



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

22 APRIL 2008

This document is available in the following alternative formats upon request for people with specific needs; large print, Braille, audio cassette and computer disk

INDEX
(22 APRIL 2008)

ITEM	REPORT DESCRIPTION	PAGE
10.1 DEVELOPMENT SERVICES		
10.1.1	Further Report - No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn - Proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Alterations and Additions. (PRO4203; 5.2007.444.1)	90
10.1.2	Further Report - Amendment No. 49 to Planning and Building Policies – Draft Amended Policy No. 3.2.1 Relating to Residential Design Elements	102
10.1.3	No. 7 (Lot: 15 D/P: 2411) Throssell Street, Perth – Proposed Partial Demolition of, and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House	17
10.1.4	No. 29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley - Front/Street Fence Addition to Existing Single House (Application for Retrospective Approval)	63
10.1.5	No. 501 (Lot: 157 D/P: 41983) Fitzgerald Street, Corner Sholl Lane, North Perth - Proposed Two-Storey Single House	116
10.1.6	No. 98 (Lot: 2 D/P: 3001) Summers Street, corner West Parade, Perth - Proposed Demolition of Existing Carport, Laundry and Swimming Pool, and Additional Two-Storey Grouped Dwelling to Existing Single House	125
10.1.7	No. 77 (Lot: 102 D/P: 37335) Brewer Street, Perth - Proposed Demolition of Existing Mechanical Workshop and Construction of a Four-Storey Mixed Use Development Comprising Two (2) Offices, Six (6) Multiple Dwellings and Associated Car Parking	131
10.1.8	Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street Perth, corner Edward Street, Perth - Proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Twelve (12) Offices and Basement Car Parking to Existing Shop/Office/Warehouse	69
10.1.9	Unit 11, No. 663 (Lot 10) Newcastle Street, Leederville - Proposed Ongoing Extended Trading Permit for Double Lucky (Small Bar)	85
10.1.10	Recision of Policy No.3.5.14 Relating to Subdivisions Requiring Plate Height Development.	25
10.1.11	Final Adoption of Amendment No.46 to Planning and Building Policies – Policy No.3.4.7 Relating to Single Bedroom Dwellings	145
10.1.12	Amendment No. 48 to Planning and Building Policies – Revised Draft Policies Relating to Heritage Management - Development Guidelines; Heritage Management - Assessment; Heritage Management - Interpretive Signage; and Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)	148

10.1.13	Amendment No. 51 to Planning and Building Policies – Draft Amended Policy No. 3.5.13 Relating to Percentage for Public Art and Deletion of Policy No.1.1.8 – Percent for Art Scheme	28
10.1.14	Economic Development Plan – Implementation and Governance – Draft Report	154
10.1.15	5 Star Plus: Stage 2 – Issues Paper, Department of Housing and Works	31
10.1.16	Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 7	158
10.1.17	Appointment of a Consultant to Review and Update the Town of Vincent Car Parking Strategy	35
10.1.18	Draft Public Health Bill 2008 – Town of Vincent Submission	38
10.1.19	Paid Parking Restrictions, Survey Results from William Street, Forbes Road, Brisbane Street and Vincent Street	56
10.1.20	Temporary Use of Forrest Park for Patrons of Members Equity Stadium	165

10.2 TECHNICAL SERVICES

10.2.1	Progress Report No 4 - Proposed Improvements Brookman Street, Moir Street and Forbes Road, Perth (TES0484, TES0069 TES0006, TES0311) Hyde Park Precinct	43
10.2.2	Further Report on Western Power's Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets (TES0313) Forrest and Mt Lawley Centre Precincts	169

10.3 CORPORATE SERVICES

10.3.1	Financial Statements as at 31 March 2008 (FIN0026)	49
10.3.2	Authorisation of Expenditure for the period 1 - 31 March 2008 (FIN0009)	53
10.3.3	Annual Budget 2008/2009 - Revised Budget Timetable (FIN0025)	175
10.3.4	Tender for Recycling Collection Service - Tender No 377/08	181

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	Consideration of Survey / Submissions – Glendalough Suburb Name Change (CVC0040)	189
10.4.2	Town of Vincent Review of Policies (ORG0023)	192
10.4.3	Information Bulletin	199

11. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 11.1 Notice of Motion - Councillor Helen Doran-Wu - Cultural Development Plan - Leederville Masterplan 200

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

- 12.1 WALGA Nominations (ORG0045): 201
- (i) WALGA Member - Regional Development Council (Panel of 6 names) (Ministerial Approval) - *Re-advertised*;
 - (ii) WALGA Member (2) - Local Government and Community Road Safety Committee;
 - (iii) WALGA Deputy Member (2) - Local Government and Community Road Safety Committee;
 - (iv) WALGA Metropolitan Member - Mosquito Control Advisory Committee;
 - (v) WALGA Member - WA Cycling Committee;
 - (vi) WALGA Member - Department of Environment and Conservation (DEC) Tourism Industry Reference Group;
 - (vii) WALGA Member - Economic Regulation Authority Consumer Consultative Committee; and
 - (viii) WALGA Member - Local Government Self Insurance Schemes Board (Elected Member of a Scheme Member Council (1))
- 12.2 Culture and Arts Technical Reference Group - Nominations for 2008 (ORG0045) 202

13. URGENT BUSINESS

- Nil 204

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

- Nil 204

15. CLOSURE

- 204
-

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 22 April 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil

(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
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Simon Chester	Former Councillor (until 7.45pm)
Lindsay McPhee	Journalist – “ <i>The Guardian Express</i> ” (until approx 9.38pm)
Sofie Knowles	Journalist – “ <i>The Perth Voice</i> ” (from 6.32 until approx 8.03pm)

Approximately 20 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Michael George Chester of 7 Cabra Place, Waterford – Item 10.1.19, Stated that he had gathered signatures about paid parking times in the Street and how it had adversely affected their businesses. Claimed, that since the William Street upgrade, the amount of bays available has decreased and that residential parking has also reduced. Advised that 65 people signed the survey to request times be changed back to 8am – 6pm Monday to Friday, 8am – Noon Saturday and Sunday at no charge.
2. Ms Lisa Maguire of 29 Grovenor Road, Mount Lawley – Item 10.1.04. Stated that approval was given in 2007 for a fence and carport to be built. After the fence was completed a letter was received from the Council stating that dimension requirements of the fence had been breached. Retrospective plans were submitted, however, at no time were requirements intended to be breached – it was an oversight by the owners and the builders. Requested the Council’s approval.

3. Sean Quinlin of 15 Oxford Close, West Leederville – Item 10.1.8. Spoke in support of proposed development of 190 Stirling Street, Perth. Feels that clause (iv)(e) should be deleted as the proposed mix use addresses Edward Street and by retaining the 4th floor of the apartments 4 and 5 and achieves an architectural balance between the corner element on Stirling Street and the remainder of the development on Edward Street. (Plus a clear balance on entry to the apartments). The 4th floor is 15 metres from the adjoining boundary on Edward Street, therefore there is no adverse shadow impact on the neighbouring site, with any shadow cast coming late in the evening when the site would already be in shade. There are no windows on the East facing wall of the 4th story section, avoiding any overlooking/privacy issues. As the property faces North there will be no overshadowing of Edward Street. Believes an improved street appeal is achieved without any negative impact on the bulk and scale of the development. The inclusion of apartments 4 and 5 gives an even mix of 1, 2 and 3 bedroom apartments. The development is working around the existing building to achieve the council’s planning objectives of mixed used development in the area. Currently the site use is 100% commercial, consequently the developers have made every effort to support the council in achieving their urban design objectives for the area. The developers requested the 4th floor apartments 4 and 5 be retained as part of the development.

4. Ms Jennifer Harrison of 73 Wasley Street, North Perth. Spoke in relation to an item not on the agenda. Was concerned about the unauthorised demolition of a property on Wasley Street, North Perth, where the CEO had provided a letter outlining why the owner/developer was not being prosecuted over the demolition. Was concerned that planning requirements were not adhered too and claimed that preferential treatment was provided to the owner/developer of the property at 64A Wasley Street, North Perth. Asked the following question;

Q. I, along with a number of other residents in Wasley Street want to know why this developer, plus the developer of St Michael’s Nursing Home appears to be given preferential treatment, given a number of decisions recently by the Town of Vincent and now by the CEO.

The CEO John Giorgi was asked to provide background information to the meeting and stated that he was unaware this matter would be raised at this meeting so he would take this question “on notice”. The CEO stated that he had given the matter careful consideration at the time and that his decision was based on criteria specified in accordance with Council policies. Stated the Town has a prosecution and an enforcement policy and the letter and reasons that he gave for not proceeding with prosecution are quite detailed. The CEO stated he would respond to Ms Harrison accordingly and provide the response in the next Council agenda.

5. Mr Anthony Ironfeld of 54 Bourke Street, Leederville – Item 10.1.9. Spoke in relation to the objection to the application for Double Lucky and aimed to address the concerns from the objections. Anti-social behaviour after midnight – catering to 100 people (smaller than the 120 the legislation proposed) and are targeting a more mature, over 25 clientele. Concerned that there will be a cross-over of clients at midnight and that is where trouble could occur when 1000’s of people are leaving the Leederville Hotel. The spirit of the small bar – touched on by acting

senior sergeant Mike Goth in his submission. Believes it is in the spirit of the small bar and feels that the small bars will add to the fabric of the area and the smaller numbers are a lot less trouble than the larger drinking bars, where a mob mentality can go on. Perception of being a nightclub – certainly not a night club as seating will be available for over half the clientele and looking to put in more. Not playing any loud music or providing a dance floor, creating intimate surrounds. Existing options after midnight – not appropriate for the clientele Double Lucky are aiming for. Requested approval for a trial period for Friday and Saturday nights, for 6 months.

Cr Burns departed the Chamber at 6.22pm

6. Steve Kinchin of Sweetwine, 628 Newcastle Street, Leederville – Item 10.1. Spoke in response to Council meeting 24 March 2008 addressing the car parking design. Original design had total capacity of 17 spaces. Verbally requested that a revised car park that would now have revised access from Coogee Street. A 6m wide entrance to Coogee Street has been added, now car park spaces have reduced to 14. The applicant considers car parking a premium in the district and a priority that a car park should maximise all available spaces to alleviate any on-street car parking problems. Some objections were raised from local residents in relation to car parking availability. The original scheme did address Coogee Street, with a 1m high wall and landscaping strip down one side, the revised car park now has access from Coogee Street, which has a large ramp to allow access to the raised car park area. The raised bays will be 1.9 higher than the rest of the car park. From these points applicant believes there is compelling evidence to keep the original car bays at 17.

Cr Burns returned to the Chamber at 6.24pm.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 8 April 2008.

Moved Cr Farrell, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held 8 April 2008 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Certificate of Appreciation - Simon Chester

On behalf of the Council, I wish to express appreciation to Simon Chester for his services to the Town of Vincent as a Councillor over the last eight years. Simon was a hard working and active Council Member. He had a passion for protecting heritage, greenways and was an active member in a number of the Town's Advisory and Working Groups during his term on Council, more recently as a member of the Heritage and Garden Awards Occasional Advisory Groups. He was also a driver of the Leederville Masterplan project.

On behalf of the Council, I am pleased to provide you with a Certificate of Appreciation and an acknowledgement gift for your services. Simon is a keen cyclist and I understand that he has purchased cycling equipment to enable him to ride around the Town.

7.2 Name Change for Glendalough

I am pleased to draw your attention to Item 10.4.1 advising of the Town's successful application to change the name of Glendalough (east of the Mitchell Freeway) to Mount Hawthorn.

7.3 Certificate of Appreciation - Rotary Club of North Perth

I attended a "Thank you" dinner last night hosted by the Rotary Club of North Perth to show their appreciation for the Town's support for the Hyde Park Community Fair.

I am pleased to advise that the North Perth Rotary Club raised \$12,000 as a result of the Community Fair held at Hyde Park and confirmed that they would be donating \$1,500 to Rotary WA's "Cordblood Bank" and \$1,500 towards bringing children from under-developed countries in the region to Australia for medical assistance.

It was very pleasing to hear that the money raised would be put to such worthwhile causes and is another good reason for the Town's support of this yearly Event.

8. DECLARATIONS OF INTERESTS

8.1 Cr Ker declared an interest affecting impartiality in Item 10.1.12 – Amendment No 48 to Planning and Building Policies – Revised Draft Policies Relating to Heritage Management – Development Guidelines; Heritage Management – Assessment; Heritage Management – Interpretive Signage; and Heritage Management – Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI). The nature of his interest being that he owns a property listed on the MHI.

8.2 Cr Maier declared an interest affecting impartiality in Item 10.1.12 – Amendment No 48 to Planning and Building Policies – Revised Draft Policies Relating to Heritage Management – Development Guidelines; Heritage Management – Assessment; Heritage Management – Interpretive Signage; and Heritage Management – Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI). The nature of his interest being that he owns a property listed on the MHI.

- 8.3 Cr Lake declared an interest affecting impartiality in Item 10.1.12 – Amendment No 48 to Planning and Building Policies – Revised Draft Policies Relating to Heritage Management – Development Guidelines; Heritage Management – Assessment; Heritage Management – Interpretive Signage; and Heritage Management – Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI). The nature of her interest being that she owns a property listed on the MHI.

Cr Messina departed the Chamber at 6.35pm.

- 8.4 Chief Executive Officer, John Giorgi declared an interest affecting impartiality in Item 10.1.4 – No 29 (Lot 32 D/P:2324) Grosvenor Road, Mount Lawley – Front/Street Fence Addition to Existing Single House (Application for Retrospective Approval). The nature of his interest being that he is a professional colleague of Mr Jim Kelly who provided advice to the applicants of this property. He stated that he has no association with or met the applicants.

Cr Messina returned to the Chamber at 6.37pm.

- 8.5 Cr Ker declared an Interest Affecting Impartiality for Item 10.1.14 – Economic Development Plan – Implementation and Governance. The extent of his interest being, (with regard to item 10.1.14, which deals with place management) he is a member of the Editorial Advisory Board of the Journal of Place Management and Development and as a consequence there might be a perception that my impartiality might be affected. He declared that he will consider this matter on its merits and will come to an impartial decision based on the information presented to the meeting.
- 8.6 Cr Ker declared an Interest Affecting Impartiality for Item 10.1.17: Appointment of a Consultant to Review and Update the Town of Vincent Car Parking Strategy. The extent of his interest being he is a former employee of ARRB Consulting, of which Luxmoor Parking Consulting is a subsidiary, and as a consequence there might be a perception that my impartiality might be affected. He declared that he will consider this matter on its merits and will come to an impartial decision based on the information presented to the meeting.
- 8.7 Cr Burns declared a Financial interest in Item 10.1.3-Development application for 7 Throssell St , Perth. The extent of her interest being that her husband ia a Director with the Applicant in a Company relative of the landowner. (Note: this Item was withdrawn at the request if the Applicant).

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

Cr Maier submitted the following questions:

- Q1.** Who used, or was invited by the Stadium Committee or Town of Vincent to use, the corporate box at Members Equity Stadium to which the Town has access, or any substitute corporate box, for the following events.

- John Farnham and Tom Jones-15 February 2005
- Moonlight Music and Wine Festival-19 February 2005
- Luciano Pavrotti-29 October 2005
- Eric Clapton-11 February 2007

- The Police -1 February 2008
- The Police-2 February 2008
- Jack Johnson-29 March 2008
- Celine Dion-8 April 2008

Response:

For the purposes of these questions, it is assumed that the "corporate box" referred to in Cr Maier's questions, is the suite referred to in the Heads of Agreement, which prescribes that a 16 seat suite ("the suite") in the stadium shall be reserved (at no Cost) in respect of each Event for the Stadium Manager (Allia Venue Management) and the Stadium Committee. Eight tickets are allocated to the Stadium Manager-Allia Venue Management and eight tickets are allocated to the Stadium Committee. The HOA prescribe that the Town's Mayor and Chief Executive Officer shall be members of the Stadium Committee. The Mayor is the Chairman, Deputy Mayor Cr Farrell is the Deputy Chairman (appointed in late 2007) and the Chief Executive Officer is a Committee Member. Other Committee Members are the CEO of Perth Glory Soccer Club, a representative of Rugby WA and the General Manager of Western Australian Rugby League.

John Farnham and Tom Jones - 15 Feb 2005

- Stadium Chairman/Mayor and partner (2)
- Stadium Chairman/Mayor's guests (2)
- Stadium Committee Member/CEO and Partner (2)

Moonlight Music and Wine Festival - 19 February 2005

- Nil attendance.

Luciano Pavarotti - 29 October 2005

- A Town Council Member and Partner-Representing the Stadium Chairman/Mayor
- Two Town ratepayers and their partners.

Roger Waters – 9 February 2007

- Nil attendance.

Eric Clapton – 11 February 2007

- 8 Town employees.

The Police – 1 February 2008

The Suite was not used by any Town Employee or Council Member. It is understood that the Concert Promoter and his employees used the suite as an office on the night.

For information, this situation arose because without Town knowledge and contrary to the approved site set up plan, during the concert set up, a large lighting/ sound tower was located in front of the suite, thereby obstructing the view of the stage. As this is a breach of the HOA and Deed of Licence conditions for the event, this was brought to the attention of the Stadium Manager and Concert promoter.

To comply with the HOA and Deed of Licence conditions and to avoid embarrassment, the Stadium Manager together with the Concert Promoter, provided the use of an alternate suite. In addition the Concert promoter offered Members Equity Bank (as the Naming Rights holder of the stadium and as a supporter of the concert), a number of additional complementary tickets. These tickets were to be used by Members Equity Bank at their discretion to promote the concert event and for attendees to also attend the pre-concert function, if they so desired.

Users of the alternative suite were:

- *Stadium Committee Member/CEO and partner;*
- *3 Town of Vincent Council Members and their partners.*

Users of the alternative suite, as guests of Members Equity Bank, were:

- *two family members of the CEO and two guests;*
- *a local Government Superannuation Board Member and partner.*
- *A number of other Members Equity Bank guests also visited the alternate suite during the evening, but these were for a short occasion and as such were not considered to be users of the alternative suite.*

The Police – 2 February 2008

The Suite was not used by any Town Employee or Council Member. The Town has been advised that the Concert promoter used the suite as an office on the night. The use of the alternative suite was the same as the previous evening.

Users of the alternative suite were;

- *Stadium Committee /Member Deputy Mayor Cr Farrell and Partner-representing the Stadium Chairman/Mayor.*
- *Other users were Stadium Committee /Member Deputy Mayor Cr Farrell's Guests(2)*
- *Another Council Member and partner were also invited, but it is understood that they were unable to attend.*

Rod Stewart – 5 March 2008

The Suite was not used by any Town Employee or Council Member. It is understood that the Concert promoter used the Town/Allia suite as an office on both nights of the concert, as he preferred this suite for operational purposes.

An alternate suite was provided, so as to comply with the HOA and Deed of Licence. This alternative arrangement was made without the prior knowledge of the Town's Chief Executive Officer. In addition the Concert promoter offered Members Equity Bank (as the Naming Rights holder of the stadium and as a supporter of the concert), a number of additional complementary tickets. These tickets were to be used by Members Equity Bank at their discretion to promote the concert event and for attendees to also attend the pre-concert function, if they so desired.

Users of the alternative suite were:

- Stadium Chairman/Mayor and partner
- Stadium Chairman/Mayor guests(2)
- A Town Director and partner-representing the Stadium Committee Member/CEO
- A Town employee and guest.

Users of the alternative suite, as guests of Members Equity Bank were:

- A Mayor and partner of another large Local Government
- Two local Government Superannuation Board Member and partners.

Jack Johnson – 29 March 2008

- Stadium Committee Member Deputy Mayor Cr Farrell and Partner- as Stadium Committee Member and representing the Stadium Chairman/Mayor
- Stadium Committee Member Deputy Mayor Cr Farrell's Guests (2)
- A Town Manager and Partner

Celine Dion – 8 April 2008

Nil attendance.

- Q2.** On each of the occasions above, who were the parties or party who were invited for promotional purposes and what interest did they have in the stadium, its development, or its use in a business or other context?

Response:

John Farnham and Tom Jones - 15 Feb 2005

The invitees were;

- Stadium Chairman/Mayor and partner (2)
- Stadium Chairman's guests (2)
- Stadium Committee Member/CEO and Partner (2)

Reasons for attendance:

The Council may recall that was the first concert conducted at the newly upgraded and refurbished stadium. The Stadium Chairman/Mayor and Stadium Committee Member/CEO attended for professional reasons in their official capacity as Stadium Committee Chairman and Stadium Committee Member and in their capacity as Mayor and CEO of the Town, who is the Owner of the stadium.

Role of the Stadium Chairman/Mayor and Stadium Committee Members/CEO:

The role is;

- to represent the Stadium Committee;
- to promote and encourage the use of the stadium and its facilities;
- to promote the Town of Vincent;
- to observe first hand the stadium in full operation;

- *to ascertain the standard and ability of the Stadium Manager to satisfactorily manage the stadium on behalf of the Town and in accordance with the requirements of the Heads of Agreement;*
- *to observe whether the concert is being held in accordance with the Deed of Licence conditions issued for the concert.*

Role of Stadium Chairman/Mayor and Stadium Committee Members/CEO:

It is considered important that the Stadium Chairman/Mayor and Stadium Committee Members/CEO attend such events to fulfil their statutory duties and responsibilities, as described above and to fulfil their responsibilities as Chairman and Member of the Stadium Committee. This is consistent with other organisations, (eg Western Australian Football Commission etc) who have similar facilities.

The Two guests were ratepayers of the Town, who could be potential users of the stadium or its facilities, which includes; the grandstand, two function rooms and meeting rooms, as well as the playing pitch.

For information, all Council Members were advised of the Chairman/Mayor's and Committee Member/CEO's attendance at this event, in a memo to the Council dated 14 February 2005. There was no dissent or comment expressed about this.

Moonlight Music and Wine Festival - 19 February 2005

Nil attendance.

Reasons for attendance

Not applicable.

Luciano Pavarotti - 29 October 2005

The invitees were;

- *A Town of Vincent Council Member and Partner-Representing the Stadium Chairman/Mayor.*
- *Two Town business proprietors and their partners.*

Reasons for attendance:

The Town of Vincent Council Member -Represented the Stadium Chairman/Mayor. His role was to;

- *represent the Stadium Committee Chairman;*
- *promote and encourage the use of the stadium and its facilities;*
- *to represent the Mayor and promote the Town of Vincent;*
- *to observe first hand the stadium in full operation;*
- *to ascertain the standard and ability of the Stadium Manager to satisfactorily manage the stadium on behalf of the Town and in accordance with the requirements of the Heads of Agreement;*
- *to observe whether the concert is being held generally in accordance with the Deed of Licence conditions issued for the concert.*

The Two business proprietors were ratepayers of the Town, who could be potential users of the stadium or its facilities.

Roger Waters – 9 February 2007

Nil attendance.

Reasons for attendance

Not applicable.

Eric Clapton – 11 February 2007

The invitees were;

- *8 Town employees.*

Reasons for attendance

With the approval of the Stadium Chairman, the CEO invited interest from Town employees who had an involvement with the stadium. The 8 employees were selected at random.

The attendance of the Town employees has enabled them to become better acquainted with the stadium and its facilities and also meet the Stadium Management employees (albeit on an informal basis). It is considered that their attendance assisted with their daily duties, when dealing with the stadium and also assisted in the promotion of the Stadium and its facilities.

The Police – 1 February 2008

The Town's Suite was not used by any Town employee or Council Member. As previously stated, contrary to the HOA and Deed of Licence and without town knowledge and contrary to the approved site set up plan, during the concert set up, a large lighting/ sound tower was located in front of the suite, thereby obstructing the view of the stage. This was brought to the attention of the Stadium Manager and Concert promoter and an alternative suite was provided.

It is understood that the Concert promoter used the suite as an office on the night of the concert.

To avoid embarrassment, as the Naming Rights holder of the stadium and as a supporter of the concert, Members Equity Bank offered the Town's Mayor an alternate suite and complimentary tickets.

Invitees at the alternative suite were;

- *the Stadium Committee Member/CEO and Partner*
- *3 Council Members and their partners*

Invitees at the alternative suite as Guests of Members Equity Bank were;

- Two members of the CEO's family and two guests
- A local Government Superannuation Board Member.

Reasons for attendance

The Stadium Committee Members/CEO role has been previously detailed, (as follows);

- to represent the Stadium Committee;
- to promote and encourage the use of the stadium and its facilities;
- promote the Town of Vincent;
- to observe first hand the stadium in full operation;
- to ascertain the standard and ability of the Stadium Manager to satisfactorily manage the stadium on behalf of the Town and in accordance with the requirements of the Heads of Agreement;
- to observe whether the concert is being held generally in accordance with the Deed of Licence conditions issued for the concert.

Two Council Members attended as two had never attended a concert event at the Stadium in their capacity as a Council Member. It is considered that their attendance provided them with first hand knowledge of the stadium in full operation and also of its facilities. It is considered that they will be better able to fulfil their duties as Council Members, when dealing with Items relating to the Stadium.

One Council Member and partner arrived very late and only attended for approx 30 minutes.

The other invitees attended as guests of Members Equity Bank

The Police – 2 February 2008

Invitees at the alternative suite were;

- Deputy Mayor Cr Farrell and Partner-representing the Stadium Chairman
- Deputy Mayor Cr Farrell's Guests(2)

Reasons for attendance

Stadium Committee Member/Deputy Mayor Cr Farrell's role has been previously detailed, (as follows);

- to represent the Stadium Committee;
- to promote and encourage the use of the stadium and its facilities;
- to promote the Town of Vincent;
- to observe first hand the stadium in full operation;
- to ascertain the standard and ability of the Stadium Manager to satisfactorily manage the stadium on behalf of the Town and in accordance with the requirements of the Heads of Agreement;
- to observe whether the concert is being held generally in accordance with the Deed of Licence conditions issued for the concert.

Cr Farrell's guests are ratepayers of the Town, who could be potential users of the stadium and/or its facilities, which also include; a grandstand, two function rooms and meeting rooms.

Rod Stewart – 5 March 2008

The Invitees at the alternative suite were;

- *Stadium Chairman/Mayor and partner*
- *Town Director and guest*
- *Town's employee and guest*
- *Local Government Mayor and partner*
- *Local Government Superannuation Board Members and their partners.*

Reasons for attendance:

The Stadium Chairman/Mayor's role has been previously detailed, (as follows);

- *represent the Stadium Committee;*
- *to promote and encourage the use of the stadium and its facilities;*
- *to promote the Town of Vincent;*
- *to observe first hand the stadium in full operation;*
- *to ascertain the standard and ability of the Stadium Manager to satisfactorily manage the stadium on behalf of the Town and in accordance with the requirements of the Heads of Agreement;*
- *to observe whether the concert is being held generally in accordance with the Deed of Licence conditions issued for the concert.*

The Town's employees attended for professional reasons, as they are actively involved with activities at the stadium.

A Town Director represented the Stadium Committee Member/CEO for reasons as detailed above.

The Town's employee attended to become better acquainted with the stadium and its facilities, as this will assist the employee to prepare strategies to promote the stadium and its facilities. The knowledge will be particularly important when the employee assists the CEO to prepare documentation to support the Town's proposed Feasibility and Business case submission to the Minister for Sport and Recreation, seeking funding of up to \$35 million to upgrade and refurbish the Stadium.

The Local Government Mayor and Superannuation Board Members were guests of Members Equity Bank and are also potential users of the stadium and its facilities.

Jack Johnson – 29 March 2008

The invitees were;

- *Cr Farrell and Partner*
- *Cr Farrell's Guests (2)*
- *A Town Manager (Community Development) and Partner*

Reasons for attendance

Stadium Committee Member/Deputy Mayor Cr Farrell attended in his capacity as a Stadium Committee Member and represented the Stadium Chairman and Committee.

The Stadium Committee Member's role has been previously detailed.

The Town employee attended for professional reasons as this employee is involved in event management and community events and the knowledge obtained is considered to be beneficial in the performance of their duties.

The guests are potential users of the stadium and/or its facilities.

Celine Dion – 8 April 2008

Nil attendance.

Reasons for attendance

Not applicable

Reasons for attendance

In addition to the above, it is considered that the attendance by the Stadium Chairman at two concerts (Chairman:1 in February 2005 and 2 in February/March 2008, and Deputy Committee Chairman (2 in 2008) and the Stadium Committee Member/CEO at two concerts (1 in 2005 and 1 in March 2008), {out of a possible 8 concert events} within a period of three years is appropriate and reasonable, particularly when considering their role on the Stadium Committee. It should also be noted that Deputy Mayor Cr Farrell was appointed to the stadium Committee in late 2007 and the two concerts have provided him with first hand knowledge concerning concert events at the stadium.

Q3. Who approved these invitations?

Response:

The Stadium Committee Chairman/ Mayor.

With the approval of the Stadium Committee Chairman, the CEO approved of invitations for the Eric Clapton Concert held on 11 February 2007.

Q4. Do you consider that in each case the use of the corporate box, or any substitute box, was consistent with the purpose for which the box had been set aside as part of the Heads of Agreement and defined in the legal advice obtained on 1 September 2005? In particular, that the tickets “may only be used for the purpose of promoting the stadium” which is interpreted to mean “for the future growth, development or progress of the Stadium or otherwise contribute to the Stadium’s success as a venue for events”?

Response:

Yes.

- Q5.** Do you consider that the use of the corporate box, or any substitute box, by the Committee Members' children and their friends is in accordance with the stipulated purpose of promoting the stadium? Specifically, how does such a use encourage the future growth, development or progress of the Stadium or otherwise contribute to the Stadium's success as a venue for events?

Response:

As stated above, the attendance of these persons at the Police Concert held on 1 February 2008, was as guests of Members Equity Bank.

Notwithstanding, attendees at the concert would, in my opinion, no doubt promote the stadium by word of mouth, as an ideal concert venue-thereby encouraging other persons to attend the stadium at future concerts or events. Being young adults, these persons are also potential users of the stadium facilities, particularly the functions rooms.

- Q6.** What was the cost of obtaining legal advice in response to the Notice of Motion moved on 9 August 2005 concerning the distribution of tickets to members of the community for the corporate box at Members Equity Stadium?

Response:

The Town's solicitors bill the Town on a monthly basis. The invoices for the period revealed that the Town obtained advice on at least 5 matters concerning the Stadium. This included; event day parking issues, entitlement to seek costs from the stadium manager for expenses incurred by the Town, Deed of Licences queries, parking layout issues and advice about seating at the stadium. The total invoice for this period was \$3,009 (excl. GST). A specific breakdown for the advice relating to the items or seating was not provided by the Town's solicitors.

- Q7.** Has the CEO developed "Guidelines and Procedures" for use by the Stadium Committee concerning the use of the Manager/Licensor's suite and distribution of tickets available to the Stadium Committee for events at Members Equity Stadium as requested by the Council on 20 September 2005?

Response:

A draft document has been prepared.

- Q8.** If guidelines have been prepared, have they been made public? If not, why not?

Response:

The draft document has not been made public, as it still a draft document and has not been finalised. It is the Town's practice not to make Draft documents available to the public and particularly as it has not been finalised or approved by the Council.

- Q9.** Has the CEO developed the draft policy concerning the distribution of tickets available to the Town for events at Members Equity Stadium as requested by the Council on 20 September 2005?

Response:

No.

Q10. If a policy has been prepared, has it been made public? If not, why not?

Response:

No document has been prepared. As required by the Council decision of 20 September 2005, discussions were held with former PGSC and also with the former Stadium Manager about making tickets available to the Town for possible issue to Town ratepayers. However, these discussions were unsuccessful and there are no tickets available. Accordingly, the matter could not be progressed any further. A policy is therefore not required.

It should be noted that the CEO has been reporting on a Monthly basis to the Council, in the Information Bulletin-Register of "Reports to be Actioned" concerning the progress of this matter. This information is in the public minutes and is available to Cr Maier and any other person interested in the matter.

For information, apart from these Questions with Notice, which were submitted by email on Wednesday 16 April 2008, Cr Maier has not previously raised this matter with the CEO, other than in an email in late 2005. However, it has been brought to the attention of the CEO that approximately 3 weeks ago Cr Maier telephoned the Stadium Manager direct, asking for information about use of the Allia/Town suit at the stadium.

10. REPORTS

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

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

Items 10.1.19, 10.1.4, 10.1.8, 10.1.9 and 10.1.1

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 10.1.19 and 10.3.3

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

Nil.

Presiding Member, Mayor Nick Catania JP, 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	Items 10.4.1 and 10.4.2
Cr Messina	Items 10.1.3, 10.1.5, 10.2.2 and 10.3.4
Cr Youngman	Item 10.4.3 and 10.1.12
Cr Ker	Item 10.1.20
Cr Doran-Wu	Item 10.1.14
Cr Lake	Nil
Cr Burns	Nil
Cr Maier	Items 10.1.2, 10.1.6, 10.1.7, 10.1.11 and 10.1.16
Mayor Catania	Nil

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

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

Items 10.1.10, 10.1.13, 10.1.15, 10.1.17, 10.1.18, 10.2.1, 10.3.1 and 10.3.2

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

Nil.

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

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

Items 10.1.10, 10.1.13, 10.1.15, 10.1.17, 10.1.18, 10.2.1, 10.3.1 and 10.3.2

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

Items 10.1.19, 10.1.4, 10.1.8, 10.1.9 and 10.1.1

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

Moved Cr Farrell, Seconded Cr Messina

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

Items 10.1.10, 10.1.13, 10.1.15, 10.1.17, 10.1.18, 10.2.1, 10.3.1 and 10.3.2

CARRIED (9-0)

The Presiding Member advised that the applicant for Item 10.1.3 had requested that the Item be withdrawn.

ITEM WITHDRAWN AT THE REQUEST OF THE APPLICANT

10.1.3 No. 7 (Lot: 15 D/P: 2411) Throssell Street, Perth – Proposed Partial Demolition of, and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House

Ward:	South	Date:	14 April 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4170; 5.2008.135.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel	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 B M Arnold on behalf of the owner P A Sucich for proposed Partial Demolition of, and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House, at No.7 (Lot: 15 D/P: 2411) Throssell Street, Perth, and as shown on plans stamp-dated 26 March 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Throssell Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
 - (a) *the opening of the outdoor covered area of the proposed dwelling on the eastern elevation, the terrace of the proposed dwelling on the eastern elevation, and the window to living room of the proposed dwelling on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 5 and No. 9 Throssell Street, stating no objection to the respective proposed privacy encroachments;

- (b) the proposed crossover for the existing building being a minimum distance of 0.5 metre from the existing verge tree;*
- (c) the eastern and southern walls of the outdoor covered area on the first floor being lowered to 1.6 metres above the finished first floor level;*
- (d) the maximum height of the proposed dwelling being 9 metres from the natural ground level;*
- (e) the uncovered area of the terrace being a minimum of 10.66 square metres;*
- (f) the building boundary wall along the southern boundary between the boundary wall of the adjoining garage and the boundary wall of the adjoining main dwelling on No. 5 Throssell Street, being setback to a minimum of 1 metre from the southern boundary; and*
- (g) the building boundary wall along the northern boundary (east of the adjoining shed) beyond the boundary wall of the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the northern boundary.*

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

- (iv) first obtaining the consent of the owners of Nos. 5 and 9 Throssell Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing No. 5 and 9 Throssell Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the existing dwelling property that the plot ratio of the existing building shall be restricted to 0.5. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Throssell Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

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

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

Landowner:	P A Sucich
Applicant:	B M Arnold
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town owned

BACKGROUND:

26 February 2008

The Council at its Ordinary Meeting resolved to refuse an application for proposed partial demolition of, and additions and alterations to existing single house and additional three-storey grouped dwelling to existing single house for the following reasons:

- “1. *The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality.*
2. *The non-compliance with the building height requirements of the Town’s Policy relating to Robertson Locality Statement.*
3. *The non-compliance with plot ratio, building height, building setbacks, privacy and outdoor living area requirements of the Residential Design Codes.*
4. *The plot, ratio minimum outdoor living area and building height requirements proposed to be varied as is specified in the Town’s Policy Relating to the Non-variation of Specific Development Requirements and Standards.”*

(The item was lost – vote 3 in favour, 5 against).

DETAILS:

The proposal involves the partial demolition of, and additions and alterations to the existing single house and the construction of a three-storey grouped dwelling at the rear of the property.

There are no changes between the plans considered and refused at the Council Meeting held on 26 February 2008 and the plans submitted on 26 March 2008. The same proposal is again referred to Council for its reconsideration and determination.

The proposal was not re-advertised for comments as the current proposal is the same as the previous plans advertised to the adjacent affected neighbours.

It is to be noted that this application was assessed under the same requirements as was applied to the previous application, and not under the Residential Design Elements Policy given that the plans have not changed.

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	R80 which applies only for multiple dwellings Given the proposed development is for grouped dwellings, therefore, R60 applies. R60=2 dwellings	2 dwellings	Noted- no variation
Plot Ratio	Existing dwelling=0.65= 140.14 square metres Proposed dwelling=0.65= 178.6 square metres Overall plot ratio=0.65= 318.74 square metres	Existing dwelling= 0.5= 107.8 square metres Proposed dwelling=1.2= 329.64 square metres Overall plot ratio for the whole site= 0.89= 437.44 square metres	Supported-refer to 'Comments' below.
Building Setback: Ground Floor- North - Setback	1.7 metres	Nil	Not supported in part-refer to 'Comments' below.
Boundary Wall	Average height of boundary wall= 3 metres	4.1 metres	Not supported in part- refer to 'Comments' below.

South - Setback	Maximum height of boundary wall= 3.5 metres	4.2 metres	Not supported in part- refer to 'Comments' below.
	Only on one side of boundary	On two side boundaries	
Boundary Wall	1.7 metres	Nil	Not supported in part-refer to 'Comments' below.
	Average height of boundary wall= 3 metres	4.2 metres	
First Floor-	Maximum height of boundary wall= 3.5 metres	6.1 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
	Only on one side of boundary	On two side boundaries	
North	2.2 metres	1.5 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
South	2.2 metres	1.5 metres	
Second Floor -			
North	2.3 metres	1.5 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
South	2.1 metres	1.5 metres	
Open Space	Proposed dwelling=45 per cent= 123.6 square metres Existing dwelling=45 per cent= 97 square metres	Proposed dwelling=31.23 per cent=85.7 square metres Existing dwelling=50 per cent= 108.47 square metres Overall Open Space=39.5 per cent= 194.17 square metres	Not supported-undue impact on the existing and proposed development. However, if the walls of the outdoor covered area on the first floor are open on two sides with a 1.6 metre screen, then the open space for the proposed dwelling will be 38.2 per cent and the overall open space will be 43.5 per cent which can be supported. Therefore, if this application is supported, then the walls for the outdoor covered area being lowered to 1.6 metres.

Outdoor Living Area	Proposed Dwelling- 2/3 of the required area without permanent roof cover= 10.66 square metres Existing dwelling- behind the street setback area	Area without permanent roof for the terrace= 8.75 square metres. Within the street setback area	Not supported- undue impact on the occupiers of the proposed building. The terrace will be required to comply with the required uncovered area. Supported- it will contribute to provide an attractive streetscape, will complement the existing building.
Car Parking	Two car parking spaces per dwelling	Existing dwelling= 1 car parking space	Supported- there are existing on-street car parking spaces along Throssell Avenue.
Pedestrian Access	1.5 metres wide	1.3 metres wide	Supported- there is the existing building and therefore the variation is supported.
Building Height	Two storeys Height= 7 metres	Proposed dwelling= 3 storeys Height= 9.5 metres	Supported- refer to 'Comments' below.
Privacy Setbacks	Outdoor Area= 7.5 metres Terrace= 7.5 metres Living room= 6 metres	3.3 metres to the southern property (eastern elevation) 7.1 metres to the southern property (eastern elevation) 7.2 metres to the northern property (eastern elevation) 1.5 metres to the northern property (northern elevation)	Not supported- undue impact on neighbouring property and opening required to be screened. Not supported- undue impact on neighbouring properties and openings required to be screened. Not supported- undue impact on neighbouring property and opening required to be screened.

Consultation Submissions

Support	Nil.	Noted.
Objection (3)- One additional objection is included as this objection was received	<ul style="list-style-type: none"> • The plot ratio is too excessive. • The proposed boundary walls are too high. • Objection to the third storey. 	<ul style="list-style-type: none"> • See comments on 'Plot Ratio'. • See comments on 'Boundary Walls'. • See comments on 'Three-Storey Developments'.

<p>on 26 February 2008 prior to the Council Meeting held on 26 February 2008.</p>	<ul style="list-style-type: none"> • Loss of light. • R60 standards should apply as the application is for a grouped dwelling. • Overlooking to adjoining western property. • Noise from the entertainment area. 	<ul style="list-style-type: none"> • Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. • Supported – the R 60 standards have been applied when assessing the subject application; however, the Town has discretion to vary these requirements. • Not supported- the plans comply with privacy requirements. • Not supported-owner will have to comply with the Noise Regulations.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Plot Ratio

The original application for the subject property indicated a plot ratio of 1.48 for the proposed rear dwelling. The applicant has since revised the plans, which now illustrate a plot ratio of 0.5 for the existing dwelling, 1.2 for the proposed dwelling, with an overall plot ratio of 0.89. Moreover, as explained in the open space section above, if the walls of the outdoor covered area is being lowered to 1.6 metres, then the plot ratio for the proposed dwelling will be 1.14 and the overall plot ratio will be 0.85. This is not considered to have an undue impact on the amenity of the area as the bulk and scale of the proposal is considered to be somewhat consistent with the area and the bulk of the building is located at the rear of the existing property.

However, there should be no further addition to the existing building as it would increase the overall plot ratio, which would unduly impact on the streetscape. Therefore, if this application is supported, it is suggested that Section 70A Notification be applied to the existing dwelling restricting the plot ratio to 0.5.

Ground Floor Setbacks and Boundary Walls along the Southern and Northern Boundaries

The initial proposal was for continuous solid boundary walls along the southern and northern boundaries up to the first floor. The applicant has since submitted revised plans to the Town that indicate small breaks in the boundary walls at the first floor level, as well a portion of the upper floor boundary wall being a height of 1.6 metres only. The applicant has also reduced the height of the boundary walls since the proposal was advertised.

Along the southern boundary, there are two existing boundary walls of single storey height on the adjoining property of a total length of 23.2 metres facing the subject property. However the two boundary walls are separated by a distance of 6.5 metres, which provide ventilation and visual relief to the adjoining southern property. It is considered that the proposed boundary wall will impact on the ventilation and visual relief of the adjoining southern property. Therefore, if this application is approved, it is recommended that the proposed boundary wall between the boundary wall of the adjoining garage and the boundary wall of the main dwelling on No.5 Throssell Street being setback a minimum of 1 metre from this boundary.

Given that the existing adjoining boundary wall along the northern boundary is of a length of only 8.8 metres and height of a single storey, it is considered that the proposed boundary wall of length 18.6 metres with an average height of 4.1 metres on the subject property will unduly impact on the adjoining northern property in terms of ventilation and visual relief. Therefore, if this application is approved, it is suggested that the proposed boundary wall (east of the shed) beyond the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the boundary.

Three-Storey Developments and Height

The third storey of the proposed dwelling will be at the rear of the property and will not be visible from the street. Therefore, it is considered that the proposed dwelling will not unduly impact on the streetscape. The building height will be to a maximum height of 9.5 metres, and complies with the overshadowing requirements of the R Codes. It is considered that the building wall height can be reduced to a maximum height of 9 metres, which will make it less visually intrusive to the surrounding area. Therefore, if this application is supported, it is recommended that the maximum height of the building is to be reduced to 9 metres.

Summary

In light of the above, the proposed partial demolition of, and additions and alterations to existing single house and an additional three-storey grouped dwelling are supported, subject to standard and appropriate conditions to address the above matters.

10.1.10 Rescission of Policy No. 3.5.14 Relating to Subdivisions Requiring Plate Height Development

Ward:	Both Wards	Date:	11 April 2008
Precinct:	All Precincts	File Ref:	PLA0184
Attachments:	-		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the rescission of Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development resulting from the Policy having been reviewed and with regard to nil submissions received during the formal advertising, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *FINALLY RESCINDS Policy No. 3.5.14 Relating to Subdivisions Requiring Plate Height Development, in accordance with Clause 47(5)(1) of the Town's Town Planning Scheme No.1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final rescission of Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development in accordance with Clause 47 (6) of the Town's Town Planning Scheme No.1.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the outcome of the advertising period for the rescission of Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development.

BACKGROUND:

23 January 2007

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

- “(ii) (i) *new policies relating to:*
 - (1) *Subdivisions; and*
 - (2) *Single Bedroom Dwellings;*

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

- 11 September 2007 A Draft Policy relating to Residential Subdivisions was presented to the Council at its Ordinary Meeting however the Item was deferred for clarification of various clauses.
- 6 November 2007 The Council at its Ordinary Meeting resolved to advertise an amended Draft Policy relating to Residential Subdivisions.
- 5 February 2008 The Chief Executive Officer under delegated authority from the Council considered a Delegated Authority report relating to Residential Subdivisions, and resolved as follows:

“That the Council;

- (i) RECEIVES the further amended version of the Policy relating to Residential Subdivisions, as shown in Attachment 10.1.11, resulting from the advertised version having been reviewed and with regard to the one (1) written submission received during the formal advertising, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the further amended version of the Policy relating to Residential Subdivisions, as shown in Attachment 10.1.11, in accordance with Clause 47 (5) (b) of the Town's Town Planning Scheme No. 1;*
- (iii) AUTHORISES the Chief Executive Officer to advertise the adopted Policy relating to Residential Subdivisions, as shown in Attachment 10.1.11 , in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1;*
- (iv) RESCINDS Policy No.3.5.14 relating to Subdivisions Requiring Plate Height Development;*
- (v) ADVERTISES the rescission of Policy No.3.5.14 relating to Subdivisions Requiring Plate Height Development, for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No.1, including:*
 - (a) advertising a summary of the subject Policy to be rescinded once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy to be rescinded; and*
 - (c) forwarding a copy of the subject Policy to be rescinded to the Western Australian Planning Commission; and*

- (vi) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Policy to be rescinded, having regard to any written submissions; and*
 - (b) *DETERMINES the Policy to be rescinded, with or without amendment, to or not to proceed with the Policy."*

DETAILS:

The further amended version of the Policy relating to Residential Subdivisions and the rescission of Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development have been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No.1.

CONSULTATION/ADVERTISING:

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1. No submissions were received in relation to the proposed rescission of the subject policy.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

Given that no submissions were received in relation to the proposed rescission of Policy No. 3.5.14, it is recommended that the Council proceed to rescind the Policy.

10.1.13 Amendment No. 51 to Planning and Building Policies – Draft Amended Policy No. 3.5.13 Relating to Percentage for Public Art and Deletion of Policy No. 1.1.8 – Percent for Art Scheme

Ward:	Both Wards	Date:	16 April 2008
Precinct:	All Precincts	File Ref:	PLA0198
Attachments:	001		
Reporting Officer(s):	H Smith, J Anthony, R Gunning and M Turner		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RESCINDS** the Town’s Policy 1.1.8 – ‘Percent for Art Scheme’;
- (ii) **AMENDS** Planning and Building Policy No. 3.5.13 relating to Percent for Public Art as shown in Attachment 10.1.13;
- (iii) **ADOPTS** the Draft Amended Policy No. 3.5.13 relating to Percentage for Public Art in the interim until the formal adoption of the amended Policy;
- (iv) **ADVERTISES** the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and
- (v) *after the expiry of the period for submissions:*
 - (a) **REVIEWS** the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, having regard to any written submissions; and
 - (b) **DETERMINES** the Draft Amended Policy No. 3.5.13 relating to Percentage for Public Art, with or without amendment, to or not to proceed with it.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To rescind the Town's Policy No. 1.1.8 - Percent For Art Scheme and to amend Planning and Building Policy No. 3.5.13 relating to Percentage For Public Art to rationalise the two Policies by incorporating proposed amendments approved by the Council at its Ordinary Meeting held 13 March 2007.

BACKGROUND:

24 August 1998	The Council at its Ordinary Meeting adopted a Policy relating to Percent for Art.
27 March 2001	Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art was adopted by the Council at its Ordinary Meeting.
9 March 2004	The Town's Policy No. 1.1.8 - Percent for Art Scheme was amended.
13 March 2007	The Council at its Ordinary Meeting resolved, to amend the Town's Policy No.1.1.8 – Percent for Art Scheme.
24 July 2007	The Council at its Ordinary Meeting considered the Town's Policy No. 1.1.8 – Percent for Art Scheme, and approved in principle the amendments:

DETAILS:

The Town currently has two Policies relating to the Percent for Art Scheme which conflict in terms of the development value at which a one (1%) percentage contribution for public art is required.

Essentially, the Town's Policy No. 1.18 - Percent for Art Scheme provides for:

- (i) *'...public buildings and works projects undertaken by the Town of Vincent.
....over the value of \$500,00....'*; and
- (ii) *'...private development projects
.....over the value of \$1,000,000...'*, whereas

Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art, states *'over \$500,000 for proposals for commercial, non/residential, and/or mixed residential/commercial developments'*.

The two Policies have been reviewed by Planning, Building and Heritage Services and Community Development Services, and rationalised into an amended Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art, as shown in the attachment to this report.

CONSULTATION/ADVERTISING:

The Town's Policy No. 1.1.8 – Percent for Art has been amended and advertised for public comment. Nil submissions were received as a result of the community consultation.

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"1 : Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

FINANCIAL/BUDGET IMPLICATIONS:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

COMMENTS:

The existence of the two Policies dealing with the same matter, yet with some conflicting requirements requires rationalisation. It is also noted that the Town's Planning Policies adopted under clause 47 of the Town Planning Scheme holds more weight in terms of development applications, and guarantees the Town a greater chance of success in defending itself against appeals/reviews in this respect. This has been demonstrated on many occasions and its importance reiterated by the Town's solicitors. As such, it is recommended that the intent of the two Policies be incorporated into an amended Planning and Building Policy No. 3.5.13 relating to Percent for Public Art and advertised accordingly. It is also recommended that the Draft Amended Policy be adopted in the interim pending its final adoption by the Council.

10.1.15 5 Star Plus: Stage 2 – Issues Paper, Department of Housing and Works

Ward:	Both Wards	Date:	14 April 2008
Precinct:	All Precincts	File Ref:	PLA0096
Attachments:	-		
Reporting Officer(s):	T Mouritz, B Tran, S Teymant		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the document relating to “5 Star Plus: Stage 2 – Issues Paper”, Department of Housing and Works; and*
- (ii) *ADVISES the Department of Housing and Works that the Town GENERALLY SUPPORTS the intent and content of the “Issues Paper”, subject to the following comments;*
 - (a) *the Town considers the ‘trigger’ for Performance Requirement (PR) 6 of more than two showers or two toilets to be a practical determinant for high levels of internal scheme water consumption, however further monitoring and evaluation of the effectiveness of this regulation will be required, as at this stage the requirement would not impact on many households within the Town;*
 - (b) *as the Town is characterised by relatively small lots, the minimum lot size for exemption from PR5 , 400 square metres, would have to be reduced for the requirement to have any significant impact within the Town;*
 - (c) *the large trigger lot size for PR7 will mean that the requirement will not apply to most new houses built within the Town, therefore it is suggested that other possibilities for triggers for determining high external scheme water use be investigated;*
 - (d) *the Town considers the requirement to be introduced in Stage 2 of 5 Star Plus as an important step towards reducing the consumption of the diminishing water supplies; and*
 - (e) *the requirements should be seen as minimum requirements for now, with a view to continuing to introduce more widespread water efficiency measures in the future.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Issues Paper released by the Department of Housing and Works (DHW) regarding Stage 2 of the 5 Star Plus program, and suggest responses to the questions for comments.

BACKGROUND:

The DHW has released an Issues Paper for Stage 2 of the 5 Star plus program, which aims to increase water and energy efficiency in new houses (Class 1 buildings only, for example, single houses and grouped dwellings). The paper aims to raise and prompt discussion on various issues surrounding Stage 2 of 5 Star Plus. The DHW is seeking comments from interested parties on the issues raised in the paper, in particular the 'Questions for Comment', and will receive them up to Friday 9 May 2008. The Issues Paper is "*Laid on the Table*".

DETAILS:

The Program

5 Star Plus was announced as part of the WA Government's Climate Action Statement in May 2007. The first stage was implemented on 1 September 2007, and required water efficient fixtures in new homes and low greenhouse gas emitting hot water systems. Stage 2 will require new homes be plumbed so that they can be connected to an alternative water supply and/or greywater diversion systems. New homes deemed to have a high water demand will have to be connected to an alternative water supply or greywater.

The increase in households and population at a time of significant decreases in rainfall in the South West of Western Australia is putting greater pressure on the water systems and water security. The State receives, on average, 15-20 per cent less rainfall than in the early 1970s, which has resulted in a 50 per cent reduction in inflow to the dams serving Perth. As part of research into the changing climate of Western Australia, the CSIRO has predicted this downward trend in rainfall to continue over the next 50 years. This will lead to a significant reduction in the availability of scheme water from dams and groundwater resources.

Recycling and better management of water resources are part of a policy agenda that is being pursued by Local, State and Federal government departments across Australia. The WA government has set a target for the use of recycled water in the State of 20 per cent by 2012 and 30 per cent by 2030. The water saving measures within 5 Star Plus will help attain that goal, as well as contributing towards the Water Corporation's household water use target of 100 kilolitres per person, per year. The Water Corporation is aiming to diversify water sources, and encourage fit-for-purpose water use. At present households use 47 per cent of water external to the house, 14 per cent in the laundry and 12 per cent in the toilet. This means 73 per cent of household water use does not need to meet drinking standards.

It is also hoped that the 5 Star Plus program, by enabling homeowners to gain greater responsibility for water use, will raise awareness of water efficiency and lead to more widespread behavioural changes in the community.

Performance Requirements of Stage 2

The measures to be implemented in Stage 2 are set out in a similar format to that of the Building Code of Australia (BCA). There are four 'Performance Requirements' (PR), which are mandatory regulations, each accompanied by a proposed 'Deemed-to-Satisfy' (DTS) solution. These solutions are a suggested method of meeting the performance requirement.

Alternative solutions may be used, however, in accordance with the assessment methods outlined in the BCA.

Essentially, PR 4 requires new buildings to be built with plumbing that will facilitate the future connection of sanitary flushing machines and washing machines to alternative water supplies, while PR 6 requires buildings with more than 2 showers or 2 toilets to be connected to an alternative internal water supply.

PR 5 requires new buildings to be built with plumbing that will facilitate the future connection of a greywater system, while PR 7 requires buildings on a lot of a size and location deemed to use significant potable water for landscaping use to be connected to an alternative water supply or greywater system.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

5 Star Plus adopts the Energy Use in Houses Code and the Water Use in Houses Code from the Building Code of Australia. These codes will be referenced under the Building Regulations 1989, and become part of the Building Licensing process.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment: *“1.1.4 Minimise negative impacts on the community and environment.”*

FINANCIAL IMPLICATIONS:

The introduction of 5 Star Plus water efficient fixtures in new houses is likely to increase the initial costs for infrastructure, however the environmental benefits of such practices is considered to outweigh the financial costs involved.

COMMENTS:

The Issues Paper raises several ‘Questions for Comment’, some of which are relevant to the Town of Vincent, some of which are not.

Relevant topics for comment are as follows:

1. Effectiveness of Performance Requirement (PR)/Deemed To Satisfy Solution (DTS)-6 ‘trigger’ of more than 2 toilets or showers:

DHW believes this is a practical determinant for high levels of internal scheme water consumption. It is considered that the impact of this regulation needs to be monitored and evaluated, as at this stage the requirement would only apply to the approximately 5 per cent of houses with more than 2 showers and the 7 per cent of houses with more than 2 toilets.

5. Minimum lot size for pre-laying of greywater:

DHW suggests that lot sizes smaller than 400 square metres would be exempt from PR5 (requiring plumbing that would enable connection to a greywater system at a later date).

Given the relatively smaller size of lots being built on within the Town of Vincent, this requirement would not affect many new houses in this area. If this requirement is to have any significant impact within the Town of Vincent then the minimum lot size will have to be reduced.

6. Lot size as a determinant for high external scheme water use:

DHW believes that lot size is the best determinant for high external scheme water use, and suggests that the 'trigger point' for applying PR7 would initially be 700 square metres, also proposing that if this regulation is considered effective, the trigger lot size would be progressively reduced over time.

This large trigger lot size will mean that PR7 will not apply to most new houses built within the Town, and the Council should suggest that other 'triggers' for determining high external water use be looked into.

Environmental Health Comments

In discussion with the Town's Environmental Health Officers, it has been noted that Health Services will be involved in the assessment and approval of greywater systems in accordance with the current Health Act 1911 requirements. Health Services would only need to be involved in assessing alternative water supplies, such as rainwater tanks, if homeowners were to use the water source for potable water, however the "Issues Paper" proposes use of these water supplies for non-potable applications.

Conclusion:

In light of the above, it is considered that the Council;

- (i) receives the document relating to "5 Star Plus: Stage 2 – Issues Paper", Department of Housing and Works; and
- (ii) advises the Department of Housing and Works that the Town generally supports the intent and content of the "Issues Paper", subject to the following comments:
 - (a) the Town considers the 'trigger' for PR6 of more than two showers or two toilets to be a practical determinant for high levels of internal scheme water consumption, however further monitoring and evaluation of the effectiveness of this regulation will be required, as at this stage the requirement would not impact on many households within the Town;
 - (b) as the Town is characterised by relatively small lots, the minimum lot size for exemption from PR5 , 400 square metres, would have to be reduced for the requirement to have any significant impact within the Town;
 - (c) the large trigger lot size for PR7 will mean that the requirement will not apply to most new houses built within the Town, therefore it is suggested that other possibilities for triggers for determining high external scheme water use be investigated;
 - (d) the Town considers the requirements to be introduced in Stage 2 of 5 Star Plus as an important step towards reducing the consumption of the diminishing water supplies; and
 - (e) the requirements should be seen as minimum requirements for now, with a view to continuing to introduce more widespread water efficiency measures in the future.

10.1.17 Appointment of a Consultant to Review and Update the Town of Vincent Car Parking Strategy

Ward:	Both Wards	Date:	16 April 2008
Precinct:	All Precincts	File Ref:	PLA0084
Attachments:			
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report relating to Appointment of a Consultant to Review and Update the Town of Vincent Car Parking Strategy;*
- (ii) *APPROVES the quotation submitted by Luxmoore Parking Consulting Pty Ltd to Review and Update the Town of Vincent Car Parking Strategy, for the sum of \$48,928; and*
- (iii) *REQUESTS the Chief Executive Officer to identify a source of additional funds of \$18,928 in the 2007/2008 Budget to cover the shortfall of funds for the Review and Update of the Car Parking Strategy.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide an update to Council regarding the Review and Update of the Town of Vincent Car Parking Strategy and to appoint a consultant to carry out the Review and Update.

BACKGROUND:

The Council at its Ordinary Meeting held on 26 February 2008 considered and approved of an additional 16 Key Performance Indicators for the Chief Executive Officer. In particular, the Key Performance Indicator:

- 6 (n) 2.1.4 (b) *Review and update the Town’s Car Parking Strategy, (January 2002) including a timeframe to implement recommendations.* June 2008

The Council at its Ordinary Meeting held on 11 March 2008, resolved the following:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$30,000 from Parking Income to carry out a review of the Town of Vincent Car Parking Strategy.”

DETAILS:

In accordance with the Council's decision of 11 March 2008, invitations to provide a quotation to review and update the Town of Vincent's Car Parking Strategy were distributed on 18 March 2008 to 7 consulting firms (all who have the credentials to carry out the task).

The quotation called for a suitably qualified consultant (s) with the expertise and experience to review and update the Town of Vincent Car Parking Strategy. At the close of the consultation period, only 1 quote was received (from Luxmoore Parking). A quotation was subsequently received from another consultant (Connell Wagner).

Evaluation Criteria

The following approved evaluation criteria was applied in the assessment of the quotations:

<i>Selection Criteria</i>	<i>Weighting</i>	<i>Evaluation of Quotation <u>Luxmoore Parking</u></i>	<i>Evaluation of Quotation <u>Connell Wagner</u></i>
<p><i>Technical Expertise</i> Demonstrate your:</p> <ul style="list-style-type: none"> • experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town 	20%	<p>4/4%</p> <p>4/4%</p> <p>3.5/4%</p> <p>3.5/4%</p> <p>4/4%</p> <p>19/20%</p>	<p>3/4%</p> <p>2/4%</p> <p>2.5/4%</p> <p>2.5/4%</p> <p>2.5/4%</p> <p>12.5/20%</p>
<p><i>Total Cost</i></p> <ul style="list-style-type: none"> • The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Application of a reasonable fee structure in proportion to the service provided 	20%	<p>8.5/10%</p> <p>4/5%</p> <p>4/5%</p> <p>16.5/20%</p>	<p>6.5/10%</p> <p>2.5/5%</p> <p>3.5/5%</p> <p>12.5/20%</p>
<i>Demonstrated Understanding of Planning Issues within the Town of Vincent</i>	15%	13/15%	12/15%
<i>Evidence of Ability to Meet Project Milestones</i>	15%	15/15%	13/15%
<p><i>Methodology / Project Process</i></p> <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated experience in projects of a similar nature, particularly in WA 	10%	<p>3.5/4%</p> <p>3/4%</p> <p>2/2%</p> <p>8.5/10%</p>	<p>3/4%</p> <p>2.5/4%</p> <p>1.5/2%</p> <p>7/10%</p>
<p><i>Evidence of Experience in similar projects undertaken</i></p> <ul style="list-style-type: none"> • Demonstrated evidence of experience in similar projects, particularly in WA 	20%	18/20%	10/20%
<i>Total</i>	100%	90%	67%

Quotation Offer – Lump Sum

Consultants	Total sum for works excluding GST	Total sum for works including GST
Luxmoore Parking Consulting Pty Ltd	\$44,480	\$48,928
Connell Wagner	\$59,920	\$65,912

Based on the above assessment, the quotation submitted by Luxmoore Parking Consulting Pty Ltd suitably meets the criteria outlined in the Evaluation Criteria, particularly with respect to the consultant's project team members' knowledge, expertise and previous experience with respect to car parking strategies and analysis. In addition, the consultants propose to meet the key milestones specified by the Project Brief. The quotation offer of \$48,928 however, is \$18,928 (63%) higher than the amount of \$30,000 approved by the Council at its Ordinary Meeting held 11 March 2008.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Quotations are called in accordance with the Town's Purchasing Policy.

STRATEGIC IMPLICATIONS:

This matter is contained in the Town's Strategic Plan 2006-2011 :

*“Economic Development 2.1.4 (b) Review and update the Town’s Car Parking Strategy, (January 2002) including a June 2008”
timeframe to implement recommendations.*

FINANCIAL/BUDGET IMPLICATIONS:

A re-allocation of \$30,00 from the Operating Budget - Parking Revenue was approved by the Council at its Ordinary Meeting held 11 March 2008 however the proposed quotation significantly exceeds this amount. Additional funds of \$18,928 will therefore be necessary in order to proceed with appointment of Luxmoore Parking Consulting Pty Ltd.

COMMENTS:

The use of an external consultant to review the Town's Car Parking Strategy is considered important and Luxmoore Parking Consulting Pty Ltd are the most appropriate organisation to carry out the project. Furthermore, given the tight timeframe, the poor response from the five other invited consultants (due to the consultants being very busy) and the current demand for services of this nature, it is considered reasonable that the additional funds be sought. As previously stated to the Council at its Ordinary Meeting held 11 March 2008, car parking has been identified as a critical issue in the Town and has significant impact in a wide range of spheres. Accordingly, the Council's approval is recommended.

10.1.18 Draft Public Health Bill 2008 – Town of Vincent Submission

Ward:	Both Wards	Date:	14 April 2008
Precinct:	All Precincts	File Ref:	LEG0061
Attachments:	001		
Reporting Officer(s):	M Fallows, S Teymant, A Giles		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the Draft Public Health Bill 2008 and Department of Health Explanatory Paper;*
- (ii) *ACKNOWLEDGES the Officer’s comments detailed in this report in relation to the implications of the Draft Public Health Bill 2008 on the Town of Vincent; and*
- (iii) *ADVISES the Department of Health and the Western Australian Local Government Association of the Town’s in principle support for the Draft Public Health Bill 2008, and of the specific submission comments detailed in the body of this report.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

This report details the implications of the proposed Public Health Bill 2008 on the Town’s Health Services section for consideration by the Council, prior to advising Department of Health (DoH) and WALGA of the Town’s submission.

BACKGROUND:

The Department of Health (DoH) has released a paper entitled ‘Draft Public Health Bill 2008 Explanatory Paper and Submission Form’ (can be viewed online at <http://www.newpublichealthact.health.wa.gov.au/consultation/>), and have requested comment by 30 April 2008. The Western Australian Local Government Association has released a further paper entitled ‘A report on the draft Public Health Bill 2008 on behalf of the Western Australian Local Government Association (WALGA) March 2008’ (see Attachment 001), and have requested comment by 28 April 2008 for inclusion with the WALGA submission to DoH.

The Town employs Environmental Health Officers (EHO's) who are authorised to conduct a range of public health related duties under the provisions of the *Health Act 1911* (as amended) and associated Regulations. It is proposed that the *Health Act 1911* (as amended) be replaced by the *Public Health Act 2008* (currently entitled the *Public Health Bill 2008*). As detailed in the Explanatory Paper, "*The proposed Act emphasises prevention and promotion rather than reaction and would allow preventative action to be taken where there is a serious risk to public health.*" The DoH Explanatory Paper is "*Laid on the Table.*"

The release of the Public Health Bill 2008 Explanatory Paper has occurred following a previous consultative process undertaken by the Department of Health (DOH) in the form of a discussion paper released in July 2005 entitled '*A New Public Health Act for Western Australia – A Discussion Paper for Public Consultation*', which was previously reported to the Council on 9 August 2005.

The Council decision from the Ordinary Meeting of Council held on 9 August 2005, relating to Item 10.1.17 is detailed as follows:

"That the Council;

- (i) RECEIVES the report relating to the release of a Discussion Paper on the proposed review of the Health Act 1911;*
- (ii) ADVISES the Minister for Health, Mr Jim McGinty, Acting Director General Dr Neale Fong and the Western Australian Local Government Association (WALGA) that the Town supports the intention to modernise State health legislation and the principles outlined for reform and adopting a New Public Health Act for Western Australia;*
- (iii) AUTHORISES the Chief Executive Officer, Executive Manager Environmental and Development Services and Manager Health Services to participate in consultation sessions and working groups through WALGA, the Australian Institute of Environmental Health and relevant professional bodies to assist in bringing this matter to fruition; and*
- (iv) NOTES that progress reports to the Council will be submitted as required."*

DETAILS:

The '*Draft Public Health Bill 2008 Explanatory Paper and Submission Form*' provides explanation on some of the key differences between the *Health Act 1911* (as amended) and the Draft Public Health Bill 2008. A series of questions are asked on key changes and the Town's response can be found below:

Question 1: Principles and Objects – Are the draft principles and objects appropriate?

Yes. The main advantages of the proposed principles and objects are that they are strongly risk management focused and are socially responsible in aiming to reduce health inequalities.

Question 2: Public Health Policies – Will public health policies provide an effective framework for detailing requirements and standards relating to the objects of the Act and effectively protecting and promoting the health of Western Australians?

Yes. It is foreseen that public health policies will emulate the current system of regulations. An advantage of public health policies is that they are written based on consultation. The Town believes that each public health policy must be subject to a review date so that the current system of being required to enforce outdated and under-reviewed regulations does not repeat itself. There should be a mechanism to ensure that public health policies do not double up on legislative requirements that already exists such as in the Building Code of Australia. In order to keep the principles of the Public Health Act relevant, public health policies must be risk based and non-prescriptive so that only genuine public health risks can be investigated and monitored.

Question 3: Registration and Licensing – Is the scheme for registration and licensing adequate for the effective identification and control of activities that pose a risk to public health?

Yes. The scheme is adequate and is similar to existing provisions. Local government can set fees under the provisions of the *Local Government Act 1995*. DoH, in consultation with local government will need to create a list of activities that should be registered under the provisions of the Public Health Act. Control of activities occurs through monitoring as well as registration and licensing. Presently, some activities, such as conducting a morgue are required to be registered when the associated public health risk is extremely low (however, this activity may well have had historical relevance).

Question 4: Notifiable Diseases – Does this Part provide sufficient balance in protecting public health and ensuring individual rights?

Yes. Sufficient balance is provided. The rights of an individual, if infected by particular infectious diseases, should be controlled by a Public Health Order if the public is in immediate risk, however formal processes must be put in place to avoid discrimination based on the person's gender, ethnicity, sexuality etc.

Question 5: Serious Public Health Incident Powers & Public Health Emergencies – Do the provisions provide the necessary legislative tools to effectively plan against and respond to public health emergencies?

Yes. Public health emergencies should be included in Local Emergency Management Plans. The Partnership Agreement between Local Government and the Department of Health is essential to ensure that emergencies are efficiently actioned.

Question 6: Compensation and Insurance – Do these provisions provide a fair process for compensation and insurance?

Yes. A much fairer and accountable process is proposed compared to current provisions.

Question 7: Public Health Assessments – Do these provisions provide an effective framework for public health assessment on identified proposals?

Yes, provided that Public Health Assessments are principally conducted by the DoH upon referral by local government EHO's or Planning Officers, as occurs with Environmental Impact Assessments which are referred by local government authorities to the Department of Environment and Conservation upon receipt. In addition, it is imperative that local governments have appropriate processes in place upon receipt of development applications to ensure that applications requiring public health assessment are referred to the appropriate disciplines and authorities for efficient and effective assessment.

Question 8: Powers of Entry, Inspection and Seizure – Are the powers of authorised officers adequate for protecting public health bearing in mind the principles to be applied at the beginning of the Bill (such as the principle of proportionality)?

Yes. More detailed investigation on the impact of requiring warrants to enable power of entry should be conducted. This new system may make public health investigations more difficult, however may also decrease the number of vexatious or petty complaints that are currently received by local government where the risk is negligible. In addition, the current 'power of entry' provisions, provided by the *Health Act 1911* are known to have been misused by some local governments in the past, with EHO's being used to gain entry to premises under the guise of a public health issue which may not have existed.

Question 9: Improvement Notices and Enforcement Orders – Does the proposed scheme of improvement notices and enforcement orders provide effective mechanisms to prevent and mitigate risks to public health?

Yes. It is essential the Enforcement Orders are able to be quickly and easily drafted to effectively action public health risks. However, there are concerns about the ability of State Administrative Tribunal (SAT) making decisions on public health matters. A major concern is whether SAT is appropriately qualified to pass judgement on public health matters and whether SAT's turnaround time will have an adverse effect on dealing with public health risks expediently?

Question 10: Administration – Do these provisions provide an adequate framework for the administration of the Bill?

Yes. Consultation with local government is essential regarding the administration of this Bill and must take into account the current and forecast shortage of qualified EHO's. Wording in the Bill should be modified to reflect a bipartisan approach between local government and DoH. As local government plays a multi-faceted role, it is essential that DoH be suitably resourced and willing to provide timely and accurate specialist advice to local government to ensure effective administration of this Bill, It is also imperative that upon gazettal, the Public Health Act be reviewed regularly to assess its suitability across the Public Health profession.

Question 11: Inquiries – Do the inquiry powers provide effective investigation and reporting arrangements in relation to matters that might be the basis of a public health inquiry?

Yes. This part is unlikely to require any significant administration by local government.

Question 12: Miscellaneous Provisions – Does the Bill provide the appropriate tools to prevent risks to public health?

Yes. The Town strongly supports a risk management focused Public Health Act. The risk management approach should allow more flexible policy development at a state and local government level, as opposed to being restricted by current inflexible and prescriptive means.

Further Comments

It is imperative that the DoH provides suitable training and support to EHO's with respect to administration of the Bill, upon proclamation.

CONSULTATION/ADVERTISING:

The WALGA and DOH consultation periods close on 28 and 30 April 2008 respectively.

LEGAL/POLICY:

- *Health Act 1911 (as amended);*
- *Proposed Public Health Act 2008;*
- *Town of Vincent Health Local Law 2004; and*
- *Local Government Act 1995.*

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is recommended that DoH and WALGA be advised of the Town's in principle support for the Draft Public Health Bill 2008 and of the specific comments relating to the impact of the Draft Public Health Bill 2008 on the Town's provision of Health Services.

10.2.1 Progress Report No 4 - Proposed Improvements Brookman Street, Moir Street and Forbes Road, Perth

Ward:	South	Date:	15 April 2008
Precinct:	Hyde Park P12	File Ref:	TES0484, TES0069 TES0006, TES0311
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** report No 4 on the proposed improvements for Brookman Street, Moir Street and Forbes Road, Perth;
- (ii) **NOTES** that:
 - (a) *as previously advised at its Ordinary Meeting held on 11 September 2007, the Town's Localised Enhancement Project (LEP) submission for the area bounded by Robinson Avenue, Wellman Street, Forbes Rd and Lake Street was listed as a reserve project by the Office of Energy in October 2006 and it decided that the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road be deferred until this matter had been determined;*
 - (b) *the Office of Energy has advised that it is now unlikely the Town's LEP submission will receive funding in the current Round 4 of the State Underground Power Program (SUPP) and should it receive funding in the current Round 4, given the processes involved to implement such a project, it is highly unlikely that any undergrounding of power will be undertaken in the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street before 2009/2010, and no timeframe has been provided should the project be included in any future SUPP rounds (yet to be announced by the Office of Energy);*
 - (c) *while it was previously decided to defer the implementation of upgrading works in Brookman Street, Moir Street and Forbes Road pending the outcome of the Town's Expression of Interest for the State Underground LEP, it is considered that Brookman Street and Forbes Road should be upgraded in 2008/2009 due to their poor condition ;*
- (iii) **PROCEEDS** with upgrading works of:
 - (a) *Forbes Road at an estimated cost of \$143,500, as shown on attached plan No. 2409-CVP-03, utilising the funds currently allocated in the 2006/2007 budget; and*
 - (b) *Brookman Street at an estimated cost of \$170,000, as shown on attached plan No. 2362-CP-2A, utilising the funds currently allocated in the 2006/2007 budget for both Moir and Brookman Streets;*
- (iv) **DEFERS** all tree plantings in Brookman Street until the power in the area has been under grounded;

-
- (v) *LISTS \$170,000 for consideration in future budgets for the upgrading of Moir Street;*
 - (vi) *RESUBMITS an Expression of Interest for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street, as an LEP project in any further State Underground Power Program;*
 - (vii) *ADVISES residents in the area of its decision; and*
 - (viii) *RECEIVES further progress reports on this matter as relevant information becomes available.*
-

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE:

The purpose of this report is to update the Council on the proposed improvements for Brookman Street, Moir Street and Forbes Road.

BACKGROUND:

Ordinary Meeting held on 5 December 2006

The Council received a further report on proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road, where it was concluded that while a number of respondents to the Community Consultation were happy for the project to proceed *as proposed*, a common thread in the majority of responses received was that *ALL works in Brookman and Moir Streets in particular should be deferred until the under grounding of power had been completed*

The Council subsequently made the following decision (in part):

"That the Council;

- (iv) *DEFERS the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road and the streetscape improvement works in Robinson Avenue pending the outcome of the Town's Expression of Interest for the State Underground Localised Enhancement Program.....;*
- (vi) *RECEIVES further progress report/s on this matter as new information becomes available."*

Ordinary Meeting held on 11 September 2007

The Council was advised that in February 2007 the Town had submitted an Expression of Interest (EOI) to the Office of Energy for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street, to be considered for funding from the State Underground (LEP) Program.

In June 2007, the Town was advised that the proposal was not successful in being included in the shortlist for Round Four (4) but had been selected as a *reserve list project*. The advice also mentioned that the reserve list is not perpetual and that the start of each new Round of the Program would require Local Governments with reserve projects to resubmit new proposals for those areas.

The Council subsequently decided (in part)

"That the Council;

- (iii) notes that given that the underground power proposal has been listed as a reserve project and there is a likelihood that the project could still receive funding, DEFERS the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road and the streetscape improvement works in Robinson Avenue until this matter has been determined;*
- (iv) WRITES to the Office of Energy requesting an update and more information on the listing of the underground proposal as a "reserve project";*
- (v) RECEIVES a further progress report on this matter by no later than March 2008 to determine a way forward if no new information has been received from the office of energy with regard to the status of the Town's underground power submission;"*

Ordinary Meeting held on 12 February 2008:

The Council received a further report on the proposed improvements for Robinson Avenue, Perth, and approved a revised proposal for the Robinson Avenue improvement works. These works are currently in progress.

DETAILS:

The Council, at its Ordinary Meeting held on 11 September 2007, requested that a further progress report on this matter be received to determine a way forward if no new information has been received from the Office of Energy with regard to the status of the Town's underground power submission.

State Underground Power Program (SUPP):

In October 2006, the Minister for Energy invited all Western Australian Local Governments to submit Expressions of Interest proposals to undertake an LEP. The Underground Power Steering Committee received 42 proposals from 25 Local Governments. Early in March 2007, the projects were assessed against critical power system and feasibility criteria.

On 1 June 2007, the Minister for Energy approved the following shortlist of eight (8) Round Four (4) LEPs:

- Shire of Toodyay – Toodyay Townsite, Toodyay
- Shire of Harvey – Brunswick Junction, Brunswick
- Shire of Augusta-Margaret River – Bussell Highway, Cowaramup
- Shire of Dandaragan – Heaton Street, Jurien Bay
- City of Bunbury – Spencer Street, Bunbury
- Town of Victoria Park – Albany Highway, Victoria Park
- City of Bayswater – Guildford Road, Bayswater
- City of Belmont – Belvedere Street, Belmont

Round Four (4) LEPs are scheduled to be progressively implemented over two (2) to three (3) years. Following the development of detailed designs, on-site works on the first of the successful Round Four (4) LEPs is anticipated to commence in mid to late 2008. All of the projects should be completed by late 2010.

LEP - Brookman Street, Moir Street and Forbes Road (Robinson Ave)

As previously mentioned, the proposed improvement works for Brookman Street, Moir Street and Forbes Road are on hold.

The Office of Energy has not been able to provide any new information on the status of the LEP reserve projects and it is therefore considered highly unlikely that the project will receive funding as part of the Round 4 SUPP. Expressions of Interest for Round 5 of the SUPP have not been called and no timeframe has been provided to date.

Comments

Therefore given the timeframes involved with LEPs from the Expression of Interest Stage, short listing, detailed submission process, community consultation etc., it is highly unlikely that any under grounding of power would be undertaken in the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street in the foreseeable future i.e. not in 2008/2009 or even 2009/2010.

Forbes Road (refer attached photos 1 and 2)

Forbes Road forms part of the greenway link. The infrastructure in this road is deteriorated and in need of upgrade. Funds are allocated in the 2007/2008 budget for the upgrade of this road including the implementation of the greenway link.

Again, while the Council at its Ordinary Meeting held on 5 December 2006 decided to defer the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road pending the outcome of the Town's Expression of Interest for the State Underground LEP, it is considered that due to its poor condition, Forbes Road should be upgraded now.

Recommendation

It is recommended that, due to its very poor condition, Forbes Road be upgraded as a priority at an estimated cost of \$143,500, utilising the funds currently allocated in the 2006/2007 budget.

Brookman / Moir Street Reconstruction: (refer attached photos 3 to 10)

A detailed reassessment of the Brookman / Moir Street project was recently undertaken by the Director Technical Services and the Manger Engineering Operations. Reconstructing these two roads will be an extremely difficult undertaking given the existing ground conditions and nature of the adjoining buildings.

It was determined that the existing road infrastructure would need to be removed, including the footpaths kerbing, etc. and rebuilt with predominantly new materials. The existing interlocking pavers are extremely difficult to relay in sections. Some of the pavers could, however, be reused. No vibrating compaction machinery would be able to be used given the existing ground conditions (peat) and nature of the adjoining buildings. This would extend the duration of the project as static compaction is the only option.

Brookman Street is in substantially worse condition than Moir Street, however, both roads will require the same treatment to improve their level of service. The revised estimated cost to reconstruct each street is \$170,000 per street.

While the Council at its Ordinary Meeting held on 5 December 2006 decided to defer the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road pending the outcome of the Town's Expression of Interest for the State Underground LEP, it is considered that due to its poor condition, Brookman Street should be upgraded now.

Recommendation

It is recommended that, due to its very poor condition, Brookman Street be reconstructed as a priority at an estimated cost of \$170,000, utilising the funds currently allocated in the 2006/2007 budget for both Moir and Brookman Streets and that no tree planting be carried out until the power in the street has been under grounded. It is recommended that \$170,000 be listed for consideration in future budgets for the upgrading of Moir Street.

CONSULTATION/ADVERTISING:

Residents will be advised of the Council decision.

LEGAL/POLICY:

N/A

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. "*(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.*"

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 budget included funds to carry out tree planting on Robinson Avenue, Moir and Brookman Streets. These funds were carried forward to 2007/2008. In addition, funds for the under grounding of power (the Town's 50% contribution to be recouped from the residents) was also been included in the 2007/2008 budget.

Funding scenario is as follows:

	2007/2008 Budget	Additional Funds required	Funding Source	Comments
Streetscape Improvements				
<i>Moir Street - Trees</i>	<i>\$15,000</i>	<i>Nil</i>	<i>Muni</i>	<i>Defer works</i>
<i>Brookman Street - Trees</i>	<i>\$15,000</i>	<i>Nil</i>	<i>Muni</i>	<i>Defer Works</i>
<u>Forbes Road - Upgrade</u>	<u>\$115,000</u>	<u>Nil</u>	<u>Muni</u>	<u>Implement now</u>
Road works				
<u>Brookman Street</u>	<u>\$85,000</u>	<u>\$85,000</u>	<u>Muni</u>	<u>Implement now utilising \$85,000 from Moir Street</u>
<i>Moir Street</i>	<i>\$85,000</i>	<i>\$85,000</i>	<i>Muni</i>	<i>Defer works</i>

	2007/2008 Budget	Additional Funds required	Funding Source	Comments
Resurfacing				
<u>Forbes Road - Wellman to Lake</u>	<u>\$22,000</u>	<u>Nil</u>	<u>Muni</u>	<u><i>Implement now</i></u>
Footpath Program				
<u>Forbes Road - Wellman to Lake</u>	<u>\$6,500</u>	<u>Nil</u>	<u>Muni</u>	<u><i>Implement now</i></u>
Miscellaneous				
<i>Underground Power – Brookman / Moir</i>	<i>\$500,000</i>	<i>TBA</i>	<i>Cont</i>	<i>Defer works</i>
TOTAL	\$843,500	\$170,000		

COMMENTS:

The results of the previous community consultation indicated that while most residents were generally in favour of the proposals as presented, not all were happy with the planting of trees and/or the species suggested. In addition, many comments requested that the under grounding of power be implemented prior to embarking on any upgrade work.

Given that the under grounding of Power in this area may be some time away, the Council needs to decide whether to proceed with some of the improvement works now or defer the works indefinitely.

Given the poor condition of the infrastructure in both Brookman Street and Forbes Road, it is recommended that these projects proceed now and that all further works be deferred in the short to medium term.

It is also recommended that the Council actively pursue state funding from the Office of Energy for the under grounding of power in this area when Round 5 SUPP submissions are called.

10.3.1 Financial Statements as at 31 March 2008

Ward:	Both	Date:	14 April 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 March 2008 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 March 2008.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 31 March 2008.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 4% over the year to date budget for the month ending 31 March 2008.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1 % over the budget.

Governance (Page 2)

Governance is showing 15 % under budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 85 % of the budget.

Health (Page 4)

Health is showing 116 %, of the budget this is due to 371 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 97 % of the budget.

Community Amenities (Page 6)

Community Amenities is 12 % above the year to date budget. There were 572 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently on the revenue budget. Beatty Park Leisure Centre revenue is 59 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 99%

Transport (Page 11)

The total revenue for Transport is 12 % over the budget.

Economic Services (Page 12)

Economic Services is 55 % over budget due to the increase number of building licences 496 issued compared to last year 555 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 313% over the budget due to the money received from the Trust retentions of work bonds.

Operating Expenditure

Operating expenditure for the month is 100% of the year to date budget for the month ending 31 March 2008.

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$15,636,156 which is 61 % of the revised budget of \$25,436,439.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	538,150	775,450	279,513	36%
Plant & Equipment	1,487,450	1,487,450	687,302	25%
Land & Building	12,303,039	13,240,511	9,663,828	73%
Infrastructure	10,034,028	9,933,028	5,005,513	50%
Total	24,362,667	25,436,439	15,636,156	61%

Balance Sheet (Statement of Financial Position) and Statement of Changes in Equity (Pages 25 & 26)

The statement shows the current assets of \$22,343,491 and non current assets of \$135,687,815 for total assets of \$158,031,306.

The current liabilities amount to \$7,069,512 and non current liabilities of \$14,174,567 for the total liabilities of \$21,244,088. The net asset of the Town or Equity is \$136,787,219.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary**General Debtors (Page 28)**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts.

Sundry Debtors of \$834,481 is outstanding at the end of March 2008. Of the total debt \$265,260 (32%) relates to debts outstanding for over 60 days, of which \$260,863 is related to Cash in lieu Parking and % Art Contribution. 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.

Rate Debtors (Page 29)

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$4.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding are \$804,550 which represents 4.73% of the outstanding collectable income compared to last year 3.1%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

Beatty Park – Financial Position Report (Page 30)

As at 31 March 2008 the operating deficit for the Centre was \$386,746 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash deficit of \$28,313 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 31 March 2008 was \$6,556,189.

Net Current Asset Position (Page 32)

The net current asset position \$6,556,189.

Variance comment Report (Pages 33 to 36)

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

10.3.2 Authorisation of Expenditure for the period 1 – 31 March 2008

Ward:	Both	Date:	07 April 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 March – 31 March 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 Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
-------------------------	----------------	---------------------------

Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 March 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	\$458,905.97
Total Municipal Account		\$458,905.97
Advance Account		
Automatic Cheques	62155-62365	\$406,921.10
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	765,767-768, 770-773	\$2,058,361.01
Transfer of PAYG Tax by EFT	March 2008	\$191,556.45
Transfer of GST by EFT	March 2008	\$0.00
Transfer of Child Support by EFT	March 2008	\$856.28
Transfer of Superannuation by EFT:		
• City of Perth	March 2008	\$36,342.60
• Local Government	March 2008	\$111,749.58
Total		\$2,805,787.02
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,130.89
Lease Fees		\$3,312.59
Corporate Master Cards		\$8,802.25
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$15.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$74,392.67
Less GST effect on Advance Account		-\$53,223.00
Total Payments		\$3,285,862.66

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.

10.1.19 Paid Parking Restrictions, Survey Results from William Street, Forbes Road, Brisbane Street and Vincent Street

Ward:	South	Date:	15 April 2008
Precinct:	Hyde Park; P13 Leederville, P3	File Ref:	LEG0047
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the alteration of the operating times of the paid parking restrictions, in William Street and Forbes Road, Perth, from 8:00am to 10:00pm Monday to Sunday, to 8:00am to 6:00pm, Monday to Friday and 8:00am to noon on Saturday;*
- (ii) *APPROVES the continuation of the new Paid Parking restrictions in Brisbane Street, Perth;*
- (iii) *APPROVES the continuation of the new Paid Parking Restrictions in Vincent Street, Leederville;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY the following amendment to the First Schedule of the Town of Vincent Local Law Relating to Parking and Parking Facilities to reflect the decision at clause (i) above, to amend the operating time for Paid Parking in William Street and Forbes Road, Perth;*

**"LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW 2008
AMENDMENT NO 1, 2008**

AMENDS the First Schedule of the Town of Vincent Local Law Relating to Parking and Parking Facilities to alter the operating times from the current times of 8:00am to 10:00pm Monday to Sunday, to 8:00am to 6:00pm Monday to Friday and 8:00am to noon Saturday;

- (ii) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolved on2008 to make the Local Law Relating to Parking Facilities, Amendment No 1, 2008.*

The Town of Vincent Parking and Parking Facilities Local Law, as published in the Government Gazette on 21 November 2007, is referred to as the principal local law. The principal local law is amended as follows:

1. First Schedule Amended

The existing First Schedule is deleted and replaced by the following First Schedule:

FIRST SCHEDULE

TICKET MACHINES ZONES

PERIOD AND FEES

LOCATION	BETWEEN	PERIOD OF OPERATION
1 William Street	Brisbane Street and Newcastle Street	9.00am to 8.00pm Mon-Sun <u>8.00am to 6.00pm Mon-Fri and 8am to 12 noon Sat</u>
2 Oxford Street	Between Frame Court Car Park entry and Leederville Parade	8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun
3 Frame Court	Between Frame Court Car Park entry and Leederville Parade	8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun
4 East and West sides of Pier Street, Perth	Between Parry Street and Brisbane Street	8.00am to 10.00pm Mon-Sun
5 North side of Brewer Street, Perth	Between Lord Street and Stirling Street	8.00am to 10.00pm Mon-Sun
6 Median Parking in Stirling Street, Perth	Between Parry Street and Brisbane Street	8.00am to 10.00pm Mon-Sun
7 North side of Stuart Street, Perth	Between Palmerston Street and Fitzgerald Street	8.00am to 8.00pm Mon-Fri; and 8.00am to 12 noon Sat
8 North and south sides of Newcastle Street, Leederville	Between Carr Place and Loftus Street	8.00am to 8.00pm Mon-Sun
9 North side of Forbes Road, Perth	Between William Street and Wellman Street	9.00am to 8.00pm Mon-Sun <u>8.00am to 6.00pm Mon-Fri and 8am to 12 noon Sat</u>
10 North and south sides of Forbes Road, Perth	Between Wellman Street and Forbes Lane	9.00am to 8.00pm Mon-Sun <u>8.00am to 6.00pm Mon-Fri and 8am to 12 noon Sat</u>
11 North and South side of Vincent Street, Leederville	Between Loftus Street and Oxford Street	8.00am <u>9.00am</u> to 4.15pm Mon-Sun and 6.00pm to 10.00pm Mon-Sun <u>Fri</u> and 8.00am to 10.00pm Sat and Sun
12 <u>North side of Vincent Street, Leederville</u>	<u>Between Loftus Street and the entry to Leederville Oval</u>	<u>8.00am to 10.00pm Monday to Sunday</u>

~~(iii)~~ (v) in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, GIVES a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking Facilities Local Law; and

~~(iv)~~ (vi) REQUESTS the Chief Executive Officer, after the expiry of the statutory consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate.

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

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

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (i) *APPROVES the alteration of the operating times of the paid parking restrictions, in William Street and Forbes Road, Perth, from 8:00am to 10:00pm Monday to Sunday, to 8:00am to 6:00pm, Monday to Friday and 8:00am to noon on Saturday;*
- (ii) *APPROVES the continuation of the new Paid Parking restrictions in Brisbane Street, Perth;*
- (iii) *APPROVES the continuation of the new Paid Parking Restrictions in Vincent Street, Leederville;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY the following amendment to the First Schedule of the Town of Vincent Local Law Relating to Parking and Parking Facilities to reflect the decision at clause (i) above, to amend the operating time for Paid Parking in William Street and Forbes Road, Perth;*

*"LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW 2008
AMENDMENT NO 1, 2008*

AMENDS the First Schedule of the Town of Vincent Local Law Relating to Parking and Parking Facilities to alter the operating times from the current times of 8:00am to 10:00pm Monday to Sunday, to 8:00am to 6:00pm Monday to Friday and 8:00am to noon Saturday;

- (ii) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolved on2008 to make the Local Law Relating to Parking Facilities, Amendment No 1, 2008.*

The Town of Vincent Parking and Parking Facilities Local Law, as published in the Government Gazette on 21 November 2007, is referred to as the principal local law. The principal local law is amended as follows:

1. First Schedule Amended

The existing First Schedule is deleted and replaced by the following First Schedule:

FIRST SCHEDULE

TICKET MACHINES ZONES

PERIOD AND FEES

LOCATION	BETWEEN	PERIOD OF OPERATION
1 <i>William Street</i>	<i>Brisbane Street and Newcastle Street</i>	<i>8.00am to 6.00pm Mon-Fri and 8am to 12 noon Sat</i>
2 <i>Oxford Street</i>	<i>Between Frame Court Car Park entry and Leederville Parade</i>	<i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i>
3 <i>Frame Court</i>	<i>Between Frame Court Car Park entry and Leederville Parade</i>	<i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i>
4 <i>East and West sides of Pier Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
5 <i>North side of Brewer Street, Perth</i>	<i>Between Lord Street and Stirling Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
6 <i>Median Parking in Stirling Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
7 <i>North side of Stuart Street, Perth</i>	<i>Between Palmerston Street and Fitzgerald Street</i>	<i>8.00am to 8.00pm Mon-Fri; and 8.00am to 12 noon Sat</i>
8 <i>North and south sides of Newcastle Street, Leederville</i>	<i>Between Carr Place and Loftus Street</i>	<i>8.00am to 8.00pm Mon-Sun</i>
9 <i>North side of Forbes Road, Perth</i>	<i>Between William Street and Wellman Street</i>	<i>8.00am to 6.00pm Mon-Fri and 8am to 12 noon Sat</i>
10 <i>North and south sides of Forbes Road, Perth</i>	<i>Between Wellman Street and Forbes Lane</i>	<i>8.00am to 6.00pm Mon-Fri and 8am to 12 noon Sat</i>
11 <i>South side of Vincent Street, Leederville</i>	<i>Between Loftus Street and Oxford Street</i>	<i>9.00am to 4.15pm and 6.00pm to 10.00pm Mon-Fri and 8.00am to 10.00pm Sat and Sun</i>
12 <i>North side of Vincent Street, Leederville</i>	<i>Between Loftus Street and the entry to Leederville Oval</i>	<i>8.00am to 10.00pm Monday to Sunday”</i>

(v) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, GIVES a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking Facilities Local Law; and*

(vi) *REQUESTS the Chief Executive Officer, after the expiry of the statutory consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate.*

ADDITIONAL INFORMATION:

The Table shown in the agenda report did not take into account that there is a morning Clearway on the south side of Vincent Street, between Loftus and Oxford Streets, Leederville, operating between 7:30am and 9:00am, as well as the stated 4:15pm to 6:00pm Clearway on Monday to Friday.

There is no clearway on the north side of Vincent Street, between Loftus Street and the entry to Leederville Oval, but there is a short Clearway restriction, between the entry to Leederville Oval and Oxford Street, Leederville. As a result, it is necessary to correct the times that are stated in the report.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the outcome of the Parking Survey and recommend an amendment to the Town's Local Law Relating to Parking.

BACKGROUND:

As a result of complaints and a petition from residents and businesses, on 18 December 2007, the Council approved the continuation of paid parking, in Brisbane Street, William Street and Forbes Road, Perth and in Vincent Street Leederville, as per the Town's Parking and Parking Facilities Local Law 2007. The Council Decision was as follows:

" COUNCIL DECISION ITEM 10.1.21

That the Council;

- (i) *RECEIVES the petition, from business owners in William Street and Forbes Road, Perth, requesting the Council to amend the hours of operation of the current paid parking restrictions;*
- (ii) *DOES NOT APPROVE the alteration of the current paid parking restrictions, at this point of time ;and*
- (iii) *REQUESTS the Chief Executive Officer to:*
 - (a) *monitor the following areas, to assess the degree of usage and congestion in:*
 - *William Street, between Brisbane Street and Newcastle Street;*
 - *Forbes Road, between William Street and Wellman Street; and*
 - *Brisbane Street, between Beaufort Street and Lake Street; and*
 - (b) *undertake consultation with businesses and residents in and around William Street, between Brisbane and Newcastle Streets, explaining the basis for the current times of operation of the parking restrictions, seek public comments on these restrictions and submit a further report to the Council in April 2008, outlining the findings of the consultation and monitoring."*

The Parking and Parking Facilities Local Law was gazetted on 21 November 2007 and became legally enforceable on 5 December 2007. The Council's previous approval for paid parking to be introduced into Vincent Street, between Loftus and Oxford Streets and Brisbane Street, between Beaufort and Lake Streets, as well as an amended operating times for the existing restrictions in William Street and Forbes Road, were included in the First Schedule of this legislation.

DETAILS:

Vincent Street:

A total of seven (7) responses were received, regarding the newly introduced restrictions. Of this number, four (4) believed that there were more available bays and four (4) believed that the parking was easier, since the introduction of the restrictions. One person believed that there were not more bays available and one believed that parking was not easier, since the introduction of the restrictions. One person believed that it would be better if two hour (2P) restrictions were put in place.

The majority of respondents believed that, since the introduction of the paid parking restrictions, there had been an improvement and it is therefore recommended that the paid parking restrictions are maintained.

Brisbane Street:

Of twenty (20) responses, sixteen (16) indicated that they had experienced parking problems, prior to the paid parking restrictions, with this number being reduced to ten (10), who indicated that they had experienced parking problems after the restrictions were introduced.

From the general comments on the survey, the majority of the respondents do not appear to have an issue with the paid parking, but believe that it needs to be more regularly patrolled. In fact Rangers patrol Brisbane Street, William Street and Forbes Road on a daily basis. There were also four (4) respondents who suggested that the restriction times should be the same as the City of Perth.

Of the twenty (20) respondents, twelve (12) were deemed to be positive, three (3) were neither positive nor negative and five (5) were deemed to be negative. As a result, it is recommended that the current paid parking restrictions are left in place.

William Street and Forbes Road:

A total of sixty five (65) responses were received from businesses in William Street and Forbes Road, with all of the respondents indicating that they were dissatisfied with the extended operating times for the paid parking restrictions. Albeit that the Town introduced the restrictions as a result of complaints from businesses, about customers being unable to park to patronise their premises, there appears to be universal disagreement with the changes. It is believed that, if the restrictions are reversed, the same problems as were previously experienced, will simply resurrect and businesses will continue to suffer.

However, since there is no support for the restrictions, it is suggested that there is little value in persisting with the extended restriction times and it is therefore recommended that the decision, which was taken by the Council on 18 December 2007, be amended and that the operating times change to 8:00am to 6:00pm Monday to Friday and 8:00am to 12 noon on Saturday.

CONSULTATION/ADVERTISING:

The report has resulted from a Public Consultation Process. There is a need for a further six weeks statutory consultation, on a statewide basis, to amend the local law.

LEGAL/POLICY:

Any change to the times will required an amendment to the Town's Parking and Parking Facilities Local Law 2008.

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:
“(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs;”

FINANCIAL/BUDGET IMPLICATIONS:

There will be some cost associated with the above recommendation, relating to William Street and Forbes Road, since the revenue that has been budgeted for, in the 2008/9 financial year, will need to be reduced by an estimated \$5,000.

There will also be a cost associated with the alteration to the current signage and to the programmes for the ticket issuing machines. It is estimated that this will cost around \$1,500.

COMMENTS:

While the restrictions were introduced, as a protection for residents and businesses in the various areas, it appears that the business owners, in William Street and Forbes Road have decided that it is too onerous. The majority of the survey respondents for Vincent Street and Brisbane Street were supportive of the restrictions, provided there is adequate enforcement action by Rangers and as a result, it is recommended that the restrictions in these streets remain. However, since all respondents in the William Street and Forbes Road area oppose the restrictions, it is recommended that the parking restrictions are returned to those that were in force prior to December 2007 - *8:00am to 6:00pm Monday to Friday and 8:00am to noon Saturday.*

10.1.4 No. 29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley - Front/Street Fence Addition to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	14 April 2008
Precinct:	Norfolk; P10	File Ref:	PRO3907; 5.2008.152.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	John Giorgi

CHIEF EXECUTIVE 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 owners P M & L L McGuire for Front/Street Fence Addition to Existing Single House (Application for Retrospective Approval) No. 29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 25 January 2008.

~~**OFFICER RECOMMENDATION:**~~

~~*That;*~~

~~*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by owners P M & L L McGuire for Front/Street Fence Addition to Existing Single House (Application for Retrospective Approval) No. 29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 25 January 2008, for the following reasons:*~~

- ~~(i) — *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*~~
- ~~(ii) — *the non-compliance with clause SADC 12 of the Town's Policy No.3.2.1 relating to Residential Design Elements, which requires posts and piers to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*~~
- ~~(iii) — *the non-compliance with the Town's Policy No.2.2.12 relating to Truncations; and*~~
- ~~(iv) — *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*~~

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

Landowner:	P M & L L McGuire
Applicant:	L L McGuire
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	450 square metres
Access to Right of Way	Southern side, 3.01 metres wide, sealed, Town owned

BACKGROUND:

4 April 2007 The Town under delegated authority from the Council refused an application for carport addition to an existing house at No.29 Grosvenor Road, Mount Lawley, for the following reasons:

- "(i) *the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks as the proposed carport is required to be accessible from the rear/southern right of way, which is 3.01 metres wide, Town owned and sealed."*

26 April 2007 The owner of the subject place submitted an application for review at the State Administrative Tribunal (SAT).

9 May 2007 At the Directions Hearing held at the State Administrative Tribunal (SAT), the Tribunal requested that the matter be re-considered by the Council.

12 June 2007 The matter was considered by the Council as a Confidential Item at its Ordinary Meeting and at this time it was resolved to support the application for carport addition to an existing house at No.29 Grosvenor Road, Mount Lawley subject to the following conditions:

- "(i) *any new street/front wall, fence and gate between the Grosvenor Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling."*

28 August 2007

A Building Licence was issued by the Town for carport and front fence addition to existing dwelling.

5 December 2007

A site visit was undertaken to the subject place, which revealed the discrepancies to the approved plans. The site plan approved at the Building Licence and Planning Approval stage depicts the piers being 300 millimetres x 300 millimetres. The width and depth of the various constructed piers are approximately 420 millimetres, 510 millimetres and 520 millimetres.

17 December 2007

The owner was notified in writing of the above non-compliance and was requested to comply with the approved plans.

17 January 2008

The owner of the subject place submitted an application for front/street fence addition to existing single house (application for retrospective approval).

11 March 2008

The Town under delegated authority from the Council refused the application for front/street fence addition to existing single house (application for retrospective approval), for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with clause SADC 12 of the Town's Policy No.3.2.1 relating to Residential Design Elements, which requires posts and piers to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (iii) the non-compliance with the Town's Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways; and*

(iv) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements."*

(Note: The Town's Officers do not have delegated authority to approve an application which is contrary to Town Policy).

27 March 2008

The owners requested that the matter be submitted to the Council for consideration. A copy of the submission is attached.

DETAILS:

The proposal involves the reconsideration of the refusal of the application (under delegated authority) for front/street fence addition to existing single house (application for retrospective approval) at No. 29 Grosvenor Road, Mount Lawley.

The applicant and builder have each provided a submission both of which are attached and partially summarised below:

- There are a number of buildings, post 1997 within in a one-metre radius with front fences and pillars as wide if not wider than the subject fence.
- No specific restrictions on Building Licence regarding fence, such restrictions should have been noted on the plans.
- Piers cannot be more then 350 x 350 millimetres, which makes them 370 x 370 millimetres when plastered.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Policy No.3.2.1 relating to Residential Design Elements	Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres.	415 - 520 millimetres	Supported - whilst the fence has been finished in a neat manner. there is particular concern regarding the width of the piers in the 1.5 metre by 1.5 metre visual truncation area.
Policy No. 2.2.12 relating to Truncations	The area within a sight line shall be maintained clear of obstructions above the height of 0.65 metres. Slender columns of less than 355mm square or 500mm diameter shall be permitted.	Posts in sightline area 500 -520 millimetres	Not Supported - this requirement is to ensure adequate visibility of pedestrians, cyclists or other vehicles by the driver of the vehicle exiting the parking space and non-compliance would result in a potential safety hazard. <u>However, it is considered that there is sufficient visibility to ensure the safety of persons using the footpath is protected.</u>

Consultation Submissions		
The application was not advertised as the Officer Recommendation is for refusal.		
Support	N/A	Noted.
Objection	N/A	Noted.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

In relation to the statements made in the applicant's and builder's submissions the following Officer Comment is to be noted.

- There are a number of buildings, post 1997 within in a one-metre radius with front fences and pillars as wide if not wider than our own.

Officer comment: - a review of a selection of the addresses provided by the applicant revealed that there are a number of fences in the immediate vicinity, which have over width piers. However, a review of the Town's records indicates that none of the existing examples along Grosvenor Street have obtained Planning Approval. This demonstrates that the Town has not been inconsistently applying its policies and that the Town's Policy relating to visual truncations continue to have scope for operation especially in the immediate vicinity of the subject property.

- No specific restrictions on Building Licence regarding fence, such restrictions should have been noted on the plans.

Officer comment: - the SAT decision documented the Town's front fence requirements and the approved plans and Building Licence plans illustrate compliant piers.

- Piers cannot be more then 350 millimetres x 350 millimetres, which makes them 370 millimetres x 370 millimetres when plastered.

Officer comment: - the applicant also states piers are constructed out of blocks either 300 x 300 mm or 390 x 390 mm, which makes them 320 x 320 mm or 410 x 410 mm when plastered. The Town's requirement is for the width of both the piers and plaster inclusive and as indicated by the applicant's submission suitable blocks are readily available on the market, which would have complied with this requirement.

The Town's Residential Design Elements requires that posts and piers within the primary street setback area, including along the side boundaries, to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres. In this instance none of the piers comply with the Town's requirements, however they are only slightly larger (i.e. 415mm – 520mm). ~~The slight increase in size is considered supportable in this situation, which is of particular concern with regard to the lack of visibility in the visual truncation area. In light of the above, it is recommended that the application be refused as outlined in the Officer Recommendation.~~

Chief Executive Officer Comments:

After consideration of the applicant's submission, the Chief Executive Officer has amended this report to recommend "Approval", for the following reasons;

- (1) there are other similar existing front/street fences along Grosvenor Road;
- (2) the fence has been finished in an attractive and professional manner;
- (3) the fence is in keeping with the existing dwelling;
- (4) there have been no complaints or objections concerning the fence;
- (5) the owner's/builder appear to have made a genuine error concerning the size of the fence piers;
- (6) whilst the piers are larger than specified and there is some minor visibility obstruction, it is considered that there is sufficient visibility so as to ensure the reasonable safety of persons using the footpath.

10.1.8 Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street Perth, corner Edward Street, Perth - Proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Twelve (12) Offices and Basement Car Parking to Existing Shop/Office/Warehouse

Ward:	South	Date:	15 April 2008
Precinct:	Beaufort, P13	File Ref:	PRO4220; 5.2007.502.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel	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 MacCormac Architects on behalf of the owner Scope Property Group Pty Ltd for proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Twelve (12) Offices and Basement Car Parking to Existing Shop/Office/Warehouse, at Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street, corner Edward Street, Perth, and as shown on plans stamp-dated 8 April 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) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$80,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,000,000); OR*
 - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$80,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*

- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 8,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
1 x mobile garbage bin per unit; and
1 x general recycle bin per 2 units.
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space;
 - (b) *significant appropriate design feature(s) being incorporated into the bin store wall adjacent to Edward Street to reduce its visual impact;*
 - (c) *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;*

- (d) *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;*
 - (e) *the fourth floor component relating to Units 4 and 5 being deleted and the top of the wall for this portion being reduced to RL 21.8 ;*
 - (f) *the corner portion of the building 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;*
 - (g) *a store being allocated for each multiple dwelling;*
 - (h) *end of trip cyclist facilities being provided as follows:*
 - (1) *a minimum of two male showers and two female showers being located in separate change rooms;*
 - (2) *end of journey facilities should be located as close as possible to the bicycle parking facilities;*
 - (3) *the change room facilities being secure and capable of being locked; and*
 - (4) *a minimum of one locker being provided for every bicycle parking bay provided.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (vi) *first obtaining the consent of the owners of Nos. 178-188 Stirling Street and 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 Nos. 178-188 Stirling Street and No. 153 Edward Street in a good and clean condition;*
 - (vii) *prior to the first occupation of the development, nineteen (19) class one or two, plus four (4) class three 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;*
 - (viii) *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;*
 - (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (x) *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;*
 - (xi) *the maximum total gross floor area of the offices shall be limited to 3718 square metres;*
 - (xii) *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;*
 - (xiii) *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;*
 - (xiv) *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;*
 - (xv) *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;*
 - (xvi) *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;*
- (xvii) *any proposed vehicular entry gates to the basement car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*
 - (xviii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (xix) *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*

- (xx) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development.*
-

Moved Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Burns

That;

1. *clause (xii) be amended by adding the following words at the end of the sentence:*
“and a minimum of forty-three (43) car parking bays shall be provided for the non-residential (office) component;” and
2. *clause (xiv) be amended by adding the following words at the end of the sentence:*
“and available only for the office/non-residential component during normal business hours;”

Debate ensued.

AMENDMENT 1 PUT AND LOST (4-5)

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

AMENDMENT 2

Moved Cr Youngman, Seconded Cr Messina

That clause (iv)(e) be deleted and the remaining clauses renumbered.

AMENDMENT 2 PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.8

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 MacCormac Architects on behalf of the owner Scope Property Group Pty Ltd for proposed Additional Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Twelve (12) Offices and Basement Car Parking to Existing Shop/Office/Warehouse, at Nos. 188-194 (Lot: 27 D/P: 96829) Stirling Street, corner Edward Street, Perth, and as shown on plans stamp-dated 8 April 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) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$80,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,000,000); OR*
 - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$80,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*
 - (1) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 8,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
 - (2) a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*

- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*

- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*

- (a) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
- *Residential*
1 x mobile garbage bin per unit; and
1 x general recycle bin per 2 units.
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space;
- (b) *significant appropriate design feature(s) being incorporated into the bin store wall adjacent to Edward Street to reduce its visual impact;*
- (c) *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;*
- (d) *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;*
- (e) *the corner portion of the building 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;*
- (f) *a store being allocated for each multiple dwelling;*

(g) *end of trip cyclist facilities being provided as follows:*

- (1) *a minimum of two male showers and two female showers being located in separate change rooms;*
- (2) *end of journey facilities should be located as close as possible to the bicycle parking facilities;*
- (3) *the change room facilities being secure and capable of being locked; and*
- (4) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *first obtaining the consent of the owners of Nos. 178-188 Stirling Street and 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 Nos. 178-188 Stirling Street and No. 153 Edward Street in a good and clean condition;*
- (vii) *prior to the first occupation of the development, nineteen (19) class one or two, plus four (4) class three 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;*
- (viii) *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;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *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;*
- (xi) *the maximum total gross floor area of the offices shall be limited to 3718 square metres;*
- (xii) *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;*

- (xiii) *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;*
- (xiv) *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;*
- (xv) *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;*
- (xvi) *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;*
- (xvii) *any proposed vehicular entry gates to the basement car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*
- (xviii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xix) *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*
- (xx) *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:	MacCormac 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	3957 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.

DETAILS:

The proposal involves a four (4) storey mixed use development comprising sixteen (16) multiple dwellings, twelve (12) offices and basement car park at the subject property.

There is an existing warehouse/office/shop on site which will be extended on the first floor and will be changed for office use only.

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 3957 square metres	0.979 or 3379.3 square metres	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- 18.5 metres including the vertical element	Not supported- refer to 'Comments'.

<p>Building Setbacks: Ground Floor- Front-West-Stirling Street (Primary Street)</p>	<p>4 metres or maintaining existing front setback.</p>	<p>Nil and 2 metres</p>	<p>Supported-no undue impact on streetscape, and other properties along Stirling Street have nil setback.</p>
<p>South</p>	<p>Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height. 2/3 of length= 20.26 metres</p>	<p>Wall within the street setback. Boundary wall length= 24 metres. Boundary wall height= 9.2 metres.</p>	<p>Supported-there is already an existing boundary wall on the boundary which is being extended to the eastern boundary with the rights of carriageway easement. Therefore there will be no undue impact on streetscape. The proposed development approved on the adjoining property at Nos. 178-188 Stirling Street will have a wall of three storeys facing the subject property though it will not be along the full length of the boundary. The wall height proposed will not have an undue impact on the adjoining property in terms of visual impact, ventilation and overshadowing.</p>
<p>East</p>	<p>Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height.</p>	<p>Wall within the street setback. Height=11.6 metres.</p>	<p>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.</p>
<p>North –Edward Street- Secondary Street</p>	<p>1.5 metres</p>	<p>Nil</p>	<p>Supported- no undue impact on the streetscape as other properties along Edward Street have nil setbacks.</p>

<p>First, Second and Third Floors- Front-West-Stirling Street- Primary Street</p>	<p>6 metres</p>	<p>Nil</p>	<p>Supported- no undue impact on the streetscape as other properties along Stirling Street have nil setbacks up to the third floor.</p>
<p>South</p>	<p>Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height</p> <p>2/3 of length=20.26 metres</p>	<p>Wall within the street setback.</p> <p>Boundary wall length= 24 metres.</p> <p>Boundary wall height= 9.2 metres.</p>	<p>Supported-there is already an existing boundary wall on the boundary which is being extended to the eastern boundary with the rights of carriageway easement. Therefore there will be no undue impact on the streetscape. The development approved on the adjoining property at Nos. 178-188 Stirling Street will have a wall of three storeys facing the subject property though it will not be along the full length of the boundary. The wall height proposed will not have undue impact on the adjoining property in terms of visual impact, ventilation and overshadowing.</p>
<p>East-First and Second Floors</p>	<p>Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height.</p>	<p>Wall within the street setback.</p> <p>Height=11.6 metres.</p>	<p>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.</p>
<p>First, Second and Third Floors- North-Edward Street- Secondary Street</p>	<p>1.5 metres</p>	<p>Nil</p>	<p>Supported-no undue impact on the streetscape as other properties along Parry Street have nil setbacks.</p>

Privacy Setbacks	Terrace- 7.5 metres	Unit 7 (First and Second Floors)- Nil to eastern boundary	Supported- no undue impact as there is an existing warehouse on the adjoining property at No.153 Edward Street.
Consultation Submissions			
Support (1)	No specific comments		Noted
Objection (1)	<p>Parking Shortfall of parking.</p> <p>1 car bay per residential/commercial Strata should be applied to the surplus of bays as was requested to the adjoining lot at Nos. 178-188 Stirling Street.</p> <p>Height and Number of Storeys Given that the area of the three units will encompass an available area of some 400 square metres, the Town is requested to reinstate the fourth floor of the proposed development at Nos.178-188 Stirling</p>		<p>Not supported-the applicant amended the plans to change the retail to office uses. The proposal complies with the parking requirements as demonstrated below.</p> <p>Supported-one of the conditions of planning approval for Nos.178-188 Stirling street is the car park shall be used only by employees, tenant, residents and visitors directly associated with the development. This condition was imposed as the Town wanted to ensure that these bays would not be used as private paid parking by people other than the employees, tenant, residents and visitors directly associated with the development. Given that the proposed development will have 63 bays, it is recommended that the same condition be imposed so as to ensure that the parking bays being used only by employees, tenant, residents and visitors.</p> <p>Not supported-the Town did not support the three units at Nos.178-188 Stirling Street because the</p>

	<p>Street to three units. The Town requested that fourth floor of the Nos.178-188 Stirling Street be reduced from three units to one unit. This will give the balance to the proposed building which presently looks totally out of architectural perspective.</p> <p>Floor Space</p> <p>66 per cent of residential component is required and only 41 per cent is being provided.</p>	<p>development would exceed the required plot ratio and would look bulky on the streetscape. Moreover it would not match with the existing building opposite Nos.178-188 Stirling Street on the other side of Parry Street. However, for this application, the frontages of the subject site are longer than Nos.178-188 Stirling Street. Therefore the two frontages of the building will spread the bulk and scale of the fourth floor. Moreover the proposed development complies with the required plot ratio. However, if this application is supported, it is recommended that the fourth floor component relating to Units 4 and 5 being deleted (refer to "Comments" below)</p> <p>Not supported- given that there is already a non-residential building on site therefore for calculation of the percentage of the residential component, the existing non-residential component is not included in the calculation. Therefore the residential component for the new development is 83.5 per cent which complies with the requirement.</p>
--	---	---

	<p>Easement The proposed building will encroach on the easement benefit to Town of Vincent and No. 178-88 Stirling Street.</p>	<p>Supported- the Town do not object to the encroachment on the easement. However, as part of the condition of the approval the applicant will have to execute and registered on the title the encroachment prior to the issue of the Building Licence. As part of the execution of the legal document the applicant will require the consent of the neighbour of Nos.178-188 Stirling Street.</p>
Water Corporation	<p>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.</p>	<p>Noted</p>

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

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

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 dwelling. Therefore, the number of car bays provided for the residential component will be 16 bays. A total of 63 car bays have been provided for the entire development; therefore, resulting in 47 car bays available for the commercial component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Office-1 car bay per 50 square metres gross floor area (proposed 3718 square metres) = 74.36 car bays.	74 car bays
Apply the parking adjustment factors.	(0.578)
<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)) 	42.772 car bays
Car parking provided on-site for office component	47 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant surplus	4.228 car bays

Bicycle Parking

Requirements	Required	Provided
Office 1 per 200 square metres (proposed 3717.4 square metres) gross floor area for employees (class 1 or 2).	18.587 spaces= 19 spaces	Bicycle parking shown on plans at the ground level
1 space per 750 square metres (proposed 3717.4 square metres) over 1000 square metres for visitors (class 3).	3.623 spaces= 4 spaces	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 storeys of units 1-5, the entry lobby and the lift room will be located. At the corner of Stirling and Edward Streets, there will be the second storey of units 1, 2 and 3, and along Edward Street there will be the second storeys of units 4 and 5. The entry lobby along Edward Street and the lift along the southern elevation will have a fourth floor.

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. In this instance it is considered that the fourth storey corner will not have any undue impact on the streetscape. However, it is considered that the fourth floor for the units 4 and 5 portion will create an unacceptable bulk and scale issue which will unduly impact on the streetscape of Edward Street. Therefore, if this proposed development is supported, then it is recommended that the proposed fourth floor for the units 4 and 5 portion be deleted.

The entry lobby fourth storey is setback 2.2 metres from Edward Street and will have an area of 31.356 square metres which will not unduly impact on the streetscape. With regards to the lift, the fourth storey is required as it will be used for the Lift Motor Room. It is setback at 12.5 metres from Edward Street and therefore it will not have an undue impact on the streetscape.

The height of the building including the vertical element is 18.5 metres from the lowest natural ground level. However, the maximum height of the building only from the lowest natural ground level will be 16.15 metres. 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 shall be 13.6 metres from the natural ground level.

Conclusion

The application is considered acceptable, except for the height and fourth floor of the units 4 and 5 portion, and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

10.1.9 Unit 11, No. 663 (Lot 10) Newcastle Street, Leederville - Proposed Ongoing Extended Trading Permit for Double Lucky (Small Bar)

Ward:	South	Date:	11 April 2008
Precinct:	Oxford Centre; P4	File Ref:	ENS0053, PHI0334
Attachments:			
Reporting Officer(s):	M Fallows		
Checked/Endorsed by:	A Giles, R. Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding Double Lucky's Extended Trading Permit Application with an extended trading period proposed for Wednesday and Thursday nights from Midnight to 1:00am, Friday and Saturday nights from Midnight to 2:00am and for Sunday nights from 10:00pm to 11:00pm at Unit 11, No. 663 (Lot 10) Newcastle Street, Leederville;*
- (ii) *OBJECTS to the Extended Trading Permit Application for extended trading on Wednesday and Thursday nights from Midnight to 1:00am, Friday and Saturday nights from Midnight to 2:00am and Sunday nights from 10:00pm to 11:00pm:*
 - (a) *in light of the objections received;*
 - (b) *with consideration that this venue has not yet commenced trading and therefore the Town of Vincent, Western Australian Police (WAP), Department of Racing, Gaming and Liquor and other relevant agencies have insufficient data and information that can measure the performance of the proprietor of Double Lucky in dealing with noise, anti-social behaviour and other issues associated with licensed premises;*
 - (c) *with consideration to the comments provided by Western Australian Police; and*
 - (d) *with consideration to the impact of existing licensed premises on nearby residents, the amenity of the area and regulatory authorities during night time hours; and*
- (iii) *ADVISES the Department of Racing, Gaming and Liquor, WA Police and the proprietor of Double Lucky of its decision.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Youngman, Seconded Cr

That;

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

“(ii) *OBJECTS to the Extended Trading Permit Application for extended trading on Wednesday and Thursday nights from Midnight to 1:00am, ~~Friday and Saturday nights from Midnight to 2:00am~~ and Sunday nights from 10:00pm to 11:00pm;*”

2. *a new clause (iii) be added as follows, and the remaining clause be renumbered:*

“(iii) *RECOMMENDS APPROVAL of an extension of trading hours on Friday and Saturday nights from Midnight to 2:00am;*”

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that Double Lucky (Small Bar) located at Unit 11, No. 663 (Lot 10) Newcastle Street, Leederville has applied to the Department of Racing, Gaming and Liquor (DRGL) for an Extended Trading Permit in relation to Wednesday and Thursday nights from Midnight to 1:00am, Friday and Saturday nights from Midnight to 2:00am and Sunday nights from 10:00pm to 11:00pm.

BACKGROUND:

A development application was made to the Town of Vincent on 23 August 2007 by Mr Anthony Einfield for a Change of Use to unlisted use (Small Bar) at Unit 11, 663 Newcastle Street, Leederville. This development application was reported to the Ordinary Council Meeting on 6 November 2007 and resulted in conditional approval being granted.

DETAILS:

The owner of Double Lucky (Sydney Dog Pty Ltd) submitted an application to the Department of Racing, Gaming and Liquor on 26 February 2008 for an Extended Trading Permit (Ongoing Extension of Hours) in accordance with the *Liquor Control Act 1988*. The Department of Racing, Gaming and Liquor (DRGL) invited comments from the Town in a letter received on 20 March 2008 requesting that any objections or interventions to the proposal be submitted by 4 April 2008 (an extension to 23 April 2008 has been applied for).

In addition to the application, Double Lucky has provided the Town with a copy of their Public Interest Assessment (PIA), which details the conceptual public benefits of having an Extended Trading Period. The PIA is “Laid on the Table”.

The following table demonstrates the extended trading hours that the applicant is seeking:

Day	Trading Hours Approved	Extended Trading Hours Sought
Monday	5pm-12am	n/a
Tuesday	5pm-12am	n/a
Wednesday	5pm-12am	5pm-1am
Thursday	5pm-12am	5pm-1am
Friday	5pm-12am	5pm-2am
Saturday	5pm-12am	12pm-2am
Sunday	5pm-10pm	12pm-11pm

The proprietor of Double Lucky has stated that *“Double Lucky will cater for an older, more mature clientele who currently have no options in the area after midnight. The venue is catering to this adult market and its late night ‘Jazz club’ feel will be a welcoming and safe environment to this market.”*

It should be noted that Double Lucky has not commenced trading since approval to commence development was granted on 6 November 2007. The Town of Vincent therefore has no detailed complaint history and no means of measuring the performance of the proprietors of Double Lucky Bar in addressing anti-social behaviour, noise and other management issues that are associated with licensed premises. This concern has also been raised by WA Police and members of the community.

Furthermore, the Town must exercise discretion in supporting proposals that may increase the number of people in the Leederville area after Midnight, especially on Wednesday and Saturday nights, due to current social issues that are associated with existing licensed premises.

Whilst there is credit due to the proprietor of Double Lucky in aiming to attract a more mature and refined clientele to the Leederville entertainment precinct, it may have been more appropriate for an Extended Trading Permit application to have been made after the commencement of trading (that is, six – twelve months) so that the Town, WA Police, DRGL other relevant agencies and members of the community could be more enabled to make decisions based on observational and objective evidence.

The Town’s Health Services have requested comment through community consultation, WA Police, Ranger Services and Community Safety and Planning, Building and Heritage Services in relation to this application.

Community Objections

Following community consultation, three formal objections have been received. As the Town was only informed on 20 March 2008 of this application, the time period for community consultation has been limited due to report deadlines. The number of objections and/or supporting statements may therefore have been greater. The main concerns raised by community members were:

1. That Double Lucky has applied for an Extended Trading Permit prior to the commencement of trading and therefore there is some level of wariness in supporting extended trading hours for an untried establishment;
2. The potential for there to be anti-social behaviour and parking issues in addition to those issues that are already associated with existing licensed premises in the Leederville area;
3. Ensuring the provision of a reliable security service; and
4. There are existing establishments in the Leederville area that cater for more mature clientele after Midnight.

Western Australian Police Objection

Comment received from Mike Gough, Acting Senior Sergeant, Wembley Police Station is detailed as follows:

'Our central metropolitan alcohol and drug unit is preparing a response. However, in addition to their input I would supply the following from a local Police perspective.

I am opposed to the entire application for extended hours and give the following reasons:

- The extended hours would basically create a night club type venue, of which two already exist in the vicinity. The Hip - E - Club and the Niche Bar. The Niche bar already caters to the older more mature customers that the Double Lucky claim to want to attract.*
- This venue is new to the area and as such I do not believe there has been sufficient time for any trends in customer behaviour or impact on local crime and anti-social behaviour to be identified.*
- The application seems to indicate that they want to trade from midday Saturday and Sunday through to 2am Sunday morning and 11pm Sunday night. This is a considerable change to their current operating hours.*
- The applied for hours would see trade beyond the hours of the nearby Leederville Hotel. This could create problems with customer migration and associated noise and disorderly conduct/anti-social behaviour.*
- I do not believe that the applied for extended hours fit the profile of the spirit of the new small bar licenses which I believe was supposed to create an intimate local bar type venue, rather than to attract patrons from across the city.*
- The Luna Cinema already has a licensed venue that is geared towards film and the arts.*
- The existing licensed premises already have created a significant negative local impact relating to anti-social behaviour, assaults, disorderly conduct, vandalism and other crime related issues, as well as caused the creation of complaints from local residents regarding noise and parking issues. I do not see how extending the hours for the Double Lucky will assist in any way, and will in fact further exasperate the existing problems.*

On these grounds I do not consider that there are any grounds to consider extending the trading hours'

The Town's Safer Vincent Coordinator supports concerns raised by Acting Senior Sergeant, Mike Gough and therefore recommends objection based on public interest, with reference to problems with anti-social behaviour and violence being reported by WA Police as recent as the weekend of 28 and 29 March 2008 in the Leederville area.

Planning, Building & Heritage Services – Statutory Planning

Council at its Ordinary Meeting on 6 November 2007 conditionally approved an "*Unlisted Use (Small Bar)*" at the above subject site.

The approved Small Bar at the subject property has been limited to 100 patrons due to the size of the public floor area and the sanitary facilities provided. The current trading hours permitted are until 12 am Monday – Saturday inclusive, and 10.00pm on Sundays under the small bar licence.

As the above type of small bar use is one of the first of its type to commence operation in the Town, from a planning perspective it is recommended that the Extended Trading Permit as applied for in this instance be not supported, until the operator has demonstrated during the course of the normal business hours that extended trading hours would not result in a loss of amenity to the surrounding area, which is within close proximity to residential dwellings in the Leederville area.

CONSULTATION/ADVERTISING:

The Department of Racing, Gaming and Liquor has issued a General Notice that advertises the Double Lucky's intention to apply for an ongoing Extended Trading Permit. The Town of Vincent has received a formal letter (received on 20 March 2008) from the Department of Racing, Gaming and Liquor requesting that any objections or interventions be submitted by 4 April 2008. Due to the limited timeframe provided, an extension of time has been requested from DRGL until 23 April 2008, to allow the report to be considered by the Council.

The Town's Health Services have engaged in community consultation within a 200 metre radius of Double Lucky in accordance with Town of Vincent Policy No. 4.1.5. Details of the objections received have been included in the report.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011 – *Natural and Built Environment – 1.1.4 Minimise negative impacts on the community and environment.*

LEGAL POLICY:

- *Liquor Control Act 1988; and Environmental Protection (Noise) Regulations 1997.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Administration acknowledges the future presence of Double Lucky in the Leederville Entertainment Precinct and the proprietor's efforts to establish a venue that will cater for a more mature clientele. Due to objections raised and with consideration that this licensed premises has not yet commenced trading, it is recommended that this extended trading application be objected to on this occasion.

10.1.1 Further Report - No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn - Proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Alterations and Additions

Ward:	North	Date:	10 April 2008
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO4203; 5.2007.444.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel	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 Evoke Developments Pty Ltd on behalf of the owner A Kannis-Pitsikas for proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Additions and Alterations, at No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 2 November 2007 (site plan, demolition plan and existing building plan), 20 November 2007 (proposed floor plan and elevations) and 14 December 2007 (car park layout), subject to the following conditions:

- (i) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$19,548 for the equivalent value of 7.24 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$19,548 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
 - (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

- (ii) *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;*
- (iii) *the public floor area of the small bar shall be limited to 120 square metres and the gross floor area of the shop shall be limited to 183 square metres;*
- (iv) *the maximum number of persons to occupy the small bar at any one time shall be 120 persons;*
- (v) *packaged liquor shall not be sold at the premises;*
- (vi) *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;*
- (vii) *a bin compound shall be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 units; and*
 - *Commercial*
 - 1 x mobile garbage bin per unit; and*
 - 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *a minimum of one male shower and one female shower being located in separate change rooms;*
 - (b) *the change rooms being secure and capable of being locked; and*
 - (c) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (x) *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;*

- (xi) *the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road; and*
- (xii) *prior to the first occupation of the development, one (1) class 1 or 2 plus one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Cr Messina departed the Chamber at 7.25pm

Debate ensued

Cr Messina returned to the Chamber at 7.27pm

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That clause (i)(a) and (b) be amended to read as follows:

- “(i) (a) *pay a cash-in-lieu contribution of ~~\$19,548~~ \$12,099 for the equivalent value of ~~7-24~~ 4.4812 car parking spaces in accordance with the requirements for 1 car bay per 4.5 persons approved for the small bar and based on the cost of \$2,700 per bay as set out in the Town’s 2007/2008 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of ~~\$19,548~~ \$12,099 to the satisfaction of the Town...”*

Debate ensued

AMENDMENT PUT AND CARRIED (5-4)

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

MOTION AS AMENDED PUT AND CARRIED (6-3)

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

Reasons For Significant Change to the Officer Recommendation:

1. A small bar Licence only allows for a maximum of 120 people.

SUBSEQUENT MOTION:

Moved Cr Doran-Wu, Seconded Cr Messina

That a policy relating to parking requirements for small bar licences be prepared.

SUBSEQUENT MOTION PUT AND CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.1

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 Evoke Developments Pty Ltd on behalf of the owner A Kannis-Pitsikas for proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Additions and Alterations, at No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 2 November 2007 (site plan, demolition plan and existing building plan), 20 November 2007 (proposed floor plan and elevations) and 14 December 2007 (car park layout), subject to the following conditions:

- (i) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$12,099 for the equivalent value of 4.4812 car parking spaces in accordance with the requirements for 1 car bay per 4.5 persons approved for the small bar and based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$12,099 to the satisfaction of the Town..." This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

- (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
- (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

- (ii) *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;*
- (iii) *the public floor area of the small bar shall be limited to 120 square metres and the gross floor area of the shop shall be limited to 183 square metres;*
- (iv) *the maximum number of persons to occupy the small bar at any one time shall be 120 persons;*
- (v) *packaged liquor shall not be sold at the premises;*
- (vi) *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;*
- (vii) *a bin compound shall be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 units; and*
 - *Commercial*
 - 1 x mobile garbage bin per unit; and*
 - 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *a minimum of one male shower and one female shower being located in separate change rooms;*
 - (b) *the change rooms being secure and capable of being locked; and*

- (c) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (x) *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;*
- (xi) *the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road; and*
- (xii) *prior to the first occupation of the development, one (1) class 1 or 2 plus one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 25 March 2008 and resolved as follows:

“That the item be DEFERRED for further investigation, and in particular of the impact of the car parking on neighbours.”

The applicant's further submission is *“Laid on the Table”* and is summarised below:

- The original design caters for 17 car bays. If the entrance and exit is to be from Coogee Street the amount of car bays will be reduced to 14. This will then raise the shortfall to 10.24 car bays.
- The original design illustrated a one metre wide strip of landscaping along Coogee Street to soften the visual impact of the car park. If the entrance and exit is to be from Coogee Street a 6 metre wide concrete ramp with a gradient of 1:5 will be required as the car park level is significantly higher than the road level at Coogee Street.

Further to the above, a telephone call was received from an adjacent land owner following the previous decision made by Council at its Ordinary Meeting held on 25 March 2008, stating that the entrance and exit should not be from Coogee Street because *“that area needs as many car bays as possible”*.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 March 2008.

“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 Evoke Developments Pty Ltd on behalf of the owner A Kannis-Pitsikas for proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Additions and Alterations, at No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 2 November 2007 (site plan, demolition plan and existing building plan), 20 November 2007 (proposed floor plan and elevations) and 14 December 2007 (car park layout), subject to the following conditions:

- (i) within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$19,548 for the equivalent value of 7.24 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town’s 2007/2008 Budget; OR*
 - (b) lodge an appropriate assurance bond/ bank guarantee of a value of \$19,548 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) to the owner(s) / applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*

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

- (ii) 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;*
- (iii) the public floor area of the small bar shall be limited to 120 square metres and the gross floor area of the shop shall be limited to 183 square metres;*
- (iv) the maximum number of persons to occupy the ~~premises~~ small bar at any one time shall be 120 persons;*
- (v) packaged liquor shall not be sold at the premises;*
- (vi) 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;

(vii) *a bin compound shall be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*

- *Residential*

- 1 x mobile garbage bin per unit; and*
- 1 x general recycle bin per 2 units; and*

- *Commercial*

- 1 x mobile garbage bin per unit; and*
- 1 x paper recycle bin per unit, or per 200 square metres of floor space;*

(viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

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

(a) *a minimum of one male shower and one female shower being located in separate change rooms;*

(b) *the change rooms being secure and capable of being locked; and*

(c) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

(x) *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;*

(xi) *the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road; and*

(xii) *prior to the first occupation of the development, one (1) class 1 or 2 plus one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

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

Moved Cr Messina, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

At 6.45pm Moved Cr Ker, Seconded Cr Doran-Wu

That Standing Orders be suspended to allow the applicant to address the Council and explain access to bays 12, 13 and 14.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

Mr Steve Kinjin of Suite 1 Newcastle Street, Leederville addressed Item 10.1.2. Mr Kinjin advised the Council that bays 17, 16, 15, 14, 13 and 12 are a raised platform to meet the same right of way access level. There will be a retaining wall to the back part of the car parking space of all of these bays.

PROCEDURAL MOTION

At 6.47pm Moved Cr Ker, Seconded Cr Youngman

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

Debate ensued.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Maier, Seconded Cr Messina

That the item be DEFERRED for further investigation, and in particular of the impact of the car parking on neighbours'.

CARRIED (5-3)

(Cr Farrell was on approved leave of absence for the meeting.)

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

Cr Messina departed the Chamber at 7.01pm.

Landowner:	A Kannis-Pitsikas
Applicant:	Evoke Developments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Single House and Shop

<i>Use Class:</i>	<i>Unlisted Use (Small Bar) and Shop</i>
<i>Use Classification:</i>	<i>Unlisted Use and "P"</i>
<i>Lot Area:</i>	<i>774 square metres</i>
<i>Access to Right of Way</i>	<i>North side, 5.03 metres wide, sealed, Town owned</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a change of use from single house and shop to unlisted use (small bar) on the upper floor and shop on the ground floor.

The proposal for the small bar involves alterations and additions to the upper floor and paving and landscaping of the rear area of the lot. The Lavender Blues shop on the ground floor is existing and remaining unchanged.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Car Parking</i>			
<i>Car parking requirement (nearest whole number)</i>			<i>44 car bays</i>
<i>Small Bar (Tavern) – 1 space per 3.8 square metres of public floor area.</i>			
<i>- Public floor area = 120.2 square metres</i>			
<i>- Requires 31.63 car bays;</i>			
<i>OR Small Bar (Tavern) – 1 space per 4.5 approved persons</i>			
<i>- Approved persons = 120</i>			
<i>- Requires 26.67 car bays;</i>			
<i>Whichever is the greater.</i>			
<i>Shop – 1 space per 15 square metres of gross floor area.</i>			
<i>- Gross floor area = 183 square metres</i>			
<i>- Requires 12.2 car bays</i>			
<i>Total bays required = 43.83 car bays</i>			
<i>Apply the adjustment factors.</i>			<i>(0.5508)</i>
<i>- 0.85 (within 400 metres of a bus stop)</i>			
<i>- 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</i>			
<i>- 0.90 (the proposed development provides 'end of trip' facilities)</i>			
<i>- 0.90 (the proposed development is within a District Centre Zone)</i>			<i>24.2352 car bays</i>
<i>Minus the car parking provided on-site.</i>			<i>17 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>			<i>Nil</i>
<i>Resultant shortfall</i>			<i>7.24 car bays</i>
<i>Bicycle Parking</i>			
<i>Small Bar (Tavern) – does not require bicycle parking</i>			
<i>Shop – GFA = 183 square metres</i>			
<i>Class 1 or 2 – 1 space per 300 square metres of GFA = 0.61 space</i>			

<i>Class 3 – 1 space per 200 square metres of GFA = 0.915 space</i>		
<i>Class 1 or 2 = 1 space required</i>		
<i>Class 3 = 1 space required</i>		
<i>Consultation Submissions</i>		
<i>Support (31)</i>	<ul style="list-style-type: none"> <i>The proposed small bar will be suited for an age demographic of 30 years and older.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
	<ul style="list-style-type: none"> <i>The location is easily accessible by public transport and within easy walking distance of local residents.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
	<ul style="list-style-type: none"> <i>A small bar that serves quality food and beverages would add to the amenity of the area.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
	<ul style="list-style-type: none"> <i>It is an alternative to some of the large hotels/taverns within the Town.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
	<ul style="list-style-type: none"> <i>This proposal will be beneficial for surrounding business owners.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
	<ul style="list-style-type: none"> <i>The design of the interior will allow for a more private and intimate meeting place.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
	<ul style="list-style-type: none"> <i>Smaller bars promote infinitely better compliancy, management and regulation.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
<i>Objection (11)</i>	<ul style="list-style-type: none"> <i>Lack of parking and increase in traffic volume.</i> 	<ul style="list-style-type: none"> <i>Supported in part – see comments on ‘Car Parking’.</i>
	<ul style="list-style-type: none"> <i>Noise.</i> 	<ul style="list-style-type: none"> <i>Supported – all noise pollution will need to comply with the Environmental Protection (Noise) Regulations. A condition has been applied for noise to be addressed in a management plan and sound attenuation report.</i>
	<ul style="list-style-type: none"> <i>Drunken and disorderly patrons leaving the site.</i> 	<ul style="list-style-type: none"> <i>Supported – a condition has been applied for anti-social behavior to be addressed in a management plan.</i>
	<ul style="list-style-type: none"> <i>There is no need for another bar in the area.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

** 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 Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 7.24 car bays would equate to a payment of \$19,548. The parking shortfall is not considered excessive given its locational context, as well as the primary opening hours being at night, and is, therefore, supported subject to a cash-in-lieu payment.

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."

10.1.2 Further Report - Amendment No. 49 to Planning and Building Policies – Draft Amended Policy No. 3.2.1 Relating to Residential Design Elements

Ward:	Both Wards	Date:	14 April 2008
Precinct:	All Precincts	File Ref:	PLA0197
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, as shown in Attachment 10.1.2 subject to the Policy being further amended as follows:

(a) clause SADC 9. (b) *Setbacks From Rights of Way* be amended to read as follows:

'(b) ...

~~Development~~ Dwellings fronting a right of way is required to be setback as follows:

<u>Feature facing Right of Way</u>	<u>Minimum Setback (metres)</u>
<u>Building Walls on Ground Floor</u>	<u>2.5</u>
<u>Building Walls on Upper Floor</u>	<u>3</u>
<u>Porches, Verandahs, Porticos, Balconies and the Like</u>	<u>1.5</u>
<u>Carports and Garages</u>	<u>6 metres manoeuvring distance located directly in front of carport and garage.</u>
<u>Feature facing Right of Way</u>	<u>Minimum Setback (metres)</u>
<u>Porches, Verandahs, Porticos, and the Like</u>	<u>1.5</u>
<u>Building Walls on Ground Floor</u>	<u>2.0</u>
<u>Balconies on Upper Floor</u>	<u>2.5</u>
<u>Building Walls on Upper Floors</u>	<u>3.0</u>
<u>Carports and Garages</u>	<u>6 metres manoeuvring distance located directly in front of carport and garage."</u>

- (ii) ***ADVERTISES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
- (a) ***advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;***
 - (b) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and***
 - (c) ***forwarding a copy of the subject Policy to the Western Australian Planning Commission; and***
- (iii) ***after the expiry of the period for submissions:***
- (a) ***REVIEWS the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, having regard to any written submissions; and***
 - (b) ***DETERMINES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, with or without amendment, to or not to proceed with it.***

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

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.2

That the Council;

- (i) ***RECEIVES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, as shown in Attachment 10.1.2 subject to the Policy being further amended as follows:***
- (a) ***clause SADC 9. (b) Setbacks From Rights of Way be amended to read as follows:***
 - (b) ...
Dwellings fronting a right of way is required to be setback as follows:

Feature facing Right of Way	Minimum Setback (metres)
Porches, Verandahs, Porticos, and the Like	1.5
Building Walls on Ground Floor	2.0
Balconies on Upper Floor	2.5
Building Walls on Upper Floors	3.0
Carports and Garages	6 metres manoeuvring distance located directly in front of carport and garage.”

- (ii) **ADVERTISES** the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
- (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and
- (iii) after the expiry of the period for submissions:
- (a) **REVIEWS** the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, having regard to any written submissions; and
 - (b) **DETERMINES** the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, with or without amendment, to or not to proceed with it.

FURTHER REPORT:

The Council considered the subject matter at its Ordinary Meeting held on 25 March 2008, and an amendment was put and carried as follows:

“That the part item SADC9 of the Residential Design Elements document be DEFERRED for further investigation (pages 21 & 22).”

Further to this amendment debate ensued and the Council resolved as follows:

“That the item be DEFERRED to allow for all the items to be dealt with together, at one time.”

In light of the above the Town's Officers undertook further investigation of SADC 9, Setbacks from a Right of Way, of the Residential Design Elements. These investigations included a comparison of the requirements for the abovementioned element with the requirements of the Residential Design Codes.

The comments from the previous report in relation to this element are still supported by the Town's Officers. Similarly to the Town's Officers comments, the Residential Design Codes (R Codes) state the following;

“In some cases the rights-of-way will become dedicated public roads or streets; in other cases they will remain as rights-of-way. Where a public right-of-way becomes a legal or defacto street, the setback to dwellings fronting the right-of-way becomes an issue; it performs, in principle, the same roles as for normal public streets. Inevitably, however, the scale and character of the streetscape are different and a lesser setback is appropriate, consistent with the narrowness of the street.”

Further to the above, the requirements for setbacks from a right of way in the R Codes are generally greater than the proposed requirements in the Residential Design Elements. Below is a comparative table:

Feature Facing Right of Way	Minimum Setback - Residential Elements Policy	Minimum Setback - Residential Design Codes
Porches, Verandahs, Porticos and the Like	1.5 metres	1.5 metres
Building Walls on Ground Floor	2.0 metres	2.5 metres
Balconies on Upper Floor	2.5 metres	1.5 metres
Building Walls on Upper Floors	3.0 metres	2.5 metres
Carports and Garages	6.0 metres manoeuvring distance located directly in front of the garage or carport.	6.0 metres manoeuvring space located immediately in front of the opening to the garage or carport and permanently available.

The above table illustrates that the Town's proposed requirements differ from the Residential Design Codes in the fact that they require setbacks to the upper floor, which will result in horizontal articulation, reducing the impact of the upper floor in terms of bulk and scale. This articulation principle reflects that which apply to setbacks from the primary street, resulting in consistency in the Policy.

The table also illustrates that the proposed requirement for the setbacks to the ground floor in the Residential Design Elements is less than the requirement in the Residential Design Codes, which results in the fact that the Town is potentially allowing for more development at the rear of properties with a frontage adjacent to a right of way. The fact that the upper floor is required to be setback a greater distance under the Residential Design Elements Policy will not have an undue impact on the outdoor living area or open space requirements of properties fronting a right of way.

The Town's Officers at present use the Residential Design Codes to assess developments with a frontage to a right of way, these requirements were also used in the assessment process prior to the adoption of the Residential Design Elements Policy on 18 December 2007. Numerous developments with frontage to a right of way have been approved using the requirements of the Residential Design Codes.

In light of the above, Clause SADC 9 of the Draft Amended Policy remains unchanged, as the requirements are slightly less than the requirements that the Town's Officers have used in the past and they provide consistency with the front setback requirements for primary and secondary streets in the Policy.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 March 2008.

“OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, as shown in Attachment 10.1.4;*
- (ii) ADVERTISES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) after the expiry of the period for submissions:*
 - (a) REVIEWS the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, having regard to any written submissions; and*
 - (b) DETERMINES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, with or without amendment, to or not to proceed with it.*

Correction

Page 44 of 49 of Residential Design Elements – Policy No 3.2.1

Delete “BDADC7” and insert “BDADC8” where it appears in the 4th dot point.

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

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Youngman

That the part item SADC9 of the Residential Design Elements document be DEFERRED for further investigation (pages 21 & 22).

Debate ensued.

AMENDMENT PUT AND CARRIED (6-1)

For

Mayor Catania

Cr Burns

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Youngman

Against

Cr Maier

Cr Messina was absent from the Chamber and did not vote.

(Cr Farrell was on approved leave of absence for the meeting.)

Cr Messina returned to the Chamber at 7.08pm.

Debate ensued.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Maier, Seconded Cr Ker

That the item be DEFERRED to allow for all the items to be dealt with together, at one time.

CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the outcomes of the further Officer investigations of the items that were deferred for further consideration at the Ordinary Meeting of Council held on 18 December 2007. The report also proposes further amendments to the Policy that have been recognised as being required by the Town's Officers as a result of the initial implementation of the Policy.

BACKGROUND:

The Council at its Ordinary Meeting held on 18 December 2007 resolved the following:

“That the Council;

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

- (ii) *ADOPTS the further amended version of the Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, in accordance with Clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; subject to the Policy being further amended as follows:*
- (a) *the Policy being numbered No. 3.2.1; and*
(b) *the following items being DEFERRED for further consideration:*
1. *The first four "Features facing Right of Way" contained in the Table in clause SADC 9(b) – Page 24;*
 2. *Clause 5.1 - page 7;*
 3. *Clause 7.4.1 – Amenity/Impact Statement to be clearly defined - page 31;*
 4. *BDADC 12 – page 46.*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the adopted Policy relating to Residential Design Elements, as shown in Attachment 10.1.15 , in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*
- (iv) *RESCINDS the following Policies relating to Residential Design Guidelines:*
- (a) *Design Elements -*
- (1) *No.3.2.1 – Local Character;*
 - (2) *No.3.2.3 – Environmental Design;*
 - (3) *No.3.2.4 – Street Setbacks;*
 - (4) *No.3.2.5 – Street Walls and Fences;*
 - (5) *No.3.2.6 – Vehicular Access;*
 - (6) *No.3.2.7 – Site Levels;*
 - (7) *No.3.2.8 – Building Scale;*
 - (8) *No.3.2.9 – Privacy; and*
 - (9) *No.3.2.10 – Ancillary Development; and*
- (b) *Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;*
- (v) *ADVERTISES the rescission of the following Policies relating to Residential Design Guidelines:*
- (a) *Design Elements -*
- (1) *No.3.2.1 – Local Character;*
 - (2) *No.3.2.3 – Environmental Design;*
 - (3) *No.3.2.4 – Street Setbacks;*
 - (4) *No.3.2.5 – Street Walls and Fences;*
 - (5) *No.3.2.6 – Vehicular Access;*
 - (6) *No.3.2.7 – Site Levels;*
 - (7) *No.3.2.8 – Building Scale;*
 - (8) *No.3.2.9 – Privacy; and*
 - (9) *No.3.2.10 – Ancillary Development; and*
- (b) *Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;*
- for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No.1, including:*

- (a) advertising a summary of the subject Policies to be rescinded once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies to be rescinded; and
 - (c) forwarding a copy of the subject Policies to be rescinded to the Western Australian Planning Commission; and
- (iv) after the expiry of the period for submissions:
- (a) REVIEWS the Policies to be rescinded, having regard to any written submissions; and
 - (b) DETERMINES the Policies to be rescinded, with or without amendment, to or not to proceed with them.”

DETAILS:

Following the adoption of the Residential Design Elements Policy on 18 December 2007, the Town’s Officers began work on investigating and addressing the four elements listed in clause (ii) (b) of the Council Resolution. The proposed amendments to the Policy are outlined below and in the attached Draft Amended Policy, and illustrated using strikethrough and underline.

Functions of Components

A new clause 5.1 Functions of Components is proposed to be added as follows:

“ The Residential Design Elements Policy has been developed specifically to function as a reference tool providing guidance for both the Town and developers to use when considering an application for a residential development.....Refer to the Attachment to this Agenda Report for entire new clause 5.1.”

Setbacks to Rights of Way

Clause SADC 9 (b) is proposed to be amended to read as follows:

“ (b) Dwellings fronting a right of way are required to be setback as follows:

<u>Feature facing Right of Way</u>	<u>Minimum Setback (metres)</u>
<u>Porches, Verandahs, Porticos, and the Like</u>	<u>1.5</u>
<u>Building Walls on Ground Floor</u>	<u>2.0</u>
<u>Balconies on Upper Floor</u>	<u>2.5</u>
<u>Building Walls on Upper Floors</u>	<u>3.0</u>

<u>Carpports and Garages</u>	<u>6 metres manoeuvring distance located directly in front of carport and garage.</u>
----------------------------------	---

Note:

(Setback to right of way is measured from the original property boundary provided that the area required to widen the right of way is free of any kind of development (refer to Guidance Notes)."

Amenity Impact Statements

Clause 7.4.1 Preservation of Amenity on Adjoining Land and Surrounding Area is proposed to be amended to read as follows:

"Any new development, including alterations and additions, is to consider preserving the amenity of adjoining neighbours and the surrounding area. Such impacts include, but are not limited to, overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm.

Where considered appropriate, the Town may require a development application to be submitted with an accompanying Amenity Impact Statement which:

- demonstrates consideration has been given to the impact on the amenity of adjacent properties; and*
- outlines any measures that have been taken to mitigate any likely undue impacts on the amenity of adjacent properties.*

An Amenity Impact Statement will be required in all instances where a variation to the Performance Criteria of the Policy is proposed. An Amenity Impact Statement will explain how a proposed development will respond to the Objectives and Performance Criteria of the Policy, and put forward planning justification as to why a variation should be considered.

An Amenity Impact Statement is to demonstrate that the proposed variation will not have an undue impact on the amenity of the adjoining properties and the surrounding area. An Amenity Impact Statement is to be supported by materials such as photographs, photograph montages, sketches and architectural models.

Advice and assistance in developing an Amenity Impact Statement can be sought from the Town's Planning, Building and Heritage Services."

Solar Access

Clause BDADC 12 Solar Access is proposed to be amended to read as follows:

"(a)Overshadowing/solar access for adjoining properties is to comply with the Acceptable Development Solar Access requirements of the Residential Design Codes.

The following measures are encouraged to maximise solar access while reducing the extent of overshadowing:

Internal and external living areas should be orientated in order to maximise solar access;

- Non-habitable rooms, such as laundries, bathrooms and storerooms should be located away from the northern aspect; and*

- Skylights, translucent roofs and glass bricks should be used to improve solar access.

Further Amendments

The Town's Officers have also been monitoring the performance of the initial implementation of the Policy and how the Policy is operating in relation to other Policies. The Town's Officers have determined that it is necessary to make a further two minor amendments to the Policy as a result of the above investigations, which are outlined below:

Lot Widths

A new clause SADC 1 (c) is proposed to be added as follows:

- “(c) Lot widths are to be consistent with the predominant lot width in the immediate street block on both sides of the street”

Building Setbacks

Clause SADC 5 (a) is proposed to be amended to read as follows:

- “(a) ~~When the street is a recognised streetscape (refer to any Residential Streetscape Policy);~~ The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being within 5 adjoining properties on each side of the development.”

Upper Floor Street Setbacks

Clause SADC 5 (c) is proposed to be amended to read as follows:

- “(c) Unless otherwise stated, ground floor setbacks are to be in accordance with Table 1 of the Residential Design Codes; and the upper floor setbacks are as follows:

<i>Upper Floor Feature Facing Primary Street</i>	<i>Setback (metres)</i>
<i>Walls on Upper Floor</i>	<i>A minimum of two metres behind <u>each portion of the</u> ground floor setback.</i>
<i>Balconies on Upper Floor</i>	<i>A minimum of 1 metre behind the ground floor setback”</i>

Formatting

Given the above amendments, the Draft Amended Policy incorporates appropriate minor changes to clause and page numbering and formatting.

CONSULTATION/ADVERTISING:

28 days in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

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

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The Town’s Officers are of the opinion that to date the Policy has been operating well; however, there are certain operational aspects of the Policy that can be improved through the implementation of the above amendments. The justification for each of the above amendments is outlined below:

Functions of Components

This amendment is imperative to the operation of the Policy as it outlines to the community and the Town’s Officers how the different components of the Policy are to be read and subsequently applied in the assessment process. The proposed amendment will make the function and operational aspects of the Policy clear to the community and Town’s Officers and subsequently result in the effective and efficient assessment of development applications.

It will also minimise any different interpretations of the components that the Town’s Officers or applicants may currently have.

Setbacks from Rights of Way

At present, the Town’s Officers are assessing applications involving properties abutting rights of way using the requirements of the Residential Design Codes. The Residential Design Elements Policy has been designed to go a step further than the Residential Design Codes (R Codes) in order to protect the unique amenity and character of the Town.

The proposed table stipulating the minimum requirements for setbacks from rights of way is more prescriptive than the R Codes and reflects the intention of the street setbacks requirements with regard to the upper floor being setback greater than the ground floor in order to create an articulated, staggered setback and avoid blank, 'flush' walls fronting the right of way.

Whilst a right of way is not technically a street, the increase in the demand for inner city land and the resultant development pressure on localities such as the Town of Vincent has resulted in an increase in the number of subdivisions, particularly at the rear of properties where there is a right of way present. Consequently, there are a number of properties where the right of way serves as the "primary street" in terms of vehicular access and the orientation of the frontage of the dwelling being towards the right of way.

The development pressure and current trend towards subdivision at the rear of properties is not likely to subside. Therefore, it is important for the Town to protect the amenity of those existing and future residents whose properties front a right of way by controlling the bulk and scale of development through the minimum setback requirements stipulated in the proposed amendment.

It is important to note that numerous rights of way may in the future become dedicated roads. In order to avoid future roads within the Town exhibiting qualities of former rights of way it is imperative that the Town control development from rights of way using similar requirements to the requirements used to control developments on dedicated roads, such as setback requirements.

With regard to the above, it is also important to note that the proposed setback requirements for properties fronting rights of way are less than the setback requirements from the primary street; however, they are still sufficient to control the bulk and scale of future developments fronting rights of way.

Amenity Impact Statements

The Council at its Ordinary Meeting held on 18 December 2007, resolved that the Amenity Impact Statement needed to be clearly defined. The Town's Officers have thoroughly researched the definition of an Amenity Impact Statement and believe that the proposed text clearly defines the application and intent of the Amenity Impact Statement and what is required of applicants when there is a need to submit an Amenity Impact Statement.

The Town's Officers are of the view that the proposed amendment will assist the Town's Officers in assessing applications that do not fully comply with the Residential Design Elements Policy and in making an informed decision. In summary, the proposed text will aid in processing applications effectively and efficiently.

Solar Access

Similar to the setbacks from rights of way, the Town's Officers are assessing solar access using the requirements of the Residential Design Codes (R Codes).

The proposed amendment is more prescriptive than the R Codes as it states ways in which the requirements stipulated in the R Codes may be achieved. This will assist applicants in achieving the requirements and also the Town's Officers in assessing this element effectively and efficiently, and further aid in protecting the amenity of the area for adjacent residents.

Lot Widths

The Residential Design Elements Policy was the first formally adopted Policy of a new set of Policies being developed by the Town in order to protect the amenity and character of the residential areas within the Town. The aim of these new Policies is that they will complement each other and work in conjunction with one another to protect the amenity and character of the residential areas.

The Town formally adopted Policy No. 3.2.4 relating to Residential Subdivisions on 5 February 2008, which is one of the abovementioned Policies. The Town's Officers have determined that whilst lot widths are controlled under the provisions of the Residential Subdivisions Policy, they are not controlled under the provisions of the Residential Design Elements Policy. This creates an issue for the Town, where applicants have the opportunity to apply for approval for a grouped dwelling development without or prior to applying for subdivision approval.

Consequently, if the applicant chooses to apply for approval for a grouped dwelling development without applying for or prior to applying for subdivision approval, the Town's Officers must assess the application using the requirements of the Residential Design Elements Policy. As there are no specific provisions in the aforementioned Policy, the Town has no means to control the lot/site widths for grouped dwelling development applications, which may result in an undue impact on the amenity of the existing streetscape if the proposed site widths for a property are not consistent with what is existing within the subject street.

The Town's Officers are of the belief that the proposed new clause SADC 1(c) will appropriately address the current inconsistency between the two Policies and further aid in protecting the amenity of the existing streetscape.

Street Setbacks

The clause has been amended to reflect the intent of the clause in terms of maintaining a consistent street setback for all streets located within the Town. At present, it could be interpreted that clause SADC 5 (a) only requires those streetscapes that are recognised streetscapes to have consistent street setbacks. The amendment will clearly define the intention of the requirement and assist in protecting the amenity of the streetscape.

Upper Floor Street Setbacks

The initial feedback from the Town's Officers is that the upper floor street setback requirement needs to be refined to clearly define the intention of the requirement, as there has been some different interpretation of this intention between the Town's Officers and applicants.

The intention for the street setbacks to the upper floor of dwellings, is to ensure that the upper floor will be setback from the ground floor to create an articulated, staggered setback and avoid blank, 'flush' walls fronting the street. In order to achieve this, it is imperative that the upper floor is setback behind each portion of the ground floor street setback.

If the upper floor is setback only from the ground floor setback at the closest point to the street boundary, the intention of the upper floor street setback requirement will not be achieved and the development may potentially have an undue impact on the amenity and streetscape of the surrounding area in terms of bulk and scale.

The Town's Officers are of the belief that the amendment to the upper floor street setbacks criteria will ameliorate any confusion with regard to the intention of this requirement.

Summary

The proposed amendments will aid in achieving the aims of the Policy and also assist in assessing applications in an effective and efficient manner.

In light of the above, it is recommended that the Council receives and advertises the Draft Amended Policy No. 3.2.1 in accordance with the Officer Recommendation.”

10.1.5 No. 501 (Lot: 157 D/P: 41983) Fitzgerald Street, Corner Sholl Lane, North Perth - Proposed Two-Storey Single House

Ward:	North	Date:	14 April 2008
Precinct:	Smith's Lake; P06	File Ref:	PRO1432; 5.2007.436.1
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 the owner, C Cafarelli for proposed Two-Storey Single House, at No. 501 (Lot: 157 D/P: 41983) Fitzgerald Street, Corner Sholl Lane, North Perth, and as shown on plans stamp-dated 4 February 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Fitzgerald Street and Sholl Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the Fitzgerald Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (iii) *first obtaining the consent of the owners of No. 2A Sholl Lane for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A Sholl Lane in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the garage door being setback a minimum of 1 metre from the western boundary; and*
 - (b) *appropriate significant design feature(s) being incorporated into the vehicular door of the proposed garage.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debated ensued.

AMENDMENT 1

Moved Cr Ker, Seconded Cr Messina

That clause (v) be deleted.

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-2)

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

Cr Burns departed the Chamber at 7.45pm.

AMENDMENT 2

Moved Cr Messina, Seconded Cr Lake

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

"(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Fitzgerald Street and Sholl Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:

- (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; ~~and~~.*
- ~~(f) the solid portion adjacent to the Fitzgerald Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street~~*

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

Cr Burns returned to the Chamber at 7.46pm.

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (9-0)

Cr Farrell departed the Chamber at 7.48pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.49pm.

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 the owner, C Cafarelli for proposed Two-Storey Single House, at No. 501 (Lot: 157 D/P: 41983) Fitzgerald Street, Corner Sholl Lane, North Perth, and as shown on plans stamped 4 February 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Fitzgerald Street and Sholl Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or 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) first obtaining the consent of the owners of No. 2A Sholl Lane for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A Sholl Lane in a good and clean condition; and*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

ADDITIONAL INFORMATION:

Amended Sholl Lane and Fitzgerald Street elevations have been submitted showing additional windows to the stairs to replace the ground floor plan that appears in the Agenda. These amended elevations are attached for the Council's consideration.

Landowner:	C Cafarelli
Applicant:	C Cafarelli
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant Lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	215 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 16 December 2003 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing single house and construction of a two-storey single house.
- 20 April 2004 The subdivision to create the subject lot was granted conditional approval by the Western Australian Planning Commission.
- 7 December 2004 The Council at its Ordinary Meeting resolved to refuse an application for proposed two (2) two-storey single houses at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155 - proposed Lots 156 and 157).
- 3 March 2005 The Town refused, under delegated authority from the Council an application for proposed two (2) two-storey single houses at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155 - proposed Lots 156 and 157).
- 13 September 2005 The Council at its Ordinary Meeting resolved to conditionally approve a two-storey single house at No.501 Fitzgerald Street (proposed Lot 156 from Lot 155 D/P: 24637).
- 8 May 2007 The Council at its Ordinary Meeting resolved to refuse a two-storey single house at No. 501 Fitzgerald Street for the following reasons:
1. Non-compliance with plot ratio requirement
 2. Consideration of objections received from neighbours.
 3. Undue presentation and impact on the Fitzgerald Street streetscape.
 4. Non-compliance with the condition of approval of the Council's resolution of 13 September 2005.
 5. Insufficient car access and manoeuvring.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	0.65 or 139.75 square metres	0.68 or 146.52 square metres	Supported – not considered to have an undue impact on streetscape and plot ratio is consistent with plot ratio of existing dwellings along Sholl Lane, including adjoining Lot 156 which has plot ratio of 0.88. Furthermore, the dwelling's bulk is setback from Fitzgerald Street (4.01 metres plus previous 1.5 metres deep road widening). It should also be noted that the proposed plot ratio will be less than the required if the road widening area is to be included in the calculation.
Building Setbacks: Ground Floor -South (Sholl Lane) Garage	The garage is to be setback 6 metres or behind the main building.	The garage is proposed to be in line with the porch and in front of the main building line.	Supported – not considered to have an undue impact on the streetscape of Sholl Lane in this instance as the garage at the adjoining property at No. 2A Sholl Lane and No. 2 Sholl Lane is built in line with porch and in front of the main building line. Condition applied for appropriate design feature(s) being placed on the garage door.
-West	1.5 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property as the proposed boundary wall will be built against a two storey boundary wall on No. 2A Sholl Lane.
-North	1.5 metres	1 metre – 1.6 metres	Supported – not considered to have an undue impact on the neighbouring property.

Upper Floor -South (Sholl Lane)	6 metres	1.6 metres to the balcony. 3.2 metres to the main building.	Supported – Sholl Lane has an established streetscape of similar reduced setbacks, including the adjoining dwelling at No. 2A Sholl Lane which has an upper floor setback of 1.0 metre to 1.96 metres. The proposed primary street is Sholl Lane and the secondary street is Fitzgerald Street. If the proposed development is to comply with the 6 metres upper floor setback from Sholl Lane, in accordance to the R Codes the building can be setback a minimum of 1.5 metres to Fitzgerald Street, which would consequently affect the streetscape of Fitzgerald Street. Therefore the proposed setback is maintaining the established streetscapes for both Sholl Lane and Fitzgerald Street.
-West	1.8 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property as the proposed boundary wall will be built against a two storey boundary wall on No. 2A Sholl Lane.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	1 boundary wall proposed. Wall Height – 5.7 metres – 7.0 metres (average height = 6.35 metres) Wall Length – 2/3 = 9.96 metres Proposed = 12.9 metres	Supported – not considered to have an undue impact on the neighbouring property as the proposed boundary wall will be built against a two storey boundary wall on No. 2A Sholl Lane.
Outdoor Living Area:	An outdoor living area is to be provided behind the street setback area.	Provided within the street setback area.	Supported – not considered to have an undue impact on the amenity of the area.

Consultation Submissions	
Support	Noted
<p>Objection (2)</p> <ul style="list-style-type: none"> • The 7 metre height of the northern wall (boundary wall). 	<ul style="list-style-type: none"> • Not supported - the building height is permitted to be a maximum of 7 metres and the boundary wall is proposed to abut an existing two storey boundary wall on No. 2A Sholl Lane.
<ul style="list-style-type: none"> • The building is to close to Fitzgerald Street. 	<ul style="list-style-type: none"> • Not supported – due to the size and the depth of the lot, it is very difficult for the 6 metre upper floor setback to be achieved. It also should be noted that a 1.5 metre road widening requirement was taken at the subdivision stage. Hence the building is actually setback 5.51 metres from the footpath. Notwithstanding the above, the proposed setback is not considered to have an undue impact on the amenity of the streetscape as the proposed building will be in line with other dwellings on the same side of Fitzgerald Street.
<ul style="list-style-type: none"> • Building a two-storey dwelling on Fitzgerald Street – single storey streetscape. 	<ul style="list-style-type: none"> • Not supported – the Town’s Residential Design Elements Policy had not been adopted at the time the application was submitted to the Town. The two-storey concealed roof height is compliant with the R Codes requirements.
<ul style="list-style-type: none"> • Exceeding the plot ratio. 	<ul style="list-style-type: none"> • Not supported – the proposed plot ratio is consistent with adjoining property at No. 2A Sholl Lane and the bulk of the building is setback 5.51 metres from Fitzgerald Street.
<ul style="list-style-type: none"> • Laundry being setback 1 metre from side boundary. 	<ul style="list-style-type: none"> • Not supported – not considered to have an undue impact on the neighbouring property.
<ul style="list-style-type: none"> • Windows on the first floor are not fixed or obscure. 	<ul style="list-style-type: none"> • Not supported – all proposed windows on the first floor are compliant with privacy requirements of the R Codes.
<ul style="list-style-type: none"> • The proposal will destroy the heritage of the area. 	<ul style="list-style-type: none"> • Not supported – there are no heritage listed residential properties within the immediate area of the proposed development.
<ul style="list-style-type: none"> • Creates blind spots on Fitzgerald Street. 	<ul style="list-style-type: none"> • Not supported – the Town’s Technical Services Officers have assessed the application and have found it to be compliant with visual sightlines and truncation requirements.
Department for Planning and Infrastructure (DPI)	
<p>The DPI stated in its letter dated 7 December 2007 that it has no objection to the proposed development at No. 501 Fitzgerald Street as the proposal indicated that no development is to occur in the 1.5 metre road widening area and that all vehicular access is from Sholl Lane.</p>	
Other Implications	
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>
<p>Strategic Implications</p>	<p>Nil</p>
<p>Financial/Budget Implications</p>	<p>Nil</p>

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

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

COMMENTS:

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

10.1.6 No. 98 (Lot: 2 D/P: 3001) Summers Street, corner West Parade, Perth - Proposed Demolition of Existing Carport, Laundry and Swimming Pool, and Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	South	Date:	15 April 2008
Precinct:	Banks, P15	File Ref:	PRO4194; 5.2007.468.1
Attachments:	001		
Reporting Officer(s):	D Bothwell, S Kendall		
Checked/Endorsed by:	D Abel	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 D Tonnini on behalf of the owner A L Pead & D Tonnini for proposed Demolition of Existing Carport, Laundry and Swimming Pool, and Additional Two-Storey Grouped Dwelling Addition to Existing Single House, at No. 98 (Lot: 2 D/P: 3001) Summers Street, corner West Parade, Perth, and as shown on plans stamp-dated 31 January 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *any new street/front wall, fence and gate between the Summers Street boundary and West Parade boundary and the main building, including along the side boundaries within this front setback area, complying 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; and*

- (b) *the windows to the kitchen on the northern elevation, and windows to the dining room 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 upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 5 West Parade and No. 100 Summers Street stating no objections to the respective proposed privacy encroachments.*

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

- (iii) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the existing and proposed dwelling on the land:*

- (a) *the existing dwelling located on the site adjacent to Summers Street shall be conserved; and*
- (b) *the plot ratio floor area of the entire site shall be restricted to 0.65 or 335.4 square metres; and*

This notification shall be prepared and registered by the Town's solicitors agreed upon by the Town at the cost of the applicant/owner; and

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

COUNCIL DECISION ITEM 10.1.6

Moved CrFarrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That new clauses (iii)(c) and (d) be added as follows:

- "(iii) (c) *the floor plan layout of the proposed dwelling shall be maintained in accordance with the Planning Approval plans; and*
- (d) *the proposed dwelling shall not be used as a multiple dwelling(s) as defined below:*
- 'a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a Grouped Dwelling'.*

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

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

MOTION PUT AND CARRIED (6-3)

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

Landowner:	A L Pead & D Tonnini
Applicant:	D Tonnini
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	516 square metres
Access to Right of Way	West side, 3 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of existing carport, laundry and swimming pool, and additional two-storey grouped dwelling addition to existing single house.
The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.86 dwellings-R60	2 dwellings	Noted - no variation
Plot Ratio:	0.65 or 102.05 metres square (Total = 335.4 square metres)	0.704 or 110.528 metres square (Total = 0.586 or 302.815 square metres)	Supported – not considered to have an undue impact on the amenity of the area as the total plot ratio calculates to be compliant with the R Codes. A Section 70 A notification condition has been applied to ensure that the plot ratio of the total site being restricted to 0.65 or 335.4 square metres.
Minimum Site Area:	160 square metres	157 square metres	Supported – variation is considered minor, the existing dwelling is considered worthy of retention and its retention warrants a variation and no undue impact on streetscape and surrounding amenity. No objections were received regarding this proposal.
Buildings on the Boundary: Western Boundary	Walls not higher than 3.5m with an average of 3.0m	5.2 metres	Supported – no undue impact as it abuts a right of way not a dwelling and no objections received.
Building Setbacks: Western Boundary- Ground Floor	1.5 metres	0.3-1.5 metres	Supported – no undue impact on neighbouring property and no objections received.
Upper Floor	1.2 metres	0.3 – 1.5 metres	Supported – no undue impact on neighbouring property and no objections received.
Northern Boundary- Upper Floor	2.7 metres	1.5 metres	Supported – no undue impact on neighbouring property and no objections received.

Street Setbacks- Ground Floor	4 metres	2.570 metres	Supported – given the site is the rear of a corner lot 14.14 metres deep, and is not considered to have an undue impact on the streetscape or surrounding amenity. Moreover, the proposal is for a dwelling with frontage to a secondary street, therefore the street set-back may be reduced to 2.5 metres as per clause 3.2.1 of the R-Codes.
Upper Floor	Main Building -6 metres Balcony – 6 metres	Main Building- 4 metres Balcony – 3 metres	Supported – given the site is the rear of a corner lot 14.14 metres deep, and is not considered to have an undue impact on the streetscape or surrounding amenity. Moreover, the upper floor building line and balcony are setback behind the main building line of the ground floor, therefore providing sufficient articulation to the street.
Privacy Setbacks: Northern Boundary- Windows to Kitchen (Upper floor)	6 metres	1.5 metres	Not supported – undue impact on neighbouring property, and condition applied for compliant screening to be provided.
Western Property- Windows to Dining Room (Upper Floor)	6 metres	4.4 metres	Not supported – undue impact on neighbouring property, and condition applied for compliant screening to be provided.
Street Walls and Fences:	Maximum height of solid portion of street walls and fences to be 1.2 metres above adjacent footpath level.	Wall to be 100 per cent solid to a maximum height of 1.8 metres above footpath level.	Not supported – considered to have undue impact on the amenity of the streetscape. Condition applied for front fencing to comply with the Town’s Street Walls and Fences Policy.

Visual Sightlines:	Walls and Fences truncated or no higher than 0.65 metres of where walls and fences adjoin vehicle access points.	Wall is a maximum height of 1.8 metres within 1.5 metres of where walls and fences adjoin vehicle access points.	Not supported – undue impact on safety and amenity of the streetscape. Condition applied for front fencing to comply with the Town’s Street Walls and Fences Policy.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

****Note: The following comments were corrected and distributed prior to the meeting. Changes are indicated by strikethrough, and underline.***

Partial Demolition

The place at No.98 Summers Street, Perth is not listed on the Town of Vincent's Municipal Heritage Inventory (MHI).

However, ~~the provision of a density bonus~~ a variation to the minimum site area requirement is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Norwood Locality Plan No.18 *"the retention and/or restoration of established houses which are indicative of the era in which the Locality was developed and generally contribute to its existing character will be encouraged."* The Wise Post Office Directory indicates that the subject place was constructed circa 1911. A site visit revealed that whilst the place has undergone alterations, which have impacted upon its original façade detail the overall bulk and form of the dwelling reflect its original design intent as a Federation Bungalow. The dwelling which has an active presentation to both Summers Street and West Parade does contribute to the overall existing character of the locality.

In light of the above, the Town's Heritage Officers would be supportive of ~~the provision of an acceptable density bonus~~ a variation to the minimum site area requirement for the development.

Summary

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

10.1.7 No. 77 (Lot: 102 D/P: 37335) Brewer Street, Perth - Proposed Demolition of Existing Mechanical Workshop and Construction of a Four-Storey Mixed Use Development Comprising Two (2) Offices, Six (6) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	15 April 2008
Precinct:	Beaufort; P13	File Ref:	PRO4001; 5.2007.212.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel	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 Cameron Chisholm Nicol on behalf of the owner Interwood Decor Pty Ltd for proposed Demolition of Existing Mechanical Workshop and Construction of a Four-Storey Mixed Use Development Comprising Two (2) Offices, Six (6) Multiple Dwellings and Associated Car Parking, at No. 77 (Lot: 102 D/P: 37335) Brewer Street, Perth, and as shown on plans stamp-dated 15 February 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) within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$30,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$3,000,000); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$30,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*

- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$3,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*

Residential

- *1 x mobile garbage bin per unit; and*
- *1 x general recycle bin per 2 units.*

Commercial

- *1 x mobile garbage bin per unit; and*
- *1 x paper recycle bin per unit, or per 200 square metres of floor space.*

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

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (vi) *first obtaining the consent of the owners of No. 71 Brewer Street and No. 216 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 71 Brewer Street and No. 216 Stirling Street in a good and clean condition;*
- (vii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (viii) *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;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Brewer Street shall maintain an active and interactive relationship with this street;*
- (xi) *the maximum total gross floor area of the offices shall be limited to 158 square metres;*
- (xii) *prior to the first occupation of the development, six (6) 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;*
- (xiii) *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;*
- (xiv) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xv) *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;*
- (xvi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the 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 multiple dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xvii) *the proposed vehicular entry gate adjacent to the car parking area and right of way shall either be 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;*
- (xviii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xix) *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;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxi) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxii) *prior to the issue of a Building Licence, a bond and/or bank guarantee for \$2000 shall be lodged for the full upgrade of the right of way;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to the master/rear-most bedroom of units 1, 3 and 5 on the southern elevation within the 4.5 metre cone of vision to the western boundary;*
- (b) *the windows to the master/rear-most bedroom of units 2, 4 and 6 on the southern elevation within the 4.5 metre cone of vision to the eastern boundary;*
- (c) *the rear balcony to the bedrooms of units 1, 3 and 5 on the southern and western elevations within the 7.5 metre cone of vision to the western boundary; and*
- (d) *the rear balcony to the bedrooms of units 2, 4 and 6 on the southern and ~~western~~ eastern elevations within the 7.5 metre cone of vision to the eastern boundary;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 71 Brewer Street and No. 216 Stirling Street stating no objection to the respective proposed privacy encroachments.

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

(xxiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

“(xxv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the north-west face of the building wall facing No. 216 Stirling Street to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.”

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.7

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 Cameron Chisholm Nicol on behalf of the owner Interwood Decor Pty Ltd for proposed Demolition of Existing Mechanical Workshop and Construction of a Four-Storey Mixed Use Development Comprising Two (2) Offices, Six (6) Multiple Dwellings and Associated Car Parking, at No. 77 (Lot: 102 D/P: 37335) Brewer Street, Perth, and as shown on plans stamp-dated 15 February 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) within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$30,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$3,000,000); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$30,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$3,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
 - (2) a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’ have been submitted to and approved by the Town; or*
 - (3) the subject ‘Approval to Commence Development’ did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*

Residential

- 1 x mobile garbage bin per unit; and*
- 1 x general recycle bin per 2 units.*

Commercial

- 1 x mobile garbage bin per unit; and*
- 1 x paper recycle bin per unit, or per 200 square metres of floor space.*

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

- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) first obtaining the consent of the owners of No. 71 Brewer Street and No. 216 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 71 Brewer Street and No. 216 Stirling Street in a good and clean condition;*
- (vii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (viii) 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;*
- (ix) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (x) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Brewer Street shall maintain an active and interactive relationship with this street;*
- (xi) *the maximum total gross floor area of the offices shall be limited to 158 square metres;*
- (xii) *prior to the first occupation of the development, six (6) 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;*
- (xiii) *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;*
- (xiv) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xv) *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;*
- (xvi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the 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 multiple dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;
- (xvii) *the proposed vehicular entry gate adjacent to the car parking area and right of way shall either be 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;*
- (xviii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (xix) *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;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxi) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxii) *prior to the issue of a Building Licence, a bond and/or bank guarantee for \$2000 shall be lodged for the full upgrade of the right of way;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the windows to the master/rear-most bedroom of units 1, 3 and 5 on the southern elevation within the 4.5 metre cone of vision to the western boundary;*
 - (b) *the windows to the master/rear-most bedroom of units 2, 4 and 6 on the southern elevation within the 4.5 metre cone of vision to the eastern boundary;*
 - (c) *the rear balcony to the bedrooms of units 1, 3 and 5 on the southern and western elevations within the 7.5 metre cone of vision to the western boundary; and*
 - (d) *the rear balcony to the bedrooms of units 2, 4 and 6 on the southern and eastern elevations within the 7.5 metre cone of vision to the eastern boundary;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 71 Brewer Street and No. 216 Stirling Street stating no objection to the respective proposed privacy encroachments.

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

- (xxiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*

(xxv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the north-west face of the building wall facing No. 216 Stirling Street to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	Interwood Decor Pty Ltd
Applicant:	Cameron Chisholm Nicol
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Mechanical Workshop
Use Class:	Multiple Dwelling and Office Building
Use Classification:	"P" and "AA"
Lot Area:	634 square metres
Access to Right of Way	South side, 3 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing mechanical workshop and the construction of a four-storey mixed use development comprising of two (2) offices on the ground floor and six multiple dwellings – two dwellings each, on the first, second and third floors.

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:	7.5 dwellings at R80	6 dwellings	Noted – no variation.
Plot Ratio:	1.0 or 634 square metres	1.08 or 684 square metres	Supported – the applicant has amended the original plans to alter the plot ratio from 1.213 to 1.08. It is considered that the variation to the plot ratio (1.08) is minimal and will not have an undue impact on adjacent properties and streetscape in terms of scale and bulk. It should also be noted that the proposed development involves the removal of a light industry use, which is an "X" (not permitted) use in the Residential/Commercial zone.

No. of Storeys	3 storeys	4 storeys	Supported – see “Comments”
Building Setbacks: Ground Floor -North (Brewer Street) -West -East First Floor -North (Brewer Street) -West -East	To be consistent with the existing streetscape. 1.6 metres 1.6 metres To be consistent with the existing streetscape. 2.3 metres 2.3 metres	Nil. Nil. Nil. Nil to the balconies and 2.5 metres to the main building. Nil. Nil.	Supported – the adjoining properties to the east and west of the subject property have a nil setback to the Brewer Street boundary. Supported – the Beaufort Precinct Policy states that all sides should have a nil setback. Supported – the Beaufort Precinct Policy states that all sides should have a nil setback. Supported – the adjoining mixed-use development to the west of the subject property has the balconies on the front boundary and the main building setback. Supported – the Beaufort Precinct Policy states that all sides should have a nil setback. Supported – the Beaufort Precinct Policy states that all sides should have a nil setback.
Second Floor -North (Brewer Street) -West -East Third Floor -North (Brewer Street)	To be consistent with the existing streetscape. 2.9 metres 2.9 metres To be consistent with the existing streetscape.	Nil to the balconies and 2.5 metres to the main building. Nil. Nil. Nil to the balconies and 2.5 metres to the main building.	Supported – the adjoining mixed-use development to the west of the subject property has the balconies on the front boundary and the main building setback. Supported – the Beaufort Precinct Policy states that all sides should have a nil setback. Supported – the Beaufort Precinct Policy states that all sides should have a nil setback. Supported – the adjoining mixed-use development to the west of the subject property has the balconies on the front boundary and the main building setback.

-West	5.0 metres	Nil.	Supported – the Beaufort Precinct Policy states that all sides should have a nil setback.
-East	5.0 metres	Nil.	Supported – the Beaufort Precinct Policy states that all sides should have a nil setback.
Privacy Setbacks: Units 1, 3 and 5 Rear Balcony (Southern and Western Elevations)	7.5 metres	5.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the balconies or obtain neighbour’s consent.
Windows to the master/rear most bedroom (Southern Elevation)	4.5 metres	1.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the windows or obtain neighbour’s consent.
Units 2, 4 and 6 Rear Balcony (Southern and Eastern Elevations)	7.5 metres	5.5 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the balconies or obtain neighbour’s consent.
Windows to the master/rear most bedroom (Southern Elevation)	4 metres	1.5 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the windows or obtain neighbour’s consent.
Car Parking Component			
Car parking requirement (nearest whole number) - Office – GFA = 158 square metres Requires 3.16 car bays			= 3 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (the proposed development contains at least 45% residential) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) 			(0.4624) = 1.3872 car bays

Minus the car parking provided on-site		7 car bays for the office component.
Note: The remaining 6 car bays are for the exclusive use of the residential dwellings at one bay per dwelling. A condition has been applied for the commercial car bays to be available for the use of the occupants and visitors of the dwellings after hours.		
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant surplus		5.61 car bays
Bicycle Parking		
Requirements	Required	Provided
Office 1 space per 200 (proposed 158) square metres gross floor area for employees (class 1 or 2).	0.79 space	No bicycle spaces shown on plans. Condition applied for bicycle parking to be provided.
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A
Consultation Submissions		
Support (3)	• The proposed setbacks are in keeping with the current streetscape.	• Noted.
	• The building will create a vast improvement for the area.	• Noted.
	• The proposed height should be supported as it is in keeping with recent approvals within the area.	• Noted.
Objection	Nil	Noted.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

* The 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 place at No. 77 Brewer Street, Perth, was built circa 1953. Prior to then the lot appeared vacant, as there is no occupant recorded for No. 77 Brewer Street in the final publication of the Wise Post Office Directory in 1949. The place is a factory built in the Post-War International style, which is characterised by a cubiform shape and uninterrupted surfaces. Two roller doors provide access to the factory area directly from a nil setback to the footpath, and a twelve pane window arrangement is located west of the doors. The west wall is solid brick, and forms the boundary of the property. The east wall forms the boundary with the adjoining building.

A preliminary assessment indicates that the subject place at No. 77 Brewer Street has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Number of Storeys

The proposal is symptomatic of a growing trend to develop underutilised inner-city properties. The proposed four storey height of the building is supported given the nature of recent development in the immediate area, namely a four storey multiple dwelling development at Nos. 59-61 Brewer Street and the 3-4 storey mixed-use Beaufort Central development along Stirling Street.

Summary

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

**10.1.11 Final Adoption of Amendment No.46 to Planning and Building Policies
– Policy No.3.4.7 Relating to Single Bedroom Dwellings**

Ward:	Both Wards	Date:	14 April 2008
Precinct:	All Precincts	File Ref:	PLA0185
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy No. 3.4.7 relating to Single Bedroom Dwellings as shown in Attachment No. 10.1.11; resulting from the advertised version having been reviewed and with regard to nil submissions received during the formal advertising, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy No. 3.4.7 relating to Single Bedroom Dwellings, as shown in Attachment No. 10.1.11 in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the Policy No. 3.4.7 relating to Single Bedroom Dwellings, as shown in Attachment No. 10.1.11, in accordance with Clause 47 (6) of Town Planning Scheme No. 1; and*
- (iv) *AUTHORISES the application of the adopted Policy No. 3.4.7 relating to Single Bedroom Dwellings for all new planning applications received after the adoption of the Policy.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

“(ii) ADOPTS the final version of the Policy No.3.4.7 relating to Single Bedroom Dwellings, as shown in Attachment No.10.1.11 in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; subject to the Policy being further amended as follows:

- (a) *clause 3) Floor Area be amended to read as follows:*
'...

Where it can be demonstrated that a high quality design outcome can be achieved, the Town may consider a density bonus for single bedroom dwellings with a maximum plot ratio floor area of up to 70 square metres as meeting the acceptable development criteria of the Residential Design Codes.

...''

Debate ensued.

AMENDMENT PUT AND LOST (3-6)

For

Cr Lake
Cr Maier
Cr Youngman

Against

Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Messina

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the outcome of the advertising period for this Policy and to present to the Council the final version of Policy No. 3.4.7 relating to Single Bedroom Dwellings.

BACKGROUND:

23 January 2007

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

“(ii) (i) *new policies relating to:*

(1) *Subdivisions; and*

(2) *Single Bedroom Dwellings;*

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

18 December 2007

The Council at its Ordinary Meeting held on 18 December 2007 considered the Draft Single Bedroom Dwellings Policy and resolved the following:

“*That the matter be DEFERRED for further clarification, including to distinguish between applications who;*

(i) *wish to have single bedroom dwellings as part of an application; and*

- (ii) *wish to apply for a density bonus based on single bedroom dwellings.”*

12 February 2008

The Council at its Ordinary Meeting considered the Draft Single Bedroom Dwellings Policy and resolved (inter alia) the following:

“That the Council;

- (i) *RECEIVES the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.1; subject to the Policy being further amended as follows:*
- (a) *clause 3) Floor Area be amended to read as follows:*
'...
Where it can be demonstrated that a high quality design outcome can be achieved, the Town may consider a density bonus for single bedroom dwellings with a maximum plot ratio floor area of up to 70 square metres.
...'
- (ii) *ADVERTISES the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

DETAILS:

The further amended version of the Policy relating to Single Bedroom Dwellings has been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No.1.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Natural and Built Environment -

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

Given that no submissions were received in relation to the draft Policy No. 3.4.7 relating to Single Bedroom Dwellings, it is recommended that the Council proceed to adopt the final version of the Policy No. 3.4.7 relating to Single Bedroom Dwellings in accordance with the Officer Recommendation.

10.1.12 Amendment No. 48 to Planning and Building Policies – Revised Draft Policies Relating to Heritage Management - Development Guidelines; Heritage Management - Assessment; Heritage Management - Interpretive Signage; and Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)

Ward:	Both Wards	Date:	14 April 2008
Precinct:	All Precincts	File Ref:	PLA 0194
Attachments:	001 , 002 , 003 , 004 ,		
Reporting Officer(s):	T Woodhouse, S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the following revised Draft Policies relating to Heritage Management;
 - (a) *Heritage Management - Development Guidelines as shown in Attachment 001;*
 - (b) *Heritage Management - Assessment as shown in Attachment 002;*
 - (c) *Heritage Management - Interpretive Signage as shown in Attachment 003; and*
 - (d) *Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI) as shown in Attachment 004;*
- (ii) **ADOPTS** the following revised Draft Policies relating to Heritage Management in the interim until the formal adoption of the revised Draft Policies;
 - (a) *Heritage Management - Development Guidelines as shown in Attachment 001;*
 - (b) *Heritage Management - Assessment as shown in Attachment 002;*
 - (c) *Heritage Management - Interpretive Signage as shown in Attachment 003; and*
 - (d) *Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI) as shown in Attachment 004;*
- (iii) **ADVERTISES** the following revised Draft Policies relating to Heritage Management - Development Guidelines; Heritage Management - Assessment; Heritage Management - Interpretive Signage; and Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI) for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
 - (a) *advertising a summary of the four (4) subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the four (4) subject Policies; and*
 - (c) *forwarding a copy of the four (4) subject Policies to the Western Australian Planning Commission; and*
 - (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the revised Draft Policies relating to Heritage Management - Development Guidelines; Heritage Management - Assessment; Heritage Management - Interpretive Signage ; and Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI), having regard to any written submissions; and*
 - (b) *DETERMINES the revised Draft Policies relating to Heritage Management - Development Guidelines; Heritage Management - Assessment; Heritage Management - Interpretive Signage; and Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), with or without amendment, to or not to proceed with them.*
-

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.10pm.

Debate ensued

MOTION PUT AND CARRIED (8-0)

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

Cr Messina returned to the Chamber at 8.12pm.

PURPOSE OF REPORT:

The purpose of this report is to present the four (4) revised Draft Policies relating to Heritage Management and to seek the Council's approval to advertise the four (4) Draft Policies.

BACKGROUND:

The table below provides a summary of the date in which the subject Policies were adopted by Council.

Policy No.	Policy Title	Date of Adoption at Ordinary Meeting of Council
3.6.1	Heritage Management - Development Guidelines	27 November 2006
3.6.2	Heritage Management - Assessment	17 January 2006
3.6.4	Heritage Management - Interpretive Signage	21 December 2005
3.6.5	Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI)	27 June 2006

DETAILS:

At the Ordinary Meeting of Council held on 11 September 2007, the Council adopted the Town's Heritage Strategic Plan 2007 - 2012. An important component of the Heritage Strategic Plan 2007 - 2012 is the Key Result Areas which group common goals to assist the Town to achieve its mission, and identify the resources and actions required to undertake and achieve the objectives of each Key Result Area. Key Result Area No. 2 relates to Statutory Provisions and Policies. Within this Key Result Areas, Performance Measure No. 2.6 was to *'review the effectiveness of heritage management policies adopted in 2005 and amend as needed'*.

Since the adoption of the Polices relating to Heritage Management in 2005 / 2006 and the completion of the review of the Town's Municipal Heritage Inventory, the Town's Officers have been able to measure the effectiveness of the subject Policies in varying situations. Of the six (6) Policies relating to Heritage Management that were adopted by Council in 2005 / 2006 four (4) were identified as requiring amendments.

A summary of the key amendments made to each Policy and the objectives of each of the Policies are detailed below:

Policy No. 3.6.1: Heritage Management - Development Guidelines

The implementation of this Policy has indicated that its key function should be to provide guidance for any alterations and additions undertaken to places on the Town's Municipal Heritage Inventory. The Policy has been amended to include more detail relating to the standard procedures involved in the event of a development application for alterations and additions to places on the Town's Municipal Heritage Inventory as well as greater detail in the 'Performance Criteria' and 'Acceptable Development' table to provide a more comprehensive framework for owners/applicants. Further to this, the information relating to the Management Categories has been removed to be included in the Policy relating to Heritage Management - Assessment.

The key objectives of the Policy are to:

- 1) Encourage the appropriate conservation and restoration of places listed on the Town's Municipal Heritage Inventory (MHI) in recognition of the distinct contribution they make to the character of the Town of Vincent.
- 2) Ensure that works, including conservation, alterations, additions and new development, respect the cultural heritage significance associated with places listed on the Town's Municipal Heritage Inventory.

- 3) Promote and encourage urban and architectural design that serves to support and enhance the ongoing significance of heritage places.
- 4) Ensure that the evolution of the Town of Vincent provides the means for a sustainable and innovative process towards integrating older style buildings with new development.
- 5) Complement the State Planning Policy No. 3.5 'Historic Heritage Conservation' and the Town's Residential Design Elements Policy and other associated Policies.

Policy No. 3.6.2: Heritage Management - Assessment

The implementation of this Policy has indicated that a greater correlation is required between the assessment of places for entry onto the Town's Municipal Heritage Inventory and the Management Category allocated. The Policy has been amended to include information about the two Management Categories - Management Category A (Conservation Essential) and Management Category B (Conservation Recommended). Further to this the table in clause 4 of the Policy has been amended to include a column to allow for the Management Category to correlate easily to the heritage significance of the place.

The key objectives of the Policy are:

- 1) To conserve and protect places of cultural heritage significance within the Town of Vincent.
- 2) To provide clear procedural guidelines for Heritage Assessments conducted within the Town of Vincent.
- 3) To provide improved certainty to landowners and community members about the formal practice involved in heritage identification and protection in the Town of Vincent.

Policy No. 3.6.4: Heritage Management - Interpretive Signage

The implementation of this Policy has highlighted that there is an opportunity to encourage developers of larger scale developments to be more creative when addressing the interpretive signage condition. The Policy has been amended to categorise development into two groups; development under the value of \$1,000,000 and development over \$1,000,000. For development under \$1,000,000 the requirements for an interpretative plaque remain the same however, the wording of the requirement has been slightly adjusted for clarification purposes. A new section of the Policy has been added to address developments over \$1,000,000 where by developers are encouraged to incorporate the interpretative signage condition into the development's percent for art proposal.

In addition to this, there have been some issues with the enforcement of the interpretive signage condition in the event that the property has been sold or subdivided. To address this, a new clause has been added to the Policy to require a notification under section 70A of the Transfer of Land Act, prior to the issue of a Demolition Licence, notifying proprietors and/or (prospective) purchasers of the property of the interpretation proposal requirement.

The key objectives of the Policy are to:

- 1) Generate awareness of the rich and diverse historic and social cultural heritage within the Town of Vincent's built environment.

- 2) Provide a procedure to recognise buildings approved to be demolished within the Town of Vincent which are considered to hold historic and/or social cultural heritage values not reflected directly in the building's structure, style or physical appearance.
- 3) Encourage innovative and varied forms of heritage interpretation, which recognises different opportunities depending on the type and scale of development.

Policy No. 3.6.5: Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI)

The Policy outlines a number of procedures for the Town's Officers to follow when a nomination is received by the Town for adding, deleting or amending places on the MHI. The implementation of this Policy has indicated there is repetition in its content and that there is an opportunity for it to be condensed. Therefore the procedures of the Policy have been streamlined for ease of use. In addition to this, a new separate section has been included to further address the procedures to be undertaken when a place is identified as potentially having cultural heritage value during the Planning Approval process, for demolition.

The key objectives of the Policy are to:

- 1) Provide a procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory.
- 2) Ensure places that are added, deleted or amended from the Town of Vincent Municipal Heritage Inventory follow due process.
- 3) Ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory are based on consideration of the cultural heritage significance of a place.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Natural and Built Environment

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

Heritage Strategic Plan 2007 - 2012 - Key Result Area No. 2 - Statutory Provisions and Policies

"Performance Measure No. 2.6 - review the effectiveness of heritage management policies adopted in 2005 and amend as needed."

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The revised Draft Policies relating to Heritage Management have been prepared in response to technicalities that have emerged in their implementation. It is intended that the revised Policies will provide more of a streamlined approach to Heritage Management at the Town of Vincent.

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

10.1.14 Economic Development Plan – Implementation and Governance – Draft Report

Ward:	Both Wards	Date:	14 April 2008
Precinct:	All Precincts	File Ref:	ADM0067
Attachments:	001		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	D Abel, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the draft final report of the Economic Development Plan – Implementation and Governance dated March 2008 and prepared by Pracsys.

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the existing recommendation be numbered clause (i) and a new clause (ii) be added as follows:

“(ii) REQUESTS that a further report be presented to Council by September 2008 with recommendations in response to the final report of the Economic Development Plan – Implementation and Governance.”

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) RECEIVES the draft final report of the Economic Development Plan – Implementation and Governance dated March 2008 and prepared by Pracsys; and*
- (ii) REQUESTS that a further report be presented to Council by September 2008 with recommendations in response to the final report of the Economic Development Plan – Implementation and Governance.*

PURPOSE OF REPORT:

The purpose is to receive the report and to provide the Council with an overview of the key elements contained within the *Draft Final Report of the Economic Development Plan – Implementation and Governance* prepared by Pracsys.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 June 2006, considered a Notice of Motion and resolved to authorise the Chief Executive Officer to prepare a Project Brief and Terms of Reference for the Councils' approval for a consultant to be engaged to provide a further report on Part 4 – Governance of the Town's 2005 Economic Development Strategy.

The Council at its Ordinary Meeting held on 12 September 2006 approved the Terms of Reference relating to the Economic Development Strategy - Governance and Implementation Report.

In accordance with the Council's decision (of 12 September 2006), on 9 November 2006, invitations to provide a quotation to prepare a report in relation to the Economic Development Strategy - Governance and Implementation, which forms a part of the Economic Development Strategy 2005 – 2010, were distributed to four consultants.

At the close of quotation, at 2.00 pm on 24 November 2006, two (2) quotations had been received being from Syme Marmion & Co and Pracsys.

On 9 January 2007, the Executive Management Team authorised the appointment of Pracsys to undertake the project work relating to the Economic Development Strategy – Governance and Implementation Report.

On 4 May 2007, the Chief Executive Officer met with Pracsys to receive the Interim Report dated May 2007. Following this meeting, the Town received a letter from Pracsys on 11 May 2007 requesting feedback on the Interim Report.

On 14 May 2007, the Town provided Pracsys with detailed comments and feedback in relation to the Interim Report for consideration and implementation. Following the initial draft Interim Report, the Town has engaged in further discussions and correspondence with Pracsys in order to progress the Economic Development Plan – Implementation and Governance to finalisation.

DETAILS:

The *Draft Final Report of the Economic Development Plan – Implementation and Governance* is 'Laid on the Table'.

In the Town's Economic Development Strategy 2005-2010, a need was recognised for the development and adoption of a place management processes and governance structure that will oversee all stages of the place development and management cycle of the core Town Centres within the Town of Vincent. In undertaking the project of developing a Governance and Implementation Plan, Pracsys has endeavoured to find the right mix of authority, accountability, leadership and resourcing to guide the implementation of a place management process within the Town.

A review of the *Draft Final Report of the Economic Development Plan – Implementation and Governance* has been undertaken. The following is a summary of the details included in the draft report:

- Details including the definition, scope and role of the Town, business, residents and stakeholders in the Place Management process including further investigation of other local authorities including, the Cities of Melbourne, Perth, Geelong, Parramatta and Randwick.

- Outcomes of a review of the Town's existing key strategic documents including Vincent Vision 2024, Plan for the Future Strategic Plan 2006-2011 and the Economic Development Strategy 2005-2010. Additionally, the report includes a review of State and Federal Government Policies and initiatives including the State Government's Network City strategy.
- A summary of consultation with stakeholders including representatives in all five Town Centre Precincts within the Town in relation to:
 - Communication with Council - current issues and needs;
 - Business Associations - issues and opportunities; and
 - Reaction to the integration of a Place Management strategy into Council governance and administration.
- The context of the Governance and Implementation Plan in terms of economic development and place management, the role of place management generally and within the Town's governance model, and internal versus external governance.
- Details of an Interim Place Management Strategy as an interim measure to implement the strategies identified within the Town's Economic Development Strategy 2005 – 2010, particularly in relation to the establishment of a Manager of Places to implement the whole of Town strategy encompassing all five Town Centres and the Leederville place development. The Interim Strategy also addresses the role, responsibilities and accountabilities of the Manager of Places, and the place management role of the Project Management Team, and associated resources/funding. The relevant section of the draft report detailing the Interim Place Management Strategy is attached to this report.
- Details of a Long Term Place Management Strategy, including the function, roles and responsibilities of a new section to be established to focus on place management, and associated selection criteria and resources/funding. The relevant section of the draft report detailing the Long Term Place Management Strategy is attached to this report. In relation to information pertaining to resources/funding, Pracsys has provided the Town with a pro-forma cash flow, to be used as a guide by the Town of Vincent, this pro-forma is attached to this report.

CONSULTATION/ADVERTISING:

Not required at this stage.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011:

“Economic Development -

Objective 2.1 Progress economic development with adequate financial resources

2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.

2.1.2 Develop and promote partnerships and alliances with key stakeholders.

2.1.3 Promote business development.

2.1.4 Identify the needs and expectations of the business community and facilitate outcomes in the Town.

2.1.5 Develop business strategies that reduce reliance on rates revenue.

2.1.6 Develop business strategies that provide a positive triple bottom line return for the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 27 June 2006, the Council considered a Notice of Motion and resolved as follows in relation to the budgeted amount for the proposed report:

“That the Council;

.....

(ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item “Mt Hawthorn Strategy” to the “Economic Development Strategy Governance and Implementation Report”; and

.....”

COMMENTS:

It is considered that the *Draft Final Report of the Economic Development Plan – Implementation and Governance* prepared by Pracsys satisfies the subject project brief. However, whilst much of the information in the report is interesting, it is not particularly relevant to the Town. The information about employing additional employees would need to be considered at the appropriate time and during the annual budget process. It is therefore recommended that the Council receives this draft final report.

10.1.16 Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 7

Ward:	Both Wards	Date:	15 April 2008
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** Progress Report No. 7 relating to the review of the Town of Vincent Town Planning Scheme No. 1;
- (ii) **ENDORSES** the revised timeline and Gantt chart relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 10.1.16; and
- (iii) **NOTES** that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

- “(ii) **ENDORSES** the revised timeline and Gantt chart relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 10.1.16 subject to the Gantt chart being amended to include reporting to the Ordinary Meeting of the Council after the Peer Review of the Town Planning Scheme Review and prior to forwarding Town Planning Scheme No.2 to the Hon. Minister for Planning and the Western Australian Planning Commission;”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.16

That the Council:

- (i) **RECEIVES** Progress Report No. 7 relating to the review of the Town of Vincent Town Planning Scheme No. 1;

- (ii) *ENDORSES the revised timeline and Gantt chart relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 10.1.16 subject to the Gantt chart being amended to include reporting to the Ordinary Meeting of the Council after the Peer Review of the Town Planning Scheme Review and prior to forwarding Town Planning Scheme No.2 to the Hon. Minister for Planning and the Western Australian Planning Commission; and*
- (iii) *NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.*

PURPOSE OF REPORT:

To report to the Council on the progress of the review of Town Planning Scheme No. 1 and to adopt a revised timeframe in which to complete the review.

BACKGROUND:

- 27 May 2003 The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.
- 24 June 2003 The Council at its Ordinary Meeting resolved as follows:
- "That the Council;*
- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*
- 30 June 2005 A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant.
- 23 August 2005 The Council at its Ordinary Meeting considered the matter of community visioning.
- 13 September 2005 The Council at its Ordinary Meeting received Progress Report No.1 in relation to the review of Town Planning Scheme No.1 and authorised the Chief Executive Officer to list discussion of the matter at an Elected Members Forum to be held in October 2005.

- 18 October 2005 The Town Planning Scheme Review was discussed at an Elected Members Forum.
- 11 April 2006 The Council at its Ordinary Meeting received Progress Report No. 2 in relation to the review of Town Planning Scheme No.1.
- 12 September 2006 The Council at its Ordinary Meeting received Progress Report No. 3 in relation to the review of Town Planning Scheme No.1.
- 21 November 2006 The Council at its Ordinary Meeting resolved to establish a Town Planning Scheme Review Committee.
- 14 December 2006 Meeting 1 of the Town Planning Scheme Review Committee.
- 23 January 2007 The Council at its Ordinary Meeting received the Minutes of the Committee.
- 1 February 2007 Meeting 2 of the Town Planning Scheme Review Committee.
- 15 February 2007 Meeting 3 of the Town Planning Scheme Review Committee – Presentation by representatives from the Department for Planning and Infrastructure on ‘Network City’.
- 1 March 2007 Meeting 4 of the Town Planning Scheme Review Committee.
- 15 March 2007 Meeting 5 of the Town Planning Scheme Review Committee.
- 27 March 2007 The Council at its Ordinary Meeting resolved the following in relation to the establishment of a Town Planning Scheme Review Advisory Group:
- “That;
- (i) *the Item be DEFERRED to allow meetings to be arranged with the Elected Members and administration on two (2) separate days (i.e. in late April/early May and June/July). These sessions are to be open to the public. Information for discussion to be prepared and distributed two (2) weeks prior to each meeting. Any questions and comments from Elected Members to be submitted at least one week prior to the meeting date; and*
- (ii) *in addition the above, the Chief Executive Officer be REQUESTED to provide a revised timeline and Agenda for the meetings”.*
- 29 March 2007 Meeting 6 of the Town Planning Scheme Review Committee.
- 19 May 2007 Elected Members Meeting regarding the Town Planning Scheme Review as requested at the Ordinary Meeting of Council held on 27 March 2007. The following matters were discussed: progress of Town Planning Scheme review; Eton Locality and possible options, streetscapes and possible options, and clause 40 of Town Planning Scheme No. 1 - general discretion and possible options.
- 12 June 2007 The Council at its Ordinary Meeting resolved the following in relation to the draft Residential Design Elements Policy:

“That this item be DEFERRED to the next meeting as there were numerous changes indicated by Elected Members for this item.”

The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:

“That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”

26 June 2007 The Council at its Ordinary Meeting received Progress Report No. 4 in relation to the review of Town Planning Scheme No.1.

14 August 2007 The Council at its Ordinary Meeting received Progress Report No. 5 in relation to the review of Town Planning Scheme No.1.

9 October 2007 The Council at its Ordinary Meeting received Progress Report No. 6 in relation to the review of Town Planning Scheme No.1 and resolved as follows:

“That the Council;

(i) RECEIVES Progress Report No. 6 relating to the review of the Town of Vincent Town Planning Scheme No. 1;

(ii) NOTES that;

(a) the Town’s Officers do not support the approach of a Peer Review of the Draft Town Planning Scheme text and supporting documentation at this point in time due to the unique nature of the town planning scheme review and that any Peer Review is expected to be extensive, time consuming and ultimately expensive;

(b) the Chief Executive Officer will be obtaining quotations for a Peer Review of the Draft Town Planning Scheme No. 2 text and supporting documentation in the Draft 2008/2009 Budget for consideration as part of the 2008/2009 Budget; and

(c) a Peer Review of the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation will be carried out during the three months formal advertising period of TPS 2.”

DETAILS:

The purpose of this report is to provide the Council with an update on the progress of the Town Planning Scheme review and to provide an updated timeframe in which to complete the review.

An updated Gantt chart demonstrating the key actions, status, timeframes, costs and allocated resources to progress the Town Planning Scheme review and complete the review and facilitate the new Town Planning Scheme No. 2 to be gazetted by February 2010 is included as an Appendix to this Agenda Report for the Council’s consideration.

CONSULTATION/ADVERTISING:

There is a statutory requirement to advertise the draft new Town Planning Scheme No.2 for 3 months.

LEGAL/POLICY:

There is a statutory requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable. The statutory provisions relating to a Town Planning Scheme and its review are prescribed in the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2007/2008 Budget lists \$60,000 for Town Planning Scheme Amendments and Policies. An amount of \$30,000 has been allocated in the Draft 2008/2009 Budget to carry out a Peer Review of the new Town Planning Scheme text and supporting documentation as noted by Council at its Ordinary Meeting held on 9 October 2007. The Town obtained 4 quotes from planning consultancies which ranged from \$10,000 to \$30,000.

COMMENTS:

Statutory Timeframes

The *Town Planning Regulations 1967* prescribe statutory processes/timeframes for reviewing a Town Planning Scheme. These statutory timeframes occur particularly after the new Town Planning Scheme No. 2 is referred to the Western Australian Planning Commission and Minister for Planning and Infrastructure for consent to advertise Town Planning Scheme No. 2. These statutory timeframes have been reflected in the revised Gantt chart for the Council's consideration.

Planning Policies

The revised Gantt chart reflects the time period and resources required to review the Town's Planning Policies as part of the Town Planning Scheme review. The Gantt chart also addresses the progress of a number of Planning Policies being progressed by the Town's Officers, including the Residential Design Elements Policy, the Residential Streetscapes Policy, the William Street Design Guidelines, the 'No Multiple Dwellings' Scheme Amendment (Design Guidelines for Multiple Dwellings) and the Oxford Street Activity Corridor.

It is noted that whilst the scheme amendment relating to 'No Multiple Dwellings' forms part of the Review process, it is an amendment to the current Scheme and is being expedited to deal with pending development applications.

Most of the Town's Planning Policies will be reviewed, updated and prepared by the Town's Officers. However the Affordable Housing Strategy, the Car Parking Strategy Review, the Leederville Masterplan and Built Form Design Guidelines, the West Perth Regeneration Masterplan, the Local Planning Strategy - commercial component audit and the Peer Review of the Town Planning Scheme Review will be out-sourced to consultants.

The following table outlines the timelines to finalise these outstanding reports/strategies which will be reflected in the new Town Planning Scheme No.2. Whilst these reports/strategies are being undertaken, tasks to do with the Town Planning Scheme Review are occurring concurrently. In this respect, the demographic profile/2006 Census analysis for the Town is being updated inclusive of the new areas which came into the Town as a result of the Boundary Changes on 1 July 2007. Drafting of the new scheme maps is progressing however a significant component of this work is dependant on the completion of the reports/strategies outlined. The indicative Scheme maps will accompany the draft Local Planning Strategy programmed for presentation to the Council at its Ordinary Meeting to be held on 26 August 2008.

Final Report/Strategy/Policy	Expected Final Report
Leederville Masterplan Built Form Design Guidelines	Mid April 2008
Affordable Housing Strategy	Late April 2008
Multiple Dwellings Design Guidelines (Scheme Amendment)	Mid May 2008
Car Parking Strategy Review	Late May 2008
William Street Design Guidelines	Late May 2008
Oxford Street Activity Corridor	Late May 2008
West Perth Regeneration Masterplan	May-June 2008

It is noted that the management of the above projects, including the preparation of tender/quotation documentation, agenda reports and consultant liaison is carried out by Strategic Planning Services who are also responsible for the progression of the town planning scheme review.

Notwithstanding the above, the progress of the town planning scheme review has been stalled mainly by high staff turnover, difficulties in attracting experienced Strategic Planning Officers, and a number of unprogrammed projects. A number of these projects relate to the WALGA building, the proposed relocation of the Margaret Kindergarten, the Built Form Design Guidelines and the Department for Planning and Infrastructure's (DPI's) involvement and various studies relating to this project, the West Perth Regeneration Masterplan and DPI's East Parade Regeneration Project. Accordingly, the town planning scheme review work, whilst a high priority in Strategic Planning, is often reprioritised by other unprogrammed projects.

Summary

The major milestones in the review of the Town Planning Scheme No. 1 are programmed as follows:

- Ordinary Meeting of the Council on 26 August 2008 – Report to Council to adopt the new Town Planning Scheme No. 2, Local Planning Strategy and Planning Policies; and
- February 2010 – Gazettal of the Town's Town Planning Scheme No. 2.

It is noted that the period between the Council adopting the new Town Planning Scheme and the Department for Planning and Infrastructure and the Minister for Planning and Infrastructure considering and approving the documents is indicative only. As the Council is aware, the Department for Planning and Infrastructure (DPI) have acknowledged that it is experiencing severe staff shortages and the gazettal of the new Town Planning Scheme is likely to be subject to delays. Furthermore, the DPI has not finalised adequate guidance and Planning Policies with respect to *Network City* which the consideration of the Town's new Town Planning Scheme will be subject to.

It is recommended that the Council receives this progress report, endorses the revised timeline and Gantt chart, and notes that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.

10.1.20 Temporary Use of Forrest Park for Patrons of Members Equity Stadium

Ward:	South	Date:	15 April 2008
Precinct:	Forrest, P14	File Ref:	RES0003
Attachments:	-		
Reporting Officer(s):	J Maclean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES;

- (i) *the continued use of Forrest Park Reserve, as a temporary overflow car parking facility, for the Elton John Concert(s), to be held at Members Equity Stadium, on 10 (and possibly 9) May 2008, subject to the Town's Members Equity Stadium Managers (Allia Venue Management) and the Concert promoters of the event to include as part of the required Public Transport Plan (as specified in the Perth Oval (Members Equity Stadium) – Concerts Policy No: 4.1.25 (clause 5.2) to;*
 - (a) *organise a shuttle bus service to and from Forrest Park and Members Equity Stadium, to accommodate the attendees; and*
 - (b) *advertise via radio, print and electronic media of the parking restrictions which apply around Members Equity Stadium and encourage patrons to use public transport, to the satisfaction of the Town's Chief Executive Officer; and*
- (ii) *the Schedule of Fees as follows;*

<i>Vehicle with one person</i>	<i>\$ 15.00</i>
<i>Vehicle with two persons</i>	<i>\$ 14.00</i>
<i>Vehicle with three persons</i>	<i>\$ 12.00</i>
<i>Vehicle with four persons</i>	<i>\$ 11.00</i>
<i>Vehicle with more than four persons</i>	<i>\$ 10.00</i>

COUNCIL DECISION ITEM 10.1.20

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.27pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.29pm.

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	

PURPOSE OF REPORT:

To approve of Forrest Park to be used to provide temporary overflow parking facility for patrons of large events at Members Equity Stadium Elton John Concert(s) on 10 May (and possibly 9 May), to ensure that inconvenience to residents, caused by patrons parking in the residential streets, is minimised.

BACKGROUND:

At the Ordinary Meeting of Council, held on Tuesday 18 December 2007, the Council approved the use of Forrest Park, as an overflow parking area, for large events that were held at Members Equity Stadium, and resolved as follows;

That the Council;

(i) **APPROVES;**

- (a) *the use of Forrest Park Reserve, as a temporary overflow parking facility, when any Concerts, with an expected number of attendees greater than 20,000, are being held at Members Equity Stadium, until 15 April 2008; and*
- (b) *the Schedule of Fees as follows;*

<i>Vehicle with one person</i>	<i>\$ 15.00</i>
<i>Vehicle with two persons</i>	<i>\$ 14.00</i>
<i>Vehicle with three persons</i>	<i>\$ 12.00</i>
<i>Vehicle with four persons</i>	<i>\$ 11.00</i>
<i>Vehicle with more than four persons</i>	<i>\$ 10.00</i>

(ii) **REQUEST** *the Town's Members Equity Stadium Managers (Allia Venue Management) and the respective promoters of the events to include as part of the required Public Transport Plan (as specified in the Perth Oval (Members Equity Stadium) – Concerts Policy No: 4.1.25 (clause 5.2) to;*

- (a) *organise a shuttle bus service to and from Forrest Park and Members Equity Stadium, to accommodate the attendees; and*
- (b) *advertise via radio, print and electronic media of the parking restrictions which apply around Members Equity Stadium and encourage patrons to use public transport, to the satisfaction of the Town's Chief Executive Officer.*

In response to the residents' concerns, the Council previously approved the introduction of Residential parking Restrictions in the area surrounding Members Equity Stadium. The existing Residential Parking Restrictions apply to the area, bounded by Newcastle Street, Lord Street, Harold Street, William Street, Brisbane Street and Stirling Street, but do not include William Street, or Stirling Streets themselves.

Because Members Equity Stadium is increasingly being used to host concert events, which attract a substantial number of patrons, it has been necessary to continually amend the dates of operation of these Residential Parking Restrictions. However, where events attract in excess of 15,000 people, the restrictions have proved to be inadequate to provide respite to the surrounding residents. As a result, the Town took steps to address the parking problems and the Council approved the use of Forrest Park, for overflow parking until the Celine Dion Concert, which should have been held on 4 April, but which was deferred to 8 April 2008, due to a medical problem. Forrest Park was made available as a temporary parking facility on the following dates and the usage was as follows:

Concert Event	No of Vehicles
1 February 2008 – Police Concert	200
2 February 2008 – Police Concert	85
5 March 2008 – Rod Stewart Concert	140
29 March 2008 – Jack Johnson	40
4 April 2008 and amended to 8 April 2008 – Celine Dion	90

No damage was caused to Forrest Park.

DETAILS:

Given the popularity of Members Equity Stadium, it is anticipated that there will be a number of concerts being staged there, in the next 12 months. The first of these is a concert by Elton John, scheduled for 10 May 2008, with an anticipated attendance of in excess of 18,000 patrons and, if all of the tickets are sold for 10 May, it is possible that there will be an additional concert scheduled for 9 May 2008.

An application has been received from Allia Venue Management, to hold a "Fine Dining Experience", to complement the Elton John Concert, on Loton Park, immediately adjacent to Members Equity Stadium, similar to that which was held for the "Pavarotti Concert", in 2007. This will result in the temporary parking space on Loton Park, being utilised as part of the "Fine Dining Experience" and vehicles will need to find parking elsewhere. The Town would normally accommodate around 230 vehicles on Loton Park and, until 8 April 2008, would have accommodated a further up to 200 vehicles on Forrest Park.

Based on 18,000 patrons, predominantly in the 40 years plus age-group, it is anticipated that around 5% are likely to use public transport, 10% taxi and limousines and 5% will probably use "other" modes of getting to the venue. It is likely that around 80% of the patrons will use private vehicles to get to Members Equity Stadium. This means that up to 14,500 people are likely to use private cars and, with an average number of people per vehicle, estimated as 2.7, this is likely to result in around 4,300 vehicles needing to be accommodated, as close as practicable to the venue.

There are around 3,800 parking spaces, in car parks within a 1km radius of Members Equity Stadium, which will result in a minimum of 500 vehicles seeking to find alternative parking. If a viable alternative is not provided, it is highly likely that patrons will simply park in the restricted area surrounding the Stadium and accept the consequences, thereby increasing the number of complaints from residents.

Because on previous occasions, the Council has approved the use of Forrest Park, by patrons of concerts, some patrons will have an expectation that this will be the case for the Elton John Concert. The reserve is not booked for the evening of 10 May 2008, but Perth Football Club has booked it for 5:00pm to 8:00pm on Friday 9 May 2008. Forrest Park is an extremely large reserve, where up to 500 vehicles could be accommodated.

The possible use of Forrest Park has been discussed with the Manager Parks Services (MPS), who believes that, depending on the weather in the days leading up to and including the concert days, the surface is likely to be damaged by a large number of vehicles. The area that is most susceptible to damage would be the 12 metre wide entry from Harold Street, which does not dry out after rainfall, due the large overhanging trees that shade the surface. However, the MPS suggested that, while there is some concern that the ground may be damaged by the vehicles, it may be possible to either open a second entry/exit or to cover the existing entry surface with wood chips or similar material to reduce the potential for damage.

The use of Forrest Park and the provision of a shuttle bus to take patrons to the ground has operated extremely well for the past four concerts. One of the added benefits is that Forrest Park is around 1 km from Members Equity Stadium and this allows for a slightly more orderly dispersal of vehicles.

Given the negative publicity that has been levelled at the Town, it is believed that, since Loton Park is to be unavailable for patrons' vehicles, if the Town is not seen to be trying to address the likely parking problems, this criticism will continue.

CONSULTATION/ADVERTISING:

This approval will have limited impact on the community, but given the current issues, surrounding the use of Forrest Park, it is considered appropriate to undertake a letter-drop to properties in Harold Street, Clarence Street and Barlee Street, to make them aware that Forrest Park is to be used as a temporary car parking facility.

LEGAL/POLICY:

There are no adverse legal implications associated with this approval.

STRATEGIC IMPLICATIONS:

The above is in keeping with Strategic Plan 2006-2011: Action 2.1.4(b) - *“Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community”*.

FINANCIAL/BUDGET IMPLICATIONS:

The Town will control parking on Forrest Park and will levy parking fees, similar to those that were approved, in the Town's Budget document, for Loton Park. As a result, assuming that Forrest Park is used by 400 vehicles, the revenue to the Town will be around \$4,500, which would easily allow for any repair works that may be necessary.

COMMENTS:

The Elton John Concert has been approved for 10 May (and possibly 9 subject to demand) 2008, for Members Equity Stadium, with anticipated numbers of patrons of up to 18,000. With such a large number of people, the car parking facilities in the area will be stretched to a maximum and this will be exacerbated by the fact that all of Loton Park will not be available, so to avoid creating additional problems within the Residential Parking Zone, it is recommended that Forrest Park be used for overflow parking.

10.2.2 Further Report on Western Power's Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets

Ward:	Both	Date:	16 April 2008
Precinct:	Forrest; P14, Mt Lawley Centre; P11	File Ref:	TES0313
Attachments:	-		
Reporting Officer(s):	C Wilson, R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;
- (ii) **ADVISES** Western Power that it;
 - (a) fully supports the undergrounding of the powerlines in Walcott Street, however, it does not consider that in this instance (given this is an operational matter for Western Power), that Local Government should be contributing financially to such a project;
 - (b) **DOES NOT** support the existing metal poles being replaced with wooden poles and that in the unlikely event that the power is not undergrounded, alternative solutions be implemented to address the current operational issues;
- (iii) **WRITES** to the Minister for Energy requesting that for reasons of public safety, amenity and social responsibility, Western Power proceeds with and fully funds the undergrounding of the powerlines in Walcott Street between Beaufort and Charles Streets, as this is an operational matter for Western Power and the project does not strictly meet the requirements of a Major Project under the terms, conditions and guidelines of the State Underground Power Program;
- (iv) **ADVISES** the City of Stirling and Western Power of its position; and
- (v) **RECEIVES** a further report on the matter once a formal response has been received from the Minister, Western Power and the City of Stirling.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Youngman departed the Chamber at 8.35pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.38pm.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Lake

That the Item be DEFERRED to allow for further negotiations and discussions with the City of Stirling and possible consideration of a residents' survey.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT

The purpose of this report is to advise the Council of Western Power's revised proposal to underground the overhead power lines on Walcott Street, Mt Lawley between Beaufort and Charles Streets.

BACKGROUND:

At its Ordinary Meeting of 13 March 2007, the Council received a report on Western Power's proposal to underground the overhead powerlines in Walcott Street, Mt Lawley/ Coolbinia/ Menora between Beaufort and Charles Streets.

At a meeting in February 2007, Western Power advised Officers from the Town and the City of Stirling that it had a road safety issue in Walcott Street in respect to the proximity of the existing steel power poles to the edge of the carriageway.

Walcott Street comprises a boundary road between the Town and the City of Stirling and there are overhead powerlines on both sides of the street. The existing steel poles were originally installed to support the overhead electrical gantry for the former tramline.

While the obvious solution is to underground the powerlines, Western Power indicated that they were not in a position to fully fund the project and, if it were to proceed, they would be seeking contributions from the Town and the City of Stirling.

Western Power suggested that the problem could be addressed by simply replacing the steel poles with timber poles set further back in the verge, strung with a bundled cable (individual 11 kV insulated powerlines twisted together to form a single 'thick' cable).

Western Power argued that it was in the best interest of all concerned to under-ground the power which would not only solve their problem but it would result in other benefits.

At the time, the project was estimated to cost \$2,810,000 of which the Town and the City were expected to contribute 25% each, or approximately \$700,000 (including establishment and other costs).

Having considered the report, the Council made the following decision (in part):

"That the Council;

- (ii) APPROVES IN PRINCIPLE the request to participate in Western Power's proposal to underground the power in Walcott Street, subject to;*
 - (a) Western Power agreeing to contribute 50% of the total project cost which is estimated to be in the order of \$2,510,000;*

- (b) *the remaining 50% of the cost be shared equally on a 25% split between the Town of Vincent (\$700,000) and City of Stirling (\$700,000) subject to the final designs, ensuring the proposed works on either side of Walcott Street are of fairly equal scope;*
- (c) *the majority of the Town of Vincent residents affected by the scheme, agreeing to contribute financially to the project on a similar basis as the current Highgate East SUPP;*
- (d) *the Town's contribution being fixed such that the resident's contribution be restricted by the upper contribution amount indicated to them in the consultation material; and*
- (e) *the Town approving of the final designs and pole style/light fixtures;*
- (iii) *ADVISES Western Power that the Town's approval of the project is conditional upon the Town deferring any payments towards the project until 2008/2009 financial year, as this project will not be funded in the 2007/2008 financial year due to other funding commitments and priorities;*
- (iv) *AUTHORISES the Chief Executive Officer to enter into discussions with Western Power concerning the terms and conditions and design considerations of the project;*
- (v) *ADVISES the City of Stirling and Western Power of its decision;*
- (vi) *RECEIVES a further report on the matter once a formal response has been received from Western Power;"*

DETAILS:

Since the aforementioned report, the Town's Officers have again met with Western Power and the City of Stirling in order to progress the proposal.

While it could be expected that the Town would recover a majority of its contribution from residents, over time it would require a loan facility to be established upon commencement as Western Power would require progress payments during the project with full payment by completion.

Funding Model

In the past twelve (12) months, while the technical details have changed little, the project cost has risen by \$654,000 to \$3,165,382, increasing the Town's direct contribution from \$700,000 to \$791,346. In addition, there would be other costs incurred, including holding costs for deferred pensioner payments, the net result being an estimated total cost to the Town of approximately \$912,281.

Therefore the following table provides an indicative cost to the Town:

25% Contribution	\$791,346
Powder coated light poles	Included
Replacement of signage	\$3,000
Allowance for staff on costs - 6 months	\$35,000
10% allowance on total cost for deferred pensioner payments	\$82,935

Total Estimate Contribution	\$912,281(excl GST)
Estimated number of lots	134
Average cost per lot	\$6,808
Estimated number of property owners	270
Estimated number of Pensioners	28 (10.4%)

The cost per lot is higher than that of the recent Highgate East SUPP Project, which is not unexpected in the current economic climate.

The Highgate East SUPP scheme was based on the “user pays” principle, with those property owners gaining a direct benefit being required to contribute funding based on the approved contributions model.

Also, as with the Highgate East Project, the Town would need to undertake extensive community consultation to determine the residents' support for the project and their willingness to pay the \$6,800 for each property.

City of Stirling

At this time, the Stirling Council is yet to consider the City’s participation in the project. However, it can be assumed that if either Local Government declines the project, it will not proceed.

In respect to funding their contribution, the City uses a different model to that of the Town, based upon Gross Rental Value, which in itself will be a problem, as the City has already indicated that they would want to retain the same system, for reasons of parity and consistency, used for previous projects.

Potentially the two Local Governments will be using different funding models, resulting in vastly different contributions for opposing properties. Like the City, the Town, for reasons of parity and consistency, would also need to retain the same system as used in the Highgate East project.

Therefore, while it would make sense to conduct a combined community consultation program, with the City taking in both sides of Walcott Street, it will be difficult to justify the differing funding models to the residents, irrespective of which is considered the best.

Discussion

The Town is faced with a difficult decision, one that on the surface appears simple. It is an opportunity to get rid of the unsightly steel poles along Walcott Street, and if a majority of the affected residents agree, it would be at minimal cost to Town.

However, the question is often proffered - *why is Local Government funding a State responsibility?* If Western Power has a safety issue, then surely the onus is on Western Power to resolve it in a socially, environmentally and economically responsible way. Further, one of the arguments Western Power uses to justify underground power is improved reliability and continuity of service and yet this cost benefit is never factored into their project.

If the project proceeds, essentially the Town would have to borrow approximately \$1 million in the financial year 2008/09 to fund its contribution. Without pre-empting the Council's budget deliberations, the costs incurred in establishing and meeting loan payments in the first year have the potential to significantly impact upon the 2008/09 budget.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

If the Council resolves to proceed with this project, the funding and owner contribution cost recovery model used for Highgate East SUPP, which is compliant with current legislation, would be adopted for the Walcott Street project.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006 - 2011 - 1.1.16 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

If the project were to proceed, subject to the standard conditions and approvals, a contractual agreement would be entered into between Western Power, the City of Stirling and the Town of Vincent.

Under the terms of the contractual agreement, the Town would be required to provide 25 percent of the total project funding, with Western Power providing 50 percent and the City of Stirling 25 percent.

The Town, over time, will recover the 25 percent project cost contribution from the affected property owners. Where the Town owns properties within the scheme, the Town would be required to contribute towards this as in the Highgate East SUPP.

The Town would need to establish a loan facility and allocate \$912,281 in the 2008/2009 budget, should the project proceed.

COMMENTS:

The Town has always adopted a proactive role in the undergrounding of power in conjunction with the State Underground Power Program (SUPP).

While the Town may not agree that it is the responsibility for Local Government to directly contribute to the improvements to Western Power's infrastructure, based on "user pays" principle, the Walcott Street project does provide an avenue for residents and the Town to enhance the general amenity and streetscape of the areas involved. In the Highgate East SUPP resident survey, an overwhelming majority of 83% were in favour of underground power with 78% willing to contribute towards the scheme.

The proposal from Western Power for an undergrounding scheme in Walcott Street, between Beaufort and Charles Streets, relates directly to a compliance and safety issue they have with their infrastructure. The Town could rightly adopt the point of view that this is solely their problem and that the Town should not be involved.

Without both Vincent's and Stirling's co-operation, Western Power may resort to simply replacing the existing steel poles with timber ones. This is considered undesirable.

It is considered that that while the undergrounding of the powerlines in Walcott Street is fully supported, it is not considered that, in this instance given this is an operational matter for Western Power, that Local Government should be contributing financially to such a project;

Also the existing metal poles being replaced with wooden poles is not supported and alternative solutions should be implemented to address the current operational issues if the undergrounding of power does not proceed.

10.3.3 Annual Budget 2008/2009 - Revised Budget Timetable

Ward:	Both	Date:	16 April 2008
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That;

(i) *the Council, at its Ordinary Meeting held on 4 December 2007 (Item No. 10.3.1 Clause (i)), resolved that it;*

“(i) APPROVES the timetable for the 2008/2009 Budget as detailed below:

<i>DATE</i>	<i>TOPIC</i>
<i>1-25 April</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>28 April</i>	<i>Draft budget issued to Council Members</i>
<i>3 May</i>	<i>Confidential Briefing provided to Council Members on Draft Budget</i>
<i>6 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>18 June</i>	<i>Public comment closes</i>
<i>18 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

(ii) *Cr..... MOVES a motion to CHANGE the decision by;*

(a) *amending the Draft Budget timetable as follows;*

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April *</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>5 May *</i>	<i>Draft budget issued to Council Members</i>
<i>10 May *</i>	<i>Briefing (Behind Closed Doors) provided to Council Members on Draft Budget</i>
<i>14 May *</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>18 June</i>	<i>Public comment closes</i>
<i>18 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

- (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., Cr Farrell and Cr Burns, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 4 December 2007 (Item 10.3.1.), as shown below;*

(a)

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April *</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>5 May *</i>	<i>Draft budget issued to Council Members</i>
<i>10 May *</i>	<i>Briefing (Behind Closed Doors) provided to Council Members on Draft Budget</i>
<i>14 May *</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>18 June</i>	<i>Public comment closes</i>
<i>18 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell moved a motion to change a decision, in accordance with clause (ii).

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the date “18 June” be deleted and “23 June” be inserted where it appears in the Tables in clauses (ii) and (iv).

AMENDMENT PUT AND CARRIED (9-0)

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

COUNCIL DECISION ITEM 10.3.3

That;

- (i) *the Council, at its Ordinary Meeting held on 4 December 2007 (Item No. 10.3.1 Clause (i)), resolved that it;*

“(i) **APPROVES** the timetable for the 2008/2009 Budget as detailed below:

DATE	TOPIC
<i>1-25 April</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>28 April</i>	<i>Draft budget issued to Council Members</i>
<i>3 May</i>	<i>Confidential Briefing provided to Council Members on Draft Budget</i>
<i>6 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>18 June</i>	<i>Public comment closes</i>
<i>18 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

(ii) **Cr Farrell MOVES** a motion to **CHANGE** the decision by;

(a) **amending the Draft Budget timetable as follows;**

DATE	TOPIC
<i>1-30 April *</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>5 May *</i>	<i>Draft budget issued to Council Members</i>
<i>10 May *</i>	<i>Briefing (Behind Closed Doors) provided to Council Members on Draft Budget</i>
<i>14 May *</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>23 June</i>	<i>Public comment closes</i>
<i>23 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

(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., Cr Farrell and Cr Burns, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and**

(iv) **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 4 December 2007 (Item 10.3.1.), as shown below;**

(a)

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April *</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>5 May *</i>	<i>Draft budget issued to Council Members</i>
<i>10 May *</i>	<i>Briefing (Behind Closed Doors) provided to Council Members on Draft Budget</i>
<i>14 May *</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>23 June</i>	<i>Public comment closes</i>
<i>23 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

PURPOSE OF REPORT:

To provide a revised timetable for the preparation and adoption of the Annual Budget 2008/2009.

BACKGROUND:

At the Ordinary Meeting of Council on 4 December 2007, the following resolution was adopted.

That the council approves the timetable for the 2008/09 Budget as detailed below;

<i>DATE</i>	<i>TOPIC</i>
<i>1-25 April</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>28 April</i>	<i>Draft budget issued to Council Members</i>
<i>3 May</i>	<i>Confidential Briefing provided to Council Members on Draft Budget</i>
<i>6 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>20 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May - 2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>2 June</i>	<i>Advertise for public comment</i>
<i>18 June</i>	<i>Public comment closes</i>
<i>18 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>2 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

DETAILS:

The Town's administration has been advised that the Mayor and Deputy Mayor are not available to attend the Confidential Briefing or the Special Council Meeting scheduled for 3 and 6 May 2008 respectively.

Both the Mayor and the Deputy Mayor (and Director Technical Services) will be interstate on local government business.

As the Draft Budget is the Town's major financial document, it is essential that it be discussed with the Mayor and Deputy Mayor being present.

As a result it is considered appropriate that the adopted budget timetable be revised.

It is proposed to reschedule the Briefing (Behind Closed Doors) to Saturday 10 May 2008, with the first Special Council Meeting moved to Thursday 14 May 2008.

The Budget papers will be provided to Council Members in the week commencing 5 May 2008. The balance of the timetable will remain unchanged.

The proposed Revised Budget Timetable is outlined below:

DATE	TOPIC
1-30 April *	Chief Executive Officer and Directors to review Draft Budget.
5 May *	Draft budget issued to Council Members
10 May *	Briefing (Behind Closed Doors) provided to Council Members on Draft Budget
14 May *	1 st Budget briefing/Special Council Meeting (open to the public
20 May	2 nd Budget briefing/Special Council Meeting (open to the public)
30 May - 2 June	Budget documentation finalised for public comment
2 June	Advertise for public comment
18 June	Public comment closes
18 June - 26 June	Final Budget documentation and report for Council prepared
26 June	Agenda report issued
2 July	Adoption of Annual Budget at the Special Council meeting

CONSULTATION/ADVERTISING:

The Draft Annual Budget will be advertised for 14 days for community comment.

LEGAL/POLICY:

The Annual Budget is prepared in accordance with the Local Government Act 1995 Section 6.2.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 Plan for the Future - Objective 4 - Leadership, Governance and Management:

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

(c) *Develop a medium to long term strategic vision and strategic financial plan to ensure the long term financial viability of the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted on time. However, it is considered paramount that the Mayor and Deputy Mayor (and Director Technical Services) be present for budget meetings and presentations.

10.3.4 Tender for Recycling Collection Service - Tender No. 377/08

Ward:	Both	Date:	14 April 2008
Precinct:	All	File Ref:
Attachments:	-		
Reporting Officer(s):	M Rootsey; R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Perth Waste for the provision of the Recycling Collection Service for a five (5) year period (with an additional one (1) five (5) year option) in accordance with the specifications as detailed in Tender No. 377/08 as follows:

(a) Option 1 – Includes the supply of MGBs

	<i>Cost per service</i>	<i>Qty</i>	<i>Est. Service per annum</i>	<i>Total Cost per annum</i>	<i>One off Cost</i>
Residential Bins					
<i>Cost/Service (Collect & Process)</i>	\$1.60	13,500	351,000	\$561,600.00	
<i>Mobile Garbage Bin (MGB) cost amortised over 5 years</i>	\$0.50	13,500	351,000	\$175,500.00	
Commercial Bins/ Multi Res					
<i>Cost/Service (Collect & Process)</i>	\$1.90	2,280	77,000	\$146,300.00	
<i>Special Pensioner Service</i>	\$1.60	26	676	\$1,081.60	
<i>Customer Services Centre (Cost per month)</i>	\$1000			\$12,000.00	
Bin Roll Out Expense					
<i>Assembly & Distribute MGBs</i>					\$74,250
TOTAL				\$896,481.60	\$74,250

(b) Data Base – provision of a full Data Base Service is \$1.50 per MGB;

(c) Additional MGBs - Supply, assemble, deliver and add to data base is \$68 per MGB;

(d) Parts for MGB repairs;

- *Lid* \$20.00
- *Axle* \$15.00
- *Pins* \$2.00
- *Wheels* \$12.00; and

(e) Vehicle Tracking System - \$260 per month or \$3,120 per annum.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

To obtain the Council's approval for the awarding of Tender 377/08 for Recycling Collection Service.

BACKGROUND:

At its Ordinary Meeting held on 6 November 2007 the Council approved the following (in part):

- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *IMMEDIATELY call tenders for an improved Recycling Service utilising Mobile Garbage Bins (MGBs) in accordance with the outcome of the recent Recycling Survey (as reported in a separate report to Council at its Ordinary Meeting held on 6 November 2007 at item 10.2.1); and*
 - (b) *INVESTIGATES, in discussion with AMCOR, options to continue the current recycling service, on a monthly basis, until an improved recycling service has been implemented; and*
- (iv) *RECEIVES a further report on this matter once tenders for an improved recycling service have closed.*

DETAILS:

Current Recycling Service:

Kerbside Collection

Since November 2007 the Town's has been undertaking the kerbside recycling collection service. This has been carried out mainly using contract labour and one of the Town's rear loading compactor rubbish collection vehicles.

While the level of service has improved the in house collection has placed substantial pressure on the household waste collection service and it has been very difficult to attract and retain personnel to carryout the current recycling service.

Commercial and Multi Residential

This collection is currently contracted out to AMCOR on a month by month basis.

Tender No. 377/08

In accordance with clause (iii) (a) of the Council's decision, tender documents for the introduction of an improved recycling service were prepared in late 2007 and the tender was advertised in February 2008 in The West Australian newspaper.

At the tender close at 2.00pm on 19 March 2008, two (2) Tenders were received one from Perthwaste and the other from the Town of Vincent. Present at the opening were the Purchasing/Contracts Officer and the Manager Engineering Design.

Details of the submissions received for Tender No. 363/07 are as follows. Prices exclude GST:

Option 1 - Includes the supply of MGBs

	Cost per service		Qty	Est. Service per annum	Total Cost per annum		One off Cost	
	Perthwaste	Town of Vincent			Perthwaste	Town of Vincent	Perthwaste	Town of Vincent
<i>Residential Bins</i>								
Cost/Service (Collect & Process)	\$1.60	\$2.01	13,500	351,000	\$561,600.00	\$705,510.00		
MGB cost amortised over 5 years	\$0.50	\$0.40	13,500	351,000	\$175,500.00	\$140,400.00		
<i>Commercial Bins/ Multi Res</i>								
Cost/Service (Collect & Process)	\$1.90	\$4.10	2,280	77,000	\$146,300.00	\$315,700.00		
Special Pensioner Service	\$1.60	\$4.10	26	676	\$1,081.60	\$2,771.60		
Customer Services Centre (Cost per month)	\$1000	\$1500			\$12,000.00	\$18,000.00		
<i>Bin Roll Out Expense</i>								
Assembly & Distribute MGBs							\$74,250	\$72,000
TOTAL					\$896,481.60	\$1,182,381.60	\$74,250	\$72,000

Option 2 - Excludes the supply of MGBs

	Cost per service		Qty	Est. Service per annum	Total Cost per annum	
	PW	TOV			PW	TOV
<i>Residential Bins</i>						
Cost/Service (Collect & Process)	\$1.60	\$2.01	13500	351,000	\$561,600.00	\$705,510.00
Cost/Service (Collect & Process)	\$1.90	\$4.10	2280	77,000	\$146,300.00	\$315,700.00
Special Pensioner Service	\$1.60	\$4.10	26	676	\$1,081.60	\$2,771.60
Customer Services Centre (Cost per month)	\$1000	\$1500			\$12,000.00	\$18,000.00
TOTAL					\$720,981.60	\$1,041,981.60

In addition the tender submitted by Perth Waste included the following additional optional costs:

Collection of Existing Crates:

Perth Waste has submitted an optional cost for the collection of the existing 50 litre crates of \$4.50/crate (excl GST). It is considered that this could cost between \$25,000 and \$35,000. It is considered that this cost cannot be justified and that the residents will be advised to retain the crates.

Data Base:

Perthwaste quoted \$2.20/bin for the preparation of a data Base. This would include involve Perth Waste recording each MGB serial number against each property, imputing all the information on a data base etc. It is considered that the Town's Waste Management Officers would be best placed to input all the information into a Data Base linked to the Town's corporate system with Perthwaste to write the serial numbers against each property in the field on a spread sheet provided by the Town (as the MGB's are rolled out).

A revised cost for Perthwaste to provide the full Data Base Service is \$1.50 per MGB.

Additional MGBs

The cost to supply additional MGBs i.e. supply, assemble, deliver and add to data base is \$68 per MGB.

Parts for MGB repairs

Lid: \$20.00, Axle \$15.00, Pins \$2.00, Wheels \$12.00

Vehicle Tracking System

The Tenderer was requested to advise whether they would aim for a 1 August 2008 commencement date, however it is more likely they will provide vehicle a tracking system. This would enable the Town's officers to determine where the collections vehicles are and have been at any given time. This is very useful in providing residents with information. The cost of the tracking system is \$260 per month or \$3,120 per annum.

Contract Commencement date:

Perthwaste has advised that if they were awarded the contract, they would aim for 1 August commencement date, however, realistically they will be in a position to commence operations on Monday 15 September 2008. (The tender specified a start date of 1 August 2008).

Evaluation

The two (2) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows. The evaluation was undertaken by Director Corporate Services, and Manager Engineering Design.

1	Organisation Capabilities / Key Personnel; Relevant Skills and Experience (20%)		Perth Waste	Town of Vincent
	<ul style="list-style-type: none"> • Organisations to demonstrate recent experience with contracts of similar size and scope and within local government organisations to demonstrate recent experience with contracts of similar size and scope including: <ul style="list-style-type: none"> ○ Percentage of operational capacity represented by this work and detail resource pool 5% ○ Ability to provide comparable waste collection services 5% ○ Name of sub-contractors to be engaged (include qualifications and registrations) 5% 	20%	19	16

	<p>Tenderer to:</p> <ul style="list-style-type: none"> Nominate and provide current curriculum vitae of the key personnel 5% 			
2	Contractor Performance / Operational Requirements / Strategy (25%)			
	<p>Tenderer shall demonstrate an understanding of Requirements and address how each of the following will be achieved:</p> <ul style="list-style-type: none"> The waste collection strategy outline proposed in the tender Details of the proposed system for the Customer Service Centre, in particular efficiency, effectiveness and reporting systems Quality and standard of work Timeliness of work (productivity) <p>Any other issues or matters which will maximise the net benefit of the services to the Principal and community</p>	5%	5	5
	<p><i>Strategy for Collection Services</i></p> <ul style="list-style-type: none"> Residential waste collection and recycling service Multi-unit and commercial recycling service Reduction of noise during collection of mixed recyclables 	5%	5	5
	<p><i>Plant and Equipment</i></p> <ul style="list-style-type: none"> Supply of plant and equipment Plant and equipment - owned or leased Handling of vehicle breakdowns Maintenance program 	5%	5	5
	<p><i>System for Customer Service Centre</i></p> <ul style="list-style-type: none"> Operation logistics Handling procedure of telephone enquiries from customers Communications between contractor and the Town's officers Notices/information procedure Recording of complaints and actions taken 	5%	5	5
	<p><i>Risk Management Program</i></p> <ul style="list-style-type: none"> Strategy <ul style="list-style-type: none"> Work policy and procedures Staff training Communication systems Emergency procedures Monitoring procedure and staff performance <p>Any other issues or matters which will maximise the net benefit of the services to the Town.</p>	5%	5	5
3	References (5%)			
	<p>Provide details of most recent Contracts of similar size and scope to this, with client contact names and telephone numbers. Referees will be contacted regarding Tenderer's performance and experience.</p>	5%	4	4*
4	Pricing (50%)			
	<p>The tendered price(s) will be considered along with related factors affecting the total cost. Early settlement discounts, lifetime costs, Town's Contract management costs may also be considered in assessing the best value for money outcome.</p>	50%	50	39
		100%	<u>98</u>	84

* *Score allocated to provide consistency of evaluation.*

Discussion:

The tender evaluation has revealed that Perth Waste has scored the highest 98/100. They have addressed all aspects of the selection criteria in a most comprehensive manner.

Perth Waste has established itself as a major player in the Western Australian Waste Management industry. The company currently has the following contracts:

- Shires of Augusta Margaret River, Donnybrook/Balingup, Busselton, Capel, Dardanup and Harvey: 10 year contract for the recycling collection service for the servicing 34,000 households (ends June 2012). The contract includes the supply and rollout of the recycling MGBs
- City of Nedlands: 7 year contract for the collection of recyclables, domestic waste and greenwaste.
- Town of Claremont: 7 year contract for the collection of recyclables and domestic waste.
- Shire of Peppermint Grove: 7 year contract for the collection of recyclables and domestic waste.
- Town of Cambridge: 5 year contract for the collection of recyclables.
- City of Bunbury: 8 year contract for the processing of kerbside recyclables.
- City of Cockburn: 3 year contract for the collection of parks and building litter bins

The company owns and operates its own material Recycling facility (MRF) to service local governments.

For the company to undertake the Town's recycling collection service will represent an 8% increase in its operations with an additional 3 full time staff and staff from its operations

Perth Waste have acknowledged that the contract with the Town will not be a simple collect and process contract and a combination of rear and side loader applications will be required. They have comprehensively outlined their strategy for collection in the tender

The Town's tender submission while reasonably competitive would result in an overall substantially higher annual cost (over and above the Perth Waste Tender price) due in part to the Town having to dispose/processing of the Recyclable at a Materials Recovery Facility. The cost per tonne for this is comparable with the current domestic waste disposal cost per tonne. In addition the Town would need to expend a substantial amount on the purchase of new waste collection vehicles and the employment additional operational personnel, including supervisory staff.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly related to a Key Result Area this would fall into the general category in the Town's Strategic Plan 2006-2011 Key Result Area One: 1.1.6 "Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment" and 1.1.4 "Minimise negative impacts on the community and the environment".

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the improved recycling collection service will be included in the 2008/2009 draft budget.

Two (2) options were requested. Option 1 which included the supply of MGBs amortised over 5 years and Option 2 which excluded the supply of the MGBs as follows:

Option 1 - Includes the supply of MGBs	Total Cost per annum		One off Cost	
	PW	TOV	PW	TOV
TOTAL	\$896,481.60	\$1,182,381.60	\$74,250	\$72,000

Option 2 - Excludes the supply of MGBs	Total Cost per annum	
	PW	TOV
TOTAL	\$720,981.60	\$1,041,981.60

The cost for Perth Waste to supply MGBs (amortised over 5 years) is \$175,500 per annum.

The cost for the Town to supply MGBs (amortised over 5 years) is \$140,400 per annum (*or approximately \$170,000 if the funds were borrowed and repaid over 5 years*).

The Bins would still need to be 'rolled out' and this could be undertaken to either the Town or the Contractor (for a similar price). A data base of properties is currently being prepared in house.

The MGB's will be labelled "Town of Vincent" and become the property of the Town at the end of five years.

Conclusion:

It is recommended that Perth Waste be awarded the Tender for Option 1 for the supply of the Recycling collection service including the supply and rollout of the Mobile Garbage Bins.

Perth Waste would carryout the service for \$896,482/annum including the supply of MGBs with a one off rollout cost of \$74,250. The total cost in the first year will be \$970,732

The total cost in subsequent years would be \$896,481.60 per annum (adjusted for rise and fall).

In addition it is recommended that the contract include the following:

Data Base – provision of a full Data Base Service is \$1.50 per MGB.

Additional MGBs - Supply, assemble, deliver and add to data base is \$68 per MGB.

Vehicle Tracking System - \$260 per month or \$3,120 per annum.

COMMENTS:

In 2007, following a survey of residents, the Council resolved to implement an improved kerb Side Recycling Collection Service for the Town's residents. Since that time the Town's officers have been progressing this matter.

The Town has been undertaking the crates recycling collection since November 2007. This has run smoothly however it has adversely impacted on the domestic waste collection service and some other operations, precinct cleaning.

Also it has been extremely difficult to attract and retain personnel. The service is currently 'manned' by transient workers e.g. pack packers and students. In addition the Town's has an ageing outside work force and if it were successful in its bid to undertake the new recycling service it would need to employ additional staff (including supervisory staff) and purchase three new collection vehicles and one light fleet vehicle.

Perthwaste is a reputable company with Waste Collection being its 'core business'. It is geared up to perform this service with new collection vehicles available or being build and if successful in being awarded the tender, able to commence operations in September 2008. For the Town to commence the operation it could possibly not be until at least late 2008/early 2009.

Perthwaste has submitted a better price, they have extensive experience with MGB roll outs etc and own and operate their own Material Recycling Facility.

It is therefore recommended that the Council accepts the tender submitted by Perth Waste for the provision of the Recycling Collection Service for a five (5) year period (with an additional one (1) five (5) year option) in accordance with the specifications as detailed in Tender No. 377/08 and the details included in the report.

10.4.1 Consideration of Survey / Submissions – Glendalough/Osborne Park Suburb Name Change

Ward:	North	Date:	16 April 2008
Precinct:	-	File Ref:	CVC0040
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the Minister for Land Information, Michelle Roberts, MLA has approved of the suburb name change for Glendalough and Osborne Park (east of the Mitchell Freeway) to Mount Hawthorn effective from 9 April 2008; and*
- (ii) *AUTHORISES the Chief Executive Officer to advise in writing all owners and occupiers in the affected area, of the name change.*

***Note: The above Report Heading and Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated in underline.**

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *NOTES that the Minister for Land Information, Michelle Roberts, MLA has approved of the suburb name change for Glendalough and Osborne Park (east of the Mitchell Freeway) to Mount Hawthorn effective from 9 April 2008; and*
- (ii) *AUTHORISES the Chief Executive Officer to advise in writing all owners and occupiers in the affected area, of the name change.*

Cr Messina departed the Chamber at 8.50pm.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the Minister for Land Information approval of change in name for the part of Glendalough now within the Town’s boundaries to “Mount Hawthorn”.

DETAILS:

On 9 April 2008, the Hon. Michelle Roberts, MLA, Minister for Land Information wrote to the Town as follows:

"I refer to the Town of Vincent presentation to State Cabinet on 10 September 2007 to rename a portion of the Glendalough suburb to Mount Hawthorn.

The Town of Vincent submission to the Geographic Names Committee indicated the required community support for me to approve the suburb name change.

I am pleased to inform you that the portion of Glendalough east of the Mitchell Freeway, within the Town of Vincent, is now included within the suburb of Mount Hawthorn."

At the Ordinary Meeting of Council held on 23 October 2007, the Council consider this matter and resolved as follows;

That the Council;

- (i) CONSIDERS the results of the survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas;*
- (ii) SUPPORTS the suburb name change for Glendalough (east of the Mitchell Freeway) to Mount Hawthorn; and*
- (iii) REQUESTS Landgate to approve of the suburb name change of Glendalough (east of the Mitchell Freeway), as shown in Appendix 10.4.4, to Mount Hawthorn.*

At the Ordinary Meeting of Council on 14 August 2007, the Council considered the matter and resolved as follows;

- (i) APPROVES;*
 - (a) the carrying out of a survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas to ascertain the level of support for the part of Glendalough now within the Town's boundaries (Appendix 10.4.6A) to be changed to "Mount Hawthorn" at an estimated cost of \$12,500; and*
 - (b) the survey form; and*
- (ii) AUTHORISES;*
 - (a) the Chief Executive Officer to conduct the survey and report the findings to the Council; and*
 - (b) the Mayor and Chief Executive Officer to meet with the Minister for Land Information.*

At the Ordinary Meeting of Council held on 27 February 2007, the Council resolved inter alia as follows;

"(v)(b) APPROVES of the name change from Glendalough to Mount Hawthorn, if the survey is in favour of the name change."

BACKGROUND:

In late 2007, the Town carried out a survey of the affected area and Mt Hawthorn. Positive results were received, in favour of the proposed name change.

CONSULTATION/ADVERTISING:

It is recommended that the Town;

- (i) write to all owners and occupiers in the affected area;
- (ii) place advertisements in local newspapers advising of the change;
- (iii) includes information in the next Town newsletter and on the Town's website.

LEGAL/POLICY:

Responsibility for the naming of roads, features, town sites and places in Western Australia resides with the Minister for Land Information. The Geographic Names Committee is charged with providing advice to the Minister on geographical name issues.

The Geographic Names Committee formally advises all statutory authorities of the name change (e.g. Police, Ambulance, FESA, Western Power, Water Corporation etc).

It is the responsibility of the Town to advise affected ratepayers.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2006-2011 - Key Result Area 3.1.3 - *"Determine the requirements of the community."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of issuing letters and placing advertisements is \$1,500.

COMMENTS:

It is pleasing that the Town's request for a name change has been approved, considering there was overwhelming community support from the owners and occupiers of both Glendalough (96.8%) and Mount Hawthorn (53.1%).

10.4.2 Town of Vincent Policies - Review of

Ward:	-	Date:	15 April 2008
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the following;

- (i) *Policies to be AMENDED as shown in Appendix 10.4.2;*
 - (a) *4.1.2 - Town of Vincent Student Citizenship Award*
 - (b) *4.1.12 - Newsletters*
- (ii) *Policies to be RESCINDED;*
 - (a) *1.2.8 - Selective Purchasing – Burma*
 - (b) *2.1.5 - Line Marking on Sporting and Recreation Grounds*
 - (c) *4.1.8 - Nuclear Free Zone*
 - (d) *4.1.20 - Electoral Signs – Control of*
- (iii) *Policies to be RE-ADOPTED WITHOUT ANY CHANGES;*
 - (a) *1.2.5 - Valuation of Property with a Non-Conforming Use*
 - (b) *1.2.6 - Plant and Vehicles – Sale of*
 - (c) *1.2.7 - Loan of Town Items*
 - (d) *1.2.9 - Paper Products – Purchase of*
 - (e) *1.2.11 - Parent and Citizens’ Associations – Financial Assistance*
 - (f) *2.1.1 - Maintenance – Naturally Vegetated Areas of Public Open Space*
 - (g) *2.1.4 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves*
 - (h) *2.1.6 - Sale of Liquor on and in Sporting and Recreation Facilities Owned by the Town*
 - (i) *2.1.8 - Floodlight Installation by Sporting Organisations on Town Parks and Reserves*
 - (j) *2.1.9 - Prohibition of Circuses and Travelling Menageries with Performing and Displayed Animals*
 - (k) *3.8.2 - Liquor Licensing Act 1988 - Issue of Section 39 Certificates*
 - (l) *4.1.4 - Freedom of Information Requests*
 - (m) *4.1.7 - Attendance of Town Employees at Ratepayer, Community/Precinct Group meetings;*
 - (n) *4.1.10 - Use of Common Seal*
 - (o) *4.1.11 - Corporate Logo*
 - (p) *4.1.13 - Official Photograph – Council, Mayor, Councillor and Senior Officers*
 - (q) *4.1.14 - Primary and Annual Returns*
 - (r) *4.1.17 - Provision of Plaques at Official Openings*
 - (s) *4.1.18 - Naming of Reserves and Buildings*
 - (t) *4.1.19 - Use of Council Facility for other than Primary Designated Purpose*
 - (u) *4.2.2 - Council Meeting Maximum Time*
 - (v) *4.2.3 - Recording of Council Meetings and Access to Recorded Information*
 - (w) *4.2.5 - Council Members’ Requests/Contact with Town Employees*

Cr Messina returned to the Chamber at 8.53pm.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell foreshadowed a that he would be moving a motion to defer clause (ii)(c) – Policy 4.1.8 – Nuclear Zone.

AMENDMENT 1

Moved Cr Ker, Seconded Cr Lake

That clause (i)(a) be amended to read as follows:

(i) *Policies to be AMENDED as shown in Appendix 10.4.2;*

“(a) *Town of Vincent Student Citizenship Award, subject to the words “Years 7, 10, and 12” being deleted in the third line of paragraph one, and the following words being inserted;*

“the final years of Primary School, Junior High School (Year 10) and Senior High School (Year 12)”;

AMENDMENT 1 PUT AND CARRIED (9-0)

AMENDMENT 2

Moved Cr Ker, Seconded Cr Youngman

That clause (ii) be amended by deleting (ii)(a) – Policy 1.2.8. Selective Purchasing – Burma and renumbering the remainder as follows;

“(ii) (a) *21.5 Line Marking on Sporting and Recreation Grounds*

(b) *4.1.8 Nuclear Free Zone*

(c) *4.1.20 Electoral Signs – Control of;”*

and Policy 1.2.8 be re-adopted without any changes.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Doran-Wu

That clause (ii)(a) – Policy 1.2.8 – Selective Purchasing - Burma be DEFERRED for further consideration.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (7-2)

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

AMENDMENT 3

Moved Cr Youngman, Seconded Cr Ker

That clause (ii) be amended by deleting “(ii)(c) 4.1.8 – Nuclear Free Zone” as follows;

“(ii) Policies to be RESCINDED;

(a) 2.1.5 Line Marking on Sporting and Recreation Grounds

(b) 4.1.20 Electoral Signs – Control of”

and it be re-adopted without any changes.

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-2)

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

MOTION AS AMENDMENT PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.2

That the Council APPROVES of the following;

(i) Policies to be AMENDED as shown in Appendix 10.4.2;

(a) Town of Vincent Student Citizenship Award, subject to the words "Years 7, 10, and 12" being deleted in the third line of paragraph one, and the following words being inserted;

“the final years of Primary School, Junior High School (Year 10) and Senior High School (Year 12)”;

(b) 4.1.12 - Newsletters;

- (ii) ***Policies to be RESCINDED;***
- (a) ***2.1.5 - Line Marking on Sporting and Recreation Grounds***
 - (b) ***4.1.20 - Electoral Signs – Control of;***
- (iii) ***Policies to be RE-ADOPTED WITHOUT ANY CHANGES;***
- (a) ***1.2.5 - Valuation of Property with a Non-Conforming Use***
 - (b) ***1.2.6 - Plant and Vehicles – Sale of***
 - (c) ***1.2.7 - Loan of Town Items***
 - (d) ***1.2.9 - Paper Products – Purchase of***
 - (e) ***1.2.11 - Parent and Citizens’ Associations – Financial Assistance***
 - (f) ***2.1.1 - Maintenance – Naturally Vegetated Areas of Public Open Space***
 - (g) ***2.1.4 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves***
 - (h) ***2.1.6 - Sale of Liquor on and in Sporting and Recreation Facilities Owned by the Town***
 - (i) ***2.1.8 - Floodlight Installation by Sporting Organisations on Town Parks and Reserves***
 - (j) ***2.1.9 - Prohibition of Circuses and Travelling Menageries with Performing and Displayed Animals***
 - (k) ***3.8.2 - Liquor Licensing Act 1988 - Issue of Section 39 Certificates***
 - (l) ***4.1.4 - Freedom of Information Requests***
 - (m) ***4.1.7 - Attendance of Town Employees at Ratepayer, Community/Precinct Group meetings;***
 - (n) ***4.1.8 - Nuclear Free Zone***
 - (o) ***4.1.10 - Use of Common Seal***
 - (p) ***4.1.11 - Corporate Logo***
 - (q) ***4.1.13 - Official Photograph – Council, Mayor, Councillor and Senior Officers***
 - (r) ***4.1.14 - Primary and Annual Returns***
 - (s) ***4.1.17 - Provision of Plaques at Official Openings***
 - (t) ***4.1.18 - Naming of Reserves and Buildings***
 - (u) ***4.1.19 - Use of Council Facility for other than Primary Designated Purpose***
 - (v) ***4.2.2 - Council Meeting Maximum Time***
 - (w) ***4.2.3 - Recording of Council Meetings and Access to Recorded Information***
 - (x) ***4.2.5 - Council Members’ Requests/Contact with Town Employees; and***
- (iv) ***Policy 1.2.8 –“Selective Purchasing – Burma” be DEFERRED for further consideration.***

PURPOSE OF REPORT:

To obtain the Council’s approval to amend, delete and/or re-adopt Council policies which are reviewed every 5 years.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Council Members to assist in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

The words "Elected Member" and "Executive Manager" have been changed to "Council Member" and "Director", to reflect the correct titles. The words "staff" or "officer" have been replaced with "employee".

The word "Council" has been replaced with "Town" where necessary, to reflect the correct entity. These do not affect the intent of the Policies.

The following policies are recommended to be **amended**:

- (i) 4.1.2 – Town of Vincent Student Citizenship Award

CEO's Comment

This Policy is unchanged except for the value of the amount.

The amounts of \$100 for the School and \$30 for the book voucher have not been increased since the inception of the Policy in 1997. It is recommended these amounts be increased to \$250 for each School and \$75 for the individual. (In addition, these amounts will now be increased by CPI annually).

- (ii) 4.1.12 – Newsletters

CEO's Comment

This Policy is recommended to be amended by inserting the following new clauses:

- "5. Where circumstances require, the Chief Executive Officer and Mayor are authorised to issue a special edition of the newsletter to specifically address the matter.*
- 6. All newsletters are to be placed on the Town's website, as soon as practicable after their issue."*

These new clauses reflect the Town's Administrations current practice.

The following policies are recommended to be **rescinded**:

- (i) 1.2.8 – Selective Purchasing - Burma

CEO's Comment

The objective of this Policy is aimed at restricting dealings with companies' associated with the military dictatorship of Burma. The Policy is recommended for deletion for the following reasons;

- 1. The Town does not have any dealings with Burma or companies in Burma.*
- 2. There is no way the Town's administration can identify companies associated with the military dictatorship of Burma.*

3. *The Policy was introduced following (at the request of the former Mayor John Hyde) and is considered primarily a political statement. However, the Council has not introduced similar policies for other countries which have military dictatorships or oppressive governments.*

(ii) 2.1.5 – Line Marking on Sporting and Recreation Grounds

CEO's Comment

This Policy is aimed at controlling materials used for line marking on parks and reserves and is an operational matter. As such a separate Policy is not required, however the information will be amalgamated into the current Policy 2.1.7 – Use and Hire of Recreational Reserves.

(iii) 4.1.8 – Nuclear Free Zone

CEO's Comment

This Policy is no longer required as there is State and Commonwealth legislation covering nuclear material. The Town's policy is superfluous.

*The **Nuclear Waste Storage and Transportation (Prohibition) Act 1991 (WA)** prohibits the storage or transportation of nuclear waste in Western Australia.*

“Nuclear Waste” as defined under the Act is radioactive waste from a nuclear plant, or from the creation, testing and decommissioning of nuclear weapons. Constructing or operating a nuclear storage facility results in a maximum fine of \$500,000. Transporting nuclear waste incurs a fine of up to \$500,000.

*The Commonwealth **Radioactive Waste Management Act 2005 (Cth)** regulates the acquisition and nomination of sites for nuclear waste facilities, as well as the conduct of activities for nuclear waste facilities, including transport.*

(iv) 4.1.20 - Electoral Signs – Control of

CEO's Comment

The Town's new Local Law supersedes the Policy. This will provide consistency with other Local Governments.

“The erection or placement of electoral signs is controlled as follows:

Private Property

The Town's Planning and Building Policy 3.5.2.

Public Property

The Town of Vincent Property Local Law 2008.”

Therefore Policy 4.1.20 is superfluous.

A large number of policies are recommended for re-adoption without any changes. These are listed in the recommendation and no further explanation is required.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as the proposed policy changes are relatively minor or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2006-2011 – Key Result Area –

Leadership, Governance and Management

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policies are reviewed every five years. These will reflect the Council's position and also any legislative changes and community attitude changes which have occurred over the previous five years.

10.4.3 Information Bulletin

Ward:	-	Date:	16 April 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 22 April 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Youngman, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 22 April 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/450 of 2007 – Hanson Construction Materials Pty Ltd v Town of Vincent (No. 71 (Lot 199) Edward Street East Perth)
IB02	Report on Building and Financing Local Government and Community Infrastructure Conference – 12-13 March, 2008 – Sydney (ADM0031)

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Councillor Helen Doran-Wu - Cultural Development Plan - Leederville Masterplan

That;

- (i) *the Town develops a Cultural Development Plan, as part of the Leederville Masterplan area - the aim of which will be to maintain and develop Leederville's reputation as a unique and vibrant entertainment area;*
- (ii) *the Cultural Development Plan will consider, but not be limited to, the following;*
 - (a) *the identity of Leederville;*
 - (b) *the Masterplan area and key cultural institutions, including TAFE and HQ;*
 - (c) *the creation of a "Creative Industries" Precinct; and*
 - (d) *catering for the entertainment needs of a broad range of people; and*
- (ii) *a report be presented to the Council by the first meeting in May 2008, outlining a process for achieving the above.*

COUNCIL DECISION ITEM 11.1

Moved Cr Doran-Wu, Seconded Cr Burns

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Regional Development Council; Local Government and Community Road Safety Committee; Mosquito Control Advisory Committee; WA Cycling Committee; Department of Environment and Conservation (DEC) Tourism Industry Reference Group; Economic Regulation Authority Consumer Consultative Committee; Local Government Self Insurance Schemes Board

Ward:	-	Date:	14 April 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

That;

- (i) _____ *be nominated as WALGA Member - Regional Development Council (Panel of 6 names) (Ministerial Approval) - (Re-advertised);*
- (ii) _____ *and* _____ *be nominated as WALGA Member (2) - Local Government and Community Road Safety Committee;*
- (iii) _____ *and* _____ *be nominated as WALGA Deputy Member (2) - Local Government and Community Road Safety Committee;*
- (iv) _____ *be nominated as WALGA Metropolitan Member - Mosquito Control Advisory Committee;*
- (v) _____ *be nominated as WALGA Member - WA Cycling Committee;*
- (vi) _____ *be nominated as WALGA Member - Department of Environment and Conservation (DEC) Tourism Industry Reference Group;*
- (vii) _____ *be nominated as WALGA Member - Economic Regulation Authority Consumer Consultative Committee; and*
- (viii) _____ *be nominated as WALGA Member - Local Government Self Insurance Schemes Board (Elected Member of a Scheme Member Council (1)).*

The Presiding Member called for nominations. Nil nominations were received.

COUNCIL DECISION ITEM 12.1

Moved Cr Farrell, Seconded Cr Burns

That no nominations be submitted.

MOTION PUT AND CARRIED (9-0)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS FOR (i) - (vii) CLOSE 4PM MONDAY 19 MAY 2008
NOMINATIONS FOR (viii) CLOSE 4PM THURSDAY 15 MAY 2008

12.2 Cultural and Arts Technical Reference Group - Nominations for 2008

Ward:	-	Date:	14 April 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

That _____ be nominated as a Member of the Culture and Arts Technical Reference Group (Local Government Officer - Manager/Executive Level).

The Presiding Member called for nominations.

Nil nominations were received.

COUNCIL DECISION ITEM 12.2

Moved Cr Farrell, Seconded Cr Burns

That no nominations be submitted.

CARRIED (9-0)

BACKGROUND:

In December 2007, the Department of Culture and Arts (DCS) announced the largest State arts initiative in Western Australia's history. The "Ignite" package allocates \$73 million over four years to funding culture and arts in Western Australia. Components of the package have potential relevant to Local Government and the future of public art and community culture and arts.

DETAILS:

The Purpose of the Culture and Arts Group

The purpose of the Culture and Arts Technical Reference Group is to influence and provide input into the development of legislation and policy which affects the Local Government culture and arts industry. The group will facilitate greater member input and direction into the Association's work in the areas of public and community culture and arts planning.

Terms of Reference

The Terms of Reference and priority actions of the group will be determined at the first meeting, however as an indicative the following provide a guide:

1. Examine and report on culture and arts industry wide issues which impact on Local Government.
2. Examine the effectiveness of current Federal, State and Local Government funding mechanisms for culture and the arts.

3. Look at options to address industry challenges.
4. Encourage professional development in all areas for greater culture and arts opportunities in Western Australian communities.
5. Examine synergies and build relations between Federal, State and Local Government and the private, not for profit and community culture and arts groups.

Membership

Membership is at a Senior Officer level due to the technical nature of the issues. Membership will ensure that there is representation from metropolitan and regional Western Australia and is reviewed every twelve months.

Officers interested in becoming members are invited to address the following criteria:

- Relevant experience and background
- Local Government background
- Relationship with relevant industry groups/associations
- Particular interests/major issue

Teleconference and video conferencing facilities are available to facilitate the involvement of participants in the group.

Nominations will be assessed by a panel convened by the Association's Planning and Community Development Policy Team.

Nominations can be emailed to Jed Handmer, Community Policy Officer, email: jhandmer@walga.asn.au or faxed on (08) 9322 2611 or via mail to PO Box 1544, West Perth WA 6872.

NOMINATIONS CLOSE THURSDAY 1 MAY 2008

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 9.48pm with the following persons present:

Mayor Nick Catania, JP	
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director, Technical Services
Mike Rootsey	Director, Corporate Services

No members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 April 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008