (3) months of the demolition of the subject properties and shall be maintained as a temporary park by the land owners until such time as the land is finally developed;

- (2) *an indicative development plan for the redevelopment of the subject properties owned by the Western Australian Planning Commission and Main Roads Western Australia shall be submitted and approved prior to the commencement of the demolition works;”*
- (3) *an archival documented record of the places 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 commencement of demolition works;*
- (4) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
- (5) *demolition of the existing buildings may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
- (6) *any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies;*
- (7) *a minimum of 10 per cent of the subject properties under the ownership of the WAPC and MRWA shall be provided and landscaped as public open space by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works; and*
- (8) *the following previous Council resolutions relating to the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, shall be complied with by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works:*

Ordinary Meeting of Council held on 28 March 2000 –

- (ii) (c) *a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 –254 (Nos.20 – 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issued;’ and*

Ordinary Meeting of Council held on 23 May 2000 –

- ‘(iii) the Council advises the Ministry for Planning that the hypothetical indicative plan accompanying its letter dated 18 April 2000 does not satisfy condition (iii) on the planning approval for the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, and this condition is still required to be complied with accordingly; and*
- (iv) the Ministry develop 10% of the site including the slip road, as public open space.’; and*
- (b) the Town WRITES to the Western Australian Planning Commission and Main Roads WA to express its concerns at their property management strategies and the detrimental effect it has on the residents of the Town of Vincent.’*

24 October 2006

The Council at its Ordinary Meeting approved the demolition of the dwelling at No. 42 (Lot 255 and 256) Guildford Road, Mount Lawley, which had been significantly damaged by a fire. In accordance with the resolution of the Council, the Chief Executive Officer wrote to the Minister of Planning and Infrastructure, the Chairman of the WAPC, the Director General of the Department of Planning and Infrastructure and the Local Member for Parliament and advised that the WAPC had not taken sufficient measures to ensure the protection of the dwellings along East Parade in their care control and management.

24 July 2007

The Council at its Ordinary Meeting considered the Department of Planning and Infrastructure’s (DPI) Interim Landscape Proposal, which was required to be submitted and endorsed prior to the issue of Demolition Licences for the places at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and Nos. 40 and 42 (Pt Lots 253, 254, 255 and 256) Guildford Road, Mount Lawley, as per the resolution of the Council from the Ordinary Meeting held on 7 September 2005. The Council resolved as follows:

"That the Council;

- (i) RECEIVES the report on the proposed Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley submitted by the Department of Planning and Infrastructure;*
- (ii) ADVISES the Department of Planning and Infrastructure (DPI) that;*
 - (a) approval has not been given by the Town for the demolition of the existing single dwelling at No. 40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley and that the place, which is listed on the Town's Municipal Heritage Inventory (MHI) has cultural heritage value and is worthy of retention. Any proposal to demolish the place must be considered after the requirements, as outlined in the Town's Heritage Management - Adding/Deleting/Amending Places Listed on the MHI Policy No. 3.6.5, have been satisfied;*

- (b) *the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley, produced by the Western Australian Planning Commission (WAPC) satisfies the Town's requirements for a Landscaping proposal for the properties at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and No. 42 (Lot 255 and 256) Guildford Road, Mount Lawley, and that it SUPPORTS the implementation of Option Three as outlined in the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley;*
- (c) *the final Policy for the development of the subject land, resulting from the East Perth Regeneration Project shall be submitted to the Town for endorsement under the Town's Town Planning Scheme by no later than 31 December 2007 and that the subject land shall not be sold until the document has been included within the Town's Town Planning Scheme; and*
- (d) *the East Perth Regeneration Project shall incorporate provisions and development guidelines for the future care, conservation and management of the dwelling at No. 40 (Lots 253 and 254) Guildford Road, Mount Lawley; and*
- (iii) *APPROVES the issue of Demolition Licences for the places Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley, subject to the following;*
 - (a) *the DPI carrying out the Interim Landscape Proposal of Option 3 (as detailed in this report), within three (3) months of the issue of a Demolition Licence and thereafter, maintain it to the satisfaction of the Town, until redevelopment works commence;*
 - (b) *prior to a Demolition Licence being issued, that the DPI enter into a Legal Agreement with the Town (prepared by the Town at the DPI's expense) to;*
 1. *maintain the land as a temporary park (as detailed in Landscaping Plan Option 3) by the land owners until such time as the land is finally developed, to the satisfaction of the Town's Chief Executive Officer. (This condition of planning approval is not applicable to the owners of private properties);*
 2. *undertake the approved Landscaping Plan works (Option 3) and this be completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the DPI/owners/occupier(s) to the satisfaction of the Chief Executive Officer;*

3. *pay a bond of \$18,500, prior to a demolition licence being issued, to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 4. *allow the Town (in the event of non-compliance by the DPI) to be able to carry out the Landscape Plan and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer; and*
 5. *require such Legal Agreement to remain in effect until redevelopment works commence;*
 6. *maintain and undertake conservation works to the dwelling at No. 40 (Lots 253 and 254) Guildford Road, Mount Lawley to ensure it is fit for human habitation and to ensure its ongoing protection. The conservation works shall be completed within six (6) months from the issue of the Demolition Licence for the dwellings at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley and maintained thereafter by the DPI/owners to the satisfaction of the Chief Executive Officer;*
- (iv) *WRITES to the Western Australian Planning Commission and/or the Department of Planning and Infrastructure and REQUESTS that they present to the Council, at an Elected Members Forum, on the brief and long term plans/strategy for the East Parade Regeneration Project; and*
- (v) *the Council AUTHORISES the Chief Executive Officer to further write to and meet with the Minister for Planning and Infrastructure and the Director General of the Department for Planning and Infrastructure to ADVISE that in the opinion of the Council, the Western Australian Planning Commission (WAPC) has not taken sufficient measures to ensure the protection of the dwelling at No. 40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley, and the action of the WAPC in allowing this dwelling to deteriorate to its current state has set a poor example to the wider community, has had a negative impact on the amenity of the area and has been a poor use of government owned resources which could otherwise have been used to provide low cost accommodation. The WAPC should be more active in maintaining dwellings in its care, control and management within the Town of Vincent and should work with other Government agencies to investigate alternative uses for such properties."*

DETAILS:

The Town frequently receives correspondence from concerned community members regarding the serious derelict nature of the subject properties and requesting when the buildings are to be demolished. Extracts of the most recent complaints are provided below:

"I just want to bring you up to date with the issue of crime and anti social behaviour that is escalating in the Banks Precinct, specifically Gardiner and Pakenham Streets. The problems appear to be emanating from people squatting in the derelict houses along East Parade. The neglect of these properties has been a concern for adjacent residents for many years and we want the Town Of Vincent to support us in establishing just who owns them and make the owner responsible for either the maintenance of them or the demolition of them. The latter is the preference of community members.

Adjacent residents are living in fear. The behaviour includes brawling in the street, nudity, urination, drinking and smashing of bottles, the smashing of car windows, breaking in to cars and ransacking them, vandalism of cars, 'hoon' driving along the sandy laneway connecting Gardiner and Pakenham Streets (runs parallel to East Parade) I am aware that several residents have made complaints to the Police, TOV and the DPI., myself included. The BPAG held its monthly meeting last night and it was unanimously agreed to invite the Community Police (Sen. Sgt. Merv Lockhart) TOV representatives, local member, Mr. Michael Sutherland, to attend the BPAG meeting of Wednesday 5th November.

We would like to invite you to attend this meeting also. We have been liaising with Michael Wood in the Community Safety Dept. and have extended this invitation to him. We are aware that the Safer Vincent Advisory Group is meeting at 5pm on this evening also which is an appropriate coincidence . Michael has been very supportive and invited two of our senior residents to apply for a security sensor light."

"As my email indicates we need clarification on what the status is of the row of derelict and run down houses on East Parade. Upto three of them have tenants paying cheap rent which is wonderful, but life is becoming difficult for them living amongst squatters and the dreadful anti social activity. Since 2002 these house have been neglected by the State Government whose various departments own them (DPI/MRD/WAPC). The usual reason given for the rundown condition of these properties is that the Government is awaiting TOV heritage assessments and permission to apply for a demolition order. Today a home nearby was broken into. Another property appeared to have been entered as the dog was found wandering the street and a plant pot was smashed, cars have been broken into and vandalised. The area around these properties and along East Parade is a disgrace... rubbish, broken glass, syringes, over grown palms onto the footpath. Please can the TOV tell us who has responsibility for them and issue the required demolition orders if this has not already been done or restore them to habitable condition and rent them out. In the current economic climate there is a shortage of affordable housing.. so this situation is shameful..."

Since the demolition of the subject buildings was considered at the Special Meeting of Council held on 7 September 2005, the WAPC has yet to make a determination on the matter. In an attempt to comply with the Town's 'recommended' conditions of approval, the DPI submitted a proposed Landscaping Proposal for Guildford Road/East Parade, Mount Lawley, which was considered at the Ordinary Meeting of Council held on 24 July 2007. It is understood that the WAPC has not approved/determined the application on the basis that there are a number of outstanding issues of the Council resolution of 24 July 2007, which the WAPC is not amenable to, specifically the requirement for a legal agreement and the preferred landscaping option.

This report has been prepared to provide the Council with the opportunity to review its previous decisions and conditions of approval made in relation to the matter to facilitate the advancement of the demolition process in this particular instance.

Landowner:	WA Planning Commission, Main Roads of Western Australia, Chelmsford House Pty Ltd & Jaimi Pty Ltd & Volga Pty Ltd
Applicant:	Department for Planning and Infrastructure
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Vacant Dwellings, Warehouse and Local Shop
Use Class:	Single House; Warehouse; Local Shop
Use Classification:	"P"; "X"; "SA"
Lot Area:	Various
Access to Right of Way	Three (3) rights of way in relation to the subject properties.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Statement of Impact

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a "*Statement of Impact*" of the legal and financial consequences of the proposed revocation.

It is considered that the Council decisions to be revoked have not been implemented, therefore, there appears to be no legal or financial implications which may result in the revoking of the decisions.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Strategic Planning

The *East Parade Regeneration Project* has been set up by the WAPC to provide direction for the development of the residual land holdings along East Parade and Guildford Road. It is intended that the project will facilitate the preparation of development guidance control instruments and supporting policy specific to the project area for adoption under the Town's Town Planning Scheme, prior to the subsequent disposal and development of the land.

The WAPC is progressing with the *East Parade Regeneration Project* with the initial phase of the design process completed. At the Council Members Forum held on 17 June 2008, David Singh, Neil Foley and Denise Morgan gave a PowerPoint Presentation on the project. The WAPC and DPI are currently seeking early community input on the initial concepts for the proposed regeneration project.

Whilst the *East Parade Regeneration Project* is advancing, it is not considered appropriate to withhold the demolition of the subject properties until the project has been finalised. The project proposes multiple dwellings, which are currently not permitted in the Banks Precinct by the Town's Town Planning Scheme No. 1 (TPS No. 1). Scheme Amendment No. 25 would need to be gazetted and promulgated to enable multiple dwellings on the subject properties.

Parks Services

Parks Services have re-assessed the three (3) proposed landscaping options as outlined in the *Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley*, which was prepared by the WAPC for the properties. This *Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley*, which were presented at the Ordinary Meeting of Council held on 24 July 2007, is contained in the attachment to this Agenda report and is summarised as follows:

Option One

Remove selected tree and shrub plantings, clean and re-profile the surface, fertilise with slow release granules, grass with couch seed mixed with perennial rye.

Option Two

Remove selected tree and shrub plantings, clean and re-profile the surface, apply glysohate to kill existing grass and then seed with everlastings.

Option Three

Remove selected tree and shrub plantings, clean and re-profile the surface. Prepare un-edged mulched native shrub planting beds together with fertilised grassed open space. Plant native trees in informal layout through shrub beds and grassed open space.

As previously reported, option three (3) is considered to be the most appropriate by the Town's Officers, in terms of its ability to produce an overall visual and aesthetic setting. However, this option has the highest capital cost, would require the provision of a reticulation system and would ultimately be lost to the future regeneration project. Therefore, to ensure the most efficient use of funds and resources and to promote a more sustainable landscaping, the Town's Officers are prepared to support landscaping option two (2), as recommended by the DPI as its preferred option.

Health Services

The Town's Health Services have advised that the subject vacant premises along East Parade have presented significant problems for the Town and nearby residents for over 8 years. The properties have been subjected to vandalism, graffiti, use by squatters and drug users, prostitution, and the harbourage of rats. The Town's files demonstrate the considerable problems presented by the properties over a long period of time, in addition to numerous correspondence between the Town, concerned residents, the WAPC, Main Roads and the previous Minister for Planning and Infrastructure.

Conclusion

The subject properties are frequently subject to anti-social behaviour. The derelict appearance of the buildings is a blight on the area and is the subject of frequent negative public opinion.

In light of the problems associated with the subject vacant buildings and the advancement of the DPI's *East Parade Regeneration Project*, it is recommended that the Council revoke its previous decisions made at the Special Meeting held on 7 September 2005 (Item 7.2) and the Ordinary Meeting held on 24 July 2007 (Item 10.1.14). It is further recommended that the Council recommend approval to the WAPC for the demolition of the subject places at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley, subject to standard and appropriate conditions to ensure the advancement and expedition of the demolition process.

10.1.4 No. 5 (Lot: 13 D/P: 1149, Lot: 14 D/P: 1149) Scott Street, Leederville – Proposed Demolition of Existing Single House and Construction of Four (4) Three-Storey Grouped Dwellings and Two (2) Single Bedroom Two-Storey Grouped Dwellings

Ward:	South	Date:	14 October 2008
Precinct:	Leederville;P03	File Ref:	PRO4106; 5.2008.215.1
Attachments:	001 002 003		
Reporting Officer(s):	R Narroo, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted Rechichi Architects on behalf of the owner ~~CGM Properties~~ D De Fiddes Pty Ltd for proposed Demolition of Single House at No. 5 (Lot: 13 D/P: 1149, Lot 14 D/P: 1149) Scott Street, Leederville, and as shown on demolition plan stamp-dated 9 September 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Construction of Four (4) Three-Storey Grouped Dwellings and Two (2) Single Bedroom Two-Storey Grouped Dwellings, at No. 5 (Lot: 13 D/P: 1149, Lot 14 D/P: 1149) Scott Street, Leederville, and as shown on upper floor plan, loft floor plan, elevation A04 plan, section plan and overshadowing plan stamp- dated 24 September 2008, and site/ground floor plan and elevation plan A06 stamp-dated 9 October 2008 , for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the number of storeys, building height, street setback, outdoor living area for Unit 2, requirements of the Residential Design Codes and Policy No. 3.2.1 Residential Design Elements;*
- (c) *the removal of the verge tree; and*
- (d) *consideration of the objections received.*

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Ker

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

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

Cr Burns returned to the Chamber at 6.52pm.

Landowner:	D De Fiddes Pty Ltd
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1214 square metres
Access to Right of Way	Not applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and construction of four (4) three-storey grouped dwellings and two (2) single bedroom two-storey grouped dwellings on the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	5 grouped dwellings or 8 single bedroom grouped dwellings R 40	4 grouped dwellings and 2 single bedroom grouped dwellings R 38	Noted.
Plot Ratio	N/A	N/A	Noted.
Plot Ratio Area	Single Bedroom Grouped Dwellings= 70 square metres (subject to compliance with Single Bedroom Dwellings Policy 3.4.7)	Single Bedroom Dwellings (Units 1 and 2)= 90 square metres	Not supported- the scale of the single bedroom dwellings will unduly impact on the streetscape and amenity of the area.
Minimum Site Area	Grouped dwelling= 200 square metres Single bedroom grouped dwelling= 133.33 square metres	Units 3,4,5= 147.68 square metres Unit 1= 105.84 square metres Unit 2= 101.02 square metres	Supported- the proposed development complies with the average site area and the required open space. In addition, a communal space is provided which is not required by the Residential Design Codes for R40 sites. Therefore, the variation is supported.
Outdoor Living Area	Minimum area= 20 square metres	Unit 1= 14.8 square metres Unit 2= 8.8 square metres	Supported- the proposal abuts a common space area for the residents, which is not required under the Residential Design Codes. Given that there is a functional communal space and that the variation is minimal, the variation is supported. Not supported- the variation to the outdoor living area is too significant and does not abut the communal space area for the residents.

	<p>Behind the street setback area</p> <p>2/3 of the required area without permanent roof</p> <p>Units 3,4,5= 13.3 square metres</p>	<p>Units 3,4,5= 15.2 square metres</p> <p>Units 1 and 2- within the street setback area</p> <p>Units 3,4 and 5= 9 square metres</p>	<p>Supported- the proposal abuts a common space area for the residents, which is not required under the Residential Design Codes. Given that there is a functional communal space and that the variation is minimal, the variation is supported.</p> <p>Supported- it will not unduly impact on the streetscape.</p> <p>Supported- as the uncovered area will abut the communal space which is uncovered.</p>
<p>Building Setbacks:</p> <p><u>Ground Floor</u></p> <p>Front-East-Scott Street</p> <p>North</p>	<p>4.835 metres</p> <p>1.5 metres</p> <p>Boundary Wall Average Height= 3 metres</p> <p>Boundary wall to one side boundary only</p>	<p>Building= 4 metres Garage= 6 metres</p> <p>Nil to 4.7 metres</p> <p>Average height= 3.092</p> <p>Boundary walls to two side boundaries</p>	<p>Not supported- refer to "Comments" below.</p> <p>Supported- as the building will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</p> <p>Not supported- undue impact on the adjoining property. If this application is supported, then a condition of planning approval is for the boundary wall to comply with the average height of 3 metres.</p> <p>Supported- both boundaries walls along the western and northern boundary will occupy less than 2/3 of the boundaries, they comply with the maximum height and the variation to the average height is minimal.</p>

West	Boundary wall- Average Height= 3 metres	3.074 metres	Not supported- undue impact on the adjoining property. If this application is supported, then a condition of planning approval is for the boundary wall to comply with the average height of 3 metres.
<u>First Floor</u>	Boundary wall to one side boundary only	Boundary walls to two side boundaries	Supported- both boundaries walls along the western and northern boundary will occupy less than 2/3 of the boundaries, they comply with the maximum height, and the variation to the average height is minimal.
Front-East-Scott Street	Building= 6.835 metres Balcony= 5.835 metres	Building= 6metres Balcony= 4 metres	Not supported- refer to "Comments" below.
North	6.3 metres	1.5 metres to 7 metres	Supported- the wall facing the northern boundary is staggered with most of the wall being setback at 7 metres, and incorporates balconies, which provides a relief to the adjoining property. If the balconies were fully enclosed, then the required setback from the northern boundary would be 2.8 metres only. In this instance, the variation is supported.
West	2.1 metres	1.5 metres	Supported- the wall incorporates horizontal and vertical articulation which will reduce the visual impact on the adjoining western property. In this instance, the variation is supported.

South	6.3 metres	3.42 metres to 4.5 metres	Supported- the wall facing the northern boundary is staggered with most of the wall being setback at 4.5 metres, and incorporates balconies which provides a visual relief to the adjoining property. If the balconies were fully enclosed, then the required setback from the southern boundary would be 2.8 metres only. In this instance, the variation is supported.
<u>Second Floor</u>			
East-Front-Scott Street	Building=6.835 metres	3.42 metres to 4.5 metres	Not supported- refer to "Comments" below.
North	7.7 metres	1.5 metres to 7 metres	Supported- only 5.5 metres of the wall will be 1.5 metres and the wall stepped to 7 metres. Therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
West	4.4 metres	1.5 metres to 3 metres	Supported- the wall is of different heights and is staggered. Therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Number of Storeys	Two Storeys	Three Storeys	Not supported- refer to "Comments" below.
Building Height	7 metres	8.5 metres	Not supported- refer to "Comments" below.
Privacy Setbacks	Terrace/Balcony= 7.5 metres	Terraces/Balconies to Units 3,4,5 (first floor) = 7 metres to northern boundary (inadequate screening)	Not supported- undue impact on neighbouring property, and terraces/balconies should be screened if proposal is supported.
	Room other than bedroom= 6 metres	Terrace/Balcony to Unit 6 (first floor) = 1.7 metres to northern boundary (inadequate screening)	Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.

		<p>Terrace/Balcony to Unit 1 (first floor)= 2.2 metres to northern boundary (inadequate screening)</p> <p>Terraces/Balconies to Units 3,4,5 and 6 (first floor)= 4.5 metres to southern boundary (inadequate screening)</p> <p>Terrace/Balcony to Unit 2 (first floor)= 3.42 metres to southern boundary (inadequate screening)</p> <p>Living room window to Unit 6 (first floor)= 2 metres to western boundary</p> <p>Terrace to Unit 6 (second floor)= 1.5 metres to northern boundary (inadequate screening)</p> <p>Terrace to Unit 6 (second floor)= 1.5 metres to southern boundary (inadequate screening)</p>	<p>Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and terraces/balconies should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and living room window should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and terrace should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and terrace should be screened if proposal is supported.</p>
Store	Minimum dimension of 1.5 metres and a minimum internal area of 4 square metres	Stores 3,4,5 and 6= 2.89 square metres	Not supported-the areas are considered inadequate for the needs of the future residents. If this proposal is supported, then as a condition of planning approval, the applicant will require to comply with the required dimension and area.
Front Entry Statement	Maximum height of piers to be 2 metres with capping	Height of 2.7 metres to 2.9 metres	Not supported - as the structure would result in undue impact on the streetscape.

Front Walls and Gates	A minimum of fifty per cent visually permeable 1.2 metres above natural ground level	Inadequate details to show that side walls within the front setbacks comply with this requirement.	Not supported- given there is no specific details about the proposed side front walls; therefore, if this application is supported, then as a condition of planning approval, the front wall will require to comply with the fifty per cent visually permeability 1.2 metres above natural ground level.
Driveway	No closer than 0.5 metre to a side boundary Driveways in aggregate no greater than 9 metres for any one property	Nil to 0.3 metre to the southern boundary 9.6 metres	Supported- no undue impact on the adjoining property and the driveway will not unduly affect the streetscape. Supported- the driveways occupy less than forty per cent of the frontage and the variation is minimal; therefore, it will not unduly affect the streetscape.
Trees	No street verge trees to be removed	Street verge tree to be removed	Not supported- refer to "Comments-Technical Services" below.
Fence	Dividing Fence= 1.8 metres	2.4 metres	Not supported- undue visual impact on the adjoining property. Dividing fence should comply with 1.8 metres if proposal is supported.

Consultation Submissions

Support	Nil	Noted.
Objection (7)	<p><i>Density</i></p> <p>The development does not comply with the required density of R40.</p> <p><i>Storeys and Height</i></p> <p>The proposed three storey and height are out of character with the surrounding area.</p> <p><i>Minimum Site Area</i></p> <p>Object to variation to minimum site area.</p>	<p>Not supported- the proposal complies with the required density as shown in the Assessment Table above.</p> <p>Supported- refer to "Comments" below.</p> <p>Not Supported- refer to comments in the Assessment Table above.</p>

	<p><i>Setbacks</i></p> <p>Setbacks will impact on the adjoining properties.</p> <p><i>Privacy</i></p> <p>Overlooking will impact on the adjoining neighbours.</p> <p><i>Parking</i></p> <p>The proposal will increase parking and traffic demand on Scott Street.</p> <p><i>Communal Area</i></p> <p>The communal area may be conducive to anti-social behaviour.</p> <p><i>Devaluation of property</i></p> <p>There will be devaluation of adjoining properties if this application is supported.</p>	<p>Not supported- boundary side setbacks are addressed above. However, variations to the front setbacks are not supported.</p> <p>Supported- refer to comments in Assessment Table above.</p> <p>Not supported- the proposal complies with the parking requirements.</p> <p>Not supported- the future residents will have to comply with the Noise Regulations and abide by the strata by-laws in terms of behaviour.</p> <p>Not supported- it is not a planning issue.</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:

Demolition

The subject place at No. 5 Scott Street, Leederville is a brick and tile Federation Bungalow with Inter-war influences built circa 1910. The dwelling is constructed on limestone footings and has a hipped-gable roof form with a front gable with timber battens over the front protruding room. The front facade of the dwelling features brickwork to sill height and is rendered above. Distinct stone banding is featured along the brickwork and on the render above.

The dwelling sits across two lots positioned mostly on the southern lot with the northern lot accommodating expansive lawn and a brick garage with a gabled roof to the rear. Evidence indicates that the dwelling was one of the first constructed along Scott Street and was first occupied by Mr H Groth. Mr Francis Lawrence is listed as occupying the dwelling throughout the 1930s. Mr Tony Maiorana was in residence in the 1940s, and believed to also be the owner at that time as two City of Perth Building Licences were issued to Mr Maiorana for alterations and additions in 1945 and 1948 respectively.

A full Heritage Assessment was undertaken for No. 5 Scott Street, Leederville which indicates that the place has little aesthetic, historic, scientific or social heritage significance. The Heritage Assessment is included as an attachment to the report. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Redevelopment

Street Setback

The applicant has provided justifications for the variation to the front setback, which is “*Laid on the Table*”. One of the justifications is as follows:

“Those variations ranging from nil setback on the corner lots which bookend the streetscape to 6 metres on one of the adjoining lots conclude us to form the opinion that a clear and definitive alignment of housing setback does not exist and therefore the Towns assessment of an average setback of 4.8 m as an appropriate setback is being adhered to. In that regard our proposal proposes an average setback of 5.0 m at ground floor and 6.85 m to the upper floor and therefore remains compliant with the setback requirements (save for the upper floor balconies and terraces which are setback at 4.0 m).”

The applicant has averaged the setbacks of the building to get an on-site average of 5 metres and 6.85 metres for the ground floor and first/second floor respectively. This argument is not supported as the front setback is not assessed as an average setback. The whole building is to comply with the required setback as per Clause SADC 5(a), (b) and (c) of the Residential Design Elements. Therefore it is considered that the variation to the setback cannot be supported as it will unduly impact on the streetscape.

Number of Storeys and Height

The applicant has provided justification for the variation to the number of storeys and height, which is “*Laid on the Table*”. The applicant has submitted plan (Plan A04) demonstrating that if a pitched roof were provided, then the proposal would comply with the required height of 9 metres.

The proposal is for three storey with concealed roof. If the building had a pitched roof (as shown on Plan A04), then the wall height of subject Unit 6 would be 6.1 metres and the pitched roof would be 9.1 metres. Other units would have complied with the external wall height of 6 metres and pitched roof of 9 metres. However, given that the proposal is for concealed roof and three storeys with a height of 8.5 metres, it will have an undue visual impact on the surrounding area. Therefore, the variation is not supported.

Crossovers

The location of the proposed crossover on the southern side of the property is not supported by the Town's Technical Services. The crossover clashes with both a tree worthy of retention, and a Western Power pole. The proposed narrowing of the crossover does not address these issues and renders the passing area at the entrance point unworkable.

The verge tree, Coral Gum, is the predominant street verge tree within Scott Street and the two verge trees form an integral part of the streetscape; therefore, should be retained as per Town's Policy No. 2.1.2-Street Trees. Any vehicle crossovers to be constructed will need to incorporate the retention of these two street trees.

Given the above, Technical Services do not support the location of the crossover and the removal of the verge tree.

Conclusion

The variations to the number of storeys, building height, street setbacks, outdoor living area for Unit 2 and removal of the verge tree will unduly impact on the amenity of the surrounding area. The three storeys is not compatible with the scale of development in the immediate area. On this basis, the redevelopment proposal is recommended for refusal.

10.1.6 No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville - Proposed Outdoor Market (Unlisted Use)

Ward:	South	Date:	14 October 2008
Precinct:	Oxford Centre; P04	File Ref:	RES0059; 5.2008.299.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Thomson on behalf of the owner Town of Vincent for proposed Outdoor Market (Unlisted Use), at No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville, and as shown on plans stamp-dated 23 June 2008, subject to the following conditions:

- (i) the outdoor market shall not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;*
- (ii) the Town of Vincent shall be acknowledged in any associated publicity and promotional material for the outdoor market;*
- (iii) the event organisers shall take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars). A copy of the current certificate is to be provided to the Town at least ten (10) days prior to the commencement of the outdoor market use;*
- (iv) the organisers shall indemnify the Town against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market;*
- (v) a letter drop with details of the event including a mobile telephone number (which shall be operational for the duration of the market) for complaints shall be undertaken at least ten (10) days prior to the commencement of the outdoor market use. A copy of the letter shall be provided to the Town for prior approval;*
- (vi) the hours of operation for the outdoor market shall be limited to 9am to 5pm on Saturdays during the period between ~~1 November~~ 6 December 2008 to 28 March 2009, inclusive. This excludes the setting up and packing time required for setting up. This approval is for a period of ~~5~~ 4 months only and should the applicant wish to continue the use after this period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (vii) prior to the commencement of the outdoor market use, revised plans shall be submitted and approved demonstrating the proposed location of the 35 stalls;*
- (viii) a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent (further Planning Approval is not required);*

- (ix) *a maximum of 35 concessional parking permits will be made available to the organisers, at a cost of \$5.00 per permit per day (7:00am to 7:00pm) for the days the outdoor market is in operation, to enable each stallholder to park one (1) vehicle in Frame Court Car Park;*
- (x) *a Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee, which will allow up to 35 stalls to operate in the specified area, on the days that the outdoor market are in operation;*
- (xi) *a maximum of three (3) Buskers Permits will be issued to the organisers, which will allow the buskers to operate within the specified "Entertainment Area", at any given time, for the days that the outdoor market are in operation. The Town reserves the right to cancel and withdraw any permit, if the holder breaches any of the relevant conditions. The cost of the permits shall be incorporated into the proposed Reserve Hire Fee;*
- (xii) *the organiser shall ensure that any busker operating in the 'Entertainment Area' complies with the following requirements:*
 - (a) *the busker must be in possession of the permit when busking (can be passed from one busker to the next, when the first busker finishes their act);*
 - (b) *the busker must not use inappropriate language, material, etc;*
 - (c) *the busker must remain within the "Entertainment Area", while undertaking their act;*
 - (d) *the busker must not impede or prevent pedestrians from going about their normal business; and*
 - (e) *the busker must not restrict ready access to the premises;*
- (xiii) *any "A" Frame signage placed on the footpath area would require a permit with conditions set under the Town's Local Government Property Local Law 2008;*
- (xiv) *the following permits shall be applied for and obtained from the Town prior to the commencement of the outdoor market use:*
 - (a) *an Application for Casual Reserve Hire shall be obtained from the Town's Park Services;*
 - (b) *a Special Events Permit shall be obtained from the Town's Health Services, to sell food from a temporary sausage stall;*
 - (c) *a Buskers Permit shall be obtained from the Town's Rangers and Community Safety Services; and*
 - (d) *a Stallholders' Permit shall be obtained from the Town's Rangers and Community Safety Services;*
- (xv) *prior to the commencement of the outdoor market use a fee of \$250 shall be paid to the Town for the hire of bins, and a bond of \$5000 to cover any repairs to reticulation, turf, etc that may occur as a result of the outdoor market shall be paid to the Town. The weekly hire fee and any other minor charges (that is, power) will be invoiced separately on a monthly basis;*

(xvi) no vehicles shall be permitted to drive on the Oxford Street Reserve. All loading and unloading of goods from vehicles shall take place in the adjacent car parking areas; and

(xvii) the Oxford Street Reserve shall be left in a clean and tidy state after each weekly market.

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

The market was initially proposed to start in November 2008. However, the applicant has advised that this has been postponed until 6 December 2008. The Officer Recommendation has been corrected to reflect the above dates and period of operation as per discussions with the applicant.

Landowner:	Town of Vincent
Applicant:	K Thomson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Park
Use Class:	Unlisted Use
Use Classification:	Unlisted Use
Lot Area:	736 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves utilising the Oxford Street Reserve for a summer outdoor market, held every Saturday, during the period between 6 December 2008 to 28 March 2009 between 9am and 5pm.

The market will be for the display and sale of art and will promote independent fashion designers, jewellery designers, photographers, painters and other creative arts. The applicant proposes that thirty-five (35) stalls, which will have an umbrella for shade protection, will be available for hire for the sale of art work. The stalls will be hired off the event organiser at a fee of approximately \$100 per day. Furthermore, an entertainment area will be designated for local performers.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (1)	No comment provided.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) - Market - 3 spaces per stall provided (35 stalls proposed).			105 car bays
Apply the adjustment factors. - 0.85 (within 400 metres of a bus stop) - 0.85 (the proposed development is within 400 metres of one or more public car parks in excess of a total of 75 car parking spaces). - 0.90 (the proposal is located within a District Centre zone) - 0.85 (the proposal is located within 400 metres of a rail station).			(0.5527125)
			58.03 car bays
Minus the car parking provided on-site.			Nil
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant shortfall			58.03 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 from a number of Service areas met with the applicant to seek clarification on the nature and extent of the outdoor market proposal. As a result of this meeting, the Officers have provided comment relating to the proposed use of the Oxford Street Reserve. This advice is summarised below:

Community Development Services

- Information has been submitted in accordance with Policy No. 3.8.3 relating to Concerts and Events. This includes event details along with references, risk management and emergency response plans. In accordance with the Policy, the proposal is classified as low risk and has the potential to provide a new creative event within the Leederville area.

Parks Services

- Power is available from an electrical cabinet located on the north western side of the park, there are no restrictions regarding its use. However, the use of power would accrue a separate charge of \$20.00 per day and would not be covered in the Hire Fee for the use of the Oxford Street Reserve.

- Parks Services will supply two 660 litre rubbish bins for the duration of the market's duration at a total cost of \$250.00. These rubbish bins will be provided permanently at two locations within the park and will be emptied weekly as part of the Town's rubbish collection.
- The hire fee for the use of the Oxford Street Reserve would be \$270.00 per day. This is the minimum charge, normally applicable per hour.
- A bond will be set at \$5000, to cover any repairs to reticulation, turf, etc that may occur as a result of the outdoor market.

Rangers and Community Safety Services

- If the Council is inclined to support the proposal, the Town's Ranger and Community Safety Services would be prepared to support a reduction in the all-day parking fee for the event from the usual \$8.50 to \$5.00. Permits would be supplied to and paid for by the organiser, who would arrange payment for the number of weeks required and distribute the permits to the relevant stall holders. Since the Town would not necessarily be in a position to confirm that a person is or is not a participant, this will ensure that only stallholders will receive the permits.
- The entertainers wishing to busk within the site should apply for a permit, as per the requirements of the Town's Local Law relating to Trading in Public Places.
- A Busking Permit can be issued to the organisers of the event and, at this time, the cost can be incorporated into the Application Fee, with a review after 2 or 3 market days. This will allow for busking to take place in the proposed 'entertainment area'.
- In accordance with the Town's Local Law relating to Trading in Public Places, each stall trader would generally need to apply for a permit to trade. However, to assist elevating the large level of permits that are required, the Town's Rangers Services have advised that they will issue 35 Traders Permits to the organiser with the Planning Approval should the application be approved. A Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee, which will allow up to 35 stalls to operate in the specified area, on the days that the market is in operation.
- Any "A" Frame signage placed on the footpath area would require a permit with conditions set under the Town's Local Government Property Local Law 2008.

Health Services

- A Special Events Permit to sell food from a temporary sausage stall will be required prior to the commencement of the outdoor market.
- There are no issues with the use of the Entertainment Area for an acoustic live band in principle. However, this component of the market will be monitored and may require further consideration should complaint be received.

Planning Services

In terms of the Draft Leederville Masterplan, the proposed market fall within an area designated as an icon building on and around the existing parkland largely associated with Stage 2 of the Masterplan. Given the indicative timeline reported to the Council at its Special Meeting held on 14 October 2008 for Stage 1 of the Leederville Masterplan to be implemented/constructed up to 2014, it is not considered that the operation of the proposed market, which has been recommended for approval for a one year period, will be in conflict with the Masterplan requirements. Should the applicant wish to run the outdoor market on an annual basis, further approvals will need to be obtained from the Town and further consideration will be given in context with the status of the Leederville Masterplan.

The proposed use of the Oxford Street Reserve is considered an appropriate temporary land use in context with the District Centre Zoning and associated Oxford Centre Precinct. As per the Town's Policy No. 3.8.3 relating to Concerts and Events, adequate parking is to be made available, to minimise the inconvenience to neighbouring properties for the duration of the event. As the Oxford Street Reserve is used for recreational purposes, there is no car parking within its curtilage. As can be seen from the above Assessment Table, if the requirements of the Town's Policy No. 3.7.1 relating to Parking and Access were to be applied, there would be a car parking shortfall of 58 car bays, which would accrue a total cash in lieu requirement of \$162,400.

As is the normal procedure with temporary and occasional events, the Town does not apply the requirements of the Town's Policy No. 3.7.1 relating to Parking and Access, rather to ensure adequate transport and car parking spaces are provided, and applicants are required to seek the direction of the Town's Rangers and Community Safety Services. The Town's Rangers and Community Safety Services have advised there is sufficient transport and car parking opportunities in the immediate vicinity of the Oxford Street Reserve, including the public car park (with over 500 available car parking spaces), the train station and near by bus stops.

Therefore, in light of the above and as the proposal is of a temporary nature, it is recommended that the proposal be approved without a cash- in-lieu car parking requirement.

Conclusion

It is considered that the proposed weekly summer outdoor market will add vibrancy and interest to the Leederville area over the summer months. Therefore, it is recommended that the application be approved as per the Officer Recommendation.

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 10.3.3. They departed the Chamber at 7.04pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair at 7.04pm.

10.3.3 Investment Report as at 30 September 2008

Ward:	Both	Date:	1 October 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 September 2008 as detailed in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did vote on this matter.)

Mayor Catania, Cr Burns and Cr Messina returned to the Chamber at 7.05pm. The Chief Executive Officer advised them that the item was carried.

Mayor Catania assumed the Chair at 7.05pm.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.3.

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

DETAILS:

Total Investments for the period ended 30 September 2008 were \$18,632,734 compared with \$18,632,734 at 31 August 2008. At 30 September 2007, \$20,913,406 was invested.

Total accrued interest earned on Investments as at 30 September 2008:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	131,335	20.21
Reserve	485,710	147,192	30.30

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.

Note that the investment previously held with Home Building Society has changed name to the Bank of Queensland following a take over of the building society.

10.4.3 Adoption of Amended Draft Outdoor Eating Areas Policy No. 3.8.1

Ward:	Both	Date:	13 October 2008
Precinct:	All	File Ref:	LEG0025; ENS0077
Attachments:	001		
Reporting Officer:	C Ng; S Teymant		
Checked/Endorsed by:	R Boardman; J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that:*

(a) *two (2) written submissions were received by the Town, objecting to the amendment to prohibit smoking in licensed outdoor eating areas, to comply with Clause 10.0 of the Policy No. 3.8.1; and subject to:*

(a) *clause 10.2 of the Outdoor Eating Areas Policy be amended to read as follows:*

“10.2 The permit holder is responsible for ensuring that patrons do not smoke within the approved outdoor eating area, and within a 5 metre radius of any outdoor eating area, (unless the person smoking is a pedestrian momentarily passing by the outdoor eating area. Note: pedestrians are in contravention of the Local Law if they remain within a 5 metre radius of the outdoor eating area, whilst smoking). ~~and the Town's Ranger and Community Safety Section will monitor and enforce compliance, in accordance with Clause 12.~~”

(b) *a new clause 10.3 be added to the Outdoor Eating Areas Policy as follows:*

“10.3 In addition to the permit holder, the Town's Ranger and Community Safety Services and Health Services will monitor and enforce compliance with the Policy, in accordance with Clause 12; and”

(b) *two (2) telephone calls were received by the Town's Health Services expressing support for the “No-Smoking” in Outdoor Eating Areas, during the consultation period;*

(ii) *ADOPTS the Amended Draft Policy No. 3.8.1 – Outdoor Eating Areas for inclusion in the Town's Policy Manual; and*

(iii) *ADVISES all existing Outdoor Eating Area Licence holders of the amendments to the Policy and, in particular, their obligation to actively deter and prohibit smoking in outdoor eating areas, and within a 5 metre radius of the outdoor eating area, as outlined in clause 10.2 of the Policy, effective from 1 January 2009.*

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

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.07pm.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

ADDITIONAL INFORMATION:

Health Services are reluctant to introduce a total ban on smoking within the vicinity of outdoor eating areas, thus the recommendation to permit pedestrians to smoke whilst passing by an outdoor eating area. The reason for this is three-fold:

Firstly, placing a ban on mobile pedestrians from smoking whilst passing by an outdoor eating area, may result in smokers walking on the roadway, as opposed to on the footpath. This would present an imminent personal safety risk to the pedestrian and create a traffic hazard. Secondly, short term cigarette smoke exposure from passing pedestrians in an outdoor environment, would present an insignificant health risk to persons seated in an outdoor eating area. Thirdly, in relation to previous queries from Council Members regarding persons smoking on the general footpath area, not being governed by the Outdoor Eating Area Policy, the Town's records reveal that the following reply was provided in a memorandum on 12 September 2008:

"With regard to the concern raised regarding smoking on the general footpath area not governed by the Outdoor Eating Area, proprietors are obligated to follow Department of Health recommendations under Regulation 13 of the Tobacco Products Control Regulations 2006. Occupiers of enclosed public places (which include all restaurants and cafés) are responsible to take reasonable steps to ensure that smoke from a tobacco product does not enter the premises.

The reasonable steps recommended by the WA Department of Health include, but are not limited to, no smoking within at least 5 metres from entrances and openings, and/or anything else which may assist in preventing the spread of smoke. Therefore, permit holders would be able to "self-enforce" the similar requirements, including being responsible for preventing the spread of smoke to their respective outdoor eating areas. It is not envisaged that smoke from a passing pedestrian would have significant impact on an outdoor eating area, and prohibition of smoking of footpaths where an outdoor eating area permit does not apply, would be extremely difficult to enforce."

PURPOSE OF REPORT:

The purpose of the report is to inform the Council of submissions received during the consultation period, in relation to the *Draft Policy No. 3.8.1 – Outdoor Eating Areas*, and to present the amended Policy for the consideration and approval of the Council.

BACKGROUND:

At the Ordinary Meeting of Council on 26 August 2008, the Council resolved inter alia as follows:

"That the Council;

- (ii) *APPROVES the following amendments to Policy No. 3.8.1;*
 - (a) *Clause 3.1 of the Town's Outdoor Eating Area Policy No. 3.8.1 – to permit kerbside dining if a proprietor requests it, and can meet requirements; and*
 - (b) *a NEW Clause 10.0 (and the subsequent renumbering of the remaining Clauses), requiring outdoor eating areas to be 'smoke free' from 1 January 2009, with the exception of outdoor eating areas also defined as a 'breakout area' by the Department of Racing, Gaming and Liquor; and*
- (iii) **SUPPORTS the introduction of "smoke-free" Outdoor Eating Areas;**
- (iv) *ADVISES the State Government that;*
 - (a) *the Town supports the State Government's position to ban smoking in Outdoor Eating Areas, however this should be on the basis of uniform legislation/policy throughout the State; and*
 - (b) *in the event that legislation is introduced to ban smoking in Outdoor Eating Areas, which requires Local Government to enforce it, that appropriate resources and/or funding should be provided to Local Government to assist in the enforcement;*

DETAILS:

The Draft Policy No. 3.8.1 – *Outdoor Eating Areas* was advertised for a period of twenty-one (21) days, inviting comment in relation to the proposed Draft Policy amendment to Clause 10.0 of the Draft Policy, to prohibit smoking in approved outdoor eating areas from 1 January 2009.

CONSULTATION/ADVERTISING:

The Town has received two (2) telephone calls commending the Town's proposal to prohibit smoking in outdoor eating areas and two (2) written submissions objecting the 'no smoking' prohibition, with regard to Clause 10.0 of the *Draft Policy No. 3.8.1 – Outdoor Eating Areas*, during the public consultation period. In addition to the advertisement in the local paper, a mail out was conducted seeking comments from all of the Town's existing Outdoor Eating Area Licence holders, in relation to the proposed amendments. Both telephone calls of support were received from private citizens, with both submissions of objection being received from existing licensees. Two written submissions were received. One from an eating house proprietor and one from the Australian Hotels Association. The following concerns were raised in the submissions of objection:

Respondent's Comment	Officer Comment	Officer Recommendation
Clause 10.2 Enforcement – concern regarding self policing due to shortage of staff.	Although the Policy intends for the ban to be a 'self monitored' prohibition, the Town's Ranger and Community Safety Services have the authority to monitor and enforce compliance when required. Therefore, permit holders may request assistance from the Town's Rangers and Community Safety Services if needed.	Recommend no change to existing clause 10.2

<p>Negative impact to business – concern for potential loss of customers and its associated loss in cost.</p>	<p>Similar concerns were held by many pub and club operators when smoking was prohibited in enclosed public places in 2006. In reality, these concerns turned out to be unfounded, with the opposite result – increased clientele.</p>	<p>Recommend no change to existing clause 10.0</p>
<p>Litter – the impact of cigarette butt litter in the community.</p>	<p>The impact on cigarette butts litter is expected to be reduced as a result of the prohibition. However, the Town’s Ranger and Community Safety Services are active in the area of litter control under the provisions of the <i>Litter Act 1979</i> (as amended), including littering of cigarette butts.</p>	<p>Recommend no change to existing clause 10.0.</p>
<p>Cost for Local Government and Proprietors – concern in relation to the cost involved for implementing the prohibition to both the Town and proprietors as there is no state funding allocated.</p>	<p>This Policy is expected to be ‘self monitored’, therefore there will be minimal cost to the Town in relation to enforcement costs. The Tobacco Control Branch of the WA Department of Health is currently providing ‘no smoking’ promotional material (including table cards) for free. In addition, the Town’s Health Services will be also developing an education and marketing package with the Department of Health and Healthway to assist proprietors with the prohibition. In addition, future Health Promotion funding will be presented during the Draft Budget 2009/2010 submission period to accommodate additional Health Promotional costs related to the operation of the Town's Health Services.</p>	<p>Recommend no change to existing clause 10.0.</p>

LEGAL/POLICY:

- Health Act 1911 (as amended);
- Litter Act 1979 (as amended);
- Local Government Act 1995; and
- Town of Vincent Trading in Public Places Local Law.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – “Natural and Built Environment”:

1.1.3 Minimise negative impacts on the community and environment.

Strategic Plan 2006-2011 - 'Leadership, Governance and Management':

4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

SUSTAINABILITY IMPLICATIONS:

A sustainable public health and amenity improvement in the localized air quality of commercial centres, and a reduction in public exposure to ‘second hand’ smoke inhalation.

FINANCIAL/BUDGET IMPLICATIONS:

As detailed in the previous report, the financial implications are expected to be minimal.

COMMENTS:

The amended Draft Policy has been advertised, with two (2) written submissions objecting to the proposed amendments being received. The submissions relate to the issue of smoking in the area and not the other minor amendments to the policy. Upon consideration of the concerns raised in the submissions received, it is considered that the concerns raised were considerably outweighed by the benefit of ongoing improvements to public health standards within the Town and beyond.

Accordingly, the Council should approve of the policy amendment.

10.4.5 Delegations for the Period 1 July 2008 to 30 September 2008

Ward:	Both	Date:	15 October 2008
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the Ranger Services delegations for the period 1 July 2008 to 30 September 2008 as shown at Appendix 10.4.5; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$32,991.50 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,175.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$2,065.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$875.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$7,130.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$4,270.00</i>
<i>Ranger/Clerical Error</i>	<i>\$9,540.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$270.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,730.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$3,945.00</i>
<i>Penalties - Modified</i>	<i>\$221.50</i>
<i>Litter Act</i>	<i>\$75.00</i>
<i>Dog Act</i>	<i>\$1,400.00</i>
<i>Environmental Protection Regulations</i>	<i>\$250.00</i>
<i>Pound Fees - Modified</i>	<i>\$45.00</i>
TOTAL	\$32,991.50

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

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

(Cr Doran-Wu was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Ranger and Community Safety Services for the period 1 July 2008 to 30 September 2008 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.

Other than the above category, the next most prevalent withdrawal class is that of where a resident/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. The other area of withdrawal which shows a high balance of written-off penalties is that of "*Interstate or Overseas Driver*". This is where the Town is unable to proceed with an Infringement Notice through the enforcement procedures, due to the driver not holding, nor possibly intending to hold a Western Australian Drivers Licence. The Town is also limited on the information available of vehicles being driven with interstate registration plates.

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 Appendix 10.4.5.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Plan Action 4.1.4(a) "*Achieve best practice corporate governance standards and statutory compliance including effective delegations and independent review of processes*".

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)	\$1,175.00
Details Unknown/Vehicle Mismatched	\$2,065.00
Equipment Faulty (Confirmed by Technicians)	\$875.00
Failure to Display Resident or Visitor Permit	\$7,130.00
Interstate or Overseas Driver	\$4,270.00
Ranger/Clerical Error	\$9,540.00
Signage Incorrect or Insufficient	\$270.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,730.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$3,945.00
Penalties Modified	\$221.50
Litter Act	\$75.00
Dog Act	\$1,400.00
Environmental Protection Regulations	\$250.00
Pound Fees Modified	\$45.00
TOTAL	\$32,991.50

COMMENTS:

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

10.4.6 Information Bulletin

Ward:	-	Date:	14 October 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 21 October 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Youngman, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.12pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 7 October 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter of appreciation from People with Disabilities (WA) Inc regarding their Annual General Meeting held at the Town
IB02	Email of appreciation from Declan Hoare of Mt Hawthorn regarding the streetscaping work on Scarborough Beach Road in the Mt Hawthorn Shopping Precinct
IB03	Ranger Services Statistics for July, August and September 2008 (PER0018)

11.1 Notice of Motion - Councillor Ian Ker - Improved Access Between the New Area of Mt Hawthorn (Previously Glendalough/Osborne Park) and the Mt Hawthorn Centre

That the Council;

- (i) *UNDERTAKES an investigation into a means of improving access between the new area of Mount Hawthorn (previously Glendalough/Osborne Park) and the Mount Hawthorn Centre by all means of travel (walking, cycling, public transport and driving); and*
- (ii) *RECEIVES a report by March 2009 identifying desirable and feasible improvements.*

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Ker

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

- “(ii) RECEIVES a report by March 2009 identifying desirable and feasible improvements and the report applies a budget allocation to appropriate improvements for consideration.”*

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) *UNDERTAKES an investigation into a means of improving access between the new area of Mount Hawthorn (previously Glendalough/Osborne Park) and the Mount Hawthorn Centre by all means of travel (walking, cycling, public transport and driving); and*
- (ii) *RECEIVES a report by March 2009 identifying desirable and feasible improvements and the report applies a budget allocation to appropriate improvements for consideration.*

ADDITIONAL INFORMATION Provided by Cr Ker:

The newly renamed area of Mount Hawthorn has good public transport access to the City of Perth via the Northern Suburbs Rail Service, but is largely isolated from the nearest facilities and services which are in the Mount Hawthorn Centre in the Town of Vincent. Pedestrians and cyclists have to cross at least one busy road (Brady Street). Bus users have to cross Brady Street and/or Scarborough Beach Road. Car drivers have to negotiate both the Brady/Main Street/Scarborough Beach Road intersection and the dangerous Green Street/Scarborough Beach Road intersection or turn right across traffic in Brady Street and "rat-run" through residential streets between Anzac Road and the Mount Hawthorn Centre.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Caravan Parks & Camping Grounds Advisory Committee; National Trust of Australia (WA) Council; Community Titles Advisory Committee; Department of Environment and Conservation (DEC) Tourism Industry Reference Group;

Ward:	-	Date:	6 October 2008
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 Deputy Member - Caravan Parks and Camping Grounds Advisory Committee (Ministerial Approval - Panel of 3 Names requested) - (Re-advertised);*
- (ii) _____ *be nominated as WALGA Member - National Trust of Australia (WA) Council;*
- (iii) _____ *be nominated as WALGA Member - Community Titles Advisory Committee; and*
- (iv) _____ *be nominated as WALGA Member - Department of Environment and Conservation (DEC) Tourism Industry Reference Group.*

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

COUNCIL DECISION ITEM 12.1

Moved Cr Farrell, Seconded Cr Ker

That no nominations be made.

MOTION PUT AND CARRIED (9-0)

DETAILS:

Please see Appendix 12.1 for further details of this Committee.

N.B.:

NOMINATIONS CLOSE 4PM MONDAY 10 NOVEMBER 2008

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 7.18pm **Moved** Cr Messina, **Seconded** Cr Farrell

That Council proceed “behind closed doors” to consider confidential item 14.1, 14.2, 14.3, 14.4 and 14.5 as these matters relate to;

- *the personal affairs of a person; or*
- *contain legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting; and/or*
- *potential financial and legal implications to the Town.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth - Proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 252 of 2008

Ward:	South	Date:	14 October 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4327; 5.2008.60.1
Attachments:	-		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth - Proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 252 of 2008; and*
- (ii) *FILES and SERVES the following draft “without prejudice” conditions to the SAT in response to the SAT Orders dated 23 September 2008;*
 - (a) *this approval is for Office Building (Music Industry) use only. Any change of use from Office Building (Music Industry) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
 - (b) *the gross floor area of the proposed office building shall be limited to 140 square metres;*
 - (c) *the windows, doors and adjacent floor area facing Bulwer Street shall maintain an active and interactive frontage to Bulwer Street;*
 - (d) *within 28 days of the issue date of the State Administrative Tribunal (SAT) determination Orders in relation to the subject review application (Matter No. 252 of 2008), revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building; in particular, the requirements for fire safety, energy efficiency, access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

-
- (e) *the hours of operation of the office building shall be limited to 8:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm Saturday, inclusive; and*
 - (f) *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.*
-

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's consideration of proposed legal action and contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this Meeting. In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
 - (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may authorise the Chief Executive Officer to make some details available to the public.

14.2 CONFIDENTIAL REPORT: No. 2A (Lot 156) Sholl Lane, North Perth - Non-compliance with the Town of Vincent Town Planning Scheme No.1 – Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval) – State Administrative Tribunal (SAT) Review Matter DR 368 of 2007

Ward:	North	Date:	13 October 2008
Precinct:	Smith's Lake; P6	File Ref:	PRO3853
Attachments:	-		
Reporting Officer(s):	N Wellington		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Chief Executive Officer to proceed with prosecution and legal proceedings against the owner of No. 2A (Lot 156) Sholl Lane, North Perth for contravention of the Town's Town Planning Scheme No. 1 and committing an offence pursuant to the provisions of the Planning and Development Act 2005 in relation to the non-compliant street/front wall at the subject property.

COUNCIL DECISION ITEM 14.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's consideration of proposed legal action and contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this Meeting. In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*

(b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;

prior to the discussion of that matter at a meeting of the council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –

(i) then to be treated as strictly confidential; and

(ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may authorise the Chief Executive Officer to make some details available to the public.

14.3 CONFIDENTIAL REPORT - Written Advice by the Department of Local Government and Regional Development to the City of Perth, and City of Perth Response Relating to the Alleged Subsidence in Residences Built on Unstable Ground along Charles Street, North Perth

Ward:	South	Date:	14 October 2008
Precinct:	Smiths Lake; P6	File Ref:	FIN0170
Attachments:	-		
Reporting Officer(s):	B Tran		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding written advice received from the City of Perth formally declining to provide any assistance, and the subsequent advice from the Department of Local Government and Regional Development to the City of Perth in relation to the City's liability concerning alleged subsidence in residences built on unstable ground along Charles Street, North Perth as shown in Appendix 14.3;*
- (ii) *AUTHORISES the Chief Executive Officer write to and reaffirm, the City of Perth and the property owners of the subject properties of the following:*
 - (a) *in light of previous legal advice received from the Town's Solicitors and the recent written advice from the Department of Local Government and Regional Development, the Town is not liable in this case and the property owners may wish to lodge a claim with the City of Perth - the local authority responsible at the time for the filling and subdivision of the subject land and the approval of the subject buildings; and*
 - (b) *the Town will continue to provide guidance/administrative assistance (using the Town's in-house resources) to landowners who wish to pursue a claim with the City of Perth; and*
- (iii) *AUTHORISES the Chief Executive Officer to formally report the matter in (ii)(a) above to the Town's insurer, Municipal Liability Scheme.*

COUNCIL DECISION ITEM 14.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's consideration of proposed legal action and contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this Meeting. In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –

(i) to be treated as strictly confidential; and

(ii) not, without the authority of Council, to be disclosed to any person other than–

(a) the Members; and

(b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;

prior to the discussion of that matter at a meeting of the council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –

(i) then to be treated as strictly confidential; and

(ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may authorise the Chief Executive Officer to make some details available to the public.

14.4 CONFIDENTIAL REPORT: Local Government House Trust (Western Australian Local Government Association (WALGA)) Office Building, 244A Vincent Street, Leederville

Ward:	South	Date:	15 October 2008
Precinct:	Oxford Centre; P4/ Leederville; P3	File Ref:	PRO4100
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the Local Government House Trust's (Western Australian Local Government Association (WALGA)) decision concerning their future accommodation needs, as at 1 October 2008;*
- (ii) *NOTES that the Trust will not be proceeding with the proposal at 244A Vincent Street, Leederville and will continue to seek other suitable sites for a new building; and*
- (iii) *ADVISES the Leederville Early Childhood Centre (LECC) and Margaret Kindergarten of WALGA's decision.*

COUNCIL DECISION ITEM 14.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's consideration of proposed legal action and contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this Meeting. In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*

- (ii) *not, without the authority of Council, to be disclosed to any person other than—*

 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

 - (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may authorise the Chief Executive Officer to make some details available to the public.

The Chief Executive Officer advised the meeting that he had declared financial interest in this Item. The extent of his interest being that it relates to his Contract of Employment.

14.5 CONFIDENTIAL REPORT - Chief Executive Officer's Annual Performance Review 2008
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Ward:	-	Date:	15 October 2008
Precinct:	-	File Ref:	Personal
Attachments:	-		
Reporting Officer(s):	Mayor Catania, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Performance Review Report 2008 concerning the Chief Executive Officer's Annual Performance Review 2008 and ENDORSES the overall rating of "satisfactory" - meeting the performance requirements of the position of Chief Executive Officer of the Town of Vincent;*
- (ii) *APPROVES of the Key Performance Indicators, as shown in Appendix 1, for the 2008/2009 review period;*
- (iii) *APPROVES of the Deed of Contract of Employment Clause 5.4(e) to be amended to vary the review process to provide for;*
 - (a) *a more streamlined and concise annual performance review;*
 - (b) *removing the necessity for Council Members to provide a written response;*
 - (c) *requiring the Reviewing Person to offer each Council Member the opportunity of an interview to make comments; and*
 - (d) *a Council Member to also submit a written response (if they choose to do so);*
- (iv) *APPROVES a Performance Bonus of \$15,000 to be paid to the Chief Executive Officer for the period 2007/2008, in accordance with clause 12.3 of the Deed of Contract of Employment;*
- (v) *APPROVES of the Performance Bonus for the period 2008/2009 to be set to a maximum of \$20,000; and*
- (vi) *NOTES the next review of the Chief Executive Officer's performance is to be conducted by August 2009.*

The Presiding Member, Mayor Nick Catania requested the Town's employees to leave the Chamber.

The Director Development Services R. Boardman, Director Technical Services R. Lotznicher, Acting Director Corporate Services B.C. Tan and Minutes Secretary A. Radici departed the Chamber.

The Presiding Member requested the Chief Executive Officer to remain in the Chamber to answer any questions which may arise.

COUNCIL DECISION ITEM 14.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-3)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to a matter affecting an employee. In accordance with Section 5.23 of the Local Government Act the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) to be treated as strictly confidential; and*
 - (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.
- (2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
 - (i) then to be treated as strictly confidential; and*
 - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may authorise the Chief Executive Officer to make some details available to the public.

PROCEDURAL MOTION

At 8.40pm **Moved Cr Messina, Seconded Cr Farrell**

That an “open meeting” be resumed.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.40pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.28pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer

No 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 21 October 2008.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2008