



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**22 JUNE 2010**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 22 June 2010, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward (until 9.50pm)
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

Award Recipients: National Awards for Local Government 2010 – Excellence in Alcohol Management Category

Scott Teymant	A/Manager Health Services (until 6.40pm)
Michael Wood	Co-ordinator Safer Vincent (until 6.40pm)
Christine Ng	Environmental Health Officer (until 6.40pm)

Award Recipient: Swim Australia Award – “Angelfish Program”

Bev Christmass	Swim School Co-ordinator (until 6.40pm)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.17pm)

Approximately 13 Members of the Public.

**(c) Members on Approved Leave of Absence:**

Nil.

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

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

1. Angie Lionetto-Civa of Fairfield Street, Mt Hawthorn. Read out the following:  
*"We are here again, regarding Optus' proposed mobile base station at the Mezz Shopping Centre. The Town of Vincent Minutes of 8 June 2010, stated that the Officer Recommendation to Council was to reject Optus' proposal. Numerous grounds were given, including the Town's own policy that telecommunications facilities are to be located "300 metres away from any residential building". The Recommendations also stated that "It would establish an unacceptable precedent, and the likelihood to encourage other telecommunications carriers to co-locate at this site". This is UNACCEPTABLE, as the base station would still be within less than 100 metres of residents' homes. It would STILL add to the existing cluster of base stations. These are our objections. Furthermore, Optus has now stated that it WOULD INDEED allow its joint venture partner, Vodafone, onto the same site, still further adding to the cluster. We are alarmed that the Town of Vincent DID NOT comply with the requirement to inform and consult with the local community when the existing base stations were installed, and more recently with the current proposal, they "inadvertently sent out letters to the community similar to the radius of consultation carried out by the carriers, rather than the 500 metres radius as per the Town's Policy". We are talking about a consultation radius of around 200 metres instead of the required 500 metres – that's a huge failure of process. How and why did these two very serious failures to comply with the Town of Vincent's own policy occur? What action is the Town of Vincent going to take to remedy these failures?*  
*Councillor Topelberg expressed his concern to The Perth Voice about opening "floodgates for more complaints". Aren't 772 concerned community members sufficient for you Councillor Topelberg?*  
*According to The Perth Voice, Councillor Buckels "isn't particularly worried about EM rays". Please let us remind you again, that over 772 of your voters ARE "particularly worried" about EMR exposure. You were elected as our representative to support your community.*  
*We want the Town of Vincent to state to Optus that they MUST choose a location AWAY from residents' homes, NOT add to an existing cluster which is already far too close to residents' homes.*
2. Jennifer Robertson of Fairfield Street, Mt Hawthorn. Read out the following:  
*"We are here again, regarding Optus' proposed mobile base station at the Mezz Shopping Centre. I wish to respond to the statements made at the Town of Vincent Meeting of 8 June 2010, by Maria Engelbrecht of Daly International and Lisa Kelly, representing Optus. Ms Engelbrecht spoke about Optus' compliance with the Australian Standards as specified by ARPANSA, and the ICNIRP. We repeat that Australian allowable EMR limits are many times higher (in some instances many hundreds of times higher), than maximum allowable limits in many other countries, such as Austria, Switzerland, Italy, New Zealand, parts of Canada, also China, Russian and much of Eastern Europe. (Interestingly, it is clear from this that very low emission levels can readily be achieved even in countries with extremely mountainous terrain). The huge variation in "allowable EMR limits" around the world shows just how arbitrary these limits are, while the long term effects of EMR exposure remain UNKNOWN. That is why statements by Optus about the safety of installing a base station so close to people's homes, because they comply with Australian standards, are NOT reassuring, meaningful or acceptable to us. We insist that Optus (or any other carrier) must locate any mobile base station away from residents' homes.*  
*Ms Kelly talked about the importance of mobile phones to modern living, and that she has made the personal choice to provide her daughter with one. This is entirely irrelevant to our concerns. This is not about mobile phone use, but the location of*

*mobile base stations. Mobile phones can be used infrequently, or only in emergencies, and they can be turned OFF. We are talking about continuous, NIGHT AND DAY, EMR emissions to OUR children, which Optus proposes NOT giving us a choice about. Ms Kelly, very conspicuously, didn't say she would be happy to have her daughter living close to a cluster of mobile base stations. However, she is suggesting that this is acceptable for us and our children. We strongly doubt that Ms Kelly would find it acceptable for her daughter, any more than we do for our daughters and sons.*

*We are saying to Optus, Daly International, and to the Town of Vincent "WE DO NOT ACCEPT A CLUSTER OF MOBILE BASE STATIONS IN OUR LOCAL COMMUNITY, EMITTING EMR AROUND THE CLOCK TO OUR CHILDREN AND TO OUR NEIGHBOURS' CHILDREN." We also say "What is the point of Optus paying for independent readings of current and predicted EMR emissions?*

*We all know they will come back and say "It's all fine, because they are within ARPANSA's allowable limits". We are saying that is NOT GOOD ENOUGH to put another base station so close to us, when we are dealing with unknown long term effects of EMR.*

*We are saying "FIND A LOCATION AWAY FROM RESIDENTS' HOMES".*

3. Neil Randall of the Paddington Alehouse, 141 Scarborough Beach Road, Mt Hawthorn – Item 9.1.8. Advised that he has been involved at the Paddington for 23 years, being part of the community during that time, his 3 sons work there and therefore call it a family hotel. For the past 6 years he has been the President of the Australia Hotel Association (AHA) and currently into another 2 year term. Stated that he has appointed Burditt Crost, a professional strategist from Strategic Planning Institute who has worked with them and their neighbours to development strategies and to influence attitudes and behaviour of their patrons and is also instrumental in the sign "*Looking for Idiots*" which, are placed at strategic areas around the Paddington, under or near CCTV cameras. Advised that this "*Looking for Idiots*" strategy could be adopted by the Town or Vincent Accord, linked in with the Town of Vincent CCTV coverage system to help manage attitudes and behaviour in other entertainment precincts. Stated that Burditt has met with most Councillors and John Pintabona who represents the Fairfield Street neighbours. Appreciated the Town's initiative and ongoing support of the Vincent Accord to which they are committed as it is a mechanism to improving all licences and entertainment venues in the Town. Believed the Vincent Accord is the mechanism for all major stakeholders to come together for the benefit of the community and neighbourhood meetings if required in a more neutral venue. Urged the Council to adopt the recommendation.
4. Burditt Crost – 11 Coolgardee Street, Subiaco – Item 9.1.8. Advised that in the last several months they have done a lot of work in the challenge of developing methods that would more proactively deal with influencing attitudes and behaviour of patrons i.e. liaised with the local Police, Vincent Accord, Officers of the Town, community and Liquor Enforcement Division and have received good input and directions for their strategies from John Pintabono as a resident representative. Advised that there are 5 keystones to the strategy that they are using, one being the "*Looking for Idiots*" campaign which was coincidentally developed during his attendance at a Vincent Accord meeting and, it is used internally and externally so people know that their behaviour is being watched. Stated that they have added to the number of external CCTV cameras around the Paddington from 7 to 9 so they cover all Streets. Stated that they have also adopted using internal announcements in the last break of musical live performances "*We hope you're having a good night here at the Paddo. The Paddington Alehouse has been one of Perth's best venues for live music for many decades but during those years, the residential neighbourhood has grown up around us. The Paddo is part of the neighbourhood and your behaviour as you leave here tonight reflects on the kind of business we are running. Spare a thought for a neighbours and our neighbourhood when you leave here tonight. Have a great night in here and a quite and safe night on your way home*". Advised that they have

identified a gap between what security staff are instructed to do and what the patrons know of what security staff are instructed to do and, with the use of the Vincent Accord Logo now being approved, they are using it as a poster within so that patrons know what security are therefore.

5. Greg White, Director of South Regal Pty Ltd and owner of Cranked Café, 5-106 Oxford Street, Leederville – Item 9.1.9. Advised that he is a member of the Strata Council of Owners at Leederville Village. Stated his disappointment and surprise at not having been directly consulted at any stage in the compilation of the Car Parking Strategy (CPS), which he understands was adopted on 9 March 2010 and the Precinct Parking Management Plans (PPMP). Believed both documents, on numerous occasions, made specific reference to the Leederville Village Complex and car parking related thereto (specifically his premises). Stated in the CPS regarding signage, it states “*the signage is further confused by many different types of signs used by private operators of car parks*”. Stated in the Leederville Village car park off Newcastle Street west, there is an array of restricted parking signs and bay markings which conflict with notices in shop windows that apparently overrule the signs. Advised that confusion is not at all surprising given problems with car parking has been the biggest problem at Leederville Village for the last 10 years and, he finds quite astounding that there are major car parking strategy reviews happening without direct consultation with the Leederville Village owners,. Stated that their large property in the middle of Leederville provides substantial parking that is only intended for owners/tenants however, the general public use it as a fee free car park and believed that the issues in relation to providing further fee paying car parking and increasing fees is only going to exacerbate their problems. Read out Recommendation 10 of the PPMP under Leederville Precinct and stated that they would welcome someone from the Town discussing the matter with them as it has been of great concern to them for the last 10 years and they need the Town’s help.
6. Peter Webb – 19 York Street, Subiaco – Item 9.1.1. Planning consultant on behalf of the applicant. Referred to his email to Councillors expressing deep concern about aspects of the report. Stated that they share the Council’s concern to ensure that the residential amenity of this locality is protected against accusations of excessive traffic movements etc. Advised that accordingly they undertook an objective assessment of traffic volumes in this immediate locality and provided it, as requested by staff, as an addendum to their submission and they believe it to be comprehensive in assessing traffic in the area and hoped that the Council had the opportunity to review it. Stated that they have consistently expressed concern about the staff’s use of any reference to Policy 3.5.1 and are delighted to have been advised today that it appears that the report may now be superseded by other work by staff who have acknowledged the incorrect use of that Policy and, there may be an alternate recommendation before the Council however, he is not familiar with the content of it. Understood that despite acknowledging that the earlier report had been based on incorrect use of the Policy, the staff may continue to oppose the application which, if that is the case, is disappointing as it is their view that the application is considerably more consistent with the definition of home occupation in the Town’s Scheme. Thanked a number of Councillors who were good enough to contact him during the process and provided helpful comment and where available to listen to concerns, as their input has been most helpful. Stated in their correspondence dated 22 January they went to great length to comprehensively explain how the proposal complies in all respects with all tests of the home occupation clause in the Scheme, being those provisions listed under the home occupation at Schedule 1, subclause (a) to (i) which they responded to each in detail. Believed that by any reasonable objective planning based assessment of the proposal in the context of this part of Forrest Street, the application will not unreasonably compromise the amenity of the locality. Urged the Council to set aside the Agenda recommendation and consider an alternate one to conditionally retrospectively approval the use.

7. Desaley Collins on behalf of her daughter Lisa Collins of 35B Brady Street, Mt Hawthorn – Item 9.1.4. Advised that her daughter’s northern boundary backs onto the development and the property has no front windows, all light comes through the rear of the building which is on the northern boundary which is of great concern.

There being no further speakers, public question time closed at approx. 6.29pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Matt Buckels requested leave of absence from 23 June 2010 to 4 July 2010 (inclusive) due to personal commitments.

**Moved Cr McGrath, Seconded Cr Topelberg**

*That Cr Matt Buckels’ request for leave of absence be approved.*

**CARRIED (9-0)**

- 4.2 Cr Joshua Topelberg requested leave of absence from 12 July 2010 until 19 July 2010 due to work commitments.

**Moved Cr Harvey, Seconded Cr McGrath**

*That Cr Joshua Topelberg’s request for leave of absence be approved.*

**CARRIED (9-0)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

- 5.1 A petition was received from Mr G. Crowther of Randell Street, Perth, along with 10 signatures, requesting that the Town install adequate traffic calming devices in Randell Street, Perth.

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

- 5.2 A petition was received from the Claisebrook North Development Group of care of Summers Street, Perth, along with 14 signatures, requesting, in summary, that the Town:

- upgrades the Claisebrook North Precinct’s streetscapes and that this work be undertaken by 22 October 2010;
- puts in place an ongoing maintenance program once the upgrade has completed;
- reinstates automated reticulation of the street and verge trees and grassed verges;
- regularly monitors the Precinct’s streetscapes; and
- commits to an ongoing planned and funded Claisebrook North Infrastructure Improvement Program for the area’s infrastructure, to be negotiated with residents, business proprietors and business property owners and that works associated with this program be budgeted for delivery in the 2011-12 financial year.

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

**Moved Cr Lake, Seconded Cr Topelberg**

*That the petition be received as recommended.*

**CARRIED (9-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Meeting of Council held on 8 June 2010.

**Moved Cr Farrell, Seconded Cr Buckels**

*That the Minutes of the Ordinary Meeting of Council held 8 June 2010 be confirmed as a true and correct record.*

**CARRIED (9-0)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 National Awards for Local Government – 2010**

I am very pleased to announce that I recently attended the National General Assembly in Canberra, which included the Awards Presentation for the National Awards for Local Government 2010.

The National Awards for Local Government highlight the excellent and innovative work being undertaken by local government in communities across Australia to improve business practices within councils and service delivery to communities.

The National Awards recognise ingenuity, resourcefulness and self-reliance, and identify and promote councils that are finding new ways of delivering services and developing local solutions to complex and challenging problems.

The Town of Vincent was a winner in the Excellence in Alcohol Management Category for its "Vincent Liquor Accord". The Award recognises Councils who work collaboratively with their community to respond to local alcohol issues.

The Vincent Liquor Accord Committee is a committed, collaborative group aiming to implement strategies that promote the Town of Vincent as a safe place to socialise.

The success of the Accord relies on mutual and open communication between all stakeholders including licensed premises, the Town of Vincent Council, Western Australia Police and other regulatory authorities.

Key initiatives targeting and supporting the "Socialise with Safety" message, include:

- educational posers that have been target primarily at patrons who fit the 18-30 year age bracket;
- development of the Vincent Liquor Accord Community Information Guide; and
- recognisable branding for the Accord Members.

Congratulations to the Town's Health Services Section for their outstanding work and receiving this Award.

To receive the Award: Director Development Services, Rob Boardman; Acting Manager Health Services, Scott Teymant; Environmental Health Officer, Christine Ng and also the Co-ordinator Safer Vincent, Michael Wood.

I must also acknowledge the Town's Manager Health Services, Alison Giles, for her tremendous work. Alison is currently on maternity leave.

**Received with Acclamation!**

7.2 Swim Australia – Award

I am also pleased to announce that Swim Australia hosts an Annual Awards Presentation Dinner during the Swimming Professionals Convention. This year the Awards Dinner was held on Monday 3 May 2010 in Queensland. Awards were presented in a number of categories; including "Outstanding Community Service".

I am pleased to advise that the Beatty Park Leisure Centre Swim School was awarded the prize for "Outstanding Community Service" for the work it does in the "Angelfish Program" for people with disabilities.

Swim Australia recognised the "Angelfish Program" for its importance and value to the community.

The Town was represented at the Awards Dinner by Beatty Park Leisure Centre Swim School Co-ordinator, Bev Christmas, and Assistant Swim School Co-ordinator, Dianne Telles.

Congratulations to Bev, Dianne and Dale Morrissy, Manger Beatty Park Leisure Centre (who is currently on Annual Leave) and all involved in this outstanding program.

**Received with Acclamation!**

7.3 Australia Local Government Congress

Stated that approximately 400 Mayors from around Australia attended. The Prime Minister addressed the Congress and pledged \$250,000 to provide a change to the Australian constitution to recognise local government. Believed that the Congress was most beneficial.

7.4 Late Item No. 9.1.10

I have approved of a Late Item No. 9.1.10 relating to Amendment of the Tobacco Products Control Regulations 2006 Consequential to the Tobacco Products Control Amendment Act 2009 Position Paper - Stakeholder Comments.

The reason for the urgency is to ensure that the Town's comments are received before the close of the consultation period.

**8. DECLARATIONS OF INTERESTS**

8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.

8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.8, 9.1.9, 9.1.1 and 9.1.4.

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

Nil.

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

Item 9.3.1.

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

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

Cr Farrell	Nil.
Cr Topelberg	Item 9.2.2.
Cr Buckels	Nil.
Cr McGrath	Items 9.1.3, 9.1.5 and 9.2.4.
Cr Harvey	Nil.
Cr Lake	Item 9.2.1.
Cr Burns	Item 9.2.5.
Cr Maier	Item 9.4.1.
Mayor Catania	Nil.

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

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

Items 9.1.2, 9.1.6, 9.1.7, 9.1.10, 9.2.3, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.4.2, 9.4.3 and 9.4.4.

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

Item 14.1.

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

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

Items 9.1.2, 9.1.6, 9.1.7, 9.1.10, 9.2.3, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.4.2, 9.4.3 and 9.4.4.

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

Items 9.1.8, 9.1.9, 9.1.1 and 9.1.4.

The Chief Executive Officer suggested that Item 9.4.1 be considered behind closed doors as he had a confidential update on the Supreme Court Action.

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

**Moved Cr Farrell, Seconded Cr Maier**

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

*Items 9.1.2, 9.1.6, 9.1.7, 9.1.10, 9.2.3, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.4.2, 9.4.3 and 9.4.4.*

**CARRIED (9-0)**

**9.1.2 Further Report – Petition Opposing the Continuing Operation of No. 19 Lincoln Street, Perth as a Hostel**

<b>Ward:</b>	South	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO0303
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	D Pirone, Statutory Planning Officer; M Wood, Coordinator Safer Vincent		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the petition from residents/owners in Lincoln Street, Perth, opposing the continuing operation of No. 19 Lincoln Street, Perth as a hostel;
- (ii) **NOTES:**
  - (a) both the Town’s Officers and UnitingCare West’s efforts in response to addressing residents concerns as raised in the petition;
  - (b) the original and ongoing concerns of the resident living immediately adjacent to 19 Lincoln Street; and
  - (c) that no additional concerns have been raised by residents, since the petition was received by the Town on 15 July 2009; and
- (iii) **REQUESTS** the Chief Executive Officer to take no further action.

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**FURTHER REPORT:**

The subject petition was received by the Town on 15 July 2009 and was signed by 27 residents on Lincoln Street and the surrounding area. The petition concerned the following: “request the Town of Vincent to withdraw the necessary permission for the property to continue to operate as a hostel.” This petition was reported to the Ordinary Meeting of Council held on 6 October 2009, in which the Council resolved the following:

*“That the item be DEFERRED to obtain further information to make better judgements and ensure residents and ratepayers are informed.”*

As a result of the Council’s decision to defer the item, the Town’s Officers listened to the recording of the Council Meeting held on 6 October 2009 and established that the following items were discussed and require further information:

- Whether the type of facilities and hostel type accommodation are appropriate to deliver the services of UnitingCare West;
- The need for better assurances from UnitingCare West of their current program, and to even consider whether the form of the above programme is most appropriate to the objectives UnitingCare West are wishing to achieve; and
- What other options are available in reassuring the community of the current use.

This information was provided in a letter to UnitingCare West on 2 November 2009, in which the Town requested they provided a written response to the above.

The Town received a letter from UnitingCare West on 22 October 2009 inviting the Town's Officers to attend a residents and neighbours forum to enable communication and understanding of their service. This forum was held on 29 October 2009 (Attachment 001 details notes from this forum). UnitingCare West provided the Town with a summary of the forum, including a list of the objections, the issues that were clarified and the commitments that were made. This is outlined below:

*“UnitingCare West held the Neighbour's Forum on 29 October 2009 at the Forrest Park Club Rooms in Highgate. The Forum was attended by five local residents, four Councillors and two Officers of the Town of Vincent. UnitingCare West also received one letter of support from two Lincoln Street residents who could not attend the Forum. The Mayor's apology was noted and passed on to the Forum.*

*We would like to thank Councillors Sally Lake, Dudley Maier, Warren McGrath and Josh Topelberg, as well as officers Helen Smith and Michael Wood for their attendance at the meeting and their commitment to assisting with the resolution of this matter. We would also wish to acknowledge the role performed by the Town of Vincent in the distribution of the invitations to signatories to the petition.*

*The Forum had four objectives:*

- 1. To ascertain the concerns of the neighbours.*
- 2. To take the opportunity to reconfirm our wish to work with the neighbours and address their concerns.*
- 3. To clarify any information regarding the property, its history and current use.*
- 4. To discern a way forward with clear strategies.*
- 5. To provide neighbours with contact details.*

*Areas that were clarified included:*

- The property has been in the ownership of the Uniting Church in WA for 28 years.*
- The building has been used for the same purpose for all this time.*
- The building is not a shelter, crisis accommodation or a hostel, but part of a wholistic approach and provides the final stage of transition for homeless men to re-enter the community independently.*
- The property operates a head tenant model and all potential residents are screened to ensure they are ready for this final stage to independent living.*
- To the best of our knowledge only three significant incidents have occurred at this property in its 28 year history.*

*We noted that the principal concern for those present was for the neighbour living next door to the 19 Lincoln Street property. In light of this, we have established a contact with another neighbour who is advocating on her behalf. We hope that this will improve communication and help alleviate her anxieties.*

*UnitingCare West reconfirmed our desire to work with the neighbours and address any concerns they may have. In particular, UnitingCare West made three commitments:*

- 6. To commence a review of the assessment process for residents being considered for placement at 19 Lincoln Street. This is now in progress.*
- 7. To enhance the relationships with neighbours by developing a proactive communication strategy between UnitingCare West and concerned residents. Contact details were invited and received from three of the attendees who live in Lincoln Street.*
- 8. To provide an easy point of contact for neighbours and to achieve this the direct contact details were provided by UnitingCare West's Adele Stewart, Executive Manager – Independent Living and Accommodation.*

*In closing, we reaffirm our commitment to the ongoing relationship with the Council and appreciate its support in striving to address the concerns of residents. We acknowledge that some Councillors and petitioners may not have received sufficient notice of the Forum and so we extend an invitation to them to contact us if they wish to further discuss this matter.”*

On 20 November 2009, the Town received the written response from UnitingCare West that was requested on 2 November 2009. This response included the following:

*“In response to the matters raised in your correspondence, I trust that the following additional information is helpful:*

- *The property at 19 Lincoln Street is a transitional accommodation service used to accommodate up to 6 individuals who are ready to transition into the community; it is not a hostel or boarding house. The property itself is well located for its use with easy access to public transport and within walking distance to our Inner City Service Centre.*
- *The service operates a model of best practice and the outcomes for clients who are assisted through this model are extremely positive. In recognition of this, UnitingCare West has preferred provider status with the Western Australian Government for the provision of this service. Government funding also ensures we are fully accountable in relation to service standards. The service is extremely valuable to the homeless community of the Town of Vincent and the way in which it is delivered fits very well with UnitingCare West's Vision, Mission and Values.*
- *As outlined in our correspondence to the Mayor, following the Neighbours Forum, UnitingCare West has committed to several specific actions;*
  - i. *To commence a review of the assessment process for residents being considered for placement at 19 Lincoln Street. This is now in progress.*
  - ii. *To enhance the relationships with neighbours by developing a proactive communication strategy between UnitingCare West and concerned residents. Contact details were invited and received from three of the attendees who live in Lincoln Street.*
  - iii. *To provide an easy point of contact for neighbours and, to achieve this direct contact, contact details were provided by UnitingCare West's Adele Stewart, Executive Manager – Independent Living and Accommodation.”*

Following the Uniting Care West Neighbours Forum held on 29 October 2009, the Coordinator Safer Vincent identified a number of personal safety concerns of the adjacent neighbour and has identified tangible ways for these concerns and the neighbour's sense of personal safety to be improved.

A meeting with the concerned resident on 12 November 2009, identified that the fencing between their property and UnitingCare West property, was visually permeable and allowed clear sight lines into both properties, which contributed to the residents apprehension of the lack of privacy. A subsequent and very constructive meeting between the resident, the Coordinator Safer Vincent and the Chief Executive Officer of UnitingCare West, brokered an agreement to replace the existing fence with a more suitable one. With assistance given to UnitingCare West by Town Officers, a development application was approved by the Town on 22 April 2010 for the replacement of the existing fence with a more suitable pine lap fence, with a height of 2.1 metres. This was installed and completed on 11 June 2010.

In a follow-up meeting with the concerned resident on 14 June 2010, the resident expressed:

- *Appreciation to all involved in obtaining the new fence, which will assist in improving privacy;*
- *A view that there was significant improvement in communication by Uniting Care West; and*
- *A view that still strongly opposes the nature of welfare premises in close proximity to residential properties, which is the basis of concerns, as raised in the petition.*

The concerned resident further implored the State Government not to house 'at risk' people adjacent to existing homes and suggested that all agencies should work more closely with local government and local residents, in determining appropriate locations.

Given the further assurances provided in the letter dated 20 November 2009, and the fact that the property is not actually considered as a Lodging House, the Town's Officers are satisfied that UnitingCare West are meeting the Town's requirements and have strategies in place to supervise and support their clients, along with the willingness to respond promptly to any future concerns.

Both the Coordinator Safer Vincent and the Uniting Care West, Manager of Accommodation and Support Services, have given a commitment to continue to work with the adjacent resident on any additional concerns that may be raised. The Co-ordinator Safer Vincent has agreed to remain the first point of contact for any residents, should they have concerns in the future.

It is noted no additional concerns have been raised by residents since the petition was received by the Town on 15 July 2009.

Accordingly, no further action is required in respect of the petition.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 6 October 2009.

*“OFFICER RECOMMENDATION:*

*That the Council;*

- (i) RECEIVES the petition from residents/owners in Lincoln Street, Perth, opposing the continuing operation of No. 19 Lincoln Street, Perth as a hostel; and*
- (ii) REQUESTS the Chief Executive Officer to take no further action.*

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*COUNCIL DECISION ITEM 9.1.12*

*Moved Cr Ker, Seconded Cr Farrell*

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Messina returned to the Chamber at 6.49pm.*

*Debate ensued.*

*Cr Farrell departed the Chamber at 6.54pm.*

*Debate ensued.*

*AMENDMENT*

*Moved Cr Maier, Seconded Cr Lake*

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

- “(ii) REQUESTS the Chief Executive Officer to ~~take no further action~~ write to Uniting Care West expressing the Council's preference for live-in supervision at this facility.”*

*Debate ensued.*

*Cr Farrell returned to the Chamber at 6.56pm.*

*Debate ensued.*

AMENDMENT PUT AND LOST (1-7)

For: Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Messina

*Debate ensued.*

**PROCEDURAL MOTION**

Moved Cr Ker, Seconded Cr Messina

*That the item be DEFERRED to obtain further information to make better judgements and ensure residents and ratepayers are informed.*

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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**PURPOSE OF REPORT:**

*The purpose of the report is to acknowledge receipt of a petition from local residents in Lincoln Street, Perth who oppose the continuing operation of a hostel at No. 19 Lincoln Street, Perth.*

**DETAILS:**

*The subject petition was received by the Town on 15 July 2009 and was signed by 27 residents on Lincoln Street and the surrounding area. The petition concerned the following: "request the Town of Vincent to withdraw the necessary permission for the property to continue to operate as a hostel".*

*The subject property has been registered as a licensed lodging house since 1997; and no complaints have been received by the Town's Health Services since commencement. A routine lodging house assessment of the property was conducted on 17 August 2009 by the Town's Environmental Health Officers. The inspection revealed that the property is currently occupied by two lodgers but has the potential to have a maximum of 6 lodgers at any one time, and was observed to be well presented. In view of the assessment findings, the property complies with the overall requirements (includes the structural, equipment, maintenance and local requirements for lodging houses) of the Town's Health Local Law 2004, and the Health Act 1911 (as amended).*

*The definition of a Lodging House in the Town's Town Planning Scheme No. 1 (which defers to the meaning given to it, and for the purposes of the Health Act 1911), is as follows:*

*"A Lodging House is defined as any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include –*

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911;*
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats."*

*COMMENTS:*

*In view of the inspection carried out by the Town's Officers, and the definition of a 'lodging house' as outlined above, Planning Approval is not required. It is further noted that the premises is not required to be registered as a 'Lodging House' as it accommodates a maximum of 6 lodgers. The owner has chosen to register the house with Health Services however, for independent auditing and accountability purposes. It is also noted that by their very nature, the concerns raised in the petition such as urinating on property, obscene language, and prowling neighbours' yards, are associated with antisocial behaviour, and are generally a WA Police matter.*

*In terms of placement of supported accommodation for rehabilitation purposes and housing to those in need, the Town has no powers to prevent such tenancies and use of such premises occurring. Encouragingly, the Town is aware that despite a number of similar supported accommodation premises (run by numerous agencies) operating within the Town's suburbs and broader metropolitan areas, most are run to a very high standard and with very little or no issues presenting.*

*In the past and where there have been concerns, the Town has acted swiftly to raise residents concerns with relevant parties and seek prompt rectification. The Town facilitates the Safer Vincent Crime Prevention Partnership, which includes representatives from WA Police, Government, non-government agencies, Town Elected Members and Officers and community representatives, who are prepared to make additional representation in response to resident safety and crime prevention issues, if required.*

*In response to concerns raised by the local community, the Town has sought additional assurances from UnitingCare West with regard to the operation of this property;*

*UnitingCare West has confirmed;*

- *They are aware of families and children living in close or neighbouring vicinity to this property and take this factor into due consideration when placing residents at this property;*
- *The house provides transitional accommodation to men who have been homeless or are at risk of homelessness for a variety of reasons. It is not crisis accommodation;*
- *Accommodation provided is for periods of approximately 6 to 18 months duration;*
- *All residents are strictly screened as to their suitability and placement in this location prior to them taking up residence at the house;*
- *UnitingCare West has confirmed all residents in hostel are low risk and do not present a danger to the community;*
- *Whilst supervision is not live in, residents are supervised on a regular and ongoing basis and provided with appropriate case support to assist residents achieve social and life goals, and to live by their own means in the broader community;*
- *UnitingCare West has confirmed that regular inspections are conducted of the property several times a week to ensure compliance with the organization's conditions of stay;*
- *The number of clients to be housed has been confirmed as a maximum of 6 persons at any one time;*
- *Upgrades have been made to the property in order to maintain the property to a suitable standard;*
- *It is important to emphasise that the use of the property and the client group has not changed for at least 6 years; and*
- *UnitingCare West has provided to the Town and residents an additional direct contact number should any concerns need to be raised. The contact is the Executive Manager of Independent Living and Accommodation Services, Adele Stewart on 1300 663 528.*

*Given the further assurances provided, the Town's Officers are satisfied that UnitingCare West are meeting the Town's requirements and have strategies in place to supervise and support their clients, along with the willingness to respond promptly to any future concerns.*

*Accordingly, no further action is required in respect of the petition."*

**9.1.6 Planning Delegation for “Minor Nature Development” and Finalisation of Planning and Building Policies - Amendment No. 70 relating to the rescission of Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements and Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans**

<b>Ward:</b>	Both	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0221
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer:</b>	R Marie, Acting Senior Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES** the report relating to Planning Delegation for “Minor Nature Development” and the rescission of the following Policies:

- (a) **Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements, as shown in Attachment 001; and**
- (b) **Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans as shown in Attachment 002;**

*resulting from the Policies having been reviewed and with regard to four (4) submissions received during the formal advertising, in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1, as shown in attachment 003;*

(ii) **FINALLY RESCINDS** the following Policies:

- (a) **Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements; and**
- (b) **Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans;**

*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 the following Policies:

- (a) **Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements; and**
- (b) **Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans**

*in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Farrell, Seconded Cr Maier**

*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 for the rescission of Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements and Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans, following the Council's approval of the amendments to Delegation No. 66.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 9 March 2010 considered a Notice of Motion and resolved as follows;

*'That the Council:*

(i) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, with the following to be amended in the Register of Delegations 2009/2010:*

(a) *Delegation No. 66.*

No.	Directorate/ Section	Description of Council Function Delegated to the Chief Executive Officer from Council	CEO delegates to:	Conditions
66	Planning, Building and Heritage Services	<p><i>Authority to exercise discretion and to refuse, approve and apply conditions to planning applications for the following developments:-</i></p> <p><i>(1) where it involves a variation to a development standard or requirement; and</i></p> <p><i>(2) Category 3 development applications (developments of a marginal complex nature or impact) including:</i></p> <ul style="list-style-type: none"> <li><i>• Single-storey and two-storey residential development comprising -</i> <ul style="list-style-type: none"> <li><i>- Alterations and/or additions to dwellings; or</i></li> <li><i>- A total maximum of two (2) dwellings (excluding new dwellings in areas coded R20); and</i></li> </ul> </li> </ul>	<p><i>DDS MPBHS</i></p>	<p><i>(1) The application is processed and assessed in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, Policies and Local Laws, and the Performance Criteria of the Residential Design Codes, where applicable;</i></p> <p><i>(2) The development will not unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, DDS or MPBHS.</i></p>

		<ul style="list-style-type: none"> <li>• <i>Single-storey and two-storey non-residential development.</i></li> </ul> <p>(3) <i>Category 4 developments (developments of a minor complex nature or impact) including:-</i></p> <ul style="list-style-type: none"> <li>• <i>Home occupations;</i></li> <li>• <i>Carports;</i></li> <li>• <i>Garages;</i></li> <li>• <i>Outbuildings;</i></li> <li>• <i>Patios;</i></li> <li>• <i>Front/street walls and fences;</i></li> <li>• <i>Signs;</i></li> <li>• <i>Swimming Pools;</i></li> <li>• <i>and the like.</i></li> </ul> <p><i>(Note: Development of a minor nature that is specified in the Town of Vincent's Policy - Minor Nature Development, does not require planning approval.)</i></p>		
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and:

APPROVES BY AN ABSOLUTE MAJORITY to:

(ii) *RESCIND the following Policies:*

- (a) *Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements; and*
- (b) *Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans;*

(iii) *ADVERTISE the rescission of the following Policies:*

- (a) *Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements; and*
- (b) *Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans;*

*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 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; and*
- (c) *forwarding a copy of the subject Policies 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;*
  - (b) *DETERMINES the Policies to be rescinded, with or without amendment, to or not to proceed with them.'*

**'TOWN ADMINISTRATION COMMENTS:**

*It is noted that existing Delegation No. 66 delegates to the Town's Officers to deal with certain applications via limitations detailed in the Town's Policies Relating to Non-Variation of Specific Development Standards and Requirements and Variations to Planning Approval and Building Licence Plans. In respect of the proposed Notice of Motion, whereby further delegation is given to the Town's Officers, it will result in the above Policies becoming redundant. Accordingly, in the event that the above Delegation is adopted, it is recommended that in the interim, whilst rescission of the above Policies is undertaken, that the Town's Officers deal within the range of delegation as proposed.*

*It is further noted that Delegation No. 66 already delegates authority to the Town's Officers to deal with Category 3 applications up to and including two, two-storey dwellings where the development complies with all aspects except those development standards or requirements proposed to be varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements. Accordingly, the Draft Notice of Motion has continued to reflect the inclusion of two storey development.'*

**DETAILS:**

The Council at its Ordinary Meeting held on 9 March 2010, considered a Notice of Motion to amend Delegation No. 66 to give greater delegation to the Chief Executive Officer in the determination of planning applications. As a result of the Council's decision, the Policies No. 3.5.16 relating to Non Variation of Specific Development Standards and Policy No. 3.5.18 relating to Requirements and Variations to Planning Approval and Building Licence Plans are no longer required and, therefore, it was proposed that the Policies be rescinded.

The rescission of Policies No. 3.5.16 and No. 3.5.18 were advertised in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, commencing on 27 April 2010 and closing on 25 May 2010. Following the completion of the advertising, the decision to rescind the Policies was reconsidered in light of the submissions received.

**CONSULTATION/ADVERTISING:**

The rescission of the Policies was advertised for 4 consecutive weeks in accordance with Clause 47 of the Town Planning Scheme No. 1. A total of four (4) submissions were received in relation to the matter. It is noted that Amendment No. 70 relating to Policy No. 3.5.16 and No. 3.5.18, was advertised at the same time as Amendment No. 69 relating to the amendment and rescission of a number of Town planning policies. As a result, none of the submissions received for Amendment No. 70 commented directly on Amendment No. 70, rather specific comments were directed more to Amendment No. 69. The Summary of Submissions is shown as Appendix 003. Amendment No. 69 is scheduled to be reported back to the Council at an Ordinary Meeting to be held in July 2010.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Strategic Objectives: 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; ...*

**SUSTAINABILITY IMPLICATIONS:**

The decision to rescind Policy No. 3.5.16 relating to Non Variation of Specific Development Standards and Requirements and Policy No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans will result in greater delegation being given to the Chief Executive Officer, which will in turn increase the efficiency in determining Development Applications at the Town.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The Council at its Ordinary Meeting held on 9 March 2010, resolved to amend Delegation No. 66 to allow further delegation to be given to the Chief Executive Officer. These changes to Delegation No. 66 took effect as of the date of the Council decision.

As a result, the Policies No. 3.5.16 relating to Non-Variation of Specific Development Standards and Requirements and No. 3.5.18 relating to Variations to Planning Approval and Building Licence Plans are now considered redundant and should therefore be rescinded.

No submissions were received directly in relation to the proposed rescission of Policies and, therefore, it is recommended that the Council proceed to finally rescind the abovementioned Policies, in accordance with the Officer Recommendation.

**9.1.7 Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments - Productivity Commission 'Issues Paper'**

<b>Ward:</b>	Both	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the:
  - (a) *Productivity Commission – Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments 'Issues Paper' dated May 2010, as 'Laid on the Table' and;*
  - (b) *Town's Submission Paper in relation to Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments "Issue Paper" as shown in Attachment 001.*
- (ii) **FORWARDS** a copy of the Town's Submission Paper:
  - (a) *to the Western Australian Local Government Association (WALGA) to be included in their representative submission on behalf of the sector by 2 July 2010; and;*
  - (b) *associated Submission Cover Sheet to the Productivity Commission by 16 July 2010.*

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of an Issues Paper relating to '*Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessment*' by the Productivity Commission.

**BACKGROUND:**

In May 2010, the Productivity Commission released an Issues Paper relating to '*Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessment*'. A copy of this can be downloaded at the following link: <http://www.pc.gov.au/projects/study/regulationbenchmarking/planning>. WALGA has advised the Town that they will be making a representative submission in relation to the study on behalf of the sector and, in this regard, requests feedback from interested Local Governments by Friday, 2 July 2010.

**DETAILS:**

The Australian Government has requested that the Productivity Commission undertake a benchmarking study into Planning, Zoning and Development Assessments. This study is the third in a series of reviews benchmarking Australian business regulatory burdens.

The Productivity Commission is requested to examine and report on the operation of the States and Territories planning and zoning systems, particularly how they impact on:

- Business compliance costs;
- Competition; and
- The overall efficiency and effectiveness of the functioning cities.

In doing so, the Commission is to report on best practice approaches that support competition, including:

- Measures to prevent ‘gaming’ of appeals process;
- Processes in place to maintain adequate supplies of land suitable for a range of activities; and
- Ways to eliminate any unnecessary or unjustifiable protections of existing businesses from new and innovative competitors.

At the conclusion of the Commission’s public consultation period, the Commission will draw on the information it receives from participants. A draft report will be prepared and then released for public comment. The Commission will present its final report to the Australian Government for consideration by the Council of Australian Governments (COAG).

The keys dates in respect to this project are as follows:

Receipt of terms of reference	12 April 2010
Initial submissions due	16 July 2010
Release of draft report	End of October 2010
Submission on draft report due	Mid November 2010
Final Report	End December 2010

It is the Town’s intention to forward the submission paper (Attachment 001) to WALGA to be included in their representative submission on behalf of the sector by 2 July 2010. Additionally, the Town will make an individual submission to the Productivity Commission by 16 July 2010.

**CONSULTATION/ADVERTISING:**

The Productivity Commission is calling for submissions on the *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessment – Issues Paper* by 16 July 2010.

WALGA proposes to make a representative submission on behalf of the sector. It is considered that the Town forward their submission to WALGA to be included as part of their submission. In this regard, the Town’s submission will need to be forwarded to WALGA by 2 July 2010.

**LEGAL/POLICY:**

Nil.

### **STRATEGIC IMPLICATIONS:**

The outcomes of the Productivity Commission's independent research into a range of economic, social and environmental issues affecting the welfare of the broader community will indirectly assist the State Government and the Town's processes, policies and decision making, assisting the Town in achieving its strategic objectives.

Strategic Plan 2009 – 2014: Key result areas:

- “1. *Natural and Built Environment*
  - 1.1 *Improve and maintain environment and infrastructure;*
2. *Economic Development*
  - 2.1 *Progress economic development with adequate financial resources;*
3. *Community Development*
  - 3.1 *Enhance and promote community development and wellbeing;*
4. *Leadership, Governance and Management*
  - 4.1 *Provide good strategic decision-making, governance, leadership and professional management.”*

### **SUSTAINABILITY IMPLICATIONS:**

It is considered that the outcomes of the *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessment* study would provide a holistic approach in improving planning practices, zoning and land use and the efficiency in Development Application assessment and determination. Any improvement will aim to ensure the best outcome is achieved for the environment, all levels of government planning regulators, developers and the wider community.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

### **COMMENTS:**

It is recommended that the Council receives this report and attached Submission Paper relating to the Productivity Commission – *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments* 'Issues Paper'. Additionally, it is recommended that the Town forward the Submission Paper to WALGA to be included in their representative submission by 2 July 2010, and also forward the Submission Paper and associated Submission Cover Sheet directly to the Productivity Commission by 16 July 2010.

**9.1.10 LATE ITEM: Amendment of the Tobacco Products Control Regulations 2006 Consequential to the Tobacco Products Control Amendment Act 2009 Position Paper - Stakeholder Comments**

<b>Ward:</b>	Both	<b>Date:</b>	18 June 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ENS0077
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer:</b>	S Teymant, Acting Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Department of Health's – Amendment of the Tobacco Products Control Regulations 2006 Consequential to the Tobacco Products Control Amendment Act 2009, Position Paper B - Smoking Restrictions Part 1 and Part 2, as shown in Attachment 001 and Attachment 002 respectively;*
- (ii) *APPROVES the Draft Submission Paper in relation to "Position Paper Part B, Smoking Restrictions Part 3 - Stakeholder Comments", as shown in Attachment 003; and*
- (iii) *FORWARDS a copy of the Town's Draft Submission Paper to the Department of Health's Amendment Act Tobacco Control Branch to be included in their representative submission on behalf of 'Stakeholders' by 30 June 2010.*

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**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a request by the Department of Health's Amendment Act Tobacco Control Branch, for stakeholder comments relating to 'Position Paper Part B - Smoking Restrictions Part 1 and Part 2', as shown in Attachments 001 and 002; and to obtain the Council's endorsement of the Town's Draft Submission Paper as shown in Attachment 003, prior to submission.

**DETAILS:**

The Department of Health's Amendment Act Tobacco Control Branch has issued a Position Paper relating to amendments currently being considered to the *Tobacco Products Control Regulations 2006*.

The proposed amendments to the Regulations are as follows:

- To ban the display of tobacco products and smoking implements in retail premises; and

- To ban smoking in the following places:
  - public outdoor eating areas;
  - between the flags at patrolled beaches;
  - within 10 metre of children's playground equipment at public places; and
  - in private vehicles if children under 17 years of age are in the vehicle.

The bans will commence on 22 September 2010.

The Department of Health's Position Paper details proposals to amend the *Tobacco Products Control Regulations 2006* (the Regulations) to support changes implemented by the Amendment Act in relation to the new restrictions on smoking. The Position Paper details options under each proposal, considered on the basis of legislative intent, Government policy, public health policy or operational effectiveness or a combination of one or more of those considerations.

The Position Paper also details the process for lodging submissions on the proposed amendments. The Stakeholder Comments Submission form provides all stakeholders with the opportunity to comment on the following aspects of the proposed amendments:

**Question 1** - *"Should there be a requirement to display signs to indicate that smoking is prohibited between the flags at patrolled beaches?"*

**Question 2 & 2a** - *"Should there be a requirement to display signs to indicate that smoking is not permitted in outdoor eating areas?"*

**Question 3** - *Should there be a requirement to display signs to indicate that smoking is prohibited within 10m of children's playground equipment?"*

The proposed amendments for which the Town has the opportunity to comment, have limited impact on the Town's current operations. In accordance with the Town's *Outdoor Eating Areas Policy 3.8.1* and the Town's *Prohibition of Smoking in Town's Playgrounds Policy 3.8.7*, the Town is advanced in its' application of the proposed amendments with regard to prohibiting smoking in both outdoor eating areas and playground areas, and already has a requirement that signage be provided at all of the Town playgrounds.

As the Town does not have any 'patrolled beaches', Question 1 in the 'Stakeholder Comments Submission Form', has no direct impact on the Town's operations.

#### **CONSULTATION/ADVERTISING:**

The Department of Health is seeking stakeholder comments regarding the Position Paper by 30 June 2010 (previously 31 May 2010).

#### **LEGAL/POLICY:**

Nil.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2009 – 2014:

*Natural and Built Environment*

*1.1 Improve and maintain environment and infrastructure;*

*Community Development*

3.1 *Enhance and promote community development and wellbeing;*

*Leadership, Governance and Management*

4.1 *Provide good strategic decision-making, governance, leadership and professional management."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The proposal to require 'smoking prohibited' signage to be located at children's playgrounds will require the Town to provide minor funding in the Town's Operational Budget for the installation and maintenance of signage, as required. However, it is acknowledged that this responsibility has already been absorbed into the Town's operational expenditure, since the advent of the Town's *Prohibition of Smoking in Town's Playgrounds Policy 3.8.7* in 2003.

**COMMENTS:**

It is recommended that the Council receives this report, the attached Position Paper (Part 1 and Part 2), relating to amendments currently being considered to the *Tobacco Products Control Regulations 2006*, in addition to the Town's Draft Submission Paper. It is further recommended that the Town forward the Draft Submission Paper to the Department of Health to be included in their representative stakeholder submission by 30 June 2010.

**9.2.3 Proposed Dedication of Macri Lane, Nova Lane, Little Walcott St, Little Russell St & Portion of Russell Ave, North Perth**

<b>Ward:</b>	South	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	TES0107
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that a request has been received from the Department of Regional Development and Lands regarding the proposed dedication of Macri Lane, Nova Lane, Little Walcott St, Little Russell St and Portion of Russell Ave, North Perth;*
- (ii) *ENDORSES the proposed dedication of Macri Lane, Nova Lane, Little Walcott St, Little Russell St and Portion of Russell Ave, North Perth as shown in Appendix 9.2.2A and B; and*
- (iii) *ADVISES the Department of Regional Development and Lands that in accordance with Section 56 Part 4 of the Land Administration Act 1997, it indemnifies the Minister for Lands against any claim for compensation which may arise as a result of the proposed dedication of the parcels of land outlined in clauses (i) and (ii) above.*

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of land being considered for dedication by the Department of Regional Development and Lands, State Land Services Division, as shown on the attached plan.

**BACKGROUND:**

A letter dated 9 June 2010 has been received by the Town from the Department of Regional Development and Lands regarding the Proposed Dedication of Macri Lane, Nova Lane, Little Walcott St, Little Russell St and Portion of Russell Ave, North Perth, as follows:

*"A search of Departmental records has revealed roads have been constructed on the areas coloured green on the enclosed plan.*

*Would you please advise whether the public has had uninterrupted use of the subject land for a period of not less than ten (10) years, pursuant to Section 56(1)(c) of the Land*

*Administration Act 1997 (LAA). There is a requirement for council resolution and indemnification in this instance."*

**DETAILS:**

Section 56 Part 4 of the Land Administration Act 1997 states "*the relevant Council is liable to indemnify the Minister against any claim for compensation*". This means that should an owner of a privately owned ROW wishes to take legal action against the Government for the loss of any freehold land (comprising the land earmarked for dedication) the Government will be indemnified against such action.

*Officers Comments:*

As seen from the attached photos, the 'Rights of Way' (ROWS) and 'roads' in question have been in existence for many years and provide access to a large number of properties.

With regard to the two ROWs i.e. Macri Lane and Nova lane, these two ROWs are owned by the Town. With regard to the roads i.e. Little Walcott St, Little Russell St and Portion of Russell Ave, these (as they are not dedicated) may be held in trust (deceased estates) as with the majority of private ROWs within the Town.

Given that the public have had uninterrupted access over the land for well in excess of ten (10) years, it is considered that the proposed dedication exercise is more an administration matter to designate the ROWs and Roads in question for their intended purpose as public thoroughfares.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

Dedicated roads are Crown Land under the care, control and management of the Town.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

It has always been assumed that some of these roads were already dedicated, however, it appears that this was not the case. It is recommended that the Council advise the Department of Regional Development and Lands that the public has had uninterrupted use of the subject land for a period of not less than ten (10) years, pursuant to Section 56(1)(c) of the Land Administration Act 1997 (LAA).

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 May 2010**

<b>Ward:</b>	Both	<b>Date:</b>	10 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 May – 31 May 2010 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;  
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

*as shown in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

<b>DECLARATION OF INTEREST</b>		
<b>Council Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
Nil.	Nil.	Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 – 31 May 2010.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	068100-068251	\$185,497.62
Transfer of Creditors by EFT Batch	1063, 1064, 1066-1071	\$1,746,272.03
Transfer of PAYG Tax by EFT	April 2010	\$197,029.76
Transfer of GST by EFT	April 2010	
Transfer of Child Support by EFT	April 2010	\$1,278.10
Transfer of Superannuation by EFT:		
• City of Perth	April 2010	\$28,056.49
• Local Government	April 2010	\$97,358.75
<b>Total</b>		<b>\$2,255,492.75</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$4,614.15
Lease Fees		\$2,024.60
Corporate Master Cards		\$13,495.32
Loan Repayment		\$60,316.91
Rejection Fees		\$20.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$80,470.98</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,335,963.73</b>

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

N/A.

**ADVERTISING/CONSULTATION:**

N/A.

**COMMENT:**

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

### **9.3.3 Financial Statements as at 31 May 2010**

<b>Ward:</b>	Both	<b>Date:</b>	10 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	B Tan, Manager Financial Services; B Wong, Accountant;		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

***OFFICER RECOMMENDATION:***

*That the Council RECEIVES the Financial Statements for the month ended 31 May 2010 as shown in Appendix 9.3.3.*

### **COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Farrell, Seconded Cr Maier**

*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 May 2010.

### **BACKGROUND:**

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 May 2010:

- Income Statement;
- Summary of Programmes/Activities ( pages 1-17);
- Income Statement by Nature & Type Report ( page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-42);
- Monthly Financial Positions Graph (page 43-45).

Comments on the financial performance are set out below:

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

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

YTD Actual	-	\$1.0 million
YTD Budget	-	\$3.4 million
Variance	-	-\$2.4 million
Full Year Budget	-	\$12.9 million

**Summary Comments:**

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions, which will now be received in the next financial year.

**Operating Revenue**

YTD Actual	-	\$34.4 million
YTD Budget	-	\$34.1 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$34.7 million

**Summary Comments:**

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 66% over budget;

Law Order and Public Safety – 29% below budget;

Health – 15% over budget;

Other Property and Services – 91% over budget;

Administration General – 46% over budget.

More details variance comments are included on the page 34 – 42 of this report.

**Operating Expenditure**

YTD Actual	-	\$34.3 million
YTD Budget	-	\$34.0 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$36.2 million

**Summary Comments:**

The operating expenditure is currently on budget.

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

Education and Welfare – 30% below budget;  
Other Property and Services – 15% over budget;  
Administration General – 27% below budget.

Detailed variance comments are included on the page 34 – 42 of this report.

**Income Statement by Nature and Type Report**

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

**Capital Expenditure Summary**

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

Capital Works shows total expenditure including commitment for year to date at the 31 May 2010 of \$7,776,237 which represents 62% of the revised budget of \$12,596,502.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date (Include commitment)</b>	<b>%</b>
Furniture & Equipment	\$132,900	\$141,261	\$85,616	61%
Plant & Equipment	\$1,229,450	\$1,317,450	\$901,013	68%
Land & Building	\$12,659,500	\$3,811,876	\$3,430,723	90%
Infrastructure	\$7,570,415	\$7,325,915	\$3,390,836	46%
<b>Total</b>	<b>\$21,592,265</b>	<b>\$12,596,502</b>	<b>\$7,808,189</b>	<b>62%</b>

**Balance Sheet and Statement of Changes in Equity**

The statement shows the current assets of \$16,361,615 and non current assets of \$142,264,745 for total assets of \$158,626,360.

The current liabilities amount to \$8,284,630 and non current liabilities of \$13,762,630 for the total liabilities of \$22,047,260. The net asset of the Town or Equity is \$136,579,100.

### **Restricted Cash Reserves**

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

The balance as at 31 May 2010 is \$8.9m. The balance as at 30 June 2009 was \$7.3m.

### **General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$299,008 is outstanding at the end of May 2010.

Of the total debt \$122,622 (41%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

### **Rate Debtors**

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

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

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

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$7.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 May 2010 including deferred rates was \$293,226 which represents 1.46% of the outstanding collectable income compared to 2.21% at the same time last year.

### **Statement of Financial Activity**

The closing surplus carry forward for the year to date 31 May 2010 was \$47,464.

### **Net Current Asset Position**

The net current asset position as at 31 May 2010 is \$9,005,189.

### **Beatty Park – Financial Position Report**

As at 31 May 2010 the operating deficit for the Centre was \$367,080 in comparison to the year to date budgeted deficit of \$407,018.

The cash position showed a current cash surplus of \$46,291 in comparison year to date budget estimate of a cash surplus of \$84,705. The cash position is calculated by adding back depreciation to the operating position.

### **Variance Comment Report**

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

**9.3.4 Anzac Cottage - Forward Plan from the Friends of Anzac Cottage - No. 38 (Lot 15) Kalgoorlie Street, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Mount Hawthorn (1)	<b>File Ref:</b>	PRO0326
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Woodhouse, Co-ordinator Strategic Planning		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *ACCEPTS the Forward Plan submitted by the Friends of Anzac Cottage for Anzac Cottage located at 38 Kalgoorlie Street, Mount Hawthorn as detailed in Attachment 9.3.4; and*
- (ii) *AUTHORISES the Chief Executive Officer to enter into a Memorandum of Understanding to upgrade the premises and to celebrate the Centenary in 2015.*

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**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

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**PURPOSE OF REPORT:**

To obtain the Council's approval of the proposed Forward Plan for Anzac Cottage located at 38 Kalgoorlie Street, Mount Hawthorn, as submitted by the Friends of Anzac Cottage.

**BACKGROUND:**

Anzac Cottage, 38 (Lot 15) Kalgoorlie Street, Mount Hawthorn was transferred to the ownership of the Town of Vincent from the Vietnam Veteran's Association in January 2006.

The property is currently leased back to the Vietnam Veterans Association for a 21 year period with three (3) five year options on a peppercorn rental.

The property has been registered in the Register of Heritage Places under Section 51 of the Heritage of Western Australian Act 1990 since October 2000.

The Friends of Anzac Cottage are a small group that was formed in 2008 as a sub-committee of the Vietnam Veterans Association of Western Australia. The purpose of this group is:

- To raise awareness of Anzac Cottage to the general public;
- To promote the purpose of the cottage as a memorial and to perpetuate the original objectives of the Mount Hawthorn Progress Association who organised the building of the cottage in 1916.

Since the group's inception, the following have been achieved:

- The cottage has been open to the public on approximately 12 occasions
- Each opening has attracted an average of 150 to 200 people
- Apart from opening the cottage, displays have been mounted depicting World War 1 equipment and uniforms, including an authentic World War 1 tent
- Publicity has been obtained through local and state media

#### **DETAILS:**

The forward plan as proposed includes the following items:

##### Calendar of Events 2010:

Banking on the successful open days so far, the Friends of Anzac Cottage have devised a 'calendar' of openings for the remainder of 2010.

##### Calendar of Events 2011:

##### ANZAC Cottage 95:

The first opening of the cottage in 2011 will be on or near the 12 February to celebrate the 95<sup>th</sup> Anniversary of the building of the cottage. The Friends of Anzac Cottage plan to have a special event for this occasion styled on the old fashioned 'family picnic day' similar to those celebrated back in 1916.

##### Forward Plans – Anzac Cottage 100:

In five years time, in 2015 Australians will commemorate its centenary of the Gallipoli landings. A year later in 2016, Anzac Cottage will celebrate its centenary and it is hoped that a program of events, similar to those undertaken for the 90<sup>th</sup> Birthday celebrations will be developed, however on a grander scale. It is for this significant occasion that the Friends of Anzac Cottage plan to make some improvements and additions to the memorial.

##### Planned improvements and additions to Anzac Cottage:

##### **The Gardens:**

The Heritage Garden Society has evaluated the current garden and plants and has provided a plan for replanting the garden beds with plants that are appropriate for the Cottage's heritage.

##### **The Bathroom:**

The current bathroom is not in keeping with the rest of the cottage and is in need of upgrading to accommodate the visitors of the cottage.

##### **The Washhouse:**

The cement slab that marked the original washhouse is still in situ. To upgrade the backyard area of the cottage it is planned to either reinstate the laundry in keeping with the cottage's heritage or to construct a 'footprint' representing a washhouse of that era.

##### **Pigeon Loft:**

Private Porter kept pigeons in the backyard of Anzac Cottage. As another point of interest it is planned to construct a facsimile pigeon loft along the back fence.

**Washing Line:**

The cottage also had a washing line that spanned the backyard, with the old fashioned 'props' holding the line up. This will also be reconstructed.

**Rear Toilet of Right of Way:**

The cottage would have originally had a toilet on the laneway. In keeping with our plans to re-establish the cottage to its original condition, the toilet should be reinstated, preferably into operational order.

The Town is of the opinion that consideration should be given to updating the existing a Conservation Plan that was prepared in 1996 to guide the conservation works undertaken from 1997 - 2002, for the property to ensure that the cottage's heritage features are maintained. In addition, all proposed works for the site outlined above will need to be referred to the Heritage Council of Western Australia for consideration and to comply with the Town's Policies relating to Heritage Management.

The Town will endeavour to seek grant funding to finance the work to be undertaken as proposed in the Forward Plan. The Heritage Council, Tourism WA, Lotterywest and Healthway will be contacted in that regard.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The property is currently leased to the Vietnam's Veterans Association for a period of 21 years.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

The work proposed for the cottage will, where possible, take cognisance of the sustainability issues, in particular, those relating to the materials used.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is envisaged that an amount up to \$20,000 would be required to complete this work next year. The Administration is of the opinion that as the property has significant heritage value that there may be Heritage Council grant funding available to finance this work.

No specific funds are included in the Draft 2010/11 Budget, as the matter has only recently been brought to the Town's attention. If a Heritage Council grant is unsuccessful, the Town's administration will consider the matter in the mid year Budget review.

**COMMENTS:**

The Friends of Anzac Cottage are to be commended for presenting a Forward Plan to make improvements and additions to the Cottage and also to commemorate some significant anniversaries in the forthcoming years.

The Town is supportive of the proposal and is of the opinion that a Memorandum of Understanding between the Town of Vincent and the Friends of Anzac Cottage be entered into to finalise the commitment of both parties to the Forward Plan.

**9.3.5 Proposed Lease for Aranmore Catholic Primary School (St Brigid's convent of Mercy Perth Inc.) – Part Lot 75 Brentham Street, Leederville**

<b>Ward:</b>	North Ward	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	PRO1459
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Lumbis, Administration Officer Technical Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a ten (10) year Lease from 1 July 2010 to 30 June 2020, with a ten (10) year option period for 320m<sup>2</sup> of land at Part Lot 75 Brentham Street, Leederville, being granted to Aranmore Catholic Primary School subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

**COUNCIL DECISION ITEM 9.3.5**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for a new Lease with Aranmore Catholic Primary School.

**BACKGROUND:**

Aranmore Catholic Primary School is located on Lot 100 (No. 20) Brentham Street, Leederville. The Town owns land on Lot 75 Brentham Street, Leederville, which is used as public open space and surrounds the School. For many years prior to the creation of the Town, the School had use of the land, without a formal Lease. A formal Lease five (5) year Lease was initially granted to use 320m<sup>2</sup> of the land on Part Lot 75 Brentham Street, Leederville. A subsequent Lease was granted for a period of ten (10) years, consisting of two (2) five (5) year terms and this is due to expire on the 30 June 2010.

Whilst the School has access and uses the Town’s public open space, it does so on an informal basis. The leased area is primarily used for the pre-primary playground, and is very important to the pre-primary, as it forms part of the existing playground.

**Justification for a longer lease period:**

The Town’s land is zoned Parks and Recreation Reserve (and the predominate use is passive recreation) and it is therefore highly unlikely that the Town’s public open space use will ever change and it is recommended that a new Lease for a period of ten (10) years, with a ten (10) year option period be granted.

To safeguard the Town’s interest, it is recommended that the new Lease contains a “Redevelopment Clause” which will enable for the Lease to be broken, in the unlikely event that the Town carries out redevelopment of the subject land.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

Town of Vincent Policy 1.2.1 – Policy Statement:

- “1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One:

- “1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment
- (a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”

**SUSTAINABILITY IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current Aranmore Catholic Primary School lease is a peppercorn lease agreement covering 320m<sup>2</sup> of land which the School utilises for the pre-primary facilities. It is recommended that the existing conditions be continued subject to satisfactory lease negotiations.

**COMMENTS:**

Aranmore Catholic College have been good tenants for the ten (10) year period and the Town’s Administration has no hesitation supporting a longer lease period.

**9.3.6 Reconciliation Place Project – Progress Report No. 1**

<b>Ward:</b>	South	<b>Date:</b>	11 June 2010
<b>Precinct:</b>	Banks - P15	<b>File Ref:</b>	CMS0120
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	J. Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M. Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES Progress Report No. 1 for the Reconciliation Place Project.*

**COUNCIL DECISION ITEM 9.3.6**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a further progress report to the Council on the Reconciliation Place Project.

**BACKGROUND:**

At the Ordinary Meeting of Council, held on 9 June 2009, the following resolution was adopted:

*"That the Council;*

- (i) APPROVES IN PRINCIPLE support for:*
  - (a) creating a “Reconciliation Place” in the Town of Vincent; and*
  - (b) support for using the identified land on Banks Reserve for the purposes of creating the Reconciliation Place;*
- (ii) LISTS for consideration in the 2009/2010 draft budget an amount of \$15,000 for Stage 1 of the Reconciliation Place Project; and*
- (iii) NOTES that a further report will be submitted to Council at the conclusion of Stage 1 of the project."*

In May 2007, the Vincent Reconciliation Group (VRG) commenced a process to develop a new reconciliation-themed project in the Town of Vincent. VRG members formulated the idea of a reconciliation place project, identified a preferred location for the reconciliation place, conducted initial consultations with stakeholders and were successful in securing seed funding of \$8,800 to scope the project.

The Reconciliation Place project has the following aims:

- To provide an interactive reconciliation experience for the Town of Vincent and the wider community that can be appreciated by all ages;
- To involve community members in an artistic, collaborative, place making initiative that is community building;
- To provide the Town of Vincent with an attractive piece of community art;
- To represent the interaction of Aboriginal and other communities as well as the journey of reconciliation in the Town of Vincent; and
- To educate the community about aspects of their local history.

The preferred location for the Reconciliation Place is a vacant piece of land near the river at Banks Reserve, East Perth. The VRG has sought preliminary advice from the Swan River Trust and Department of Indigenous Affairs in relation to development approvals processes relevant to the proposed site.

The Reconciliation Place is envisaged as an outdoor space with simple design features that have minimal impact on the community's existing access to, and views of, the river. It is also intended that no negative environmental impacts will result from the construction of the space.

Ideas for the design of the place including the community artwork will include place making professionals and the community artist. The design is to incorporate reconciliation themes, significant events, individuals and institutions.

To date, members of the VRG have formed the Interim Steering Committee overseeing project development, however once Stage 1 of the project commences, membership will be broadened to include representatives from the following organisations/groups:

- Vincent Reconciliation Group;
- Town of Vincent;
- Ruah Community Services;
- Doolan-Leisha Eatts (Noongar elder) and Walter Eatts (Aboriginal elder);
- Yorgum; and
- Other organisations/groups involved in the process who are interested in being on the Steering Committee.

#### **DETAILS:**

The VRG, in consultation with the Town, has contracted Anne Goodall and Tim Muirhead to coordinate the development of the proposed reconciliation place project.

The consultants has organised a number of consultations with the precinct group to provide information on the project and collect views from the residents in the vicinity. This feedback has been relayed to the working group which has worked through the concerns and views of the residents to work out alternative concepts for the project in the context of the original plan of developing artwork at Banks Reserve.

The community engagement process that has been suggested by the working group is according to the following principles:

- Ensure Aboriginal stories and voices are heard throughout the project;
- Draw everyone - Aboriginal and non-Aboriginal - to a feeling of 'belonging' and 'ownership' in the place;

- Build relations between
  - Aboriginal and non-Aboriginal people and groups; and
  - 'pro-reconciliation' communities and other local communities;
- Engage interest amongst local residents and others; not just address concerns;
- Work with local communities - never against them; and
- Create processes in which conflicting opinions and/or attitudes can be addressed respectfully.

The first community event to promote the project was held at Banks Reserve on Saturday, 29 May 2010 which coincided with National Reconciliation Week. This event was attended by approximately fifty (50) people.

The event started at 11am and presented the following on the day;

- Welcome to country by Aboriginal Elders accompanied by a didgeridoo player;
- Story of Derbarl Yerrigan, and Banks Reserve area (pre-settlement) from an Aboriginal perspective;
- Stories of this place since settlement - from a non-Aboriginal perspective;
- Smoking Ceremony to smoke out the bad spirits, bring in the good spirits;
- What Reconciliation means to me - members of the community were invited to write comments and thoughts;
- Brief talk about the project; and
- Aboriginal Dance and music.

A creative planning workshop is planned for Sunday 27 June at Banks Reserve to further work through concepts and ideas with the community and stakeholders.

The information gathered thus far will be presented to the working group who will proceed to prepare an artist's brief for artwork at Banks Reserve.

The consultants are currently working through the information collated to identify the following for the artist's brief;

- Vision statement for a place of reconciliation at Banks Reserve
- Overall themes to be communicated through artwork/place design
  - Description of concepts, ideas, themes that sum up what reconciliation means for the Vincent community
  - Description of stories/histories to be included
  - List/drawings of symbols that represent what reconciliation means for the Vincent community [not too much of this needs to happen now because this can happen during community art process]
- Overall design guidelines
  - List of current community uses of Banks Reserve to be preserved or enhanced, e.g.
  - List of key physical, environmental and cultural features of Banks Reserve to be preserved or enhanced
  - Consultation findings:
  - Place Making principles:
- Potential 'nodes' for the reconciliation place. Map showing potential nodes for development as part of the reconciliation place. For each node, identify:
  - Specific purpose of node
  - Specific concepts/themes
  - What elements should make up the node,
- Additional opportunities to link with other projects
- Process outcomes to date

Once artists respond to the brief through a submission, the working group would assess the submissions and provide some indication of what may be suitable for the project.

This information will be presented to Council for final approval prior to any artist being selected to proceed with the works.

**CONSULTATION/ADVERTISING:**

The VRG have been in active consultation with a number of community groups in the area in the initial consultation phase including the South West Aboriginal Land and Sea Council, Ruah Community Services, Leederville HQ, Aranmore Catholic College, North Perth Primary School, Claise Brook Catchment Group and the Redemptorist Monastery Social Justice Group. These groups all indicated that they are in support of the program and would like to be involved in the project in the future. A number of people from the indigenous community have also expressed their support and interest in the project: Yorgum, Anawim, Noel Nannup, Doolann-Leisha and Walter Eatts.

The location of the Reconciliation Place is to be mutually agreed upon by the organisers, stakeholders and the Town.

**LEGAL/POLICY:**

The location that has been suggested by the VRG will require approval from a number of different bodies.

Banks Reserve is zoned 'Parks and Recreation' under the Metropolitan Regional Scheme and therefore any proposed development of the site will need to be referred to the Western Australian Planning commission for determination. The site is currently under the care and control of the Western Australian Planning Commission.

Banks Reserve forms part of an Aboriginal Registered Site and so any proposed development of the site will require a Section 18 Approval under the Aboriginal Heritage Act 1972. A Section 18 Approval was sought by the Town of Vincent and may be extended to include the proposed area.

The Swan River Trust will also need to be approached in regards to this project as Banks Reserve is located within the Swan River Trust Development Zone.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 Key Result Areas:

*"1.1.3 Enhance and maintain the character and heritage of the Town of Vincent*

*1.1.5 Enhance and maintain parks, landscaping and community facilities*

*3.1.1 Celebrate and acknowledge the Town's cultural and social diversity*

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

*3.1.3 Determine the requirements of the Community and focus on needs, value, engagement and involvement."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The \$15,000 which has been budgeted in 2009/20110 will go towards funding Stage 1 of the project, which will include a Consultant's fee, guest speakers/cultural advisors, catering and promotion.

**COMMENTS:**

The project is designed to be a genuine community development initiative that engages the Vincent community in creating a vision for and developing a new community place. It is therefore important that decisions about the type of community artwork (e.g. mosaic, sculpture, etc) and any infrastructure elements (such as interpretive signage, seating and landscaping) to be incorporated into the Reconciliation Place are made only after Stage 1 (community visioning and place audit) have been completed. Full details and costing for subsequent stages will be developed at this time.

Stage 1 of the project has been designed to have clear, 'stand alone' community development outcomes, in terms of community education about local history and reconciliation themes, which ensures Stage 1 has value even if subsequent stages are not implemented. There are no construction costs in Stage 1.

If adopted this will be the first project of its kind in Perth. Once complete other councils in Perth may be interested in developing similar Reconciliation Place projects in their communities.

**9.4.2 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Leederville	<b>File Ref:</b>	TEN0390
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	J Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 1 June 2010, as shown in Appendix 9.4.2.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 1 June 2010.

**BACKGROUND:**

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

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

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

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

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATION:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENT:**

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

**9.4.3 Loftus Centre, 99 Loftus Street, Leederville – Management Committee**

<b>Ward:</b>	South	<b>Date:</b>	20 June 2010
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	PRO3829
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M. Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	J. Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the Loftus Centre Management Committee Meeting held on 18 May 2010, as shown in Appendix 9.4.3.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Centre Management Committee meeting held on the 18 May 2010.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 19 December 2006, Item 10.4.9 the Council approved of a Management Committee for the Loftus Centre, as follows:

**“OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) *pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to determine the day-to-day operational issues of the Loftus Centre, 99 Loftus Street, Leederville;*
- (ii) *the Committee shall comprise of the following persons;*
  - (a) *the Town's Chief Executive Officer or his representative;*
  - (b) *a representative of Belgravia Leisure Pty Ltd;*
  - (c) *a representative of Gymnastics WA;*
  - (d) *a representative of the Loftus Community Centre; and*
  - (e) *the Town's Manager Library and Information Services;*
- (iii) *in accordance with the Lease between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer (with the and Executive Manager Corporate Services as Deputy) to the Committee; and*

- (iv) *to delegate the following functions to the Committee;*
- (a) *to determine day to day operational issues (including without limitation, use of the Premises, Common Areas cleaning, security issues, and use of the car park) which may arise as a result of the Lessee's use of the Loftus Centre Facilities with a view to ensuring the safe and efficient use of the Centre's Facilities by all users;*
  - (b) *to establish and review risk management plans for the Centre's Facilities;*
  - (c) *to consider and approve, if satisfactory, temporary structures within the Centre's Facilities;*
  - (d) *to make recommendations for the maintenance of Common Areas;*
  - (e) *to make recommendations for any capital improvements to the Centre's Facilities; and*
  - (f) *to do all such other things and to determine all such other issues in respect of the Centre's Facilities as are incidental or conducive to the above objects or any of them."*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY**

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

**STRATEGIC IMPLICATIONS:**

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014:

*"Key Result Area Four – Leadership, Governance and Management - Objective 4.1: Provide Good Strategic Decision-Making, Governance, Leadership And Professional Management:  
4.1.2 Manage the organisation in a responsible, efficient and accountable manner."*

**SUSTAINABILITY IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A.

**COMMENTS:**

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

**9.4.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	16 June 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 22 June 2010, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 22 June 2010 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Water Corporation regarding Storm Occurrences on 22 March 2010 and 13 May 2010 and the Town’s query regarding the Water Corporation’s drainage maintenance practices
IB02	Letter from WALGA regarding Approvals and Related Reforms (Planning) Bill 2009
IB03	Letter from the Western Australian Planning Commission regarding Town Planning Scheme No. 1 Amendment No. 28
IB04	Letter of Appreciation from Mrs S. & Mr J. Bowles of Perth regarding the Carers Appreciation Lunch
IB05	Conference: 17 <sup>th</sup> Telstra Australasian – Oceania Swimming Professionals Convention & Trade Expo 2010
IB06	Confirmed Minutes of Safer Vincent Crime Prevention Partnership Meeting held on 14 April 2010
IB07	Minutes of the State Council Summary Meeting held on June 2010

**9.1.8 No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn – Paddington Alehouse – Review of Conditions Imposed by the Department of Racing, Gaming and Liquor**

<b>Ward:</b>	North	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	Mount Hawthorn Centre; P3	<b>File Ref:</b>	ENS0053; PHI0362
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	S Teymant, Acting Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *SUPPORTS the application made by the Paddington Alehouse located at No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn, to the Department of Racing, Gaming and Liquor, requesting removal or amendment of ~~twelve (12)~~ of the ~~sixteen (16)~~ conditions imposed on the Venue's liquor licence, under the provisions of Section 117(4) of the Liquor Control Act 1988 on 8 September 2005, as follows; and*

*(1) Removal of conditions due to duplication with Department of Racing, Gaming and Liquor Policy requirements:*

- Condition Nos. 1, 3, 4, 9 and 16;*

*(2) Amendment of current conditions due to development of specific, alternate solutions demonstrated by the Paddington Alehouse:*

- Condition Nos. 2, 7 and 8;*

*(3) Amendment of condition No. 5 to eliminate the need for the Paddington Alehouse to provide two security personnel to patrol the streets within 250 metres of the venue, from one hour before closing until one hour after closing and a further one hour to monitor the carpark, except for the following instances:*

- Friday, Saturday and Sunday nights;*
- Trading hours where Extended Trading Permits apply;*
- Trading day preceded by a Public Holiday;*
- Any trading period where it is anticipated that more than 200 patrons are likely to attend the premises; and*
- At any time during operation where the crowd reaches a capacity of 200 patrons, even if the eventuality of such a capacity could not have been reasonably anticipated;*

*(4) Removal of conditions considered obsolete due to alternate solutions:*

- Condition Nos. 12 and 14;*

*(5) Removal of condition due to lack of demonstrated effectiveness:*

- Condition No. 11; and*

*(6) Removal of condition due to the lack of obligation:*

- Condition No. 13;*

*(ii) NOTES that:*

*(a) the Town reserves the right in accordance with Section 69 of the Liquor Control Act 1988, to make an application to the Director Liquor Licensing, for restrictions or conditions to be imposed or reinstated on the Venue's liquor licence, should a justifiable need arise; and*

(b) the Vincent Accord will continue to gauge and measure the impact of licensed premises on surrounding communities and devise appropriate strategies to address the community's needs; and

(iii) ADVISES the Department of Racing, Gaming & Liquor and the Paddington Alehouse' Licensee of the Council's Decision.

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

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**Moved** Cr Farrell, **Seconded** Cr Lake

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT NO 1

**Moved** Cr Burns, **Seconded** Cr Harvey

*That clause (i)(3) be amended to read as follows:*

*“(i)(3) Amendment of condition No. 5 to eliminate the need for the Paddington Alehouse to provide two security personnel to patrol the streets within 250 metres of the venue, from one hour before closing until one hour after closing and a further one hour to monitor the carpark, except for the following instances:*

- Friday, Saturday and Sunday nights;*
- Trading hours where Extended Trading Permits apply;*
- Trading day proceeded by a Public Holiday;*
- Any trading period where it is anticipated that more than 200 patrons are likely to attend the premises; and*
- At any time during operation where the crowd reaches a capacity of 200 patrons, ~~even if~~ the eventuality of such a capacity could not have been reasonably anticipated;”*

**AMENDMENT NO 1 PUT AND LOST (4-5)**

**For:** Mayor Catania, Cr Burns, Cr Harvey, Cr Topelberg

**Against:** Cr Buckels, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier

AMENDMENT NO 2

**Moved** Cr McGrath, **Seconded** Cr Maier

*That clause (i)(3) be amended to read as follows:*

*“(i)(3) Amendment of condition No. 5 to eliminate the need for the Paddington Alehouse to provide two security personnel to patrol the streets within 250 metres of the venue, from one hour before closing until one hour after closing and a further one hour to monitor the carpark, except for the following instances:*

- Friday, Saturday and Sunday nights;*
- Trading hours where Extended Trading Permits apply;*
- Trading day proceeded by a Public Holiday;*
- Any trading period where it is anticipated that more than 200 patrons are likely to attend the premises; and*
- At any time during operation where the crowd reaches a capacity of 200 patrons, ~~even if~~ unless the eventuality of such a capacity could not have been reasonably anticipated;”*

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (0-9)**

**MOTION PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.8**

*That the Council;*

- (i) *SUPPORTS the application made by the Paddington Alehouse located at No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn, to the Department of Racing, Gaming and Liquor, requesting removal or amendment of conditions imposed on the Venue's liquor licence, under the provisions of Section 117(4) of the Liquor Control Act 1988 on 8 September 2005, as follows:*
- (1) *Removal of conditions due to duplication with Department of Racing, Gaming and Liquor Policy requirements:*
    - *Condition Nos. 1, 3, 4, 9 and 16;*
  - (2) *Amendment of current conditions due to development of specific, alternate solutions demonstrated by the Paddington Alehouse:*
    - *Condition Nos. 2, 7 and 8;*
  - (3) *Amendment of condition No. 5 to eliminate the need for the Paddington Alehouse to provide two security personnel to patrol the streets within 250 metres of the venue, from one hour before closing until one hour after closing and a further one hour to monitor the carpark, except for the following instances:*
    - *Friday, Saturday and Sunday nights;*
    - *Trading hours where Extended Trading Permits apply;*
    - *Trading day preceded by a Public Holiday;*
    - *Any trading period where it is anticipated that more than 200 patrons are likely to attend the premises; and*
    - *At any time during operation where the crowd reaches a capacity of 200 patrons, even if the eventuality of such a capacity could not have been reasonably anticipated;*
  - (4) *Removal of conditions considered obsolete due to alternate solutions:*
    - *Condition Nos. 12 and 14;*
  - (5) *Removal of condition due to lack of demonstrated effectiveness:*
    - *Condition No. 11; and*
  - (6) *Removal of condition due to the lack of obligation:*
    - *Condition No. 13;*
- (ii) *NOTES that:*
- (a) *the Town reserves the right in accordance with Section 69 of the Liquor Control Act 1988, to make an application to the Director Liquor Licensing, for restrictions or conditions to be imposed or reinstated on the Venue's liquor licence, should a justifiable need arise; and*
  - (b) *the Vincent Accord will continue to gauge and measure the impact of licensed premises on surrounding communities and devise appropriate strategies to address the community's needs; and*
- (iii) *ADVISES the Department of Racing, Gaming & Liquor and the Paddington Alehouse' Licensee of the Council's Decision.*

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of a submission made by the Licensee of the Paddington Alehouse to the Director Liquor Licensing and the Town of Vincent, seeking removal of conditions imposed on the Paddington Alehouse' Liquor License on 8 September 2005.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 3 November 2009, a petition (Item 5.1) was reported and is detailed as follows:

*“5.1 A part petition was received from Mr J Pintabona of Fairfield Street, Mount Hawthorn, along with 26 initial signatures received 25 October 2009 and a further 88 signatures received 30 October 2009, concerning the Paddington Alehouse, Mount Hawthorn RGL.”*

As a result of the petition, the Town's Officers reported the matter to the Ordinary Meeting of Council held on 17 November 2009. The Council resolution is detailed below:

*“That the Council;*

- (i) RECEIVES the report regarding the Paddington Alehouse, located at No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn, in response to the petition tabled at the Ordinary Meeting of Council held on 3 November 2009, which detailed concerns relating to an application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor to have a number of conditions (imposed under the provisions of Section 117 of the Liquor Licensing Act 1988 [now the Liquor Control Act 1988]) removed from the Paddington Alehouse's liquor licence;*
- (ii) NOTES that the Town has not yet been referred this application, and has been advised that this application has been placed “on hold” by the Department of Racing, Gaming and Liquor;*
- (iii) OBJECTS to any application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor, requesting removal of the following conditions that were imposed under the provisions of Section 117(4) of the Liquor Licensing Act 1988 on 8 September 2005:*
  - (a) Conditions 1, 2 & 5 – Crowd controllers and security personnel;*
  - (b) Conditions 3 & 4 – Video surveillance;*
  - (c) Condition 6 – Maximum numbers;*
  - (d) Conditions 7, 8 & 14 – Litter and waste management;*
  - (e) Condition 9 – Incident registers;*
  - (f) Condition 10 – Refused entry of patrons;*
  - (g) Condition 12 – Contact telephone numbers to be provided to residents;*
  - (h) Condition 13 – Residential parking on Fairfield Street;*
  - (i) Condition 15 – Training of staff in the responsible service of alcohol;*
  - (j) Condition 16 – Sale of packaged liquor; and*
  - (k) Condition 17 – Approved manager present on Friday and Saturday nights;*  
*and*

- (iv) *SUPPORTS any application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor, requesting removal of the following condition that was imposed under the provisions of Section 117(4) of the Liquor Licensing Act 1988 on 8 September 2005 (see attachment for conditions):*
- (a) *Condition 11 – That ‘the licensee is to facilitate quarterly meetings with residents, to which the police and Town of Vincent should be invited and a copy of the minutes are to be lodged with this office’, for the following reasons:*
- (1) *These meetings have not achieved proactive and positive outcomes at all times;*
- (2) *The Town has been the only agency in attendance at all meetings since the inception of this condition; however, has no legal authorisation over liquor matters, therefore the level of professional objective advice provided on liquor matters by appropriate enforcement agencies is minimal; and*
- (3) *This condition does not bind the Department of Racing, Gaming and Liquor which is responsible for determining applications and other matters relating to liquor licensing and for monitoring compliance of liquor operators; and*
- (v) *ADVISES the Department of Racing, Gaming & Liquor, the licensee of the Paddington Alehouse and petitioners of the Council’s Decision.”*

**DETAILS:**

As detailed in the report to the Council at the Ordinary Meeting held on 17 November 2009 regarding the Paddington Alehouse's initial request for 16 conditions to be removed from their liquor license, the Town's Officers at the time expressed the following view:

*"The Town's Officers are of the view that these conditions should be preserved to protect the amenity of the Mount Hawthorn area and maintain a balance between the Paddington Alehouse and residents. The Town has recently launched the Vincent Accord Strategy 2009- 2011 which is designed to protect the interests of licensed premises, residents, businesses and authorities. It is recognised that the Paddington Alehouse is a signatory of the Vincent Accord; however the interests of all parties must be taken into account in order to achieve a balanced outcome. It is clear in this circumstance what the residents' interests are as they have actively lobbied this to the Town.*

*The Town's Officers therefore recommend that Council object to the removal of all conditions except Condition 11 – Residents meetings."*

The previous report to the Council at the Ordinary Meeting held on 17 November 2009 took into account limited information provided by the Licensee, for the Town's consideration at the time. Due to the combination of flimsy information being provided by the applicant at the time, and strong public objection, the Town's Officers were compelled to recommend that the application not be supported (except for condition number 11).

However, the amount of well considered, well researched information provided in the recent submission, has resulted in the Town's Officers reconsidering the Paddington Alehouse' request to have a number of their Liquor Licence conditions altered, being viewed more favourably. The following table details Officer comments in relation to the recent application by the Paddington Alehouse to have conditions on their liquor license rationalised:

<b>Section 117 Condition</b>	<b>Paddington Alehouse Comments</b>	<b>Officer Comments</b>
<p>Condition 1</p> <p>Crowd controllers and security personnel – specifies ratio of licensed crowd controllers.</p>	<ul style="list-style-type: none"> <li>• Security staff will have better ongoing training and skills development.</li> <li>• The role and responsibility of security staff will be communicated to patrons.</li> </ul>	<p>Recommend final determination be made by the Director Liquor Licensing.</p>
<p>Condition 2</p> <p>Crowd controllers and security personnel – security to monitor the behaviour of patrons arriving and departing from 8pm until one hour after trading ceases.</p>	<ul style="list-style-type: none"> <li>• All patrons depart the hotel and immediate area within half an hour of close of business.</li> <li>• A sign will be erected near exits asking patrons to respect neighbours.</li> <li>• CCTV cameras will be increased from 7 to 9.</li> <li>• Public announcements will be made after the conclusion of live performances.</li> <li>• Introduction of 'Looking for Idiots' campaign.</li> </ul>	<p>No objection to the amendment of the current condition from one hour to half an hour after trading ceases. Proactive initiatives detailed by the Paddington Alehouse, if maintained, should help address patron behaviour/mindset from the moment they approach the venue, until the moment they leave.</p>
<p>Condition 3</p> <p>Video surveillance in operation from 8pm until one hour after trading ceases</p>	<ul style="list-style-type: none"> <li>• The installed CCTV system exceeds Minimum Standards and operates for longer hours.</li> <li>• 'Looking for Idiots' campaign signs will be located near cameras.</li> </ul>	<p>Should the Director Liquor Licensing agree that the condition is a duplication of existing requirements, detailed in association with the Act, then the Town's Officers have no objection to removal of the condition, as specified on the Venue's liquor licence.</p>
<p>Condition 4</p> <p>CCTV images to be retained for 14 days and available for removal by authorities</p>	<ul style="list-style-type: none"> <li>• This condition is considered to be in the public interest; however, it also duplicates the requirements of Policy bound by the Act and, therefore, the applicant seeks its removal from the licence.</li> </ul>	<p>No objection to removal of the condition, should the Director Liquor Licensing agree that it is a duplication of existing requirements under the Act.</p>

<b>Section 117 Condition</b>	<b>Paddington Alehouse Comments</b>	<b>Officer Comments</b>
<p>Condition 5</p> <p>Two security personnel to patrol the streets within 250 metres from one hour before closing until one hour after and a further one to monitor the carpark.</p>	<ul style="list-style-type: none"> <li>• This is considered to be unnecessarily onerous for every night of the week.</li> <li>• The condition should be changed to include Friday and Saturday nights and on nights when Extended Trading Permits are in force.</li> <li>• One hour after closing should be reduced to half an hour.</li> </ul>	<p>No objection to the amendment of the condition, to only require security patrols on Friday, Saturday and Sunday nights, trading hours where Extended Trading Permits apply, and trading days, proceeded by a Public Holiday.</p>
<p>Condition 6</p> <p>Maximum numbers</p>	<ul style="list-style-type: none"> <li>• No change proposed.</li> </ul>	<p>Condition to be retained.</p>
<p>Condition 7</p> <p>Staff to collect litter within 250 metres from 8pm until 2am the morning after Friday and Saturday nights.</p>	<ul style="list-style-type: none"> <li>• A single litter round should take place the following morning.</li> </ul>	<p>No objection to amalgamation of conditions 7 and 8 for morning patrols. Collection of litter during daylight will ensure better identification of litter and ensure no disturbances to neighbours after-hours. In addition, the Town's Officers have OS&amp;H concerns for late night waste collection personnel.</p>
<p>Condition 8</p> <p>Collect glass and litter from the surrounding area each morning.</p>	<ul style="list-style-type: none"> <li>• This condition seems to duplicate the previous condition.</li> <li>• This task is more suited to daylight hours without the need for torches.</li> <li>• Conditions 7 and 8 should be combined.</li> </ul>	<p>No objection to amalgamation of conditions 7 and 8 for morning patrols.</p>
<p>Condition 9</p> <p>Maintain an incident register for occurrences that impact on residents.</p>	<ul style="list-style-type: none"> <li>• This is a standard requirement of the Act and associated policies.</li> </ul>	<p>No objection to removal of the condition due to duplication of existing requirements.</p>
<p>Condition 10</p> <p>Patrons seen to be consuming liquor on the street prior to entry are to be refused entry.</p>	<ul style="list-style-type: none"> <li>• No changes are sought.</li> </ul>	<p>Condition to be retained.</p>
<p>Condition 11</p> <p>Quarterly meeting with residents.</p>	<ul style="list-style-type: none"> <li>• These have been held since imposed, however RGL, the Police and the Town no longer attend and only a few residents attend.</li> <li>• Council has endorsed this change.</li> </ul>	<p>Condition removal supported as detailed in Council Decision Item 9.1.13 from OMC 17 November 2009.</p>

Section 117 Condition	Paddington Alehouse Comments	Officer Comments
Condition 12 Provide residents with contact telephone numbers for the head of security and approved manager.	<ul style="list-style-type: none"> <li>This condition is duplicated by the code of the Vincent Accord.</li> </ul>	No objection to removal of the condition. The Paddington Alehouse does this as a Vincent Accord member in any event.
Condition 13 Provide signage on Fairfield Street that parking is restricted to residents only on the western side.	<ul style="list-style-type: none"> <li>This condition has been complied with and is now the responsibility of the Town.</li> </ul>	No objection to removal of the condition. The Town oversees maintenance of this signage.
Condition 14 Binning of glass not to occur after 9pm or before 9am.	<ul style="list-style-type: none"> <li>This practice would be in breach of the <i>Environmental Protection (Noise) Regulations 1997</i> and therefore does not need to remain on the licence.</li> <li>Glass crushers have now been installed and operate at 46dB.</li> </ul>	No objection to removal of the condition. The glass crusher method results in glass being crushed in internal bar areas. This method is quieter and safer and proves to be a far better method of managing large quantities of glass waste produced on the premises.
Condition 15 Packaged liquor sales prohibited after 11pm on Friday and Saturday nights.	<ul style="list-style-type: none"> <li>No change proposed.</li> </ul>	Condition to be retained.
Condition 16 Approved manager present from 8pm to closing on Friday and Saturday nights.	<ul style="list-style-type: none"> <li>This condition is already a legal requirement.</li> </ul>	No objection to removal of the condition due to duplication of existing requirements.

As detailed in the above table, the Town's Officers have no objections to the amendment or removal of twelve (12) of the sixteen (16) conditions, currently stipulated on the Paddington Alehouse' Liquor Licence, subject to the Director Liquor Licensing being in agreement.

The Licensee of the Paddington Alehouse contracted a Strategic Planning Consultant to review the Hotel's operations and devise strategies to better manage the statutory obligations of the Licensee, and reduce adverse impacts on the surrounding community. A copy of the document is attached.

#### Complaint History

The Town's Licensed Premises Register reveals that no complaints regarding issues such as anti-social behaviour, poor litter control or street drinking have been received in relation to patrons of the Paddington Alehouse since 10 October 2008. The only incidents reported to the Town of Vincent since 10 October 2008 relate solely to noise emitted from amplified music at the premises. The most recent noise complaint received regarding the venue was lodged with the Town on 10 June 2010.

However, in accordance with recommendations detailed in an Acoustic Report provided by the Paddington Alehouse on 24 March 2010, it is expected that unreasonable amplified music noise emissions will be eliminated once all necessary acoustic attenuation works have been completed at the premises.

The Paddington Alehouse advised on 15 June 2010, that they are in the process of preparing a Building Licence Application, specific to improving noise containment within the venue, for submission to the Town's Planning, Building and Heritage Services, as well as being in the final stages of obtaining quotations to complete all of the non-building licence required works at the property.

**CONSULTATION/ADVERTISING:**

Not required by Town of Vincent Policy 4.1.5 – Community Consultation.

**LEGAL/POLICY:**

*Liquor Control Act 1988.*

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009 - 2014:

*'Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The Australian Government's Productivity Commission will this month release its draft Annual Review of Regulatory Burdens on Business - Business and Consumer Services. In the terms of reference of the review, the Commission are required to identify specific areas of regulation that are unnecessarily burdensome, complex or redundant, or duplicate regulations.

The Commission is entrusted with the role of increasing productivity. From a regulation perspective, overly burdensome, compounding requirements placed on industry can result in reduced productivity, and divert focus away from the most important regulatory requirements.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Officers are satisfied that the Licensee of the Paddington Alehouse has made a genuine, concerted effort to proactively review the operation of the Venue. A recent visit to the Paddington Alehouse by the Town's Officers corroborated this view, with a number of the proposed strategies detailed within the Licensee's submission, observed as having been already implemented.

Many of the tactics employed by the Paddington Alehouse are consistent with the Vincent Accord approach of devising proactive initiatives, focussed on promoting positive behavioural change within a specific target group. With the Paddington Alehouse being a popular venue for the 18-30 year old demographic, passive surveillance and thought provoking behavioural prompts (signage, broadcasts, etc) are considered to be a far more effective means at improving overall amenity of the area rather than relying on more prescriptive and reactive based approaches.

The Paddington Alehouse is an active participant of the Vincent Accord, and was a key player in ensuring that the Vincent Accord's, 'Party Bus Code of Conduct' was possible. The Town's Officers acknowledge that the Paddington Alehouse has much work to do to instil confidence with various members of the community, however also acknowledge that the recent strategies submitted to the Town of Vincent and Director Liquor Licensing are a significant step in the right direction.

Should the Paddington Alehouse become lax or renege on any of the initiatives/strategies detailed within this report, the Town reserves the right in accordance with Section 69 of the Liquor Control Act 1988, to make an application to the Director Liquor Licensing, for restrictions or conditions to be imposed or reinstated on the Venue's liquor licence accordingly.

**9.1.9 Car Parking Strategy Implementation Plan 2010 - 2018**

<b>Ward:</b>	Both Wards	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	-		
<b>Reporting Officers:</b>	T Woodhouse, Co-ordinator Strategic Planning J Maclean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **NOTES that:**

- (a) *the Car Parking Strategy Implementation Plan 2010 - 2018 was considered at length at the Council Member Forum held on 15 June 2010;*
- (b) *as a result of the discussions at the Forum, further preparatory work is required to be carried out, prior to proceeding with the Car Parking Strategy Implementation Plan 2010 - 2018; and*
- (c) *the indicative pricing provided by Luxmoore Parking Consultants on 30 April 2010, for assisting in the Car Parking Strategy Implementation Plan 2010 - 2018 as follows:*
  - 1. *undertaking updated surveys of parking demand in key high activity areas (\$20,000);*
  - 2. *assisting in the preparation and assessment of tender documentation for the supply, installation and maintenance of the proposed new ticketing machines (\$17,000);*
  - 3. *preparation of a “Way Finding” Package including concept design, detailed graphics schedule and a signage style manual for manufacturers (\$50,000); and*
  - 4. *on-going professional advice as required by the Town during the 2010 - 2011 Budget Period (\$290 per hour); and*

(ii) **REQUESTS that:**

- (a) *a Car Parking Publicity Strategy be prepared that provides the framework to appropriately publicise and address the key elements within the proposed Car Parking Strategy Implementation Plan 2010 - 2018;*
- (b) *a “Frequently Asked Questions and Answer Fact Sheet” be prepared that provides a clear rationale for the recommendations within the Car Parking Strategy, Precinct Parking Management Plans and Implementation Plan 2010 - 2018;*
- (c) *a position be determined at the workshop for further investigation and recommendations be made concerning the various matters raised by Council Members and also at the Council Member Forum held on 15 June 2010, including but not limited to:*
  - 1. *ticket machine locations;*
  - 2. *residential parking permits;*

3. *business parking permits;*
4. *Consultation and Publicity Strategy; ~~and~~*
5. *TravelSmart in the workplace;*
6. *provision of a free period at certain locations to ensure businesses are not adversely affected; and*
7. *acceptability of charging residential permits;*

*and for the matters listed in clauses (ii)(a), (b) and (c) be further considered at a Council Member and Officer workshop, to be held in no later than July 2010; and*

- (iii) *DEFERS the adoption of the Car Parking Strategy Implementation Plan 2010 - 2018 until the matter has been considered at the Workshop.*

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

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#### **COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Maier, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (9-0)**

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#### **FURTHER REPORT**

The Council considered a report in this regard at its Ordinary Meeting held on 8 June 2010, and resolved as follows:

*"That the item be DEFERRED to the Council Forum on 15 June 2010 and subsequently reported to the Ordinary Meeting of Council on 22 June 2010."*

In light of the above resolution, the item was presented to the Council Member Forum on 15 June 2010 by the Town's Manager Ranger and Community Safety, and Coordinator Strategic Planning. The presentation provided a context and rationale to the items listed in the Car Parking Strategy Implementation Plan 2010 - 2018 as outlined in the Car Parking Strategy and Precinct Parking Management Plans, further detail on the high priority items listed in the proposed Car Parking Strategy Implementation Plan 2010 - 2018 and then discussion of items that have been raised by Council Members preceding the item being considered and subsequently deferred at the Ordinary Meeting's of Council held on 11 May 2010, 26 May 2010 and 8 June 2010 respectively.

A list of the matters that were raised at the Council Member Forum on 15 June 2010 by Council Members will be prepared for consideration at the proposed workshop.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

Parking and Facilities Local Law 2007; and

Clause 3.12 of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014– Strategic Objectives: Natural and Built Environment:-

*“Objective 1.1: Improve and Maintain the Environment and Infrastructure:*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The long-term sustainability for the Town's current parking operations are questioned in the Car Parking Strategy Review Report that was adopted by the Council at its Ordinary Meeting held on 9 March 2010. The Strategy Review Report details methods in which the Town can affect a paradigm shift in its methods of providing and managing parking throughout the Town, with a view to achieving greater sustainability. These principles are supported further in the recommendations detailed in the Precinct Parking Management Plans and have been consolidated in the Car Parking Strategy Implementation Plan 2010 - 2018.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil. It should be noted that a deferment by approximately 4-6 weeks may affect the Draft Budget 2010/11.

**COMMENTS:**

It is considered essential that the matters raised by the Council Members be considered and addressed prior to the Car Parking Strategy Implementation Plan 2010 - 2018 being further considered by the Council.

**9.1.1 Further Report – No. 52 (Lot 3; STR 28487) Forrest Street, Mount Lawley- Proposed Home Occupation (Hairdresser) (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	Norfolk Precinct; P10	<b>File Ref:</b>	PRO4788; 5.2010.27.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Peter D Webb & Associates on behalf of the owner J & L Muia for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval), at No. 52 (Lot 3; STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 25 January 2010, for the following reasons:*

(a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, specifically;*

(1) *the hairdressing salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling;*

(2) *approval of the proposed development would create an undesirable precedent for other similar developments to encroach into Residential area;*

(3) *the hairdressing salon will attract customers on a regular and frequent basis to the dwelling;*

(4) *the non compliance with the objectives of the Town's Economic Development Strategy;*

(5) *the presence of non-compliant parking bays at the front of the converted carport within the property boundary; and*

(6) *consideration of the objections received;*

~~(b) *the development does not comply with the Town's home occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development, specifically:*~~

~~(1) *the hairdressing salon will attract customers on a regular and frequent basis to the dwelling;*~~

~~(2) *the hairdressing salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling; and*~~

~~(3) *the presence of non-compliant parking bays at the front of the converted carport within the property boundary;*~~

- ~~(c) approval of the proposed development would create an undesirable precedent for other similar developments to encroach into Residential areas;~~
- ~~(d) the non compliance with the objectives of the Town's Economic Development Strategy; and~~
- ~~(e) consideration of the objections received;~~
- (ii) **ADVISES** the applicant that;
- (a) *the bathroom, laundry and salon shall be removed and the carport reinstated as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the refusal notification; OR*
- (b) *within twenty days (28) days of the issue date of the refusal notification, a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989. The plans are to document the provision of two car parking bays, which are compliant with AS2890.1; and*
- (iii) **AUTHORISES** the Chief Executive Officer to proceed with legal proceedings should the above options not be complied with, within this twenty-eight (28) day period.

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

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**Moved Cr Lake, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (0-9)**

**Reasons:**

1. Low scale of proposed operation.
2. Ability to apply conditions to reduce the negative impact on surrounding community.

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Lake, Seconded Cr Maier**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner J & L Muia for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval), at No. 52 (Lot 3;STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp dated 25 January 2010, subject to:*

- (i) ***PRIOR TO THE FIRST OCCUPATION OF THE PREMISES, A BUILDING LICENCE APPLICATION, including the following, shall be submitted to and approved by the Town:***

(a) ***Parking***

*Revised plans to be provided for two car parking bays within the subject property compliant with AS 2890.1;*

(b) ***Legal Agreement***

*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 of the premises as a Home Occupation:*

- (1) *the Home Occupation shall not entail employment of any person not a member of the occupier's household;*
- (2) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*
- (3) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*
- (4) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (5) *the business shall not entail employment of any person not a member of the occupier's household;*
- (6) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*
- (7) *retail sale or display of goods of any nature shall not occur on the subject property;*
- (8) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*
- (9) *no parking permits for on-street parking are permitted as part of the Home Occupation use; and*
- (10) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property;*

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

(c) *Retrospective Building Certificate Application*

*Within twenty eight days (28) days of the issue date of the approval; a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by the Town of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989;*

(ii) *Home Occupation Use*

(a) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*

(b) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*

(c) *the business shall not entail employment of any person not a member of the occupier's household;*

(d) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*

(e) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*

(f) *retail sale or display of goods of any nature shall not occur on the subject property;*

(g) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*

(h) *no parking permits for on-street parking are permitted as part of the Home Occupation use;*

(i) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property; and*

(j) *a maximum of one wash basin is to operate at any one time for the Hairdressing use of the property; and*

(iii) *ADVISES the applicant that should the use of the property as a Home Occupation (Hairdresser) cease, the property owner/applicant shall;*

1. *advise the Town within seven (7) days of the cessation; and*

2. *remove the bathroom, laundry and salon and reinstate the carport as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the cessation of use.*

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Burns, Seconded Cr Lake**

*That clauses (i)(b)(3) and (ii)(a) be amended to read as follows:*

*“(i)(b)(3) the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, ~~one~~ two workstation and two associated chair, and inclusive of all storage areas;...*

*(ii)(a) the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, ~~one~~ two workstation and two associated chair, and inclusive of all storage areas;...”*

Debate ensued.

**AMENDMENT NO 1 PUT AND LOST (3-6)**

**For:** Cr Burns, Cr Harvey, Cr McGrath

**Against:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Lake, Cr Maier, Cr Topelberg

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Burns, Seconded Cr Lake**

*That clauses (i)(b)(6) and (ii)(e) be amended to read as follows:*

*“(i)(b)(6) a maximum of one client at any one time by appointment within the approved hours of operation, ~~up to a maximum four (4) clients in total per day,~~ is permitted to visit the premises...;*

*(ii)(e) a maximum of one client at any one time by appointment within the approved hours of operation, ~~up to a maximum four (4) clients in total per day,~~ is permitted to visit the premises...;”*

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (3-6)**

**For:** Mayor Catania, Cr Burns, Cr Lake

**Against:** Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Burns, Seconded Cr McGrath**

*That clause (ii)(j) be deleted.*

**AMENDMENT NO 3 PUT AND CARRIED (9-0)**

**ALTERNATIVE MOTION AS AMENDED PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.1**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner J & L Muia for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval), at No. 52 (Lot 3;STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp dated 25 January 2010, subject to:*

(i) ***PRIOR TO THE FIRST OCCUPATION OF THE PREMISES, A BUILDING LICENCE APPLICATION, including the following, shall be submitted to and approved by the Town:***

(a) ***Parking***

*Revised plans to be provided for two car parking bays within the subject property compliant with AS 2890.1;*

(b) ***Legal Agreement***

*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 of the premises as a Home Occupation:*

- (1) *the Home Occupation shall not entail employment of any person not a member of the occupier's household;*
- (2) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*
- (3) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*
- (4) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (5) *the business shall not entail employment of any person not a member of the occupier's household;*
- (6) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*
- (7) *retail sale or display of goods of any nature shall not occur on the subject property;*
- (8) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*
- (9) *no parking permits for on-street parking are permitted as part of the Home Occupation use; and*

(10) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property;*

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

(c) **Retrospective Building Certificate Application**

*Within twenty eight days (28) days of the issue date of the approval; a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by the Town of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989;*

(ii) **Home Occupation Use**

(a) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*

(b) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*

(c) *the business shall not entail employment of any person not a member of the occupier's household;*

(d) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*

(e) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*

(f) *retail sale or display of goods of any nature shall not occur on the subject property;*

(g) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*

(h) *no parking permits for on-street parking are permitted as part of the Home Occupation use; and*

(i) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property; and*

(iii) **ADVISES** *the applicant that should the use of the property as a Home Occupation (Hairdresser) cease, the property owner/applicant shall;*

1. *advise the Town within seven (7) days of the cessation; and*

2. *remove the bathroom, laundry and salon and reinstate the carport as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the cessation of use.*

**FURTHER REPORT:**

The applicant, Peter D Webb and Associates, have advised the Town's Officers that their client requests that the item be determined at the next available Ordinary Meeting of the Council to be held on 22 June 2010. No additional information has been furnished by the applicant, hence, the Officer Recommendation for refusal, remains unchanged.

The Council considered the subject application at its Ordinary Meeting held on 11 May 2010 and resolved as follows:

*"That the item be DEFERRED at the request of the applicant."*

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 11 May 2010:

*"OFFICER RECOMMENDATION:*

*That the Council;*

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Peter D Webb & Associates on behalf of the owner J & L Muia for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval), at No. 52 (Lot 3; STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 25 January 2010, for the following reasons:*
  - (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) the development does not comply with the Town's home occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development, specifically:*
    - (1) the hairdressing salon will attract customers on a regular and frequent basis to the dwelling;*
    - (2) the hairdressing salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling; and*
    - (3) the presence of non-compliant parking bays at the front of the converted carport within the property boundary;*
  - (c) approval of the proposed development would create an undesirable precedent for other similar developments to encroach into Residential areas;*
  - (d) the non compliance with the objectives of the Town's Economic Development Strategy; and*
  - (e) consideration of the objections received;*

- (ii) *ADVISES the applicant that;*
- (a) *the bathroom, laundry and salon shall be removed and the carport reinstated as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the refusal notification; OR*
  - (b) *within twenty days (28) days of the issue date of the refusal notification, a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989. The plans are to document the provision of two car parking bays, which are compliant with AS2890.1; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above options not be complied with, within this twenty-eight (28) day period.*

*The Presiding Member, Mayor Catania advised the Council that the Applicant had submitted a letter, advising that he was unable to attend the meeting and requesting the item be Deferred.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr McGrath, Seconded Cr Lake

*That the item be DEFERRED at the request of the applicant.*

MOTION PUT AND CARRIED ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: *Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Buckels, Cr Lake, Cr McGrath*

Against: *Cr Farrell, Cr Harvey, Cr Maier, Cr Topelberg*

*(Cr Burns was on approved leave of absence.)*

<i>Landowner:</i>	<i>J &amp; L Muia</i>
<i>Applicant:</i>	<i>Peter D Webb &amp; Associates</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Grouped Dwelling</i>
<i>Use Class:</i>	<i>Home Occupation</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1012 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

26 April 1994                      *The City of Perth granted approval for the construction of two grouped dwellings to the rear of the existing dwelling.*

8 September 2009                *The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) for the following reasons:*

- “(a) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) does not comply with the Town’s Home Occupation requirements as outlined in the Town’s Policy No. 3.5.1 relating to Minor Nature Development, specifically:*
  - (1) the hairdresser salon will attract customers on a regular and frequent basis to the dwelling;*
  - (2) the hairdresser salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling;*
  - (3) the hairdressing salon will occupy an area greater than 20 square metres;*
- (c) approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and*
- (d) consideration of the objections received.”*

15 December 2009                *The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) for the following reasons:*

- “(a) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) does not comply with the Town’s Home Occupation requirements as outlined in the Town’s Policy No. 3.5.1 relating to Minor Nature Development, specifically:*
  - (1) the hairdresser salon will attract customers on a regular and frequent basis to the dwelling;*
  - (2) the hairdresser salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling;*
  - (3) the hairdressing salon will occupy an area greater than 20 square metres;*

- (c) *approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and*
- (d) *consideration of the objections received.*

*Advises the applicant that:*

- (a) *the bathroom, laundry and salon shall be removed and the carport reinstated as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the refusal notification; OR*
- (b) *within twenty eight (28) days of the issue date of the refusal notification, a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989. The plans are to document the provision of two car parking bays, which are compliant with AS2890.1; and*
- (iii) *Authorises the Chief Executive Officer to proceed with legal proceedings should the above options not be complied with this twenty-eight (28) day period.”*

**DETAILS:**

*The proposal is for reconsideration of the Council’s decision made at its Ordinary Meeting held on 15 December 2009, for a proposed Home Occupation (Hairdresser) (Application for Retrospective Approval).*

*Following the Ordinary Meeting of Council held on 15 December 2009, the applicant has reapplied for the Home Occupation use and engaged the services of a Planning Consultant (Peter Webb & Associates) to submit amended plans and justification for the proposal on their behalf.*

*The applicant has provided the following information and justification for the proposed use:*

*“This application seeks approval for a Home (hairdressing) Occupation from a converted carport on the subject property. Planning approval is retrospectively sought for this Home Occupation, pursuant to Clause 34 of TPS 1. On site parking is accommodated on the brick paved driveway in front of the enclosed carport. The driveway is a sufficient width for two vehicles to be parked side by side within the property boundaries. The driveway has an approximate length of 6.0 metres (measured from the carport to the driveway gates) and a width of 5.5m. One (1) hairdresser works from the Home Occupation, being the resident and owner of the subject property. No staff are employed. The owner (Mrs Muia) operates the hairdressing service from Wednesday to Saturday (inclusive) generally (but not consistently) between the hours of 10:00am and 4:00pm.*

*The hairdressing appointments are scheduled and appropriately spaced during the stated hours of operation to ensure that only one client is present at the business at any given time. (Occasionally, members of the owners' family may have their hair done outside of these hours, but these are non paying 'clients' and therefore don't (and can't) be considered as part of the Home Occupation business.*

*In the previous application lodged, the assessments undertaken by the Town raised concern regarding the extent and scale of the business. This concern appears to be largely due to the fit-out of the converted carport, which suggests to a larger scale hairdressing option being undertaken, than what is proposed.*

*In this regard the applicant advises that the resident in the past operated a successful hairdressing salon from a shop located at 5/400 Fitzgerald Street, North Perth. This salon has now closed. The fittings from the salon including the chairs and wash basins were all owned by the resident of this property. These fittings have simply been installed in the converted carport. Only a single station will be used at one time. The applicant simply wanted to retain this furniture and had room to install all into the converted carport.*

*Notwithstanding this, rather than the Town speculating about the scale of this operation, it is considered to be a far more reasonable and justified approach of the Town to impose a condition on the retrospective use approval to restrict the home occupation to one hairdresser being permitted to operate a single client at any one time."*

*The applicant has further argued that the proposal meets the Home Occupation requirements and will not detrimentally affect the existing character of the area. To further illustrate this, the applicant has outlined and responded to each point of the Home Occupation requirements and justified how each point is satisfied.*

*On 15 April 2010, the applicant, in response to the objections received during the Community Consultation, has noted the following:*

- *"The area used for the Home Occupation (hairdressing service) is 19m<sup>2</sup>. The two rooms at the rear of the converted garage are not associated with the Home Occupation Use. The storeroom and the shower room are for the private use of the residents, as noted on the floor plan submitted with the application.*
- *There are two wash basins and two chairs provided.*
- *Only one hairdresser (the landowner) works from the Home Occupation.*
- *There is adequate area for two required car bays on the property. Both of the residents park their vehicles on the brick paved driveway within the property boundaries. The paved verge is for visitors to the property (as is the case for visitors to the property).*
- *The Home Occupation operates outside of peak traffic times, from Wednesday to Saturday between the hours of 10am to 4pm. The only people leaving the premises outside of these hours are visitors or family members of the residents of the dwelling.*
- *The two residents comfortably park their vehicles on the brick paved driveway of the residence within the property boundaries. The Home Occupation on average attracts one vehicle at any one time which can more than comfortably be parked on the verge for the short time within which the visiting client will be present at the home. Alternatively, visiting clients are able to park on the property if one of the owner's is away, or is parked on the verge, themselves."*

*The applicant's full submission is "Laid on the Table and as attachment 002".*

*The applicant has also stated the presence of a number of commercial activities within the residential zone. These include a hairdresser operating in Forrest Street, a child care centre located in Forrest Street, Deering MJ Travel Consultants in Forrest Street, and a Marriage Counselling Service in Hyde Street.*

*A site inspection of the property was undertaken in May 2010 with the following points noted:*

- *One chair available in the Salon for use by clients;*
- *One wash basin available with one wash basin not in service; and*
- *One small car parked within the property with the entry gates open.*

**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>Minor Nature Development Policy No. 3.5.1 (xvii) Home Occupations</i>	<i>Does not attract customers or regular and frequent deliveries of goods or equipment to the site.</i>	<i>Proposed Hours of Operation:  Wednesday to Saturday- 10am – 4pm</i>	<i>Not Supported – The proposal would attract customers on an hourly basis during the proposed hours of operation.</i>
	<i>Does not entail the retail sale, display or hire of goods of any nature.</i>	<i>The provision of (hairdressing) services (1 hairdresser proposed at any time)</i>	<i>Not Supported – The TOV Town Planning Scheme No. 1 defines ‘retail’ as the sale or hire of products, goods and services to the public generally. The provision of hairdressing is essentially a service which is not considered appropriate for this residential area and does not meet the intent of a Home Occupation.</i>
	<i>Will not result in the requirement for a greater number of parking facilities.</i>	<i>2 car bays provided on-site in front of converted carport.</i>	<i>Not Supported – This site accommodates 2 non compliant car bays (Technical Services has stipulated that these must comply with the Australian Standards). Clients would be required to utilise on-street car parking, which would restrict visitor car parking for the other two dwellings on the lot.</i>
<i>Building Setback</i>	<i>Eastern Boundary Wall (Retrospective)</i>	<i>Carport bricked in at eastern boundary.</i>	<i>Supported – The enclosure of the carport and the structure itself is not considered to impact on the adjoining property owner by virtue of restricting light or ventilation.</i>

<i>Consultation Submissions</i>		
<i>Support (0)</i>		<i>Noted.</i>
<i>Objection (4)</i>	<ul style="list-style-type: none"> <li>• <i>Issues with correct size of the premises- and whether the 2 rooms to the rear are included in the area used.</i></li>   <li>• <i>Number of Work Stations and wash basins proposed.</i></li>   <li>• <i>Whether the applicant received Approval for bathroom/laundry and salon.</i></li>   <li>• <i>How many persons employed on-site – Owner + employee?</i></li>   <li>• <i>Availability of Parking Space on-site and whether there is adequate area to site car bays within the property.</i></li> </ul>	<p><i>Not Supported - The two rooms are not included in the calculation of area of the Home Occupation. The applicant has stated in their submission that the owners are willing, as part of any approval, to remove any access into the storage areas to ensure compliance. A condition would be imposed in the event of approval.</i></p> <p><i>Not Supported – Two wash basins and two chairs are proposed. The applicant has stated they are willing, as a condition of approval, for one hairdresser to operate with one client, at any one time. Therefore, a condition would be imposed in the event of approval.</i></p> <p><i>Supported - The application is for a Retrospective Approval of a (Hairdressing) Home Occupation, and therefore no approval has been granted for the use.</i></p> <p><i>Not Supported - The applicant has stated that only one employee works on the premises. Where that employee is not available, another owner can takeover if required.</i></p> <p><i>Supported – The proposed parking does not comply with the Australian Standards for Parking, with the requirement for two compliant bays being available in front of the converted carport.</i></p>

	<ul style="list-style-type: none"> <li>• <i>Hours of Operation- 24 hours per week from 10am – 4pm and issues with people leaving after these allocated times.</i></li> <li>• <i>Parking- Lack of on-site parking forces owners and clients to park on street.</i></li> <li>• <i>Traffic disruption on-site and in area.</i></li> <li>• <i>Issues with the provision of Hairdressing services in a Residential Area attracting additional patronage to area and operating more like a Commercial business.</i></li> </ul>	<p><i>Noted. In the event that the use is approved, should the Town receive a complaint, that the applicant is not complying with the conditions of Planning Approval, the Town can take legal action under the Planning and Development Act 2005.</i></p> <p><i>Supported – Non-compliance with on-site car parking can result in visitors to the site using on-street parking.</i></p> <p><i>Supported – The lack of on-site parking, together with clients coming to the premises will marginally increase the numbers of cars in the area.</i></p> <p><i>Supported – The Town’s Economic Development Strategy 2005- 2010 discourages commercial type uses in Residential areas.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

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

**COMMENTS:**

*Retrospective Works*

*As previously noted in the agenda report to the Ordinary Meeting of Council held on the 15 December 2009, the structure whereby the Home Occupation is proposed, is located in an enclosed former carport.*

*The applicants have enclosed the former carport to create an area for a hairdressing salon, which includes a bathroom, a laundry, work stations and two hair wash basins. A search of the City of Perth and Town of Vincent Building Licence archives was previously undertaken which revealed that no Planning Approval or Building Licence, had been issued for the works, to enclose the carport, or for the internal salon fit-out. The enclosure of the carport to create the Hair dressing salon has resulted in there being no car parking bays on-site, which comply with AS2890.1.*

*In addition, Building Services have identified that in the event that the application is approved, a Form 8 Retrospective Building Approval would be required to ensure that the works were undertaken in accordance with the Building Code of Australia.*

*Home Occupation*

*The intent of Home Occupations, as per the Town's Policy, is to seek a balance between a normal Residential precinct that is quiet, attractive and aesthetically pleasing, whilst giving owners the opportunity to undertake small non-intrusive uses within their properties. However when the scale of a business does not achieve this balance, and becomes more of a commercial entity, it does not meet the intent of the Policy.*

*As has been previously discussed in the Assessment Table, the subject development proposes significant variations to the Town's Home Occupation requirements as outlined in the Town's Policy 3.5.1 relating to Minor Nature Development. The regular attendance of clients to the site and the associated non-compliance with the Parking requirements for the proposal is not considered appropriate for a residential area.*

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

**9.1.4 No. 47 (Lot 85, D/P 6064) Milton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Four (4) Two (2) Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	City of Stirling; P16	<b>File Ref:</b>	PRO5068; 5.2010.163.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the City of Stirling District Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application submitted by Broadway Homes Pty Ltd on behalf of the owner D V & P D & N & N Shah for proposed Demolition of Existing Single House and Construction of Four (4), Two (2) Storey Grouped Dwellings, at No. 47 (Lot 85, D/P 6064) Milton Street, Mount Hawthorn, and as shown on plans stamp-dated 19 April and 27 May 2010, subject to the following conditions:*

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *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 from Milton Street;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks and Property Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *any new street/front wall, fence and gate within the Brady and Milton Streets setback areas, including along the side boundaries within this street setback area, complying with the City of Stirling Policy N101425 relating to Streetscape (including Fencing); and*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
  - (a) **Construction Management Plan**

*A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:*

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method and de-watering (if applicable);*
9. *waste management and materials re-use;*

10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town.*

(b) *Landscaping and Reticulation Plan*

*A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- A. *the location and type of existing and proposed trees and plants;*
- B. *all vegetation including lawns;*
- C. *areas to be irrigated or reticulated and such method;*
- D. *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- E. *separate soft and hard landscaping plants (indicating details of materials to be used).*

*The Council encourages landscaping methods and species selection 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).*

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 7.17pm.

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

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

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<b>Landowner:</b>	D V & P D & N & N Shah
<b>Applicant:</b>	Broadway Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban City of Stirling District Planning Scheme No. 2: Residential R50
<b>Existing Land Use:</b>	Existing Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	842 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

5 February 2010 The Western Australian Planning Commission conditionally approved a survey strata subdivision for four grouped dwellings.

**DETAILS:**

The proposal involves the demolition of the existing single house and the construction of four (4), two-storey grouped dwellings.

This application is being referred to the Council as it involves more than two (2) dwellings.

The applicant has submitted justification (attached) in support of the non-compliant issues for the proposal, which is also "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments</b>
<b>Plot Ratio:</b>	N/A	N/A	Noted.
<b>Front Setbacks:</b> <i>Unit 1 - Ground Floor</i>	4 metres as per R50 requirement of R-Codes.	Unit 1 family room is setback 3.57 metres from Milton Street.	Supported – As per R50 zoning, the average setback to Milton Street is 4 metres with a minimum setback to Milton Street of 2 metres, as per table 1 of the R-Codes. As the average achieved for unit 1 is 4 metres, this is acceptable.
<i>Unit 2 – Ground Floor</i>	4 metres as per R50 requirement of R-Codes.	Unit 2 Powder room is setback 3.8 metres from Milton Street.	Supported – As per R50 zoning, the average setback to Milton Street is 4 metres with a minimum setback to Milton Street of 2 metres, as per Table 1 of the R-Codes. As the average achieved for unit 2 is 4 metres, this is acceptable.
<b>Boundary Setbacks:</b> <b>Ground Floor</b> <i>Unit 3</i>			
Side (South) – Kitchen/Store	1.5 metres	1.455 metres	Supported – Minor variation and not considered to have an undue impact on the amenity of the adjoining property and no objection received from the neighbouring property.

<p><i>Unit 2</i></p> <p>Side (West) Family -</p> <p>Side (West) Laundry/Walk in Linen -</p> <p><i>Unit 4</i></p> <p>Side (South) Kitchen/Meals -</p>	<p>1.5 metres</p> <p>1 metre</p> <p>1.5 metres</p>	<p>0.928 metre</p> <p>0.953 metre</p> <p>1.383 metres</p>	<p>Supported – Not considered to have an undue impact on the amenity of the adjoining property and no objection received from the neighbouring property.</p> <p>Supported – Not considered to have an undue impact on the amenity of the adjoining property and no objection received from the neighbouring property.</p> <p>Supported – Not considered to have an undue impact on the amenity of the adjoining property and no objection received from the neighbouring property.</p>
<p><b>Buildings on Boundary:</b></p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>Four boundary walls proposed.</p> <p><i>Unit 1</i></p> <p>One Parapet Wall on Southern Boundary: Wall Height – 2.743 metres to 5.229 metres (average = 3.986 metres) Wall Length – Required: 2/3 = 10.38 metres Proposed length = 5.79 metres to 8.99 metres</p> <p><i>Unit 2</i></p> <p>One Parapet Wall on Southern Boundary: Wall Height – 2.743 metres Wall Length – Required: 2/3 = 9.98 metres Proposed length = 8.99 metres</p>	<p>Supported – As all parapet walls abut units within the site and not adjoining properties, the parapet walls are not considered to have an undue impact on the amenity of the site and the surrounding area.</p>

		<p><i>Unit 3</i></p> <p>One Parapet Wall on Northern Boundary: Wall Height – 2.743 metres Wall Length – Required: 2/3 = 10.38 metres Proposed length = 8.99 metres</p> <p><i>Unit 4</i></p> <p>One Parapet Wall on Northern Boundary: Wall Height – 2.743 metres Wall Length – Required: 2/3 = 9.98 metres Proposed length = 8.99 metres</p>	
<b>Minor Incursions into setback area</b>	Porch, balcony, verandah, chimney, or the equivalent may project not more than 1 metre into the street setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level.	<p><i>Unit 2</i></p> <p>Porch projects 1.07 metres into street setback area of Milton Street and is 11.6 percent of the frontage of the unit.</p>	Supported – The minor incursion does not detract from the character of the Milton Street streetscape and does not exceed 20 per cent of the frontage at any level.
<b>Essential Facilities:</b>	An enclosed lockable storage area, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.	<p><i>Unit 1</i></p> <p>Complies with dimensions and area but is not accessible from outside the dwelling.</p>	Supported – The applicant has amended the plans so that the storage area has a door in order to allow access from outside the dwelling.

<b>Consultation Submissions</b>	
Support (2)	<ul style="list-style-type: none"> <li>• Nil comments.</li> </ul>
Objection (1)	<ul style="list-style-type: none"> <li>• Request driveway be widened by one metre on each side so can still receive light.</li> </ul>
	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• Not Supported – If the driveway was widened by 1 metre either side, the current proposal would not comply with the minimum site area required for subdividing the block into four proposed lots. The proposal complies with the minimum driveway requirements, as per the R-Codes, being 3 metres wide for the driveway and a 500 millimetre landscaping strip either side to create clearance from the proposed units.</li> </ul>
	<ul style="list-style-type: none"> <li>• Current proposal will affect quality of life as will no longer be able to enjoy my indoor and outdoor living areas as well as reducing prospects of selling property.</li> </ul>
	<ul style="list-style-type: none"> <li>• Not Supported – The design is considered to have the least impact on neighbouring dwellings. The design incorporates the use of creative elevations and effective use of space, by providing adequate side setbacks to the adjoining properties of Nos. 35A-C Brady Street and No. 49 Milton Street. In addition, the proposal complies with minimum requirements for overshadowing, privacy setbacks, and courtyard spaces. Therefore, the proposal is considered to not have an unreasonable undue impact on the neighbouring properties.</li> </ul>
<b>Other Implications</b>	
Legal/Policy	City of Stirling District Planning Scheme No. 2 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
Sustainability Implications	Nil

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

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

**COMMENTS:**

**Demolition**

As the subject property is within the former City of Stirling area, no planning approval is required for demolition.

**Redevelopment**

Under the Zoning Table of the City of Stirling District Planning Scheme No. 2, more than two (2) grouped dwellings, in a medium density residential zone (R35 to R60 inclusive), is a "P" permitted use by the Scheme. The subject site at No. 47 Milton Street, Mount Hawthorn, is zoned Residential R50, and the proposed four (4) grouped dwellings comply with the minimum and average site area requirements. On 5 February 2010, the applicant received subdivision approval for four (4) grouped dwellings on the subject site from the Western Australian Planning Commission.

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

**9.1.3 No. 21 (Lot 1, D/P 2962) Bulwer Avenue, corner of Lincoln Street, Perth - Proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	Hyde Park Precinct; P12	<b>File Ref:</b>	PRO0009; 5.2010.129.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a> ; <a href="#">004</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by I Brownfield on behalf of the owner F Santalucia for proposed Demolition of Single House and Construction of Two (2), Two-Storey Grouped Dwellings, at No. 21 (Lot 1; D/P 2962) Bulwer Avenue, corner of Lincoln Street, Perth, and as shown on plans stamp-dated 11 June 2010, subject to the following conditions:*

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Bulwer Avenue and Lincoln Street;*
- (iv) *any new street/front wall, fence and gate within the Bulwer Avenue and Lincoln Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *first obtaining the consent of the owners of No. 19 Bulwer Avenue and No. 179 Lincoln 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. 19 Bulwer Avenue and No. 179 Lincoln Street in a good and clean condition; and*
- (vii) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
  - (a) **Construction Management Plan**  
*A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:*
    1. *public safety, amenity and site security;*
    2. *contact details of essential site personnel;*
    3. *construction operating hours;*

4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method and de-watering (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town.*

(b) **Landscaping and Reticulation Plan**

*A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- A. *the location and type of existing and proposed trees and plants;*
- B. *all vegetation including lawns;*
- C. *areas to be irrigated or reticulated and such method;*
- D. *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- E. *separate soft and hard landscaping plans (indicating details of materials to be used).*

*The Council encourages landscaping methods and species selection 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);*

(c) **Privacy Screening**

*the balcony and the sitting room windows to the sitting room on the western elevations, 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 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 179 Lincoln Street stating no objection to the respective proposed privacy encroachments;*

(d) **Corner Truncations**

*A truncation of 3 metres by 3 metres shall be provided at the corner of Bulwer Avenue and Lincoln Street at the owner's cost.*

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell returned to the Chamber at 7.20pm.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Lake**

*That the item be DEFERRED to enable the Council to investigate engaging a heritage architect to review the plans to obtain a better outcome.*

**PROCEDURAL MOTION PUT AND LOST (3-6)**

**For:** Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

**MOTION PUT AND CARRIED (8-1)**

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

**Against:** Cr Lake

**ADDITIONAL INFORMATION:**

The applicant has obtained a Building Inspection Report, which was prepared by BSP Construction Consultants on 27 November 2009. This Building Inspection Report is attached and indicates the general structural condition of the property and concludes with the following:

*“The property is in poor condition and will require extensive repairs. The cost of these repairs may outweigh their worth. A Registered Builder will need to perform the required repairs, however, at least three quotations should be obtained prior to selecting a suitable builder.”*

The applicant has also obtained a Structural Engineers Report, which was prepared by Marocchi Engineering Group on 20 November 2009. This Structural Engineers Report is attached and makes similar conclusions to the above Building Inspection Report.

A letter from the Heritage Council of Western Australia (HCWA), dated 22 June 2010, advising that the HCWA’s recommendation of entry of 1-21 Bulwer Avenue into the State Register of Heritage Places was not approved by the Minister for Heritage.

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<b>Landowner:</b>	F Santalucia
<b>Applicant:</b>	F Santalucia
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	546 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

13 November 1995 The Council at its Ordinary Meeting resolved to include the properties at Nos. 1-21 Bulwer Avenue, Perth (the Bulwer Avenue Precinct) onto the Town of Vincent Municipal Heritage Inventory (MHI).

18 March 1997 An application for demolition of existing single dwelling and construction of three grouped dwellings was deemed refused under delegated authority from the Council.

Commenced 2004 Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory.

As part of the Municipal Heritage Inventory Review, the Hocking Planning and Architecture Collaboration reaffirmed the heritage value of the Bulwer Avenue Precinct, inclusive of Nos. 1-21 Bulwer Avenue, as a Category A Conservation Essential, being a notable intact turn of the twentieth century development of detached houses.

June – August 2006 During the ten-week period of community consultation for the Municipal Heritage Inventory Review, objections were received from the owners of No. 1 and No. 21 Bulwer Avenue, Perth. Whilst noting the owner's objections, the Town's Officer still considered that both No. 1 and No. 21 Bulwer Avenue were important components of the Precinct.

7 November 2006 Under the *Heritage Council of Western Australia Act 1990*, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. As part of the MHI Review, the Town reconsidered the inclusion of the Bulwer Avenue Precinct (Nos. 1-21 Bulwer Avenue) onto the MHI and resolved as follows:

*'(i) NOTES the submission(s) received regarding the proposed inclusion of the place at No. 1 (Lots 48 and 49) and No. 21 (Lot 1) Bulwer Avenue, Perth, on the Town's Municipal Heritage Inventory;*

*(ii) INCLUDES the following places on the Town's Municipal Heritage Inventory as Management Category A - Conservation Essential:*

- (a) No. 3 (Lot 47) Bulwer Avenue, Perth;*
- (b) No. 5 (Lot 4) Bulwer Avenue, Perth;*
- (c) No. 9 (Lot 44) Bulwer Avenue, Perth;*
- (d) No. 11 (Lot 1) Bulwer Avenue, Perth;*
- (e) No. 13 (Lot 42) Bulwer Avenue, Perth;*
- (f) No. 15 (Lot 41) Bulwer Avenue, Perth;*
- (g) No. 17 (Lot 3) Bulwer Avenue, Perth;*
- (h) No. 19 (Lot 2) Bulwer Avenue, Perth; and*

*(iii) EXCLUDES the places at No. 1 (Lots 48 and 49) Bulwer Avenue, Perth and No. 21 (Lot 1) Bulwer Avenue, Perth from the Town's Municipal Heritage Inventory.'*

- 20 October 2009 The Town received a letter from the Heritage Council of Western Australia advising that it is considering the Bulwer Avenue Precinct, comprising the properties Nos. 1-21 Bulwer Avenue, Perth for possible entry onto the State Register of Heritage Places on an interim basis.
- 1 December 2009 The Council at its Ordinary Meeting resolved the following:
- “(i) RECEIVES the Heritage Council of Western Australia's Draft Assessment Documentation for the Bulwer Avenue Precinct dated October 2009 as contained in Attachment 001;*
  - (ii) ACKNOWLEDGES that at its Ordinary Meeting held on 7 November 2006 the Council resolved to EXCLUDE the places at No. 1 (Lots 48 and 49) Bulwer Avenue, Perth and No. 21 (Lot 1) Bulwer Avenue, Perth from the Town's Municipal Heritage Inventory, as part of the Town's Bulwer Avenue Precinct; and*
  - (iii) ADVISES the Heritage Council of Western Australia that;*
    - (a) it SUPPORTS the proposed interim listing of the Bulwer Avenue Precinct, comprising the properties Nos. 3-19 Bulwer Avenue, Perth on the State Register of Heritage Places; and*
    - (b) it DOES NOT SUPPORT the proposed interim listing of No. 1 (Lots 48 and 49) and No. 21 (Lot 1) Bulwer Avenue, Perth as part of the Bulwer Avenue Precinct, on the State Register of Heritage Places.”*
- At the same Ordinary Meeting, the Town's Officers prepared an agenda item for the Council's consideration of an application for the demolition of the existing single house and the construction of two (2), two-storey grouped dwellings. The Officer Recommendation was for refusal; however, the applicant withdrew the application prior to the meeting.
- 14 December 2010 The Town wrote to the Heritage Council of Western Australia (HCWA) advising them that the Council do not support the inclusion of No. 1 and 21 Bulwer Avenue onto the State Register of Heritage Places.
- 23 March 2010 The subject application for the demolition of the existing single house and the construction of two (2) two-storey grouped dwellings was lodged at the Town.
- 22 April 2010 The Town wrote to the HCWA requesting an update on the status of the assessment of the properties and a likely timeframe in which a determination would be made.
- 5 May 2010 The HCWA wrote to the Town advising that the proposed entry of the Bulwer Avenue Precinct on the State Register of Heritage Places is due to be considered at the Heritage Council's Register Committee Meeting on 28 May 2010. The Town's Officers were invited to attend this meeting.

- 28 May 2010 The Town's Acting Director Development Services, Helen Smith attended the Heritage Council's Register Committee Meeting.
- 11 June 2010 The HCWA resolved to determine the matter, which will now be referred to the Minister for Heritage for final approval. This determination is confidential and will be released when the final decision is made.
- 16 June 2010 The Town received verbal advice from the HCWA, that it is anticipated the Minister for Heritage will make the final decision regarding the entry of the Bulwer Avenue Precinct on the State Register of Heritage Places on Monday 21 June 2010. In addition, the HCWA advised the Town verbally, that in the event that the Bulwer Avenue is listed on the State Register, the subject Development Application for No. 21 Bulwer Avenue, comprising the Proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings will be considered at the Heritage Council Development Committee meeting on 20 July 2010. Following this meeting, the HCWA will respond to the proposed development, which in the event that the place is listed on the State Register of Heritage Places, the Council is required to consider comments received from the HCWA.

**DETAILS:**

The subject proposal involves the demolition of No. 21 Bulwer Avenue, Perth and the construction of two grouped dwellings on the site.

As outlined in the background section of this report, the Council at its Ordinary Meeting held on 1 December 2009, resolved to recommend to the HCWA that Nos. 1 and 21 Bulwer Avenue be excluded from the State Register of Heritage Places. The HCWA have not yet determined whether the properties will be included on the register, however as a planning application has been submitted to the Town, the Town is required to determine the application based on the present requirements.

The HCWA determined the issue at a meeting on 11 June 2009 and presented a recommendation to the Minister for Heritage. This recommendation is confidential and will be released at the time the Minister makes a decision. Notwithstanding, the Town is required to process the application within the 60-day statutory time frame.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density:	3.03 dwellings	2 dwellings	Noted – No variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Unit 1 Ground Floor -South	1.5 metres	Nil – 1.04 metres	Supported – Not considered to have an undue impact on the neighbouring property.

Upper Floor -East (Bulwer Avenue)	Balcony – 1 metre behind all portions of the ground floor main building line.	In line with the ground floor main building line.	Supported – This is not considered to have an undue impact on the amenity of the streetscape as the balcony is located close to the corner of Bulwer Avenue and Lincoln Street and acts as a corner feature for the dwelling.
	Main Building – 2 metres behind all portions of the ground floor main building line.	1.8 metres to 2.1 metres behind the ground floor main building line	Supported – This is a minor variation and is not considered to have an undue impact on the amenity of the streetscape.
-South	1.5 metres	1.2 metres – 1.7 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Unit 2 Ground Floor -West	1.5 metres	Nil – 2.89 metres	Supported – Not considered to have an undue impact on the neighbouring property.
-South	1.5 metres	1.2 metres – 1.57 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Upper Floor North (Lincoln Street)	Main Building – 1.5 metres behind all portions of the ground floor main building line.	In line to 1.7 metres behind the ground floor main building line.	Supported – This is not considered to have an undue impact on the amenity of the Lincoln Street streetscape as the upper floor is setback a distance of 4 metres and 4.7 metres, which is consistent with other dwellings fronting Lincoln Street.
-West	1.5 metres	1.2 metres – 1.9 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Buildings Boundary: on	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (25.63 metres on the south-west boundary and 9.6 metres on the north-west boundary) of the length of the balance of the boundary behind the front setback, to one side boundary.	-South Wall Height = 2.9 metres – 3.1 metres (average height = 3 metres); Wall Length = 5.77 metres.  -West Wall Height = 3.5 metres; Wall Length = 6.65 metres.	Supported – The height of length of the boundary wall on the southern elevation is compliant with the requirements of the R Codes.  Supported – Not considered to have an undue impact on the neighbouring property.

Vehicular Access:	The total width of the crossovers shall not exceed 40 percent (15.4 metres) or 6 metres, whichever is the lesser.	Total width of crossovers = 9 metres or 23.38 percent of the width of the frontage.	Supported – Whilst the percentage of crossover to Lincoln Street is only 23.38 percent of the width of the frontage, in the event of subdivision, each dwelling on its own lot would be compliant.
<b>Consultation Submissions</b>			
Support (1)	No comments provided.	Noted.	
Objections (2)	<ul style="list-style-type: none"> <li>• The proposed dwellings are not sympathetic to and will not blend in with the heritage listed properties on Bulwer Avenue.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – The subject property is not currently listed on the State Register of Heritage Places, nor are there any specific design guidelines for this site. In light of this, the Town’s Officers are required to assess the application in accordance with the R Codes and the Town’s Residential Design Elements Policy and has found that the development complies with the Acceptable Development and/or Performance Criteria requirements of these policies.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Setbacks to the southern boundary.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – It is noted that much of the existing dwelling is located on or extremely close to the southern boundary and as such the proposed setbacks are actually better than what currently exists. Furthermore, the boundary wall on the southern elevation complies with the requirements of the R Codes.</li> </ul>	
General Comments	<ul style="list-style-type: none"> <li>• The plans do not show the outline of the neighbouring properties or heights or floor levels.</li> <li>• The comments in the consultation letter sent to landowners are hard to understand.</li> <li>• The look of the dwellings are poorly designed and do not reflect contemporary architecture within Highgate.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted – The plans do not illustrate the outline of the neighbouring property; however, the Town has a computer program, similar to that of Google Maps, which allows the Officers to zoom into an aerial photo. Furthermore, the plans do indicate the finished floor levels of the neighbouring properties. They are 19.64 for No. 19 Bulwer Avenue and 18.25 for No. 179 Lincoln Street. The proposed ground floor levels of the dwellings are 19.142 for Unit A and 18.370 for Unit B. These floor levels are consistent with the slope of the land and the overall height of the buildings are compliant with the requirements of the R Codes.</li> <li>• Noted – The letter sent to the surrounding residents is consistent with the Town’s Community Consultation Policy.</li> <li>• Noted – The Town’s Officers are required to assess the application in accordance with the R Codes and the Town’s Residential Design Elements Policy and has found that the development complies with the Acceptable Development and/or Performance Criteria requirements of these policies.</li> </ul>	

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

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

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

**COMMENTS:**

**Heritage/Demolition**

The subject dwelling at No. 21 Bulwer Avenue is abutting Nos. 3-19 Bulwer Avenue and Nos. 179-181 Lincoln Street, which are listed on the Town's Municipal Heritage Inventory (MHI).

It is noted that the Bulwer Avenue Precinct, which includes all houses along Nos. 1-21 Bulwer Avenue including the subject dwelling, were on the Town's MHI from 1995 to 2006. Notwithstanding, the Council resolved to exclude the properties at No. 21 Bulwer Avenue and No. 1 Bulwer Avenue from the MHI at its Ordinary Meeting held on 7 November 2006.

Currently, the subject dwelling is placed on the Heritage Council of Western Australia's Assessment Program and is subject to consideration for entry onto the State Register of Heritage Places. Therefore, the application was referred to the Heritage Council for comment on 25 May 2010.

The subject dwelling is located within a recognised established historical streetscape as outlined in the Heritage Assessment attached. As such, it is considered that a design outcome could be achieved that responds better to the existing streetscape of Bulwer Avenue.

However, given the Town's current Policy No. 3.6.1 relating to Development Guidelines (last amended 22 July 2008), there are no specific provisions on development of properties adjacent to heritage listed places. The fact that no formal comment from the Heritage Council has been received to date, and the proposed development largely complies with the provisions of the Town's Policy No. 3.2.1 relating to Residential Design Elements and the Town's Town Planning Scheme No. 1 and other associated policies, the Heritage Officers have no further comments relating to the subject development application.

**Redevelopment**

The proposed development of two grouped dwellings largely complies with the requirements of the Town's Policies and the R Codes and, as such, the proposal is recommended for approval. Due to the property being located next to an entire street that is being considered for listing on the State Register of Heritage Places, the Town's Officers would encourage a design that complements these dwellings; however, there are no current adopted policies or design guidelines that requires this.

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

**9.1.5 FURTHER REPORT - Amendment No. 72 to Planning and Building Policies – Draft Amended Policy Relating to Multiple Dwellings**

<b>Ward:</b>	Both	<b>Date:</b>	16 June 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0213
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Attachment 001;
- (ii) **ADVERTISES** the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies including:
    - (1) all property owners along Bulwer Street;
    - (2) all those who have provided a submission to Scheme Amendment No. 25 relating to clause 20 (4) of the Town's Town Planning Scheme No. 1 to lift the prohibition of Multiple Dwellings;
    - (3) all those who have previously provided comment on the Town's Policy 3.4.8 relating to Multiple Dwellings; and
    - (4) all those who attended the Multiple Dwelling Information Sessions held in February 2010; 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 following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, having regard to any written submissions; and
  - (b) **DETERMINES** the Draft Amended Policy Draft Policy No. 3.4.8 relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.

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Cr Burns departed the Chamber at 7.55pm.

**Moved** Cr McGrath, **Seconded** Cr Maier

*That the recommendation be adopted.*

Debate ensued.

Cr Burns returned to the Chamber at 7.57pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Lake

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

“(i) *RECEIVES the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Attachment 001, subject to the Policy being further amended as follows:*

(a) *Page 7 of 10:*

“(10) ...

*Neighbourhood Context Report – To ensure buildings respond sensitively to their existing context and to the aspirations of the Town of Vincent and its community for the future development of the area, applicants are required to submit a ~~Neighbourhood~~ ~~Context~~ ~~Report~~ for new multiple dwellings developments comprising 3 or more multiple dwellings and/or a height of greater than 2 storeys. The Neighbourhood Context Report is to be included with the Development Application and will be made available to interested parties during any consultation period.”*

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (9-0)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Burns

*That a new subclause (i)(b) be inserted as follows:*

“(b) *Page 3 to 5 of 10 be amended to read as follows:*

“(10) ...

<u>Major Road</u>	<u>Residential Zoning</u>	<u>Maximum height along major road</u>	<u>Maximum height within the site</u>	<u>Maximum height to adjoining residential</u>
<b>Beaufort Street</b>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys 2 storeys (3 storeys where justified)</u>
<b>Charles Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys 2 storeys (3 storeys where justified)</u>

<b>East Parade</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys</u>
<b>Fitzgerald Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>Guildford Road</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storey</u>	<u>2 storey</u>
<b>Loftus Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>London Street</b>				
	<u>R20</u>	<u>2 storeys</u>	<u>2 storeys</u>	<u>2 storeys</u>
	<u>R30</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>2 storeys</u>	<u>2 storey</u>
	<u>R30/40</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>Lord Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R80</u>	<u><del>2 storeys (3 storeys where appropriate)</del> 4 storeys</u>	<u>5 storeys</u>	<u><del>2 storeys (3 storeys where appropriate)</del> 4 storeys 2 storeys (3 storeys where justified)</u>
<b>Newcastle Street</b>				
	<u>R80</u>	<u><del>2 storeys (3 storeys where appropriate)</del> 4 storeys</u>	<u>5 storeys</u>	<u><del>2 storeys (3 storeys where appropriate)</del> 4 storeys 2 storeys (3 storeys where justified)</u>
<b>Oxford Street - (north of Richmond Street only)</b>				
	<u>R30</u>	<u>2 storeys</u>	<u>2 storeys</u>	<u>2 storeys</u>
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<ul style="list-style-type: none"> <li>• <u>Adjoining R30 – 2 storeys</u></li> <li>• <u>Adjoining R40 – 2 storeys (3 storeys where <del>appropriate</del> justified)</u></li> </ul>
<b>Scarborough Beach Road</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<ul style="list-style-type: none"> <li>• <u>Adjoining R20 – 2 storeys</u></li> <li>• <u>Adjoining R30 – 2 storeys</u></li> <li>• <u>Adjoining R30/40- 2 storeys (3 storeys where <del>appropriate</del> justified)</u></li> </ul>

<b>Vincent Street - (but not including the portion opposite Hyde park between Ethel Street east to William Street)</b>				
	<u>R40</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>Walcott Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>William Street - (but not including portion opposite Hyde Park from the intersection with Glendower Street north of Vincent Street)</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>

”

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED (8-1)**

**For:** Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Mayor Catania

**AMENDMENT NO 3**

**Moved Cr Maier, Seconded Cr Burns**

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

*“(c) Page 3 to 5 of 10 be amended to delete the word “appropriate” and replace it with the word “justified” in the third column on the table headed “Maximum height along major road;”*

**AMENDMENT NO 3 PUT AND CARRIED (9-0)**

**AMENDMENT NO 4**

**Moved Cr Maier, Seconded Cr Topelberg**

*That a new subclause (i)(d) be inserted as follows:*

*“(d) Page 3 of 10 be amended to read as follows:*

*“(10)...*

*For the purposes of this Policy, the maximum height within the site will be considered on a case by case basis, and will be assessed in terms of the overall bulk and scale of the development as viewed ~~directly from the street level~~ by a person standing at the kerb line on the other side of the street directly opposite the proposed development; and its relationship to adjoining properties and the context of its surrounds as addressed by criteria outlined within the Neighbourhood Context Report, to the satisfaction of the Town.”*

Debate ensued.

Cr Farrell departed the Chamber at 8.37pm.

Debate ensued.

Cr Maier requested the amendment be considered and voted on in two parts:

Part I: “~~directly from the street level~~ by a person standing at the kerb line on the other side of the street directly opposite the proposed development;”; and

Part II: “as addressed by criteria outlined within the Neighbourhood Context Report.”

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

**AMENDMENT NO 4 PART I PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

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

**AMENDMENT NO 4 PART II PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Cr Buckels

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

**AMENDMENT NO 5**

**Moved** Cr Maier, **Seconded** Cr McGrath

*That a new subclauses (ii)(b)(5) and (6) be inserted as follows:*

“(ii)(b)...

(5) all those owners/occupiers along the Major Roads listed within the Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings; and

(6) all those owners/occupiers immediately adjacent to properties listed as a Major Road within the Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings.”

Debate ensued.

Cr Farrell returned to the Chamber at 8.43pm.

Debate ensued.

**AMENDMENT NO 5 PUT AND LOST (3-6)**

**For:** Cr Farrell, Cr Harvey, Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Burns, Cr Lake, Cr McGrath, Cr Topelberg

Debate ensued.

**AMENDMENT NO 6**

**Moved Cr McGrath, Seconded Cr Lake**

*That a new subclause (i)(e) be inserted as follows:*

“(e) Page 5 of 10 be amended to read as follows:

“(10)...

Council will only ~~may~~ consider greater heights along major roads for developments of an exceptional nature and having clear benefits to the community on a case-by-case basis, having consideration of factors including, but not limited to: site area, location of the site, nature of adjoining properties, access to public transport and access to community facilities.”

Debate ensued.

**AMENDMENT NO 6 PUT AND CARRIED (5-4)**

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

**AMENDMENT NO 7**

**Moved Cr McGrath, Seconded Cr Lake**

*That a new subclause (i)(f) be inserted as follows:*

“(f) Page 5 of 10 a new paragraph be inserted before the table to read as follows:

“(10)...

Council may identify suitable sites for such development in reviews and development of Precinct Policies and Guidelines.”

Debate ensued.

**AMENDMENT NO 7 PUT AND CARRIED (6-3)**

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

Debate ensued.

**AMENDMENT NO 8**

**Moved Cr Buckels, Seconded Cr Farrell**

*That a new subclause (i)(g) be inserted as follows:*

“(g) Page 3 to 5 of 10 be amended to change the heights under the third column on the table headed “Maximum height along major road” to 4 storeys excluding London Street;”

Debate ensued.

**AMENDMENT NO 8 PUT AND LOST (3-6)**

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

**MOTION AS AMENDED PUT AND CARRIED (7-2)**

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

**COUNCIL DECISION ITEM 9.1.5**

*That the Council;*

(i) **RECEIVES** the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Attachment 001, subject to the Policy being further amended as follows:

(a) Page 7 of 10:

“(10) ...  
*Neighbourhood Context Report – To ensure buildings respond sensitively to their existing context and to the aspirations of the Town of Vincent and its community for the future development of the area, applicants are required to submit a ~~Neighbourhood~~ ~~Context~~ ~~Report~~ for new multiple dwellings developments comprising 3 or more multiple dwellings and/or a height of greater than 2 storeys. The Neighbourhood Context Report is to be included with the Development Application and will be made available to interested parties during any consultation period.”;*

(b) Page 3 to 5 of 10 be amended to read as follows:

“(10) ...

<u>Major Road</u>	<u>Residential Zoning</u>	<u>Maximum height along major road</u>	<u>Maximum height within the site</u>	<u>Maximum height to adjoining residential</u>
<b><u>Beaufort Street</u></b>				
	R80	<del>2 storeys (3 storeys where appropriate)</del> 4 storeys	5 storeys	<del>2 storeys (3 storeys where appropriate)</del> <del>4 storeys</del> 2 storeys (3 storeys where justified)
<b><u>Charles Street</u></b>				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where <del>appropriate</del> justified)
	R80	<del>2 storeys (3 storeys where appropriate)</del> 4 storeys	5 storeys	<del>2 storeys (3 storeys where appropriate)</del> <del>4 storeys</del> 2 storeys (3 storeys where justified)
<b><u>East Parade</u></b>				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys

<b>Fitzgerald Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
<b>Guildford Road</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storey</u>	<u>2 storey</u>
<b>Loftus Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
<b>London Street</b>				
	<u>R20</u>	<u>2 storeys</u>	<u>2 storeys</u>	<u>2 storeys</u>
	<u>R30</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>2 storeys</u>	<u>2 storey</u>
	<u>R30/40</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
<b>Lord Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <del>4 storeys</del> <u>2 storeys (3 storeys where justified)</u>
<b>Newcastle Street</b>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <del>4 storeys</del> <u>2 storeys (3 storeys where justified)</u>
<b>Oxford Street - (north of Richmond Street only)</b>				
	<u>R30</u>	<u>2 storeys</u>	<u>2 storeys</u>	<u>2 storeys</u>
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	• <u>Adjoining R30 – 2 storeys</u> • <u>Adjoining R40 – 2 storeys (3 storeys where appropriate justified)</u>
<b>Scarborough Beach Road</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	• <u>Adjoining R20 – 2 storeys</u> • <u>Adjoining R30 – 2 storeys</u> • <u>Adjoining R30/40- 2 storeys (3 storeys where appropriate justified)</u>

<b>Vincent Street - (but not including the portion opposite Hyde park between Ethel Street east to William Street)</b>				
	<u>R40</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>Walcott Street</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
<b>William Street - (but not including portion opposite Hyde Park from the intersection with Glendower Street north of Vincent Street)</b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where <del>appropriate</del> justified)</u>

”

(c) *Page 3 to 5 of 10 be amended to delete the word “appropriate” and replace it with the word “justified” in the third column on the table headed “Maximum height along major road;*

(d) *Page 3 of 10 be amended to read as follows:*

“(10)...

*For the purposes of this Policy, the maximum height within the site will be considered on a case by case basis, and will be assessed in terms of the overall bulk and scale of the development as viewed directly from the street level and its relationship to adjoining properties and the context of its surrounds as addressed by criteria outlined within the Neighbourhood Context Report, to the satisfaction of the Town.”;*

(e) *Page 5 of 10 be amended to read as follows:*

“(10)...

*Council will only ~~may~~ consider greater heights along major roads for developments of an exceptional nature and having clear benefits to the community ~~on a case by case basis~~, having consideration of factors including, but not limited to: site area, location of the site, nature of adjoining properties, access to public transport and access to community facilities.”*

(f) *Page 5 of 10 a new paragraph be inserted before the table to read as follows:*

“(10)...

*Council may identify suitable sites for such development in reviews and development of Precinct Policies and Guidelines.”*

- (ii) *ADVERTISES the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies including:*
    - (1) *all property owners along Bulwer Street;*
    - (2) *all those who have provided a submission to Scheme Amendment No. 25 relating to clause 20 (4) of the Town's Town Planning Scheme No. 1 to lift the prohibition of Multiple Dwellings;*
    - (3) *all those who have previously provided comment on the Town's Policy 3.4.8 relating to Multiple Dwellings; and*
    - (4) *all those who attended the Multiple Dwelling Information Sessions held in February 2010; 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 following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Amended Policy Draft Policy No. 3.4.8 relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.*

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## **FURTHER REPORT**

The Council at its Ordinary Meeting held on 8 June 2010 considered item 9.1.8 relating to Amendment No. 72 – Draft Amended Policy relating to Multiple Dwellings. The item was deferred at the meeting for consideration at a Council Member Forum.

A Council Member Forum was held on 15 June 2010 to clarify aspects of the amended Policy. For the purpose of this report, the various amendments have been considered separately, as outlined below.

### **(i) Bulwer Street**

Following the Council's considered of Scheme Amendment No. 25 relating to multiple dwellings, the Council at its Ordinary Meeting held on 9 March 2010 resolved to '*...review and amend for further consideration the Town's Policy No. 3.4.8 relating to Multiple Dwellings to REMOVE Bulwer Street as a major road for the purpose of limiting the height of new development in areas coded Residential R80, along Bulwer Street;*'

An amendment was proposed at the Ordinary Meeting of Council held on 8 June 2010 to amend the Policy to list Bulwer Street as a major road, only on the south side between Beaufort and Brisbane Street, in the Beaufort Precinct. It is noted that this portion of Bulwer Street has a residential/commercial zoning. It is proposed that the Multiple Dwellings Policy be amended to only apply to purely residential zones. Given the mixed use zoning of the portion of Bulwer Street, between Beaufort and Brisbane Streets, it is considered that this amended Policy would not apply to this portion of Bulwer Street. Further to this, following the discussion at the Council Member Forum on 15 June 2010, it was considered that the northern portion of Bulwer Street, between Beaufort and Lord Street has similar characteristics to the portion of Bulwer Street in the Hyde Park Precinct. As a result all references to Bulwer Street as a major road have been removed from the draft amended Policy.

It is noted that the height of multiple dwelling development in the commercial, local centre and residential/commercial zoned areas will be assessed in accordance with the Town's Precinct Policies.

**(ii) Heights along major roads**

It was considered that there was some ambiguity relating to where Council will permit greater heights and how 'maximum height within the site' will be determined. Clause 10 of the Policy has therefore been amended as outlined below, to further clarify these points.

'For the purposes of this Policy, the maximum height within the site will be considered on a case by case basis, and will be assessed in terms of the overall bulk and scale of the development as viewed directly from the street level and its relationship to adjoining properties and the context of its surrounds, to the satisfaction of the Town.'

...

Council may consider greater heights along major roads on a case by case basis, having consideration of factors including, but not limited to: site area, location of the site, nature of adjoining properties, access to public transport and access to community facilities.'

Further to the above changes it is noted that some of the heights specified in the table in Clause 10, have been amended as a result of a Council Member Request proposed preceding the Ordinary Meeting of Council held on 8 June 2010, in relation to Beaufort Street, Charles Street, Lord Street and Newcastle Street. The amendments are outlined below.

'...

<b><u>Major Road</u></b>	<b><u>Residential Zoning</u></b>	<b><u>Maximum height along major road</u></b>	<b><u>Maximum height within the site</u></b>	<b><u>Maximum height to adjoining residential</u></b>
<b><u>Beaufort Street</u></b>				
	R80	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>
<b><u>Charles Street</u></b>				
	R60	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u>
	R80	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>

<u>Major Road</u>	<u>Residential Zoning</u>	<u>Maximum height along major road</u>	<u>Maximum height within the site</u>	<u>Maximum height to adjoining residential</u>
<b><u>Lord Street</u></b>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>
<b><u>Newcastle Street</u></b>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>

...

In view of the above, the Officer Recommendation remains unchanged. The following is a verbatim copy of the Item placed before the Council at its Ordinary Meeting held on 8 June 2010.

***'OFFICER RECOMMENDATION:***

*That the Council;*

- (i) *RECEIVES the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Attachment 001;*
- (ii) *ADVERTISES the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies including:*
    - (1) *all property owners along Bulwer Street;*
    - (2) *all those who have provided a submission to Scheme Amendment No. 25 relating to clause 20 (4) of the Town's Town Planning Scheme No. 1 to lift the prohibition of Multiple Dwellings;*
    - (3) *all those who have previously provided comment on the Town's Policy 3.4.8 relating to Multiple Dwellings; and*
    - (4) *all those who attended the Multiple Dwelling Information Sessions held in February 2010; 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 following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Amended Policy Draft Policy No. 3.4.8 relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.*
- 

*The Presiding Member, Mayor Nick Catania advised that there were numerous proposed amendments, which he has not had time to consider, as they were only provided just prior to the meeting. He suggested the item be deferred to the next Forum for discussion.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Burns, Seconded Cr Farrell

*That the item be DEFERRED to the Council Forum on 15 June 2010 and subsequently reported to the Ordinary Meeting of Council on 22 June 2010.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

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**PURPOSE OF REPORT:**

*The purpose of this report is to present a Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, and to seek the Council's approval to advertise the Draft Amended Policy.*

**BACKGROUND:**

*The Council at its Ordinary Meeting held on 11 August 2009 adopted with modifications, Planning and Building Policy No. 3.4.8 relating to Multiple Dwellings, and advertised the Policy in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

*At the Ordinary Meeting of the Council held on 15 December 2009, the Council considered a report relating to Scheme Amendment No. 25. At this meeting, the Council acknowledged a strong desire of the community in the Hyde Park and Cleaver Precincts to be further consulted in relation to the proposed Scheme Amendment and the associated Policy No. 3.4.8 relating to Multiple Dwellings. In relation to the Hyde Park and Cleaver Precincts, the Council resolved:*

- *"to prepare an Information Sheet relating to Policy No. 3.4.8 relating to Multiple Dwellings and the proposed Town Planning Scheme Amendment No. 25 with an accompanying letter of invitation to a Community Information Presentation to be held in the New Year.*
- *to advise the Department of Planning in relation to clauses 20(4)(a)(i) and 20(4)(e)(i) that at this time the Town is considering reinstating the clause that "Multiple dwellings are not permitted in this Precinct" in the Town's Town Planning Scheme No. 1 or altering its decision of 27 May 2008 in relation to clauses 20(4)(a)(i) – Cleaver Precinct P5 and 20(4)(e)(i) – Hyde Park Precinct P12."*

*To further engage and inform the community on this amendment, the Town held three (3) Community Information Presentations at the Town's Administration and Civic Centre, as follows:*

*Session 1 – Wednesday, 10 February 2010 5:30pm - 6.30pm;*

*Session 2 – Wednesday, 10 February 2010 7pm - 8pm; and*

*Session 3 – Friday, 12 February 2010 12.30pm - 1.30pm.*

*The workshops comprised a power point presentation by the Town's Officers; a question and answer time; and the provision of written feedback sheets.*

*The Council at its Ordinary Meeting held on 9 March 2010, considered a report relating to proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 – relating to Multiple Dwellings in the Hyde Park and Cleaver Precincts, that addressed concerns relating to Bulwer Street. At this meeting, the Council resolved the following:*

*“That the Council:*

*...(v) AUTHORISES the Chief Executive Officer to review and amend for further consideration the Town's Policy No. 3.4.8 relating to Multiple Dwellings to REMOVE Bulwer Street as a major road for the purpose of limiting the height of new development in areas coded Residential R80, along Bulwer Street.”*

*DETAILS:*

*Bulwer Street*

*In order to meet the requirements of the Council's decision (v) above, the Town's Officers have reviewed the Town's Policy No. 3.4.8 relating to Multiple Dwellings in relation to Bulwer Street.*

*Following a review of the feedback received from the above workshops and previous submissions relating to Multiple Dwellings, considerable concern has been raised over the appropriateness of including Bulwer Street as a Major Road in the Town's Policy 3.4.8 relating to Multiple Dwellings. By designating Bulwer Street a Major Road, this would potentially allow multiple dwelling developments to a maximum height of five (5) storeys.*

*It is noted that Bulwer Street was selected as a Major Road on the basis that it was a District Distributor under the Main Roads Functional Classification, which is based on traffic volume, and to capitalise on the associated public transport infrastructure that traverse such roads.*

*In addition to the general concern raised by residents in relation to Bulwer Street, the following summary of comments give a general view of the types of concerns of the residents:*

- Part of Bulwer Street should be reconsidered as a Major Road due to the character of the existing dwellings;*
- Bulwer Street as a 'transit oriented development' is something of a misconception as there is only one bus route that currently uses Bulwer Street (401), an infrequent feeder service to Glendalough Station;*
- The traffic flow along Bulwer Street is not considerable enough to warrant 'main road' classification;*
- Previous documents discussing Bulwer Street are quite misleading in relation to it being a 'commercial' area. By far, the majority of premises along Bulwer Street are residential and not commercial as suggested;*

- *The streetscape along Bulwer Street is such that it needs protecting. Historical frontage, character homes and the low scale nature of this street adds to the appeal of the area; and*
- *Major concern in the qualification of 'major roads' based on traffic flow. The issue at hand has very little to do with traffic flow, and everything to do with dwellings. The qualification of which area will be affected should be based on the historical significance of the dwellings in the precinct, rather than traffic flow.*

*In light of the extent of community concern relating to Bulwer Street, the Town's Officers have further considered its appropriateness to be included as a Major Road in the Town's Policy No. 3.4.8 relating to Multiple Dwellings. Whilst it is considered that it is appropriate to use a consistent approach to classifying roads in accordance with the Main Roads Functional Classification; it is acknowledged that it is questionable as to whether the classification is appropriate for the whole of Bulwer Street (in particular the portion within the Hyde Park Precinct) within the context of the Town's Policy No. 3.4.8 relating to Multiple Dwellings given the predominately single storey residential dwellings in this area and the low scale nature of the streetscape. It is noted that this does not include the areas zoned Local Centre and Commercial, which will allow for greater heights (up to 3 storeys) as prescribed in the Town's Policy No. 3.1.12 relating to the Hyde Park Precinct.*

*It is noted that the Council at its Ordinary Meeting held on 15 December 2009, approved an application for a five (5) storey mixed use development incorporating multiple dwellings at No. 87 (Lot 101) Bulwer Street, Perth. This illustrates that certain portions of Bulwer Street, outside the Hyde Park Precinct, can appropriately accommodate heights of up to five (5) storeys.*

*In light of this, the Town's Officers have prepared a proposed amendment to the Policy to remove the portion of Bulwer Street within the Hyde Park Precinct as a Major Road for the purposes of Policy No. 3.4.8 relating to Multiple Dwellings. In this regard reference to Bulwer Street as a Major Road in Clause (10) of the table pertaining to allowable heights on Major Roads in the Multiple Dwellings Policy is as follows:*

*"Bulwer Street (not including the portion within the Hyde Park Precinct)."*

#### *Inconsistencies in Heights in Planning Policies*

*It is noted, that in the application of the Town's Planning and Building Policies, the Town's Officers have identified some inconsistencies in height between the heights prescribed for Major Roads in the Multiple Dwellings Policy, and heights within the Precinct Policies.*

*The Town's Officers have undertaken a review of the Precinct Policies and identified where height inconsistencies occur between the policies for each Main Road within the Town. These inconsistencies have been outlined in the table shown as Attachment 002 of this report.*

*Further to this, inconsistencies have been recognised in applying Policy No. 3.4.8 relating to Multiple Dwellings (height standards) in District, Commercial and Local Centre zones. In this regard, Policy No. 3.4.8 relating to Multiple Dwellings has proposed to be amended to state that the Policy only applies to multiple dwelling developments within Residential zones as amended in Clause (1) of the Policy below:*

- "1) This Policy applies to Multiple Dwelling Developments within Residential zones only. Multiple Dwellings within other zones are to be consistent with the requirements of the relevant Precinct Policy of the area."*

*This will serve to alleviate any confusion for the applicant, assessing officers, the local community and the Council when considering applications in Commercial, District Centre and Local Centres zones, as the applications for multiple dwellings or mixed use dwellings (incorporating multiple dwellings) are assessed in relation to development standards within the prevailing Precinct Policy for the area, and the provisions within the Residential Design Codes of Western Australia.*

*As part of the review of the Town's Town Planning Scheme No. 1, the Town's existing Policies will be reviewed, which will result in the development of a new Policy Manual that will be adopted under Town Planning Scheme No. 2. In the preparation of the revised Policy Manual, the Town's Offices will review all development standards across the policies and ensure consistency between the heights prescribed within the policies.*

#### *Amendment to Major Road Table within the Policy*

*Following the initial adoption of the Town's Policy No. 3.4.8 relating to Multiple Dwellings on 28 October 2008, further consideration has been given to the lack of clarity with the application of the height table for Major Roads in Clause (9) of the subject Policy. This further review and consideration has resulted in the proposal that the 'Major Road Height Table' within Clause (9) of the subject Policy, be removed, and a new table be inserted which lists each individual Major Road, the relevant zone and the maximum allowable heights.*

*It is considered that this proposed amendment will give better clarity of heights allowed on the various Major Roads, particularly when more than one residential zone may apply along the length of the road, and the height limit for roads not identified as Major Roads classification, is to apply the two storey height limit.*

#### *Discretion for Greater Heights for Multiple Dwellings*

*It is noted that the Council has recently approved development applications for greater heights than prescribed in the Multiple Dwellings and Precinct Policies for developments on sites of a significant site area. Recent examples are the approval of a six (6) storey mixed use development (incorporating multiple dwellings) at No. 378 (Lot 333) Beaufort Street, Perth, which had a site area of 3268 square metres. Additionally, the Council granted approval for a five (5) storey commercial development at Nos. 250-252 (Lot 300) Oxford Street, Leederville (former police station site) with a site area of 1404 square metres.*

*In this regard, the Town's Officers consider that appropriately located sites may be suitable for developments of greater heights than prescribed in the table for Major Roads within the Town's Policy No. 3.4.8 relating to Multiple Dwellings. It is considered appropriate to include a clause within the Policy that would give the Council further discretion to consider applications of greater heights on appropriate sites. In this regard, the Town's Policy No. 3.4.8 relating to Multiple Dwellings has been amended to include the following clause:*

*"Council may consider greater heights on a case by case basis, where appropriate".*

*It is considered that the addition of this clause will not limit the Council from considering suitable multiple dwellings of greater heights where it is considered suitable. Factors that might be taken into consideration when assessing an application of a greater height may include, but not be limited to, site area, location of the site, nature of adjoining properties, access to public transport and access to community facilities.*

*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.*

*In addition to the standard consultation practices undertaken by the Town, the Town's Officers will specifically undertake consultation in accordance with clause 47 (3) (b) of TPS No. 1 which states "...where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft..." and include individual letters to the following:*

- *all property owners along Bulwer Street;*
- *all those who have provided a submission to Scheme Amendment No. 25 relating to clause 20 (4) of the Town's Town Planning Scheme No. 1 to lift the prohibition of Multiple Dwellings;*
- *all those who have previously provided comment on the Town's Policy 3.4.8 relating to Multiple Dwellings; and*
- *all those who attended the Multiple Dwelling Information Sessions held in February 2010.*

*LEGAL/POLICY:*

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

*Residential Design Codes of Western Australia*

*STRATEGIC IMPLICATIONS:*

*"Natural and Built Environment*

*Objective 1.1 Improve and maintain the environment and infrastructure*

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

*SUSTAINABILITY IMPLICATIONS*

*It is considered that the provision of multiple dwelling developments within the Town creates diverse living options and facilitates affordable housing opportunities for residents within the Town.*

*FINANCIAL/BUDGET IMPLICATIONS:*

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

*COMMENTS:*

*It is expected that this proposed amendment to modify the Town's Policy No. 3.4.8 relating to Multiple Dwellings will address the concerns raised by residents in relation to the appropriateness of Bulwer Street as a Major Road in the context of the Multiple Dwellings Policy.*

*Amendments will also address issues in relation to inconsistencies between the Town's Policy No. 3.4.8 relating to Multiple Dwellings and the Town's other Planning Policies, lack of clarity in the Major Roads height table within the Policy and the ability for greater discretion in heights for multiple dwellings.*

*In light of the above, it is recommended that the Council receives the amended Multiple Dwellings Policy and advertises it in accordance with Clause 47 of Town Planning Scheme No. 1 as outlined in this report.'*

**9.2.1 Proposed Improvements Beaufort Street/Walcott Street Intersection, Mount Lawley**

<b>Ward:</b>	North	<b>Date:</b>	14 June 2010
<b>Precinct:</b>	Mt Lawley Centre P11	<b>File Ref:</b>	TES0067/TES0207
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Checked/Endorsed by:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*(i) NOTES that Main Roads WA:*

*(a) intends to reinitiate investigations in partnership with the City of Stirling and the Town of Vincent with a view to identifying possible options to address issues associated with the Walcott Street/Beaufort Street intersection; and*

*(b) is seeking the Town's formal support and commitment to create a partnership in the form of a 'Project Working Group' consisting of representatives from the Town of Vincent, City of Stirling and Main Roads, the purpose of which is to undertake the project development role, predominately involving:*

- Identify and clarify issues associated with the intersection*
- Identify possible options to address these issues*
- Determine preferred improvement option(s)*
- Conduct stakeholder consultation(where required)*
- Identify and secure funding to implement the improvement options(s)*
- Prepare all project development documentation to allow the project to progress to the detailed design and construction stage;*

*(ii) REFERS the matter to the Town's Local Area Traffic Management Advisory Group once the proposed 'Project Working Group' (as mentioned in clause (i)(b) above) has met and developed possible improvement options;*

*(iii) ADVISES:*

*(a) Main Roads WA that it fully supports the proposal for the establishment of a project working group to investigate improvements at the Walcott Street/Beaufort Street intersection; and*

*(b) the City of Stirling and the Beaufort Street Network group of its decision; and*

*(iv) RECEIVES further progress reports on the matter once the actions in clause (ii) have been progressed.*

---

**Cr Harvey departed the Chamber at 9.05pm.**

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT**

**Moved Cr Lake, Seconded Cr McGrath**

*That a new clause (v) be inserted as follows:*

*“(v) WRITES to Main Roads suggesting that Hayden Robertson be a member of the Project Working Group.”*

**Debate ensued.**

**Cr Harvey returned to the Chamber at 9.07pm.**

**Debate ensued.**

**AMENDMENT PUT AND LOST (1-8)**

**For:** Cr Lake

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

**MOTION PUT AND CARRIED (9-0)**

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**PURPOSE OF REPORT:**

To advise the Council of a proposal from Main Roads WA to investigate a number of measures to improve the intersection of Beaufort and Walcott Streets.

**BACKGROUND:**

**Ordinary Meeting of Council 13 April 2010:**

The Council was advised of the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement Plan and of the potential costs to the Town and, after considering the report, the following decision was made (in part).

*"That the Council:*

*...(ii) AUTHORISES the Chief Executive Officer to enter into discussions with the City of Stirling to:*

- (a) determine an equitable cost sharing arrangement for the upgrading of the traffic control signals and pedestrian ramps on the Town's side of the Walcott and Beaufort Streets intersection and the proposed timing of the works to minimise the impact upon the Town's Capital Works Program; and*
- (b) identify opportunities for the City of Stirling to adopt a similar theme and approach as the Town to further streetscape development on Beaufort Street following Notice of Motion 23 February 2010 "Proposed Beaufort Streetscape Upgrade and Art Project" to facilitate the maintenance and enhancement of a consistent Beaufort Street "identity" north and south of Walcott Street;*

(iii) *NOTES that:*

- (a) *the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement project involves modifications to the traffic control signals and pedestrian ramps at the intersection of Walcott and Beaufort Streets, including those on the Town's side of the intersection; and*
- (b) *\$60,000 has been included in the 2010/11 Draft Budget to fund the Town's portion of the works;"*

**Ordinary Meeting of Council 8 June 2010:**

The Council considered a report on the Beaufort Street - Streetscape Enhancement and Art Works Project, where the following decision was made (in part).

*"That the Council;*

- (i) *APPROVES the establishment of a "Beaufort Street Enhancement" Working Group, comprising the Town's officers and representatives of the Beaufort Street Business Community, to develop a long term Enhancement Program for Beaufort Street between Walcott Street and St Albans Avenue;"*

**DETAILS:**

**Proposed intersection at the Walcott & Beaufort Street intersection:**

The Council was previously advised that, in February 2010, the Town received correspondence from the City of Stirling advising of their proposed works in Beaufort Street north of Walcott Street.

As part of Stage 1, the City was looking at improving pedestrian access and safety at the intersection. Currently all four pedestrian crossing legs have a 'kink' in them and the proposed improvements would have involved modifying the existing median islands to remove the 'kink', which in turn would have required the relocation of the majority of the traffic control signal poles. The existing pedestrian crossing ramps would also have been upgraded to conform with the current disability access standards, including tactile indicators, and the signals upgraded to LED standard.

As per clause (iii)(b) of the Ordinary Meeting of Council held on 13 April 2010, the Council noted that *\$60,000 had been included in the 2010/11 Draft Budget to fund the Town's portion of the works.*

**Letter from Main Roads WA dated 8 June 2010:**

The following letter was received from MRWA on 8 June 2010:

*"As you may be aware, the intersection of Beaufort Street and Walcott Street has been the focus of much attention over the years, with the issues of safety and efficiency being the main concerns raised.*

*An expectation exists for Main Roads to reinitiate investigations of the intersection in partnership with the City of Stirling and the Town of Vincent, with a view to identifying possible options to address issues associated with this intersection. This expectation is a result of Main Roads' involvement in the variable speed limit trial project on Beaufort Street, between Walcott Street and Chatsworth Road.*

*The first step in reinitiating investigations saw a meeting held on Wednesday 2 June 2010 between representatives of the Town of Vincent, City of Stirling and Main Roads to discuss the need and level of support for undertaking further investigations into possible options to improve this intersection. Meeting discussions concluded that all parties agree with reinitiating investigations, together with a verbal commitment being given to assist wherever possible in these investigations.*

*On this basis, Main Roads is seeking the Town's formal support and commitment to create a partnership in the form of a project working group consisting of representatives from the Town of Vincent, City of Stirling and Main Roads. The purpose of this project working group is to undertake the project development role predominately involving the:*

- *Identification and clarification of issues associated with the intersection*
- *Identification of possible options to address these issues*
- *Determination of preferred improvement option(s)*
- *Conducting stakeholder consultation where required*
- *Identifying and securing funding to implement the improvement option(s)*
- *Preparing all project development documentation to allow the project to progress to the detailed design and construction stage.*

*Resource and funding assistance from all organisations within the project working group will be required to enable this development work to be undertaken. It is envisaged that the project working group will directly undertake these tasks where practicable or will project manage consultants where the project working group does not have the capacity to undertake a particular task.*

*On a related matter, Main Roads has been informed of the City of Stirling's streetscape project along Beaufort Street, including modifications to the intersection of Beaufort Street and Walcott Street. It is understood that the Town has allocated funding in its 2010/11 Budget towards this project. Given the desire to undertake investigations of the intersection and the prospect of implementing modifications in the near future, Main Roads is requesting that the City of Stirling consider postponing the intersection portion of this project until these investigations are finalised. This is seen as an appropriate step so that the City of Stirling and Town of Vincent do not expend funds now whilst the possibility exists of having to expend further funds later on implementing improvements stemming from these investigations. This will also provide the opportunity to identify and explore innovative solutions to address the issues at the intersection which may deliver additional benefits beyond the standard treatments typically applied.*

*I believe this partnership provides a great opportunity for the Town of Vincent, City of Stirling and Main Roads to work collaboratively towards finding an acceptable outcome to the issues associated with this intersection. The outcome of this work may also provide a useful foundation when dealing with similar sites in the future should they arise."*

#### **CONSULTATION/ADVERTISING:**

Further reports will be submitted to Council following discussions with MRWA the City of Stirling, Beaufort Network Group and local business proprietors.

#### **LEGAL/POLICY:**

Both Beaufort and Walcott Streets are District Distributor A roads under the care, control and management of the relevant Local Government. Walcott Street is a boundary road with the City of Stirling and, therefore, under the Local Government Act the City of Stirling is neither obliged nor able to fully fund works within an adjoining Local Authority.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation of \$60,000 has been included in the ‘draft’ 2010/2011 budget as the Town’s contribution to the proposed intersection modifications.

**COMMENTS:**

The Beaufort/Walcott Street intersection has for many years been the subject of debate regarding what can be done to improve safety at the intersection. The MRWA proposal for a ‘Project Working Group’ will hopefully develop some workable improvement options and it is therefore requested that the Council adopt the officer recommendation.

## 9.2.2 Woodville Reserve – Request for Additional Fencing

<b>Ward:</b>	North	<b>Date:</b>	11 June 2010
<b>Precinct:</b>	North Perth - P8	<b>File Ref:</b>	RES0010
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

### **OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *DOES NOT APPROVE the installation of additional chainmesh fencing along the Namur Street and Farmer Street frontages of Woodville Reserve for the reasons outlined in the report; and*
- (ii) *ADVISES the petitioners of its decision.*

---

Cr McGrath departed the Chamber at 9.08pm.

### **COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Topelberg, Seconded Cr Harvey**

*That the recommendation be adopted.*

Debate ensued.

### **PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Harvey**

*That the item be DEFERRED to allow the Officers to further investigate the matter, including providing some limited fencing.*

### **PROCEDURAL MOTION PUT AND CARRIED (8-0)**

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

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### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a request via a petition to install additional fencing at Woodville Reserve in an effort to control dogs using the dog exercise area at approved times.

### **BACKGROUND:**

A petition signed by seventeen (17) signatories was recently received by the Town requesting that additional chainmesh fencing and gates be installed along the Farmer Street and Namur Street frontages of Woodville Reserve to partially enclose the park and restrict dogs from running out onto adjacent roads.

## **DETAILS:**

### **Reserve Use & Classification**

Woodville Reserve is an “active” sporting reserve, one (1) hectare in area and utilised predominantly for soccer matchplay during winter. The reserve is generally not used for training and is hired out to other sporting organisations for other casual activities.

“Dog lights’ were installed on the amenities building approximately two (2) years ago, which has allowed dog owners to exercise their dogs before and after working hours with the additional light provided.

### **Fencing of Reserves**

The Town has tried to maintain a fairly unobtrusive fence-line around the majority of parks, particularly sportsgrounds so that there remains an impression of "open space", as opposed to a "fortress style" enclosure.

A chainmesh fence was installed along the Fitzgerald Street frontage of Woodville Reserve by the former City of Perth around 1980 and this has since been raised in height to prevent soccer balls from running out over Fitzgerald Street.

An existing pine bollard fence runs along the Namur Street and Farmer Street sides of the park which serves the purpose for which it was installed (prevention of vehicular entry).

### **Dog Exercise Areas**

Woodville Reserve is gazetted as a Dog Exercise area (off-leash) unless being used for an approved activity.

In accordance with the Dog Act 1976 and the Town’s Dogs Local Law 2007; when dogs are being exercised off-leash in any of the gazetted dog exercise areas, they must always be under the "effective control of the person responsible for them". If there is any chance that a dog could run onto a public road, the dog should be kept on a leash.

Therefore, replacing this with a chainmesh fence to keep dogs within the confines of the park is not supported.

## **CONSULTATION/ADVERTISING:**

The petitioners will be advised of the Council’s resolution.

## **LEGAL/POLICY:**

Nil.

## **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

## **SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Based on costs from the Rawlinson's Construction Handbook, it is estimated that to remove the existing pine bollard fencing and replace with a 1200mm high chainmesh fence with gates, this proposal, if approved, would amount to \$22,000.

There are no funds on the Draft 2010/11 Budget, as the petition was received after the Council approved the Draft Budget for consultation.

**COMMENTS:**

As mentioned above, the Town's Dogs Local Laws state that when dogs are exercised "off-leash", they must always be under the effective control of the responsible person. If there is any chance that a dog could run onto a public road, the dog should be kept on a leash.

In view of the above information, it is not recommended that the existing pine log fencing located along the Namur and Farmer Street frontages of Woodville Reserve be replaced and the petitioners advised of the reasons for the Council's decision.

**9.2.4 State Underground Power Program – Outcome of the Expressions of Interest for Round Five (5) Major Residential Projects – Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council NOTES that;*

- (i) *the Office of Energy has advised that the Town's Expression of Interest to participate in Round Five (5) of the State Underground Power Program - Major Residential Projects submissions (as outlined on the attached Plan Number 99070-2-1A) was unsuccessful;*
- (ii) *no reasons for the Town's unsuccessful submission were offered at this time, however, a "full debriefing session" for unsuccessful applicants will be held in September 2010; and*
- (iii) *a further report will be submitted to the Council following the debriefing session outlining the reasons why the Town was unsuccessful in its submission.*

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation, together with the following additional clauses, be adopted:*

- “(d) the report is to indicate the implications for ratepayers if the Town was to adopt a funding model based on the one used by the City of Subiaco;*
- (e) the report referred to in clause (v) is to include, but not be limited to:*
  - 1. cost implications for different types of properties;*
  - 2. the possible timeframe for providing underground power across the whole Town;*
  - 3. options for recovering the costs such as charging a flat fee based on property type similar to that used for the Highgate East SUPP, or defining Special Rates Areas and recovering costs based on property values;*
  - 4. the impact on pensioners of different cost recovery mechanisms;*
  - 5. the proportion of lots in Vincent without underground power as compared to the number across the whole metropolitan area, and therefore the expected share of SUPP funding that the Town could expect to receive over the long term;*
  - 6. the possibility of funding a component of the cost from the projected income from the sale of land at Tamala Park;*
  - 7. issues of equity for property owners in the Highgate East SUPP area who have made a contribution to the cost without subsidy from the Town; and*
  - 8. other funding models and sources of funds that may be suitable; and*
- (f) the report be presented to Council by November 2010; and*
- (ii) **REQUESTS** *that the Chief Executive Officer provide a further report based on his continued investigation of funding models as indicated in the progress report provided to Council in September 2008.”*

Debate ensued.

Cr McGrath returned to the Chamber at 7.10pm.

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.2.4**

*That the Council;*

(i) *NOTES that:*

- (a) *the Office of Energy has advised that the Town's Expression of Interest to participate in Round Five (5) of the State Underground Power Program - Major Residential Projects submissions (as outlined on the attached Plan Number 99070-2-1A) was unsuccessful;*
- (b) *no reasons for the Town's unsuccessful submission were offered at this time, however, a "full debriefing session" for unsuccessful applicants will be held in September 2010;*
- (c) *a further report will be submitted to the Council following the debriefing session outlining the reasons why the Town was unsuccessful in its submission;*
- (d) *the report is to indicate the implications for ratepayers if the Town was to adopt a funding model based on the one used by the City of Subiaco;*
- (e) *the report referred to in clause (v) is to include, but not be limited to:*
  - 1. *cost implications for different types of properties;*
  - 2. *the possible timeframe for providing underground power across the whole Town;*
  - 3. *options for recovering the costs such as charging a flat fee based on property type similar to that used for the Highgate East SUPP, or defining Special Rates Areas and recovering costs based on property values;*
  - 4. *the impact on pensioners of different cost recovery mechanisms;*
  - 5. *the proportion of lots in Vincent without underground power as compared to the number across the whole metropolitan area, and therefore the expected share of SUPP funding that the Town could expect to receive over the long term;*
  - 6. *the possibility of funding a component of the cost from the projected income from the sale of land at Tamala Park;*
  - 7. *issues of equity for property owners in the Highgate East SUPP area who have made a contribution to the cost without subsidy from the Town; and*
  - 8. *other funding models and sources of funds that may be suitable; and*
- (f) *the report be presented to Council by November 2010; and*

(ii) *REQUESTS that the Chief Executive Officer provide a further report based on his continued investigation of funding models as indicated in the progress report provided to Council in September 2008;*

**PURPOSE OF REPORT:**

The purpose of this report is advise Council of the Town's unsuccessful Expression of Interest submitted to the Office of Energy to participate in Round Five (5) of the State Underground Power Program – Major Residential Projects.

**BACKGROUND:**

The State Government, through the Office of Energy (OoE), has a long-term goal to ensure that 50% of the houses in the Perth Metropolitan area are supplied by underground power by 2010.

Since the program began in 1996, some 60 Major Residential Projects (MRP), including the Town's Highgate East Project, have been completed, providing underground power to over 70,000 properties throughout the metropolitan area.

The State Underground Power Program (SUPP) is funded 50% by local government (through ratepayers who directly benefit), 25% by the State Government and 25% by Western Power.

**SUPP Round Three (3) Highgate East Project:**

The Town's Highgate East SUPP Project was a Round Three (3) SUPP awarded in 2003, and commenced in mid 2007 and was completed in August 2008. The project cost in the order of \$7.0m with underground power connected to over 800 properties.

**SUPP Round Four (4):**

In late November 2005, the Town submitted an Expression of Interest to participate in Round four (4) of the SUPP - MRP.

The Town's Technical Services Division submitted ten (10) Expressions of Interest after having divided the Town into ten (10) project areas of approximately 1,000 to 1,200 lots in accordance with the Council's previous decisions.

On 8 March 2006, the Town was formally advised that none of the submitted projects would be included in the round four (4) SUPP.

**SUPP Round Five (5) Submissions**

In late October 2009, Hon Minister for Energy and Training, Peter Collier, MLA, issued a media release inviting all Local Governments to submit Expressions of Interest to participate in Round Five (5) of the SUPP - MRP.

The OoE formally invited Local Government submissions in a letter dated 3 November 2009.

The OoE subsequently held a briefing session for Local Government officers on Friday 27 November 2009, outlining the significant changes in the selection criteria for Round Five MRP projects.

Submissions closed on Friday, 19 February 2010.

At its Ordinary Meeting of 15 December 2009, Council received a report outlining the above and made the following decision.

*“That the Council;*

- (i) *RECEIVES the report on the Office of Energy's call for Expressions of Interest for Round Five Major Residential Projects for the State Underground Power Program;*

- (ii) *AUTHORISES the Chief Executive Officer to modify Plan No. 99070-2-1 (previously adopted by the Council at its Ordinary Meeting held on 11 October 2005) as shown in Appendix 9.2.6 to comply with the new State Underground Power Program requirements and submit an Expression of Interest for all areas of the Town, comprising approximately 800 lots, for consideration by the Office of Energy, for inclusion in Round Five (5) of the State Underground Power Program;*
- (iii) *NOTES that as with the Town's previous submission/s, the Office of Energy will be requested to prioritise the order of implementation of the area/s submitted;*
- (iv) *ENDORSES the Office of Energy's decision as to which area/s, if any, to be included in the Detailed Proposal Stage; and*
- (v) *RECEIVES a further report once Expressions of Interest for Round Five submissions for the State Underground Power Program have been assessed by the Office of Energy and the Town has been advised of the outcome."*

**DETAILS:**

In accordance with Council's decision, the Town's Technical Services Division submitted twelve (12) Expressions of Interest after having divided the Town into twelve (12) project areas of approximately 800 lots, as shown on attached drawing No. 99070-2-1A

Note: The project areas were based upon the OoE revised criteria of a maximum 800 lots as smaller projects are considered more manageable and achieve better outcomes.

**Outcome:**

In an email dated 25 May 2010, the OoE, with very little detail, advised the Town of the following:

*"I write to inform you that all proposals submitted into Round Five Major Residential Projects of the State Underground Power Program have been evaluated in accordance with Stage One and Stage Two of the Round Five Guidelines. Stage One involved considering potential benefits of proposals in terms of energy security and network reliability. Stage Two evaluated proposals in terms of their feasibility, having regard to factors such as suitability of ground for drilling, amenity improvements and proportion of commercial properties.*

*We appreciate your participation in the Round Five process, however on this occasion the following proposals made by the Town of Vincent will not be proceeding to Stage 3, evaluation of community support:*

<i>Mount Hawthorn West</i>	<i>Area 1</i>
<i>Mount Hawthorn North</i>	<i>Area 2</i>
<i>Mount Hawthorn East</i>	<i>Area 3</i>
<i>Mount Hawthorn South</i>	<i>Area 4</i>
<i>Leederville-North Perth</i>	<i>Area 5</i>
<i>North Perth</i>	<i>Area 6</i>
<i>North Perth</i>	<i>Area 7</i>
<i>North Perth</i>	<i>Area 8</i>
<i>Mount Lawley-Highgate</i>	<i>Area 9</i>
<i>Perth-Northbridge*</i>	<i>Area 10</i>
<i>Leederville-West Perth</i>	<i>Area 11</i>
<i>Leederville-North Perth</i>	<i>Area 12</i>

*\*As designated on Western Powers reliability plan*

*Please note that the evaluation process for Major Residential Projects is still in progress and no further information can be provided at this time. When the process is completed a full debriefing will be offered to you on why your proposal/s were unsuccessful in Round Five of the State Underground Power Program.*

*As the evaluation process is still in progress, it would be appreciated if you could refrain from discussing the contents of this e-mail with your colleagues from other local governments."*

As can be seen from the above, no reasons were provided and discussions with other Local Governments are discouraged. However, it is understood that the "full debriefing session" will be held in September 2010.

**CONSULTATION/ADVERTISING:**

Not applicable at this stage.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(g) Pursue options and funding for undergrounding of power throughout the Town.'

**FINANCIAL/BUDGET IMPLICATIONS:**

Given that the Town was unsuccessful with its Round Five SUPP submission, it will have nil impact upon future budgets.

**COMMENTS:**

While it is disappointing that the Town was unsuccessful, it is equally disappointing that no reasons have been provided at this time as to why, however, the Town has been advised that a debriefing session will be held in September after which a further report will be presented to Council.

**9.2.5 Traffic Management Matter – Marmion and Venn Streets, North Perth – Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	Norfolk Precinct P10	<b>File Ref:</b>	TES0264/TES0252/ TES0334
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES the comments received from the respondents from Marmion and Venn Streets regarding the implementation of proposed Traffic Management measures in the streets;*
- (ii) *APPROVES the implementation of the proposal for Marmion and Venn Streets as outlined on attached plan No. 2679-CP-01;*
- (iii) *MONITORS the street to determine whether the proposal has improved the amenity of the street in terms of traffic speed; and*
- (iv) *ADVISES the respondents of its decision.*

**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Burns, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed entry statements and traffic management improvements in Marmion and Venn Streets and to seek Council's approval to implement the proposal.

**BACKGROUND:**

As the Council is aware, Marmion and Venn Streets were discussed at the Local Area Traffic Manager (LATM) Advisory Group meeting held on 9 July 2009 and a report on the matter was presented to the Ordinary Meeting of Council held on 17 November 2009, where the following decision was made.

*“That the Council;*

- (i) *RECEIVES the further report on Traffic Management Matters referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *APPROVES IN PRINCIPLE the proposal for Marmion and Venn Streets as outlined on attached plan No. 2679-CP-01;*
- (iii) *CONSULTS with affected residents in Marmion and Venn Streets regarding the proposal; and*
- (iv) *RECEIVES a further report on the comments received.”*

**DETAILS:**

Marmion and Venn Streets are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, the maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

**LATM Advisory Group meeting 9 July 2009:**

Marmion Street was considered at the LATM Advisory Group meeting of 9 July 2009. Discussion initially revolved around the need to deter rat runners and reduce vehicle speeds. However, the community representative present at the meeting also raised concerns about the safe movement of vehicles through the intersection of Marmion and Fitzgerald Streets, the concern being that motorists were turning across on-coming traffic in Fitzgerald Street at speed, so as not to have to wait, and as a result often ended up on the wrong side of the road. Further, that there had been several accidents over the years for the same reason.

With the tabled traffic statistics in mind, various options were suggested and discussed, with some discounted and some further developed (through discussion).

The group concluded that a low profile 'red' asphalt speed hump, with piano key markings, could be installed in Marmion Street, set back behind the pedestrian ramps so as not as to impede pedestrian access in Fitzgerald Street. This would force traffic to slow upon entering the street with advisory speed hump signs reinforcing the message. It was also noted that unlike a majority of the surrounding streets, there is no 'Give Way' control in Marmion Street and that this also would assist.

The Group also discussed Venn Street, the parallel street to the immediate north, and that any changes made in Marmion Street, could impact upon Venn Street. The same was not considered an issue for Burt Street to the south because the raised median in Fitzgerald Street prevents the right turn movement in and out.



A SIMILAR TREATMENT IN EAST STREET, MT HAWTHORN, AT ANZAC ROAD.

The Group concluded that while the residents of Venn Street had not formally lodged a complaint, similar issues could be expected and that the same treatment should be offered to the residents of Venn Street.

### **Community Consultation:**

In accordance with the Council's decision in November 2009, 45 letters were distributed to residents in Marmion Street and 41 letters to the residents of Venn Street. At the close of consultation, twelve (12) and eight (8) responses respectively were received, representing a response rate of 26.5% (Marmion Street) and 19.5% (Venn Street).

#### Marmion Street

Of the twelve (12) responses received, eight (8) or 67% were in favour of the proposal, with four (4) or 33% against.

Of those in favour, some saw the proposal as a 'first stage' and suggested that additional traffic calming measures should be considered in the future.

Of those against some did not believe that there was a problem while others were concerned about the 'proliferation of speed humps' in Town.

#### Venn Street

Of the eight (8) responses received, four (4) or 50% were in favour, while four (4) or 50% against.

As with Marmion Street several residents did not think that the proposal went far enough while others, more vehemently perhaps, thought that there was too much traffic calming already.

### **Comments/Conclusions:**

#### Marmion Street.

As previously reported to Council, traffic data collected in Marmion Street in June 2008, in response to the original petition, indicated that the average weekday traffic was 407 vehicles per day, a significant portion of which could be attributed to residents. The 85% speed was 55.4 kph.

As a majority of the respondents are in favour of the proposal, and given that the proposed works are relatively minor in nature, it is recommended that the project should proceed as shown on attached Plan No. 2679-LM-01.

It is further recommended that the street be monitored over the course of twelve (12) months and, in the event that there is no significant improvement in driver behaviour, additional traffic calming be considered.

#### Venn Street

As can be seen from the results of the public consultation the opinion of the respondents was equally divided however as indicated above the works, as proposed, are relatively minor in nature. Again the street would be monitored over the course of 12 months and additional traffic calming installed if supported.

### **CONSULTATION/ADVERTISING:**

The respondents be advised of the Council's decision.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council*”.

**SUSTAINABILITY IMPLICATIONS:**

The Council ensures its road infrastructure is maintained to an acceptable level of service with funds allocated annually to various improvement programs.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2009/2010 budget includes funds for traffic management in Marmion Street. The estimated cost to install the proposed treatments in both Venn and Marmion Street can be funded from this budget.

**COMMENTS:**

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The traffic data indicates that there is a speed issue in Marmion Street, however, the data also indicates that the problem is more pronounced at the western or Fitzgerald Street end with vehicles entering the street at speed from Fitzgerald Street.

The proposed low profile speed hump/entry statements will not only force drivers to slow down when entering Marmion and Venn Streets, but also reinforce both the give-way control and residential nature of the streets.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 9.15pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 9.15pm.

**9.3.1 Investment Report as at 31 May 2010**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	B Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

Name	Item	Interest
Mayor Nick Catania	9.3.1 – Investment Report	Financial
Cr Anka Burns	9.3.1 – Investment Report	Financial

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 May 2010 as detailed in Appendix 9.3.1.*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (7-0)**

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

Mayor Catania and Cr Burns returned to the Chamber at 9.16pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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

**DETAILS:**

Total Investments for the period ended 31 May 2010 were \$12,609,646 compared with \$14,234,304 at 30 April 2010. At 31 May 2009, \$11,482,999 was invested.

Total accrued interest earned on Investments as at 31 May 2010:

	<b>Budget</b>	<b>Actual</b>	<b>%</b>
Municipal	\$350,000	\$351,495	\$100.43
Reserve	\$300,000	\$408,796	\$136.27

**COMMENT:**

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

Investment funds have been required to be drawn down during this month for the payment of suppliers and payroll. The investment interest income received is over budget due to the increasing interest rates during the financial year as the market condition improves.

The Australian Government Guarantee Scheme for Large Deposits and Wholesale Funding (the Guarantee Scheme) was announced in October 2008 amid extraordinary developments in the global financial system. Given that funding conditions have subsequently improved significantly, and that a number of similar schemes in other countries have closed, the Australian Government on the 7 February 2010 has announced that the Guarantee Scheme will also close to new borrowing from 31 March 2010.

The Town current deposits of \$1 million or below with Australian-owned banks are automatically guaranteed by the Government, with no fee payable will remain in place until October 2011.

The report comprises of:

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

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

The Chief Executive Office suggested that Item 9.4.1 be considered behind closed doors as he wanted to brief the Council Members on the Supreme Court Action.

**PROCEDURAL MOTION**

At 9.17pm **Moved Cr Farrell, Seconded Cr Buckels**

*That Council proceed "behind closed doors" to consider:*

- *confidential item 14.1, as this matter relates to information concerning a contract to be entered into and a matter that if discussed would reveal information that has a commercial value to a person; and*
- *item 9.4.1, as this matter relates to information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

Cr Maier departed the Chamber at 9.17pm.

There were no members of the public. There was one (1) journalist present who departed the Chamber at 9.17pm.

**PRESENT:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

**9.4.1 Mindarie Regional Council – Progress Report No. 3 on the Supreme Court Action by the City of Stirling**

<b>Ward:</b>	Both	<b>Date:</b>	15 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0008
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *NOTES that:*

(a) *a Supreme Court Directions Hearing was held on 15 June 2010, whereby it determined;*

1. *the Timetable for the legal action;*
2. *a six (6) day trial to be listed to be held in the Supreme Court, commencing on 17 August 2010; and*
3. *all plaintiffs (City of Stirling, Mindarie Regional Council (MRC) and Member Councils) must attend a compulsory Mediation Conference in July or early August 2010, with a Court appointed Registrar, to determine whether the matter can be settled without proceeding to a trial;*

(b) *the Town's costs for the previous court action successfully defending the City of Stirling's Application for an Interlocutory Injunction was \$20,855 (total costs for MRC Member Councils was \$125,133);*

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

- (a) *attend the compulsory Mediation Conference on the Town's behalf; and*
- (b) *act on behalf of the Council, subject to liaison with the Mayor and it's MRC Member Councillor Steed Farrell (if available), at the Mediation Conference.*

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**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Cr Maier returned to the Chamber at 9.18pm.

The Chief Executive Officer gave a verbal confidential update on the Supreme Court Action and Meeting of the Member Councils Chief Executive Officers, as follows:

1. On 22 June 2010, Justice Le Miere handed down his reasons for dismissing the City of Stirling's (COS) application for an Interlocutory Injunction – the Chief Executive Officer read out some pertinent reasons.

2. **The COS had requested an adjournment of the trial until October 2010, however this was rejected by Justice Le Miere.**
3. **A seven (7) day trial is listed to commence on 17 August 2010.**
4. **The Member Council's Chief Executive Officers met at the Town on 22 June 2010, to discuss the matter. The Chief Executive Officer's agreed to attempt mediation with COS, prior to the Court mediation process.**
5. **The Chief Executive Officers also agreed to consider a review of apportioning the legal costs/damagers for each Member Council on a pro-rata tonnage basis.**

Discussion ensued.

**MOTION PUT AND CARRIED (9-0)**

**ADDITIONAL INFORMATION:**

The Town's Solicitors have estimated that the Member Council legal fees for a six (6) day trial to be approximately \$400,000 (exclusive of GST). This estimate does not include Senior Counsel fees which could amount to another \$50,000 to \$80,000.

The Town's Solicitors have also recommended that the Member Councils authorise their Chief Executive Officer to have the authority to act during the Mediation Conference and, if possible, to determine a position concerning Mediation. The Member Council Chief Executive Officers met at the Town of Vincent on the morning of Tuesday 22 June 2010 to consider the matter.

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**PURPOSE OF REPORT:**

The purpose of this report is to provide updated information to the Council on the recent action taken by the City of Stirling in the Supreme Court against the MRC and Member Councils and authorise the Chief Executive Officer to act on the Town's behalf at the proposed compulsory Mediation Conference.

**DETAILS**

As previously reported to the Council, the City of Stirling applied for an Interlocutory Injunction in the Supreme Court to prevent the MRC from imposing a new Single Fee Model. This application was dismissed in the Supreme Court on 4 June 2010 however, the City of Stirling has continued with the matter, with a full Hearing.

On 15 June 2010 the Town's Solicitors attended a Directions Hearing in the Supreme Court. The parties to the Court Action had previously agreed for a trial in October 2010 however, Justice Le Miere advised that in his view, the matter should be in a position to proceed to a trial in August 2010. He made Orders that amended the timetable and proposed that this matter be listed for a six (6) day hearing on 17 August 2010.

Justice Le Miere also directed that the parties attend a compulsory Mediation Conference with a Court Registrar to determine whether the parties can settle the dispute, rather than proceed to trial. The Mediation Conference is listed to last all day. It is compulsory that a representative from each party who has authority to settle the matter, attend the Mediation. A Mediation Conference will be listed for either July 2010 or early August 2010. Accordingly the Chief Executive Officer is seeking the Council's approval to act on behalf of the Council (in liaison with Mayor Catania and MRC Member, Councillor Steed Farrell – if available).

The Town's Solicitors have provided an indicative timetable as a result of Directions made on 15 June 2010. This timetable is extremely tight, but is achievable.

**BACKGROUND:**

The matter was reported to the Ordinary Meeting of Council held on 8 June 2010, whereby the Council resolved as follows:

*“That the Council NOTES that:*

- (a) the application by the City of Stirling (COS) for an interlocutory injunction against the Mindarie Regional Council (MRC) and Member Councils to prevent the implementation of the single fee model was dismissed in the Supreme Court on Friday 4 June 2010;*
- (b) a Supreme Court Hearing is listed for Tuesday 15 June 2010 for the Court to make Orders as to the necessary directions in this matter; and*
- (c) a further progress report on this matter will be submitted to the Council as any additional relevant information becomes available.”*

The matter was reported to the Ordinary Meeting of Council held on 25 May 2010, whereby the Council resolved as follows:

*“That the Council*

*(i) NOTES that:*

- (a) the information contained in the report regarding the decision by the Mindarie Regional Council (MRC) to move from a multiple fee model to a single fee model (refer attachment 14.1A);*
- (b) the cost implications of a change in fee model has benefits for the Town and the majority of other members of the MRC as outlined in the report (refer attachment 14.1B); and*
- (c) the City of Stirling (COS) has commenced legal action in the Supreme Court of Western Australia to prevent the Mindarie Regional Council (MRC) from implementing its decision to introduce a Single Fee Model; and*

*(ii) ENDORSES the action taken by the Chief Executive Officer to approve of the Town to be jointly legally represented together with the other Member Councils (City's of Perth, Joondalup and Wanneroo and Town's of Cambridge and Victoria Park) of the MRC to oppose the City of Stirling action, as detailed in this report;*

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

- (a) enter into discussions with the other Member Councils, MRC, City of Stirling and other interested parties (in liaison with the Mayor, Town's MRC representative Cr Farrell and Director Technical Services); and*
- (b) approve of any further legal action (if necessary) to protect the Town's interest in this matter;*

*(iv) NOTES that a further progress report on this matter will be submitted to the Council as any additional relevant information becomes available; and*

*(v) EXPRESSES disappointment and concern that the matter of the MRC proposed Single Fee Model is the subject of a Supreme Court action and the Council's preferred position is that the matter be the subject of negotiation and mediation (if necessary) between the MRC Member Councils.”*

## **FINANCIAL/BUDGET IMPLICATIONS:**

### **Implications of a Single Fee Model**

The single fee could decrease Vincent's tipping fees by up to \$300,000 per annum (and others by a similar pro-rata amount). The City of Stirling's fees would increase by \$2.25-\$3million per annum. If successful, the ramifications are significant for the Member Councils.

### **Supreme Court Action – Indicative Costs**

At the time of writing this report, Minter Ellison Solicitors were preparing an indicative cost for the forthcoming legal action, which includes a six (6) day hearing. The Town's Solicitors have estimated that the Member Council legal fees for a six (6) day trial to be approximately \$400,000 (exclusive of GST). This estimate does not include Senior Counsel fees which could amount to another \$50,000 to \$80,000.

### **Draft Budget 2010/11**

The Draft Budget 2010/11 contains an amount of \$30,000 for legal costs relating to Governance matters. As this matter arose after the Council adopted its Draft Budget 2010/11, no specific funds for the Supreme Court Action have been included. At this stage, it is recommended that no additional monies be included in the Draft Budget.

## **CONSULTATION/ADVERTISING:**

N/A

## **LEGAL/POLICY:**

The City of Stirling are represented by McLeod's Solicitors and a Senior Counsel (SC). The MRC are represented by Woodhouse Legal and have also retained a SC. The Member Councils are represented by Minter Ellison Solicitors and a SC.

## **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment “(i) *Adopt and implement the Town's Strategic Waste Minimisation Plan 2008-2013*”.

## **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

## **COMMENTS:**

As a result of the Council decision made on 25 May 2010, a letter was sent to the City of Stirling and separately to all MRC Member Councils advising of the decision and seeking a meeting to discuss and if possible, mediate the matter.

Three (3) Council's including the Town indicated a desire to meet however, the other three (3) Member Councils indicated their preference to adopt a “*hardline*”.

On 15 June 2010 the City of Stirling wrote to the Town indicating that “*should the Town be successful in bringing the MRC Member Councils in the future to discuss the Single Fee Model the City of Stirling would be happy to participate*”.

A further report with updated information will be provided to the Council as the matter progresses.

**14.1 Confidential Report: Opportunity to Purchase Land**

<b>Ward:</b>	North	<b>Date:</b>	16 June 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that an opportunity has arisen to purchase \*\*\*\*\*;*
- (ii) *in the event that it wishes to purchase the subject land at \*\*\*\*\*, it AUTHORISES the Chief Executive Officer to investigate the purchase of the subject land and/or only the rear lot, to engage a licensed valuer to act on behalf of the Town and prepare an offer, subject to the final approval by the Council; and*
- (iii) *NOTES that subject to clause (ii) above, a further report will be submitted advising the outcome of the negotiations.*

(\* details confidential)

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Topelberg, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the meeting at 9.50pm and did not return.

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

**(Cr Farrell had departed the meeting and did not vote.)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- a contract to be entered into; and
- a matter that if discussed would reveal information that has a commercial value to a person.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

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

*“2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

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

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Chief Executive Officer may wish to make some details available to the public.

**PROCEDURAL MOTION**

**At 10.03pm Moved Cr Maier, Seconded Cr Topelberg**

*That the Council resume an “open meeting”.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

**(Cr Farrell had departed the meeting and did not vote.)**

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.04pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

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 June 2010.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2010