



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 MARCH 2010

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15. CLOSURE 109

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 23 March 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:

Cr Anka Burns – apology – arriving late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.22pm)
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

Approximately 7 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. Fay Caldwell of and representing owners of units at, 8 Wavetree Place, Leederville – Item 9.1.2, submitted photos which were circulated to the Council Members. Advised that the letter for consultation of submissions dated 19 February 2010 was the day she went on holiday and returned on 9 March 2010, the day submissions closed. Stated the development in 2007 was eventually sorted out, only for it to be sold and now they are in the same position again. Advised that her unit is just a postal address and her unit is similar to the proposed units as she has a garage off the right of way which she uses to come and go, common wall on the north and west side and the only side she gets any light from is the glass doors on the south side. Congratulated the architect as she believed they are very nice. Requested that the Council consider the photos and respect her privacy as far as any stairs, walk ways, doors and windows are concerned where their common boundary is.

2. Anne McKenzie of 117 Forrest Street, North Perth – Item 9.1.1. Stated that although there has been clarification of the original proposal and changes to various stalls, they believe the changes still do not address the overall unsuitability of the location for markets. Stated that they are not opposed to markets in North Perth but to the proposed location. Objected to the application for the following reasons:
 - In the amended application, it does not mention how many toilets will be available to patrons and, if there will be any disability access for toilets - will there only be access from the applicant's café?
 - Believed if people are to have access from the back of the building, this would be unsuitable particularly if there are a lot of cars proposed to be parked there.
 - Still no mention regarding public seating - will there only be seating available in the applicant's café?
 - Believed it is admirable to encourage people to ride to the markets however, the amended proposal makes no mention of how and where patrons will be able to store their bikes safely.
 - There are 9 bays available however, she can only see 5 or 6 which are currently not used for parking as there are bins on them;
 - Extra bins will be required.
 - The general parking requirements as outlined by the Officer's, still shows a shortfall which they believe will have a direct impact on them as residents living in close proximity.
 - Concerned that the parking shortfall has a potential to have a flow on affect on them as currently Sunday is the only day of the week when they are not bothered by people parking inappropriately outside their property or in their driveway. Requested the Council support recommendation of the expert Officers and refuse the application based on the unsuitability of the location.
3. Amy Hughes of 136 Alma Road, North Perth – Item 9.1.1. Strongly opposed to the application on the same grounds as previously. Stated lack of parking, public facilities, rubbish and general disturbance to residents given the close proximity to homes. Read out a letter from Dr Vincent Seng (owner of unit 6) as he was unable to attend due to work commitments interstate. Believed the proposal to park 15 cars in tandem in the rear car park is not only a hazard in the case of an emergency evacuation, but a total act of disrespect to the adjacent neighbours at units 2 and 6 who oppose the application and the 3 other businesses closer to Forrest Street who share the driveway. Stated 3 of the 4 adjacent neighbours have bedroom windows that back onto the car park and her living area also backs onto it. Stated the rear car park comprises of 6 bays which are privately owned by the individual units and 2 shared strata bays. Asked if the 15 stallholders fill up the car park, where will the staff and customers of Fiorentina park. Believed it is naïve to expect stallholders to unload goods from Fitzgerald Street given that it is a major through road even on Sunday and the driveway only allows one car to pass at a time and has no turn around zone. Therefore, believes unloading will happen from the rear car park and Alma Road cul-de-sac regardless of intentions. Felt the application is a profit initiative rather than a community initiative given the applicant's soon to expand Fiorentina is in the prime position to benefit. Believed consideration has not been shown for residential neighbours or fellow shop owners at unit 2 and 6.
4. Peter Brownhill of 150 Claisebrook Road, East Perth – Item 9.1.3. Stated that this is going to be a home for their staff as they already operate in East Perth and he, his family and a number of his staff live on location. Stated there will be opportunity to have some common facilities that relate to dinning and other facilities that may relate to auditoriums, lecture rooms etc. as they hold training. Advised that the people they train come from various ages and all over the World including Australia, they are trained and then prepared and sent for placed not only in Australia, but in the missionary context in different places around the World. Stated that they have sought to be compliant through numerous meetings with the Council and the Planning Department to work through all issues that relate to architecture, parking

etc. Advised that the architect is present tonight if there are any technical questions required to be answered. Stated that they are in the process of renovating the facilities and getting it cleaned up and ready for the proposed renovations which they hope will start soon pending ratification and approval.

5. Stuart Lofthouse of 123, 130 and 136 Oxford Street, Leederville. Advised that when he addressed the Council at the previous meeting he commented that Greens has the potential of being an alleyway, road or thoroughfare in relation to the Masterplan, further the Mayor categorically stated twice "*that won't happen*" (not noted in the Minutes). Asked why Greens still appears on the amended Masterplan as a laneway, pedestrian walkway or even a road? Prior to a Forum in late 2008 attended by 100+ residents, business owners and developers, he had little knowledge that Greens was going to cease once the Masterplan was approved and developed other than what he saw on the Town's website. Stated it depicted Greens as an artist impression as the laneway – roofed, a few trees but, his business was gone. Attended the Forum and was advised that the Town is not in the business of purchasing land nor is in the business of forcibly acquiring the land. Asked why Greens is still shown as a thoroughfare if it won't happen? Why is no thought given to them at Greens and removed from the Masterplan.

Cr Burns entered the Chamber at 6.22pm.

The Chief Executive Officer informed the Council as follows:

- **the Council engaged consultants to prepare concept options for the Leederville Masterplan;**
 - **one consultant recommended extension of Newcastle Street through to Leederville Parade however, during discussions and consultation with the Town's Administration, the consultant was advised on numerous occasions that the land in question is in private ownership and they indicated that they did not wish to participate in any consideration for their land. The economic consultant and the planning consultants pursued the matter and made their recommendation to the Council, as they believed this to be the most desirable option in their opinion; and**
 - **there have been no undertakings with owners of that land.**
6. Debbie Saunders (address not stated). Asked, following the Chief Executive Officer's comments regarding asking the landowner about the land, when that was, as the landowner has never been asked.

The Chief Executive Officer stated that he has not personally made contact with the owners however, understands the consultants approached the landowners as it was their concept and they were informed that the owners did not wish to participate in any discussion. Reiterated that under no circumstances has the Town's Administration made any contact with the Owners.

Ms Saunders advised that she has spoken to the Director Development Services previously and possibly he can answer.

The Director Development Services advised that as Council Members would be aware the Council has adopted the Leederville Masterplan which is the Town's strategic vision for the Oxford Centre and does include provision for a link between what is now known as the Avenue Car Park through to Oxford Street. However, as has already been mentioned and as was previously discussed during the community consultation process, there is still a long way to go with regard to the implementation plan of the Leederville Masterplan which has not commenced. At the time the Draft was being considered, there was extensive community consultation and all views were properly considered and reported to the Council. Advised that the implementation of the Leederville Masterplan is not over a short time frame but rather in the longer term and, it may be a possibility depending on change of circumstances but, at the present time it is not being actively pursued by the Town.

Ms Saunders did not believe her question was answered of why it is still being shown in latest amendments.

An exchange of comments between the speaker and the Presiding Member occurred.

There being no further speakers, public question time closed at approx. 6.31pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 9 March 2010.

Moved Cr Maier, Seconded Cr Topelberg

That the Minutes of the Ordinary Meeting of Council held 9 March 2010 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Public Question Time

There is a format for Meetings which we should all abide by and so should our Gallery. At times we try, as we did tonight, to answer questions however, I think no matter what responses were given to the two particular speakers, they have it in their mind that whatever the consultants have said to us, is what the Town is going to do. The Town can only determine what it can do on its own land. If our consultants had stated to us that it would be a great idea to have a thoroughfare, that could be put on the plan however, the Town would have to acquire it and there is no intention to acquire the land in question.

I have asked the 2 speakers to put in writing their queries and perhaps we can reply in writing to them what is the intent of the Council with respect to the Leederville Masterplan development.

It is not usually for comment during announcements however I will allow the Chief Executive Officer to comment:

The Chief Executive Officer advised as follows:

For clarification I am aware that the consultants did approach a number of the landowners i.e. IGA, the Service Station, people adjoining the Water Corporation laneway etc. I believe that they did that as part of their deliberations of preparing their concept plans – therefore it was not the only property in question – it was all properties that they were looking at, as part of the concept. I believe some were approached directly and some through real estate agents.

7.2 Severe Storm Front – Monday 22 March 2010

As you are no doubt well aware, a severe storm front passed over Perth's northern suburbs at approximately 1530 hours on Monday, 22 March 2010. The front brought heavy rainfall, hail and strong winds up to 120 kilometres per hour. The Bureau of Meteorology reported rainfall up to 45 millimetres in some areas. Lightning strikes disrupted power supplies, with Western Power reporting 152,000 customers affected.

There has been significant damage/destruction across the Perth Metropolitan area, and reports of damage in Mandurah, Waroona and Murray.

The Town of Vincent suffered considerable damage to public and private property as a result of last night's storms, however thankfully no-one was injured. The Town's Emergency crews were out until the early hours of the morning dealing with serious issues of flooding, footpath collapses and fallen trees - work continued throughout the day.

The Administration & Civic Centre suffered ceiling collapses in the public foyer and on the first floor and "mopping up" is still continuing.

The Town's Library and Local History Centre suffered considerable water damage, with ceiling collapses in the rear work areas and extensive flooding to the carpet - the Library has been closed and clean-up work has been mainly completed. The main priority now is to save as many books as possible which is currently being carried out and hopefully the Library and Local History Centre will re-open on Thursday.

A number of the Town's buildings have also suffered damage, however thankfully it is not serious.

Beatty Park Leisure Centre suffered water damage to the ceilings and some structural damage to the grandstand roof. The Centre was closed at about 5.00pm last night but is now operational.

A drive throughout the Town last night revealed extensive tree damage to both public and private properties. The Chief Executive Officer and I were present at Wasley Street, which was particularly badly hit with live power lines and large trees down and considerable damage to property in that area. The footpath on the corner of Wasley and Fitzgerald Streets collapsed with extensive damage to services and the adjoining building site - Engineering crews were in attendance until 2.00am.

The Town's SES received over 400 calls for assistance and these are currently being attended to.

Today the Town received in excess of 100 requests for assistance, mainly from flooding, fallen trees and damage to property. These are being attended to by the Town's operational staff on a priority basis.

On behalf of the Council, may I express my appreciation to all of the Town's staff, both administrative and outside workforce for their assistance during the storm.

The Premier, the Hon Colin Barnett, has today announced that Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) assistance measures have been activated for the event which has been deemed an *eligible disaster* under the WANDRRA.

Most of the metropolitan local governments have been listed as being eligible, including the Town of Vincent.

Activation of the assistance measures available under the WANDRRA will typically be for the following items:

1. Individuals: Personal Hardship and Distress grants which are administered by the Department for Child Protection.
2. Local Governments and State Government Agencies/Departments: Clean-up costs and the repair and restoration of essential public assets (including environmental assets) and local road damage. State road damage is also included through Main Roads Western Australia.
3. For Small Businesses: interest rate subsidies on 'new' loans approved by Authorised Deposit-taking Institutions.

All claims must be submitted by 30 June 2012.

Assistance under this activation is available in respect of the cost of repair and restoration of the road network infrastructure in the Local Government districts listed above. Consideration will be given to proposals involving the *betterment* of roads to a more disaster-resilient standard than its pre-disaster standard.

The Chief Executive Officer advises that a report will be submitted to the Council once the full extent of the damage is known. It is expected that a number of insurance claims will be lodged with the Town's Insurers.

In conclusion, once again I wish to thank everyone concerned for their tremendous effort in minimising the damage to the Town and providing assistance to the Town's ratepayers and residents.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Mayor Catania declared an interest affecting Impartiality in Item 9.1.1 – Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth – Proposed Sunday Markets. The extent of his interest being that he knows the Applicant Mr I. Messina, as he was a former Town of Vincent Councillor.
- 8.4 Cr Burns declared an interest affecting Impartiality in Item 9.1.1 – Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth – Proposed Sunday Markets. The extent of her interest being that she knows the Applicant Mr I. Messina, as he was a former Town of Vincent Councillor.

- 8.5 Cr Farrell declared an interest affecting Impartiality in Item 9.1.1 – Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth – Proposed Sunday Markets. The extent of his interest being that he knows the Applicant Mr I. Messina, as he served as a Town of Vincent Councillor.
- 8.6 Cr Lake declared an interest affecting Impartiality in Item 9.1.1 – Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth – Proposed Sunday Markets. The extent of her interest being that she knows the Applicant Mr I. Messina, as he was a former Town of Vincent Councillor.
- 8.7 Cr Maier declared an interest affecting Impartiality in Item 9.1.1 – Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth – Proposed Sunday Markets. The extent of his interest being that he knows the Applicant Mr I. Messina, as he served as a Town of Vincent Councillor.
- 8.8 Cr Lake declared an interest affecting Impartiality in Item 9.1.2 – Nos. 2-6B (Lots 901, 902, 903 and 904; D/P 59128) Wavertree Place, Leederville - Proposed Four (4), Two-Storey Single Houses. The extent of her interest being that has an association with one of the neighbours of the proposed development.
- 8.9 Chief Executive Officer declared an interest affecting Impartiality in Item 9.1.1 - Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth – Proposed Sunday Markets. The extent of his interest being that he knows the Applicant Mr I. Messina as he was a former Town of Vincent Councillor for the South Ward. He stated that his involvement in this matter was limited to the normal overseeing of the compilation of the Agenda. He stated that he did not have any involvement with the preparation of the report.
- 8.10 Chief Executive Officer declared an interest affecting Impartiality in Item 14.1 - Confidential Report – Federation Internationale De Football Association (FIFA) 2018/22 World Cup Bid – Training Site Agreements: BGC Stadium – Dorrien Gardens, 3 Lawley Street, West Perth and Litis Stadium, 41 Britannia Road, Mount Hawthorn. The extent of his interest being that he is a Registered Referee with Football Federation of Australia.

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 9.1.2, 9.1.1 and 9.1.3.

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	Items 9.1.6 and 9.1.8.
Cr Buckels	Items 9.2.1, 9.2.3 and 9.3.4.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.4 and 9.1.5.
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 9.1.7, 9.2.2, 9.3.2, 9.3.3, 9.3.5, 9.4.1 and 9.4.2.

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

Nil.

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

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

Items 9.1.7, 9.2.2, 9.3.2, 9.3.3, 9.3.5, 9.4.1 and 9.4.2.

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

Items 9.1.2, 9.1.1 and 9.1.3.

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

Moved Cr Topelberg, **Seconded** Cr Harvey

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

Items 9.1.7, 9.2.2, 9.3.2, 9.3.3, 9.3.5, 9.4.1 and 9.4.2.

CARRIED (9-0)

9.1.7 Nos. 331 – 367 (Lot 100) Bulwer Street West Perth – Renewal of Ongoing Extended Trading Permit for the Hyde Park Hotel

Ward:	South;	Date:	16 March 2010
Precinct:	Hyde Park, P12	File Ref:	ENS0053; PRO0539
Attachments:	-		
Reporting Officer:	L Di Nella, Environmental Health Officer; S Teymant, Acting Manager Health Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the report relating to Renewal of the Ongoing Extended Trading Permit for the Hyde Park Hotel, located at Nos. 331 – 367 Bulwer Street, West Perth;*
- (ii) *SUPPORTS the Extended Trading Permit Renewal Application for extended trading on Friday and Saturday nights from Midnight to 1:00am, subject to the following conditions:*
 - (a) *consideration be given to the comments to be provided by Western Australian Police (post report) and be incorporated into the Town's conditional approval, as determined appropriate by the Chief Executive Officer;*
 - (b) *the Hyde Park Hotel management continue to attend meetings and abide by the principles and code of conduct of the Vincent Accord; and*
 - (c) *the premises having a “lockout” between the hours of midnight and 1:00am (close), whereby existing patrons are permitted to remain within the premises, but no additional patrons are permitted to enter the premises; and*
- (iii) *ADVISES the Department of Racing, Gaming and Liquor, WA Police and the proprietor of Hyde Park Hotel of its decision.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the Hyde Park Hotel located at Nos. 331 - 367 (Lot 100) Bulwer Street, West Perth has applied to the Department of Racing, Gaming and Liquor (DRGL) to renew its existing Extended Trading Permit in relation to the premises hours of operation.

BACKGROUND:

The Town received notification from the Department Racing, Gaming and Liquor (DRGL) of an application by the Hyde Park Hotel for an Extended Trading Permit (ETP) on 18 February 2010. Details of the hours provided by the DRGL were as follows:

- Main Bar Area: Fridays and Saturdays – midnight to 1.00am.

A similar application was submitted to the DRGL by the Hyde Park Hotel in June 2005, requesting a renewal of ongoing extension of hours between 12.00am and 1.00am on Fridays and Saturdays. Following this application, conditional approval was granted by the Town, as complaints relating to the premises had not been received. Prior to this application, the premises had been issued a similar permit on 27 June 2003.

DETAILS:

The Hyde Park Hotel has provided the following information to the Department of Racing, Gaming and Liquor in their Public Interest Assessment regarding the application for renewal of the extended trading hours:

- Management follows guidelines of the Liquor Licensing Act.
- Staff meet current Responsible Service of Alcohol requirements.
- Adequate security employed at the venue for the benefit of patrons and community.
- Experienced managers are present at all trading times.
- High quality digital CCTV is installed at strategic points at the venue.
- Live music is a major part of entertainment. Music styles such as hip-hop, techno, heavy metal and funk music are not encouraged at the venue.
- Live music occurs between 8.00pm until 12.45am on Friday and Saturday nights.
- No noisy background music is present at the venue.
- In addition to live entertainment, the Hotel provides other forms of entertainment including pool tables, large television screens and specialty functions and events.
- The Hotel is not located in any entertainment precincts, being far removed from known problem areas.
- Food is provided at the premises as part of the Tavern Licence.
- Provision of food at the premises will be extended to 7 days per week following completion of current renovations.
- Pleasant and vibrant atmosphere.
- Hotel serves a distinct clientele (including many local residents).
- Packaged liquor is available for sale.
- TAB connected to Hotel.

During the community consultation period, the Town received three (3) objections to the application. Litter, anti-social behaviour and noise by patrons leaving the venue were the common concerns expressed in the objection submissions received. Details of issues raised in each objection are tabled below.

Consultation Comments	Officer Comments
<p>1. <i>Patrons often linger in car park after venue has closed, often yelling and smashing bottles. Patrons often return to their vehicles heavily intoxicated and presumably over the prescribed limit for driving.</i></p>	<p>Anecdotal evidence provided in objections received from the community supports the notion that some patrons of the Hyde Park Hotel are likely contributors to the littering, antisocial behaviour and noise issues.</p> <p>Although the Town's and WA Police Statistics do not reflect the above concerns identified, it is acknowledged from a compliance and enforcement point of view that the</p>

Consultation Comments	Officer Comments
<p>2. <i>Loud music continuing until after 1.00am on Friday and Saturday nights. Patrons are often slow to leave the area, yelling loudly, doing 'burnouts', beeping car horns, knocking over rubbish bins, littering and generally creating a nuisance of themselves.</i></p>	<p>concerns expressed by residents would be difficult for the Town and/or Police to respond to given the short duration of such said events.</p> <p>The Town's 'Licensed Premises Complaint Register', which was established in December 2007, details two complaints during that time regarding the Hyde Park Hotel. The first of these complaints related to antisocial behaviour and noise on Wednesday to Saturday nights. The second and more recent complaint related to early morning collections of empty bottles and antisocial behaviour in the Hotel car park.</p>
<p>3. <i>Abusive, drunken and aggressive behaviour of patrons leaving the premises. Patrons often acting in a destructive manner to neighbouring properties.</i></p>	<p>In response to the abovementioned concerns, it is noted that no noise complaints have been received by the Town in the past two years in relation to entertainment provided between midnight and 1:00am on Friday or Saturday. Should a noise complaint have been received, the Town's Health Services would have had the opportunity to investigate the matter and to assess whether compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> was achieved. Furthermore, when a noise complaint is received, it is standard practice to notify the management of the licensed premises of the complaint so that there is an opportunity for the licensed premises to respond and rectify the matter at hand.</p> <p>The Hyde Park Hotel has not been deemed to be in non-compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> by the Town for noise during the applied extended trading period as no complaints have been received. Health Services, therefore, does not have a justifiable basis to recommend an objection to this application. Should any future noise complaints be received, Health Services can investigate the matter under the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>In comparison to other similar licensed premises within the Town, the Hotel does not have a known history of antisocial behaviour at this point. However, it is recommended that the premises be subject to a "lockout" between the hours of midnight and 1:00am (close), whereby existing patrons are permitted to remain within the premises, but no additional patrons are permitted to enter the premises. Any patron that exits the premises, after midnight is also not permitted to re-enter the venue, which assists in crowd dispersal prior to close. This has been encouraged by the WA Police, and successfully implemented at a number of premises over the past few years.</p>

CONSULTATION/ADVERTISING:

The Department of Racing, Gaming and Liquor issued a General Notice advertising the Hyde Park Hotel's intention to apply for an ongoing Extended Trading Permit. The Town of Vincent received a circular on Thursday, 18 February 2010 from the Department of Racing, Gaming and Liquor requesting that any objections or interventions be submitted by 18 March 2010. An extension of time was requested from the Department of Racing, Gaming and Liquor to enable it to be reported to the Council and this was approved on 24 February 2010.

To ensure compliance with the Town of Vincent Policy No. 4.1.5, Health Services requested an extension of time be provided to comment. A letter drop seeking comment was undertaken to all owners and occupiers within a 200 metre radius of the premises on 3 March 2010, requesting responses by close of business 11 March 2010, to enable the matter to be reported to the Ordinary Meeting of Council on 23 March 2010.

Western Australian Police

Email correspondence received from the Liquor Enforcement Unit on 15 March 2010 indicated that the Police will be meeting with Hotel Management on Wednesday, 17 March 2010 regarding the proposal. As this time is after the agenda report finalisation, the Police' comments were not available for inclusion in this report. However, the Police advised that they would provide the Town with a response following the meeting on 17 March 2010. It is recommended that these comments be considered by the Town's Officers upon receipt, for inclusion in the final reply to the Department of Racing, Gaming and Liquor. If necessary an "Additional Information" report will be tabled at the Ordinary Meeting of Council to be held on 23 April 2010.

Planning, Building and Heritage Services

Planning Building and Heritage Services advised of no objections to the application.

LEGAL POLICY:

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

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2009 – 2014:

"Natural and Built Environment:

1.1.4 - Minimise negative impacts on the community and environment.

Leadership, Governance and Management

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

SUSTAINABILITY IMPLICATIONS:

It is essential for sustainable coexistence that the Town supports the needs of both residents and business' whilst facilitating a compromise where conflicts that arise from mixed land use interface exists.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Hyde Park Hotel is a member of the *Vincent Accord*. The nature and consistency of complaints received regarding incidents within the vicinity of the Hyde Park Hotel are typical of complaints received regarding similar licensed venues in close proximity to residential land uses. In comparison to other similar licensed premises within the Town, the Hotel does not have a known history of antisocial behaviour at this point.

Due to minimal numbers of complaints being received in the past and as part of the Community Consultation, it is recommended that the ongoing extended trading permit be supported, as detailed in the Officer Recommendation. As a condition of the approval it is recommended that the premises be subject to a "lockout" between the hours of midnight and 1:00am (close), whereby existing patrons are permitted to remain within the premises, but no additional patrons are permitted to enter the premises. Any patron that exits the premises, after midnight is also not permitted to re-enter the venue, which assists in crowd dispersal and alleviates antisocial behavioural issues prior to close.

9.2.2 Proposed Introduction of Two (2) Hour Parking Restrictions – Palmerston Street, Perth

Ward:	South	Date:	16 March 2010
Precinct:	Hyde Park (P12)	File Ref:	PKG0057
Attachments:	001		
Reporting Officer:	R Ostle, Technical Officer – Assets & Fleet		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the introduction of a two (2) hour parking restriction in Palmerston Street, Perth, adjacent to Le Papillon Patisserie, corner Bulwer Street, from 8.00am to 5.30pm Monday to Friday, and 8.00am to 12 Noon Saturday, as shown on attached Plan No. 2695-PP-01.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a request for the Town to consider installing a two (2) hour parking restriction in the three (3) on-road parking bays in Palmerston Street, corner of Bulwer Street and seek approval to implement the changes.

BACKGROUND:

On 26 February 2010, the Town received a request from the “Le Papillon Patisserie” located at 274 Bulwer Street, Perth, for the Town to re-assess the current parking restrictions in the immediate area.

The patisserie is reliant upon a mix of passing traffic and sit-down customers. The proprietor has questioned why the three (3) on-road parking bays in Palmerston Street, adjacent their premises, are currently unrestricted and that as a consequence it is common for cars to park there all day.

DETAILS:

Palmerston Street, south of Bulwer Street, has a mix of parking restrictions but is in the main covered by a 2P parking restriction, which ensures that parking spaces are generally available.

However, Palmerston Street, north of Bulwer Street, is currently unrestricted. The “Le Papillon Patisserie” customers are most likely to park in either Bulwer Street or Palmerston Street north, adjacent their premises. However, these parking spaces, which are currently unrestricted, are normally occupied from early in the day and not vacated until the evening.

The Town's officers have investigated the matter and concur that for reasons of consistency and amenity, it would be appropriate to impose a 2P parking restriction, to operate from 8.00am to 5.30pm Monday to Friday and 8.00am to 12 Noon Saturday, in the aforementioned on-road parking bays.

CONSULTATION/ADVERTISING:

The applicant will be informed of the Council's decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

The Town's Rangers will place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 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:

Implementing the new restrictions will require the manufacture of two (2) new signs and installation of two (2) new signs and poles, which will cost approximately \$200.00.

COMMENTS:

The current situation in Palmerston Street, north of Bulwer Street, would suggest that some motorists are taking advantage of an omission in the Town's parking restrictions to the detriment of the adjacent business. The problem is easily rectified by imposing a 2P restriction which affords not the only “Le Papillon Patisserie” with some surety of customer parking but also other nearby residents and/or businesses.

9.3.2 Authorisation of Expenditure for the Period 1 – 28 February 2010

Ward:	Both	Date:	9 March 2010
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officer:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 February – 28 February 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 Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 28 February 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:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	067635-067785	\$280,446.33
Transfer of Creditors by EFT Batch	1024-1030, 1032, 1034-1039	\$2,571,326.68
Transfer of PAYG Tax by EFT	February 2010	\$203,523.70
Transfer of GST by EFT	February 2010	
Transfer of Child Support by EFT	February 2010	\$1,198.10
Transfer of Superannuation by EFT:		
• City of Perth	February 2010	\$28,478.89
• Local Government	February 2010	\$104,753.49
Total		\$3,189,727.19
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,716.47
Lease Fees		\$2,621.67
Corporate Master Cards		\$4,830.36
Loan Repayment		\$60,316.91
Rejection Fees		\$25.00
Total Bank Charges & Other Direct Debits		\$73,510.41
Less GST effect on Advance Account		0.00
Total Payments		\$3,263,237.60

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.3 Financial Statements as at 28 February 2010

Ward:	Both	Date:	12 March 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer:	B. Wong, Accountant		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 28 February 2010 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Harvey

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 28 February 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 28 February 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	-	\$6.1 million
YTD Budget	-	\$8.2 million
Variance	-	-\$2.1 million
Full Year Budget	-	\$12.9 million

Summary Comments:

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

Operating Revenue

YTD Actual	-	\$30.6 million
YTD Budget	-	\$30.5 million
YTD Variance	-	\$0.1 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 – 87% over budget;

Law Order and Public Safety – 26% below budget;

Education and Welfare – 11% over budget;

Other Property and Services – 80% over budget.

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

Operating Expenditure

YTD Actual	-	\$25.3 million
YTD Budget	-	\$24.8 million
YTD Variance	-	-\$0.5 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 – 25% below budget;

Transport – 12% over budget;

Administration General – 72% 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 28 February 2010 of \$6,223,737 which represents 50% of the revised budget of \$12,414,350.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$132,900	\$141,261	\$83,866	59%
Plant & Equipment	\$1,229,450	\$1,317,450	\$857,706	65%
Land & Building	\$12,659,500	\$3,699,724	\$3,083,221	83%
Infrastructure	\$7,570,415	\$7,255,915	\$2,198,944	30%
Total	\$21,592,265	\$12,414,350	\$6,223,737	50%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$21,462,214 and non current assets of \$141,927,325 for total assets of \$163,389,539.

The current liabilities amount to \$8,351,123 and non current liabilities of \$13,796,873 for the total liabilities of \$22,147,995. The net asset of the Town or Equity is \$141,241,544.

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 28 February 2010 is \$9.2m. 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 \$281,016 is outstanding at the end of February 2010.

Of the total debt \$107,441 (38%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 28 February 2010 including deferred rates was \$1,926,760 which represents 9.62% of the outstanding collectable income compared to 7.96% at the same time last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 28 February 2010 was \$4,822,782.

Net Current Asset Position

The net current asset position as at 28 February 2010 is \$14,036,204.

Beatty Park – Financial Position Report

As at 28 February 2010 the operating deficit for the Centre was \$297,241 in comparison to the year to date budgeted deficit of \$200,058.

The cash position showed a current cash surplus of \$5,511 in comparison year to date budget estimate of a cash surplus of \$151,366. 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.

9.3.5 Arts Workshops and Talks Programme – June 2010

Ward:	Both	Date:	16 March 2010
Precinct:	All	File Ref:	CVC0016/CMS0010
Attachments:			
Reporting Officer:	R Gunning, Arts Officer; J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council APPROVES the recommendation of the Town's Art Advisory Group, to conduct the Arts Workshops and Talks programme, to be held in June/July 2010, as detailed in this report.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

To seek approval to proceed with the proposed art workshops and talks programme.

BACKGROUND:

At the Ordinary Meeting of Council 22 September 2009 the Council resolved the following:

- "(i) *RECEIVES the report on the Art Award/Exhibition for 2009/10;*
- (ii) *REQUESTS the Town's Art Advisory Group to:*
- (a) *further consider the options for the Town's Art Award/Exhibition 2009/10;*
and
 - (b) *provide a report on the matter no later than the end of November 2009."*

The Town of Vincent Art Award was an annual art exhibition held at the Town's Administration and Civic Centre that was open to all artists. Since its inception in 1995, the exhibition has provided the opportunity for emerging artists from all over Western Australia to exhibit while also attracting many established artists.

The Art Award/Exhibition had successfully run for over 10 years, however as a result of the increasing costs associated with this event and the relatively low portion of the Town of Vincent residents that actually participate, it was considered time to re-evaluate the delivery of this type of event in terms of meeting the needs of the wider community.

This year's budget for this event as with others was reduced following the outcome of the Internal Organisational Review and was the catalyst to review the future direction of this event.

DETAILS:

At the Art Advisory Group meeting of 25 November 2009, options for the 2009/2010 budget were reviewed and it was agreed to pursue an events based program that focuses on the Arts in the Town. The programme would take the form of a series of workshops, talks and presentations over a period of approximately six weeks in June/July 2010. The Arts Officer prepared a draft of potential activities which was tabled at the Art Advisory Group meeting on 24 February 2010 and positively received.

Proposed Programme

The proposed programme will highlight artists and professionals involved in the creative industries that live or work in the Town. The aim is to share their skills, creativity and knowledge with the broader community.

The programme will consist of a series of talks and workshops. The talks will be held at the Town's Library and Local History Centre on Tuesday nights and the workshops would take place at a different location throughout the Town over the six week period.

Talks

The talks and workshops will be designed to cater for a wide range of community members, and will be independent of each other, allowing for members of the public to select which ones to attend according to their area of interest. The speakers will include:

- a film maker;
- architect;
- broadcaster;
- photographer; and
- a number of other artists.

The library talks will run for approximately an hour and a half to allow for question time.

Workshops

It is intended that the workshops will focus on various aspects including:

- design;
- painting;
- drawing;
- elementary film making; and
- photographing art work.

The design workshop, for instance, is intended to give teenagers the opportunity to work with a professional designer, to design their own T-shirts, employing computer graphics. An exhibition of the T-shirts will be held at the end of the programme. The painting and drawing workshops will be held outdoors, while the workshop on elementary film making will teach people how to use their domestic video camera equipment with quality production techniques and tips. The other workshops will similarly feature professionals who will provide quality information on their respective subject matter.

These ideas are subject to the availability of speakers, professionals and venue schedules.

CONSULTATION/ADVERTISING:

The proposal has been discussed and endorsed by the Art Advisory Group at the recent meeting on 24 February 2010.

A brochure listing the entire program will be produced and placed at all appropriate outlets through the Town, including schools. The brochure will also be distributed through our extensive artist's mailing list and through the library's email data base.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2009-2014 – Key Result Area Three - Community Development:

“3.1.2 Provide and develop a range of community programs and community safety initiatives:

...(j) Deliver a coordinated program plan to promote public and community art in the Town; and

(k) Review the Town's Annual Art and Photographic exhibitions, including policies. strategies to encourage/promote greater community participation and for lending artwork for public display.

SUSTAINABILITY IMPLICATIONS:

Promoting Town of Vincent artists and Art can be seen to be a sustainable investment by the Town in exposing its residents and ratepayers to quality works and local artists that reflect the cultural values of the community.

FINANCIAL/BUDGET IMPLICATIONS:

There is \$15,000 currently listed in the 2009/10 under 'Art Competition' (Page 6.77).

The budget for the project will be within the \$15,000 allocation.

COMMENTS:

This recommendation is to maximise the budget allocation for the art exhibition as an opportunity to present an innovative project for the wider community.

It is envisaged that the program will provide an opportunity for the broader community to be made aware of, and engage with artists from their immediate vicinity.

The program will also be an opportunity for the Town of Vincent to acknowledge and celebrate the talented professionals who live and work in the Town.

9.4.1 Possible Change to Locality Boundary – Gardiner Street – East Perth/Mount Lawley

Ward:	South Ward	Date:	17 March 2010
Precinct:	Banks	File Ref:	ADM0057
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) **CONSIDERS** the submissions received concerning the possible change to locality boundary in Gardiner Street, East Perth to Mount Lawley; and
- (ii) **ADVISES** the Landgate Geographic Names Committee that it **DOES NOT** support the change of twenty-one (21) affected properties in Gardiner Street, East Perth being changed from “East Perth” to “Mount Lawley”.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to inform the Council of the recent request from the Geographic Names Committee of Landgate (which is the State agency responsible for naming of suburbs) seeking the Town’s opinion concerning the possible changing of the East Perth and Mount Lawley locality boundary.

BACKGROUND:

In late December 2009 the Town received a letter from the Geographic Names Committee seeking the Town’s opinion concerning the possible changing of the East Perth and Mount Lawley locality boundary in Gardiner Street.

The existing East Perth/Mount Lawley locality boundary is Gardiner Street, whereby the boundary for part of the street is the centre of the road and the bulk is at the rear of twenty-one (21) properties on the north side of Gardiner Street as shown in Appendix 9.4.1.

Several years ago, the Geographic Names Committee amended its guidelines for locality boundaries. The amended guidelines include a preference, where possible, to align boundaries with the centreline of roads instead along the rear of properties.

An opportunity exists for a possible minor realignment of the East Perth and Mount Lawley locality boundary. This suggested realignment may be of interest to the affected property owners. The boundary and properties in question are located on the Eastern side of Gardiner Street. For your information please find attached a plan showing the properties in question and the affected locality boundary.

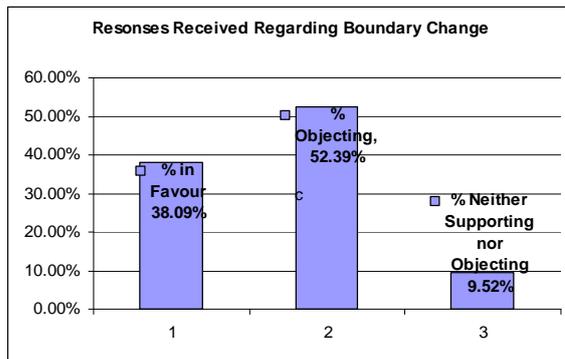
If the boundary is moved to the centreline of the road, the affected lots would fall in the locality of “Mount Lawley”, instead of “East Perth”.

DETAILS:

On 4 February 2010 the Town wrote to all twenty-one (21) affected property owners seeking their comments no later than 8 March 2010, via a reply paid envelope & survey form.

CONSULTATION/ADVERTISING:

A total of twenty-one (21) letters were issued and twenty-one (21) responses were received (100%) as follows:



Number in Favour	Percentage in Favour	Number Objecting	Percentage Objecting	Number Not Supporting nor Objecting	Percentage Not Supporting nor Objecting
8*	38.09%	11#	52.39%	1	9.52%

* One response was in favour “As long as the building codes, services etc remain the same”.

One response “strongly objected to the change” – primarily on the grounds of needing to change documents, bank accounts etc.

LEGAL/POLICY:

The results of the survey are not binding and there is no obligation on the Town to either support or object to the request as the decision entirely rests with the Geographic Names Committee.

STRATEGIC IMPLICATIONS:

This matter is in accordance with the Town of Vincent Strategic Plan 2009-2014 Key Result Area 3.1.3(a) Determine the requirements of the community and ensure that the services provided meet those needs.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

If the suburb change is approved, it will necessitate changes to the Town’s maps, documentation and database. These costs would be minimal.

COMMENTS:

While it is considered more practical for a locality boundary to be located along the centre of a road, as is being suggested by the Geographic Names Committee, there are no records, nor is the Town aware, of any issues that have arisen as a result of the current locality boundary location from either Australia Post, emergency services and/or visitors to the area etc.

It is noted that the proposed suburb name change would have no implications on the proposed Town Planning Scheme No. 2. Both sides of Gardiner Street fall within the proposed Mount Lawley/Highgate Precinct, and therefore would not be affected by a proposed suburb boundary change.

Therefore, as the majority of the respondents have objected (and 2 neither support nor object) to the proposed change to the locality boundary, the Council should support the majority view and advise the Geographic Names Committee accordingly.

9.4.2 Information Bulletin

Ward:	-	Date:	17 March 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 23 March 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 23 March 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Department of Planning regarding Local Planning Manual
IB02	Letter of congratulations from The Hon. Michael Mischin MLC regarding Western Councillor – Launch of Vincent Wetlands Heritage Trail
IB03	Eco Forum Conference & Exhibition 23 & 24 February 2010 - Australian Technology Park, Sydney, NSW (ADM0031)
IB04	Art Advisory Group Unconfirmed Minutes of Meeting held on 24 February 2010

9.1.2 Nos. 2-6B (Lots 901, 902, 903 and 904; D/P 59128) Wavertree Place, Leederville - Proposed Four (4), Two-Storey Single Houses

Ward:	North	Date:	16 March 2010
Precinct:	Leederville; P03	File Ref:	PRO3442; 5.2010.30.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	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 Sharp & Van Rhyn Architects on behalf of the owner Gilpin Park Pty Ltd for proposed Four (4), Two-Storey Single Houses, at Nos. 2-6B (Lots 901, 902, 903 and 904; D/P 59128) Wavertree Place, Leederville, and as shown on plans stamp-dated 29 January 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Wavertree Place;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the street/front wall, fence and gate within the Wavertree Place setback area, including along the side boundaries within this street setback area, complying with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) first obtaining the consent of the owners of No. 8 Wavertree Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 8 Wavertree Place and the Brentham Street Reserve, in a good and clean condition;*
- (iv) an interpretative plaque or another appropriate form of interpretation that recognises the aesthetic significance of the former dwelling at No. 2 Wavertree Place, shall be installed prior to the first occupation of the approved dwellings on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (v) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Moved Cr Maier, **Seconded** Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

That a new clause (vi) be included as follows:

“(vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the planter box wall on the northern elevation of the courtyard for Lot 901, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level from the dining room wall for a length of 4 metres across the courtyard. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to the ground level of adjoining properties. Alternatively, these revised plans are not required if the Town receives written consent from the owners of No. 8 Wavertree Place stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.”

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

Cr Farrell departed the Chamber at 6.50pm.

Debate ensued.

Cr Farrell returned to the Chamber at 6.52pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

It is noted that the comments in the Agenda Report under the heading ‘Street Setbacks’ refers to “*existing contemporary dwellings within the Mount Hawthorn area*”. This is a typographical error, and is intended to refer to the Leederville area.

COUNCIL DECISION ITEM 9.1.2

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 Sharp & Van Rhyn Architects on behalf of the owner Gilpin Park Pty Ltd for proposed Four (4), Two-Storey Single Houses, at Nos. 2-6B (Lots 901, 902, 903 and 904; D/P 59128) Wavertree Place, Leederville, and as shown on plans stamp-dated 29 January 2010, subject to the following conditions:

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

- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the street/front wall, fence and gate within the Wavertree Place setback area, including along the side boundaries within this street setback area, complying with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of No. 8 Wavertree Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 8 Wavertree Place and the Brentham Street Reserve, in a good and clean condition;*
- (iv) *an interpretative plaque or another appropriate form of interpretation that recognises the aesthetic significance of the former dwelling at No. 2 Wavertree Place, shall be installed prior to the first occupation of the approved dwellings on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the planter box wall on the northern elevation of the courtyard for Lot 901, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level from the dining room wall for a length of 4 metres across the courtyard. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to the ground level of adjoining properties. Alternatively, these revised plans are not required if the Town receives written consent from the owners of No. 8 Wavertree Place stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	Gilpin Park Pty Ltd
Applicant:	Sharp & Van Rhyn Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1554 square metres
Access to Right of Way	East side, 5 metres wide, sealed, Town owned

BACKGROUND:

- 23 May 2006 The Council at its Ordinary Meeting conditionally approved the demolition of the existing single house at No. 2 Wavertree Place.
- 13 June 2006 The Council at its Ordinary Meeting conditionally approved the demolition of the existing single house at No. 6 Wavertree Place.
- 15 August 2006 The Western Australian Planning Commission conditionally approved the subdivision of Nos. 2 and 6 Wavertree Place into 4 green title lots.
- 9 October 2007 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed nine (9), two-storey multiple dwellings.
- 20 August 2009 The Western Australian Planning Commission endorsed the subdivision plan that was approved on 15 August 2006.

DETAILS:

The proposal involves the construction of four single houses on the four newly created lots.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	8.63 dwellings at R60	4 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor			
-North	1 metre	Nil	Supported – the proposed boundary wall on the ground floor is not considered to have an undue impact on the neighbouring property.
-South	1 metre	Nil	Supported – This is adjacent to a parkland and is therefore not considered to have an undue impact on the area. Furthermore, the Town's Parks Services have advised that they have no objection to a boundary wall being built in this location.
First Floor -West (Wavertree Place) Balcony	1 metre behind all portions of the ground floor	1.3 metres in front of the ground floor	Supported – see "Comments".

<p>Main Building</p> <p>-South Balcony, Dining and Sitting</p> <p>Bed 1 and Garage</p>	<p>2 metres behind all portions of the ground floor</p> <p>3.3 metres</p> <p>2.8 metres</p>	<p>In line to 2.6 metres behind the ground floor</p> <p>1.775 metres</p> <p>1.5 metres</p>	<p>Supported – see “Comments”.</p> <p>Supported – This is adjacent to parkland and is, therefore, not considered to have an undue impact on the area. Furthermore, the Town’s Parks Services have advised that they have no objection to a boundary wall being built in this location.</p> <p>Supported – This is adjacent to parkland and is, therefore, not considered to have an undue impact on the area. Furthermore, the Town’s Parks Services have advised that they have no objection to a boundary wall being built in this location.</p>
<p>Buildings on Boundary:</p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.83 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>-North Wall Height = 3 metres – 3.5 metres (average height = 3.25 metres); Wall Length = 8 metres.</p>	<p>Supported – The proposed boundary wall on the ground floor is not considered to have an undue impact on the neighbouring property.</p>
		<p>-South Wall Height = 3.3 metres – 3.5 metres (average height = 3.4 metres); Wall Length = 8 metres.</p>	<p>Supported – This is adjacent to parkland and is, therefore, not considered to have an undue impact on the area. Furthermore, the Town’s Parks Services have advised that they have no objection to a boundary wall being built in this location.</p>
<p>Retaining Walls:</p>	<p>Retaining walls and filling shall not exceed 500 millimetres behind the street setback line and within 1 metre of a common boundary.</p>	<p>Maximum height of retaining on northern boundary = 1.8 metres (with 1.8 dividing fence above).</p>	<p>Supported – The proposed wall has the same impact as a boundary wall (without a roof) and is therefore not considered to have an undue impact on the neighbouring property.</p>

		Maximum height of retaining on southern boundary = 1.75 metres (with 1.8 dividing fence above).	Supported – This is adjacent to parkland and is, therefore, not considered to have an undue impact on the area. Furthermore, the Town’s Parks Services have advised that they have no objection to a boundary wall being built in this location.
Roof Forms:	The roof form shall be compatible with the existing streetscape.	Concealed roof proposed.	Supported – see “Comments”.
Street Walls and Fences:	The solid portion of wall above 1.2 metres shall be 50 percent visually permeable.	The proposed meter box walls are solid to 1.8 metres for a length of 1.8 metres.	Not supported – The walls containing the meter boxes are required to be perpendicular to the street. A condition has been applied for the fencing to comply with the Residential Design Elements Policy.
Consultation Submissions			
Support (1)	No comments provided.	Noted.	
Objection (2)	<ul style="list-style-type: none"> • Objections to all non-complying requirements as stated above. 	<ul style="list-style-type: none"> • Comments to all non-complying requirements are stated above. 	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	
Sustainability Implications		Nil	

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

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

COMMENTS:

Heritage

The Council at its Ordinary Meeting held on 23 May 2006 conditionally approved the demolition of the existing single house at No. 2 Wavertree Place. The place at No. 2 Wavertree Place was a brick and steel dwelling, which was constructed circa 1953 in the Interwar Functionalist style of architecture.

The Heritage Assessment undertaken in 2006 by the Town's Officers identified that the place was significant to the locality, as it was found to have some aesthetic and rarity value, in accordance with Heritage Management Policy No. 3.6.2. Approval was granted for the demolition, as the place had deteriorated to the point where it could not be restored without the removal of a majority of its significant fabric and/or prohibitive costs. A condition of approval required:

(vi) *any future redevelopment of the subject site shall incorporate recognition of the aesthetic values of the place at No. 2 Wavertree Place, Leederville, and details to be submitted to and approved by the Town before the issuing of a Demolition Licence and/or Building Licence, whichever comes first.*

The building has been demolished. It is therefore considered appropriate to impose the above condition as part of this proposed redevelopment.

Street Setbacks

The proposed two-storey single houses are representative of contemporary design which is consistent with several existing contemporary dwellings within the Mount Hawthorn area. The dwellings maintain the existing street setback line and the upper floor balconies facing Wavertree Place provide views and surveillance to the neighbouring park.

The Residential Design Elements Policy under Clause 6.4.1, states that: *'residential development should compliment the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties'*. Wavertree Place is not considered to have an established streetscape as the 'dead-end' street is approximately 73 metres long and consists of an aged-care facility, a 70's grouped dwelling development and a single-storey single house.

The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Wavertree Place, and that the setback of the balcony will assist in the passive surveillance of the street and neighbouring parkland.

Roof Forms and Design

The Residential Design Elements Policy states that: *'the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style'*. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for Wavertree Place and the evolving area.

The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal clearly satisfies the Performance Criteria for each of these variations. The development is not considered to compromise the streetscape, but rather contribute to its emerging range of styles and built form.

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.

9.1.1 Further Report – No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth - Proposed Sunday Markets

Ward:	South	Date:	15 March 2010
Precinct:	North Perth Centre: P09	File Ref:	PRO0132; 5.2009.533.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	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, REFUSES the application submitted by I Messina on behalf of the owners of land relating to Strata Plan 8289 for proposed Sunday Markets, at No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 27 0November 2009, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Car Parking requirements of the Town's Policies relating to Parking and Access; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-2)

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

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 23 February 2010, and resolved as follows:

“That the item be DEFERRED for further consideration.”

In light of the above, the applicant has supplied the following information in respect of traffic to and from the site, car parking, unloading and loading of goods, hours of operation and waste management.

“Access to the site: car parking and loading of goods

- *Stall holders are to commence assembling the marquees no earlier than 8.00am commencing with stalls in front of unit 6 first and completing the erection of marquees in front of unit 1.*
- *Each stall holder is allowed 1 x vehicle at any one time with access to the site from the entrance of Fitzgerald Street.*
- *No vehicles are to remain on site any time after 9.00am for the commencement of the markets.*
- *All vehicles are to be parked at the rear car park of 400 Fitzgerald street with the following order, with access to the rear bays via Forrest Street.*
 1. *Marquee 1 behind shop 6 in ROW adjacent to building at 400 Fitzgerald*
 2. *Marquee 2 behind shop 5 in ROW adjacent to building at 400 Fitzgerald*
 3. *Marquee 3 behind shop 4 in ROW adjacent to building at 400 Fitzgerald*
 4. *Marquee 4 bay 15*
 5. *Marquee 5 bay 16*
 6. *Marquee 6 bay 17*
 7. *Marquee 7 bay 18*
 8. *Marquee 8 bay 19*
 9. *Marquee 9 bay 20*
 10. *Marquee 10 bay 21*
 11. *Marquee 11 bay 22*
 12. *Marquee 12 bay 23*
 13. *Marquee 13 in tandem to bay 19*
 14. *Marquee 14 in tandem to bay 21*
 15. *Marquee 15 in tandem to bay 22*
- *No exhibitor vehicles are allowed access to Alma Road cul-de-sac. If additional vehicles are required, exhibitors can access the Wasley Street car park if required.*
- *On the completion of the markets stall holders can commence taking down marquees at the conclusion of the days trade.*
- *No vehicles will be allowed to enter the site prior to the conclusion of the event to the public.*
- *Stall holders can commence loading vehicles at the conclusion of the event in order of marquees located in the front of unit 1 and concluding with marquees located in front of unit 6.*
- *Therefore all stall holders will be allowed access once each stall holder has completed and concluded disassembling each marquee.*
- *At no times will vehicles with a carry weight of more than 2 tonne be allowed access to the site. (only tray top of ute vehicles allowed)*

Public car parking

- *The public are able to park in car parks located in Wasley and view street car parks. There is also private parking provided at the North Perth Coles car park.*
- *It is however encouraged that market attendee's walk or cycle to the event.*
- *The operators are to undertake marketing initiatives to encourage people to frequent the markets by cycle or foot, by providing free refreshments (water of coffee) to attends to arrive by cycling or walking to the event.*

Hours of operation

1. *Access to the site will not be allowed until after 8.00am*
2. *8.00am – 9.00am erection of marquee and merchandising*
3. *9.00am – 1.00pm trade of markets*
4. *1.00pm – 2.00pm bump out, dismantling of marquees and merchandise*
5. *2.00pm – 2.30pm car park clean*

Insurance and liability

- *The operator of the markets are to provide public liability insurance to the value of \$20,000,000.00*
- *Special event permits are to be required for all temporary food stall owners, and food vans, prior to commencing at the markets. Application forms together with fees are to be submitted to the council and paid for by the applicants 1 month prior to commencing operations at the markets.*
- *There must be full compliance with the FSANZ food safety standards*
- *No exhibitor will be allowed permission to sell food related goods without the prior consent of the Town of Vincent health services.*
- *In the event live music is to be considered, the operators will apply to council for live music events. At no time shall noise exceed the requirements of the local health authority and permissions must be granted prior to the commencement of such an event.*

Amenities and waste management

- *The rear toilets of the strata lot shall be available to local community and stall holders. These will be cleaned at the end of the day and locked as currently prescribed.*
- *The car lot at the conclusion of the day shall be washed down and all waste disposed off.*
- *Provision of rubbish bins is to be provided at the costs of the market operators with 4 bin collection points to be located at the front of unit 1, 3, 4 and 5.*
- *Waste shall be disposed of by Fiorentina contractor, SITA environment every Sunday evening. 2 x 600lt rubbish refuse containers are located in the rear bin holding area.*
- *All rubbish shall be disposed of in commercial bin liner bags at all times and sealed.*
- *Any rubbish placed in receptacles must at no time over spill, and lids on bins must be closed at all times.*
- *All recyclable materials can be disposed of in the yellow top recycle bins provided. All paper and cardboard boxes must be flat packed prior to disposal.”*

In light of the above submission received on 12 March 2010, the applicant has made the following changes to the original proposal submitted to the Town:

- The number of stalls has decreased from 19 stalls to 15 stalls;
- The hours of operation have been changed from 8:00am to 12:00pm with one hour either side for setup and clean up, to 9:00am to 1:00pm, with setup at 8:00am and clean-up to 2:30pm.
- A car parking plan has been provided for the owners of the stalls to park at the rear car park.
- A waste management plan has been provided.

Further Assessment Table

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Car Parking			
Car parking requirement (nearest whole number)			= 66 car bays
<ul style="list-style-type: none"> • Market (common area) – 3 spaces per stall Number of Stalls = 15 Stalls (requires 45 car bays)			
<ul style="list-style-type: none"> • Eating House (units 3, 4 and 5) – 1 space per 4.5 square metres of public floor area Public Floor Area = 93 square metres (requires 20.67 car bays)			
Total car bays required = 65.67 car bays			

Apply the adjustment factors. <ul style="list-style-type: none">• 0.85 (within 400 metres of a bus stop)• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)• 0.90 (the proposed development is within a District Centre Zone)	(0.65025) = 42.92 car bays
Minus the car parking provided on-site (rear car parking only)	9 car bays
Minus the most recently approved on-site car parking shortfall. Planning Approval issued under Delegated Authority from the Council on 4 September 2009	0.10 car bay
Resultant shortfall	33.82 car bays

It is noted that the applicant has attempted to address the issues of the Council by reducing the number of stalls, has provided a car parking, loading/unloading and waste management plan, as well as, a later start time for the markets. However, it is considered the use would have a detrimental impact on the amenity of the surrounding area by virtue of the significant shortfall in car parking and community objection. In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 March 2010.

“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, REFUSES the application submitted by I Messina on behalf of the owners of land relating to Strata Plan 8289 for proposed Sunday Markets, at No. 400 (Strata Plan 8289) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 27 November 2009, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Car Parking requirements of the Town's Policies relating to Parking and Access; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Farrell;, Seconded Cr Buckels

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (6-3)

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

<i>Landowner:</i>	<i>Owners of Strata Plan 8289</i>
<i>Applicant:</i>	<i>I Messina</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre</i>
<i>Existing Land Use:</i>	<i>Car Park</i>
<i>Use Class:</i>	<i>Unlisted Use – Market</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>1386 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 3 metres wide, sealed, privately owned</i>

BACKGROUND:

15 September 1980 *The City of Perth Council approved an application for the construction of a commercial (retail) building at the subject property.*

28 July 2009 *The Council at its Ordinary Meeting conditionally approved a retrospective application for proposed change of use from shop to light industry (food manufacturing) and refrigerated storage addition to existing commercial building at strata lot 1.*

4 September 2009 *The Town under delegated authority from the Council conditionally approved an application for change of use from shop to eating house and associated alterations and additions.*

DETAILS:

The proposal involves a Sunday Market within the car park of the subject property fronting Fitzgerald Street, North Perth.

The applicant's submission is "Laid on the Table" and outlined below:

“Style of Markets

The idea to incorporate a community market of approximately 25 stalls selling products from the local community, incorporating and not limited to textiles, clothing, jewellery, food and other associated products, the markets are to run every Sunday from 7.00am until 3.00pm each Sunday of the month from September to May. The community markets will be marketed in the local newspaper by the organizers of the markets, Fiorentina cafe at no expense to the community stall holders nor the strata owners of the strata property. The organizers are to provide 3 meter by 3 meter covered marquee at no expense to the stall holders which will be erected 1 hour prior to the markets commencing and dismantled after the markets have closed. These marquees are to be provided by the organizers of the markets, Fiorentina cafe at no expense to the stall holders.

Costs

All costs associated with public liability, costs of erecting structures, cleaning of common area, provisions of bins and advertising shall be borne by the applicants, namely Fiorentina patisserie. Fiorentina patisserie will in turn use the common area and pay the strata property \$100 per Sunday of trade to the Fitzgerald forum to be used at the forums discretion. No costs shall be charged to the stall holders at any time.

Selection of stall holders.

The stalls are open to any member of the community and each business within the strata property shall be given first right to take up 1 stall if they so wish. Stalls will be allocated to community groups and individuals in a first come first serve basis, with no competing stalls to be allowed. Stall holders are responsible for the maintenance of each area, and the distribution of goods.

Food stall holders will be allowed to trade as long as they comply with the Town of Vincent health laws. All associated power (if required) will be provided by Fiorentina cafe and shall comply with the occupational health and safety laws of WA. It is the intention to limit the amount of food uses and provide more dry uses such as textiles and clothing and the provision of items from local art students and community groups.

Amenities

The rear toilets of the strata lot shall be available to local community and stall holders. These will be cleaned at the end of the day and locked as currently prescribed. Kitchen facilities if any are required will be provided in the kitchen of the Fiorentina cafe. All power and water will be provided by the Fiorentina cafe also. The car lot at the conclusion of the day shall be washed down and all waste disposed off. Provision of rubbish bins is to be provided at the costs of the applicants, Fiorentina cafe. Waste shall be disposed of by Fiorentina contractor, SITA environment every Sunday evening.

Car parking will not be provided on site, and all stall holders and patrons are recommended to park in the Wasleys street or Alma road car parks which are underutilized on a Sunday.

Insurance

Crema Dolce PTY LTD trading as Fiorentina Patisserie, will provide public liability insurance to the value of \$20,000,000.00 to cover all public liability issues, each stall holder is requested to provide insurance indemnity also. A copy of this insurance is provided for your reference.

Signage

No signage will be erected on site; however local newspaper advertisements shall advertise the markets locally, via the community newspaper group.

Conclusion

The intention of the markets is to provide a vibrant place for people to meet and sample some of the produce from the local communities. All stall holders will not pay for the use of the marquee with costs associated with the purchase of marquee, public liability insurance, cleaning and waste removal to be borne by Fiorentina cafe.

Further to this the peppercorn lease costs associated with the car park of \$100 per Sunday shall be borne by Fiorentina cafe also, with funds possibly being utilized to upgrade and maintain the building.

The grounds for our support of the application are as follows:

- 1. The markets will create a strong social interactivity with the community and the general business district.*
- 2. The markets will promote North Perth as a destination and town centre, to create further social, economical and environmental benefits to the local community by facilitating a place where people can socialise, spend money amongst and in the local Vincent community, promote the local businesses, walk, cycle or ride to the local markets and engage in community and social debate.*
- 3. The markets can facilitate the Towns local area marketing strategies by creating and fostering a culture within the local and surrounding communities.*

4. *Creating a vibrant town centre which is different to Mt Lawley, Leederville and Mt Hawthorn by promoting grass roots and social activities rather than creating another cafe strip.*
5. *The impacts on the local facilities will be minimal, as the markets are proposed to be held on private property.*
6. *The impact on parking in the vicinity will be minimal as the local town centre, shopping centre and council car parks are infrequently utilized on SUNDAYS.*
7. *The markets will only trade for no more than 6 hours and have minimal impact on any retailer in the district as there is no other retailer participating in the sale of preserves and jams, fresh flowers, meat and seafood native and exotic plants, cupcakes and textiles in the district on Sundays.*
8. *Fresh and local produce supplied and sourced from Western Australia will be utilized and promoted in the markets.*
7. *The demand for local markets has substantially increased over the years with demand for fresh local and straight from the producer in high demand. The amalgamation of the fields of greens markets in Leederville to this site will help promote and provide longevity to this already successful market.”*

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Car Parking</i>			
<i>Car parking requirement (nearest whole number)</i>			<i>= 78 car bays</i>
<ul style="list-style-type: none"> • <i>Market (common area) – 3 spaces per stall</i> <i>Number of Stalls = 19 Stalls (requires 57 car bays)</i> • <i>Eating House (units 3, 4 and 5) – 1 space per 4.5 square metres of public floor area</i> <i>Public Floor Area = 93 square metres (requires 20.67 car bays)</i> 			
<i>Total car bays required = 77.67 car bays</i>			
<i>Apply the adjustment factors.</i>			<i>(0.65025)</i>
<ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</i> • <i>0.90 (the proposed development is within a District Centre Zone)</i> 			<i>= 50.72 car bays</i>
<i>Minus the car parking provided on-site (rear car parking only)</i>			<i>9 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall. Planning Approval issued under Delegated Authority from the Council on 4 September 2009</i>			<i>0.10 car bays</i>
<i>Resultant shortfall</i>			<i>41.62 car bays</i>
<i>Consultation Submissions</i>			
<i>Support (1 written letter)</i>	<ul style="list-style-type: none"> • <i>“Very good idea.”</i> 	<ul style="list-style-type: none"> • <i>Noted.</i> 	
<i>Support (1 petition with 197 signatures)</i>	<ul style="list-style-type: none"> • <i>No Comment.</i> 	<ul style="list-style-type: none"> • <i>Noted.</i> 	
<i>Objection (12)</i>	<ul style="list-style-type: none"> • <i>Lack of car parking, due to markets being held in car park.</i> 	<ul style="list-style-type: none"> • <i>Supported – The proposed Sunday markets requires 57 car bays (before adjustment factors) and results in a loss of 14 on-site car bays.</i> 	

<ul style="list-style-type: none"> • Will be unsafe due to its close proximity to a main road. • Results in increased traffic. • No unloading zone proposed. • There are not enough toilet facilities on-site to cater for the markets. • Lack of waste management plan. • The markets will look “messy and tacky” and is not suitable for area. • There is limited shade and no seating or water fountains on or near the site for customers. • The area is too small. • The markets will impact on the surrounding businesses. • The proposed set up time of 6:00am will cause early morning noise disturbance to surrounding residents. 	<ul style="list-style-type: none"> • Noted. • Supported. • Noted – There is no requirement for markets to provide loading zones. • Supported – In the event of an approval, the provision of toilets will be required to comply with the Building Code of Australia. • Supported – In the event of an approval, this will be required to comply with the requirements for commercial bins. • Noted. • Noted. • Noted. • Noted. • Noted. • Noted – In the event of an approval, the markets will be required to comply with the Health (Noise) requirements..
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Other Implications

<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>Financial/Budget Implications</i>	<i>Nil</i>
<i>Sustainability 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:

It is noted that whilst the Town has received a petition of support for the proposal with 197 signatures, the Town also received significant objections from those directly affected by the proposal, including the adjoining landowners and the current tenants of the existing shops.

Whilst the markets would contribute to the vitality and liveliness of the North Perth Town Centre on Sundays, from a planning viewpoint, the applicant has not secured alternative parking to that lost as a result of this application. The proposal represents a loss of available parking within the site and reliance on private car parks, notably North Perth Plaza, which cannot be considered, as it is on private property.

In view of the above, the application is recommended for refusal, as it is considered the use would have a detrimental impact on the amenity of the surrounding area by virtue of the significant shortfall in car parking and community objection.”

9.1.3 Nos. 9-27 (Lots 6, 7, 8, 9 and 10;D/P 1529, and Lot 250;D/P 62213) Robertson Street, Perth- Proposed Partial Demolition of and Change of Use from Factory to Four-Storey Mixed Use Development comprising Four (4), Two Bedroom Multiple Dwellings, Hostel comprising Five (5), Single Bedroom Multiple Dwellings, Offices, Hall (including Dining) and Associated Car Parking

Ward:	South	Date:	16 March 2010
Precinct:	East Perth Redevelopment Authority Area	File Ref:	PRO4598; 5.2009.499.2
Attachments:	001 ; 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, APPROVES the application submitted by Dimidium Design Company on behalf of the owner Youth With A Mission (Perth) Inc for proposed Partial Demolition of and Change of Use from Factory to Four-Storey Mixed Use Development comprising Four (4), Two Bedroom Multiple Dwellings, Hostel comprising Five (5), Single Bedroom Multiple Dwellings, Offices, Hall (including Dining) and Associated Car Parking, at Nos.9-27 (Lots 6, 7, 8, 9 and 10; D/P 1529, and Lot 250;D/P 62213) Robertson Street, Perth, and as shown on plans stamp-dated 11 March 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Robertson Street, Chelsea Street and Claisebrook Road;*
- (ii) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) prior to the issue of the Building Licence, the applicant shall elect an Artist to undertake a Public Art Project for the proposed development to the satisfaction of the Town;*

- (v) *the hall shall be used for YWAM activities only and shall not be rented for commercial purpose;*
- (vi) *prior to the issue of the Building Licence, revised plans shall be submitted to and be approved by the Town demonstrating the following:*

- (1) (a) *windows to meeting room (~~first floor~~ Level 1) on the western elevation;*
- (b) *windows to living room (~~second floor~~ Level 2) on the western elevation;*
- (c) *windows to bedroom (~~third floor~~ Level 3) on the western elevation; and*
- (d) *terrace (~~fourth floor~~ Level 3) on the eastern and northern elevations;*

within the cone of vision of 7.5 metres (terrace), 6 metres (meeting/living room), 4.5 metres (bedroom) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along western and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;

- (2) *a bin compound being provided in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:*
- *Residential*
 - Single Bedroom Dwelling*
 - 0.5x mobile garbage bin per unit; and*
 - 0.5 x general recycle bin per Unit*
 - Two Bedroom Dwelling*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 Units; and*
 - *Commercial*
 - 1 x mobile garbage bin per unit; and*
 - 1 x paper recycle bin per unit, or per 200 square metres of floor space; and*
- (3) *all stores shall have a minimum dimension of 1.5 metres.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;

- (vii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (viii) *first obtaining the consent of the owners of No. 5 Robertson 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. 5 Robertson Street in a good and clean condition;*
 - (ix) *all signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (x) *doors, windows and adjacent floor areas on the ground floor fronting Robertson Street shall maintain an active and interactive relationship with these streets;*
 - (xi) *prior to the first occupation of the development, four (4) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
 - (xii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
 - (xiii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
 - (xiv) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
 - (xv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xvi) *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);*

- (xvii) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development;*
- (xviii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Robertson Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s). A list of Planting is to be submitted to the Town's Parks Services to assesses and approve prior to the issuing of a Building Licence.*

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

Cr Burns departed the Chamber at 7.03pm.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

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

Landowner:	Youth With A Mission (Perth) Inc
Applicant:	Dimidium Design Company
Zoning:	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1: Residential R80
Existing Land Use:	Factory
Use Class:	Multiple Dwelling, Hall, Hostel, Offices
Use Classification:	'Preferred Use', "Contemplated Use", "Preferred Use", "Preferred Use"
Lot Area:	1543 square metres
Access to Right of Way	Not applicable

BACKGROUND:

25 August 2009 The Western Australian Planning Commission conditionally approved the amalgamation of Lots 250, 6, 7, 8, 9 and 10 at Nos. 9-27 Robertson Street, Perth.

DETAILS:

The proposal involves partial demolition of and change of use from factory to four-storey mixed use development comprising four, two bedroom multiple dwellings, hostel comprising five, single bedroom multiple dwellings, offices, hall (including dining) and associated car parking.

The proposed building will be used as the headquarters for *Youth With A Mission (YWAM)*. The applicant's submission is "*Laid on the Table*", which explains the purpose of the proposed building as a meeting place, food service, administration and accommodation.

The applicant has provided the following justification for the scale and bulk of the proposed building:

"In response to the comments received regarding the scale and bulk of the proposed building, it is also noted that the proposed building maintains the existing relationship between the existing building and adjacent properties.

The existing building represents the majority of the wall areas of the proposed building form adjacent to the neighbouring boundaries.

The design of the proposed roof form of the third level residential unit has been revised to reduce the visual weight of the proposed form by the substitution of a pitched roof for the previous flat roofs and parapet walls.

The revised roof modulated the building form and is consistent with the proposed roof form of the level 2 residential units.

The proposed revised roof pitches towards the central atrium space reduce the appearance of visual scale and bulk through the variation in roof pitch."

The site is located within the area which was previously under the control of East Perth Redevelopment Authority and City of Perth. Therefore, this application is assessed under the East Perth Redevelopment Scheme No. 1.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	12 multiple dwellings- R 80	4 multiple dwellings - R 26	Noted.
Plot Ratio	Maximum Plot Ratio= 1.0 The plot ratio may be increased to a maximum of 1.5, provided that in any development having a plot ratio in excess of 1.0, not less than 50 per cent of the excess relevant floor area shall be dedicated to residential use. 1.0 – 1543 square metres	0.9 – 1389 square metres	Noted.

For building setbacks, the *East Perth Redevelopment Authority Claisebrook Road North* guidelines specify the following:

- *a zero setback for development (other than residential) is applicable.*
- *in case of residential development the front setback will be 1.5 m from the front boundary at ground level. Upper level balconies and enclosed rooms may be built into the setback area but not past the lot boundary.*
- *all side and rear setbacks will be as required by the R-Codes.*

As shown above, non-residential development can have nil setbacks and residential should have setbacks as per the R-Codes. In the guidelines, there is no mention about setback requirements for a mixed use development.

Given that the building's predominant uses are non-residential (hall, hostel, offices) and is surrounded generally by commercial buildings, it is considered a commercial building. Accordingly, nil setbacks can be considered.

It is noted when this application was advertised, the whole building was assessed as per the R-Codes. However, further discussions in respect of setback requirements, it was considered that the building is predominantly commercial, hence nil setbacks apply as per the guidelines.

Building Setback: Front Setback (Robertson Street)- East Ground/First/Second and Third Floors	A zero front setback is to be observed for non-residential uses.	Ground Floor= 3.09 metres First/Second Floors= 3.6 metres Third Floor= 10.5 metres	Supported- Given that the existing building is setback 10.5 metres from Robertson Street, and is retained/retrofitted for this redevelopment, it is considered there will be no undue impact on the streetscape.
Overshadowing	Fifty per cent of adjoining site	65 per cent of adjoining site	Supported- The adjoining building along the southern boundary is used for commercial purposes; hence, the overshadowing impact is not unreasonable. No objection letters were received from the adjoining landowners along the southern boundary.
Number of Storeys	Three Storeys plus loft or roof terrace	Four Storeys	Supported –refer to 'Comments'.
Height	Three Storeys= 10 metres	13.6 metres	Supported- refer to 'Comments.'

Bicycle Parking	Provision for secure bicycle parking	Nil. Applicant submitted amended plans to provide secure bicycle parking at the rear of the property.	Noted.
Front Fence	Solid Fence up to 1 metre and permeable above 1 metre, up to 1.8 metres	Screen wall up to 1.8 metres Applicant submitted amended plans showing the fence to be compliant.	Noted.
Privacy	Meeting Room/Office/Living Room- 6 metres setback from boundary Bedroom – 4.5 metres	First Floor –West Meeting Room- 1.897 metres Second Floor West Living Room= 1.897 metres Third Floor West Bedroom= 2.2 metres North and East Terrace= 4 metres	Not supported- The windows are required to be screened. As above. As above. As above.
Store	Minimum Dimension (internal)= 1.5 metres	Internal Dimension= 1.2 metres	Not supported- The stores are required to comply with the minimum dimension of 1.5 metres.
Consultation Submissions			
Support (1)	Nil		Noted.
Objection (3)	Inaccuracy in the plans with regards to the adjoining properties and the existing windows along the western boundary.		Noted- The applicant submitted amended plans showing the exact location of adjoining properties and the existing windows along the western boundary.

	<p>Overlooking</p> <p>Screening is required to avoid any overlooking on the adjoining properties.</p> <p>Building Setbacks</p> <p>The proposed building should comply with the required setbacks as per the Residential Design Codes 2008.</p> <p>Noise attenuation</p> <p>The break-out area and the kitchen on the ground floor will accommodate up to 350 people at one time which will create noise intrusion into the adjacent properties.</p> <p>Scale of Building</p> <p>The building should comply with the three-storey limit rather than set a precedent of four-storeys in the immediate area.</p> <p>Property Damage</p> <p>Concerns about potential damage to adjoining properties during the proposed redevelopment of the subject site.</p> <p>Overshadowing</p> <p>Overshadowing of land will result in potential loss in value</p>	<p>Supported- Amended plans show screening and as explained in the Assessment Table; there will be a condition of approval for all windows/balconies to be screened.</p> <p>Not Supported- Refer to 'Assessment Table' comments.</p> <p>Not supported- The applicant has confirmed that there will be no openings directly facing adjacent properties, and all the openings will face Robertson Street. Therefore, the impact of noise on adjacent properties will be minimised. Moreover, the owners of the property will have to comply with the Noise Regulations.</p> <p>Not supported- Refer to 'Comments' below.</p> <p>Not supported- This is a civil matter.</p> <p>Not supported- Refer to 'Assessment Table'. It is noted that the affected southern properties did not submit any objection to the proposal.</p>
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	<p>Change of Use</p> <p><i>“The Council should not allow the character of the zone to change towards a full or partial residential use. As a result, in the future residents could be entitled to protection from noise and pollution naturally connected with our actual and permitted use of our land. This would effectively limit the extent to which we could make use of our land, as presently permitted, resulting potentially in a significant loss in value of the Company’s property.”</i></p>	<p>Supported in part- The land in this area is zoned Residential R80 and therefore residential is permitted. In the event of approval, the owner will be required to place a notification under section 70A of the Transfer of Land Act notifying that proprietors and prospective purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking, and other impacts associated with nearby commercial and non-commercial activities. Therefore, the owners and future purchasers cannot claim that they were not aware, that the subject site may be affected by adjoining commercial properties.</p> <p>Any extension to the adjoining existing commercial building will need to comply with the Scheme requirements. Therefore, the proposed development does not restrict any further commercial development on the adjoining properties.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

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

Car Parking

The East Perth Area is controlled by the Perth Parking Management Act 1999 and any parking requirement is to be assessed against the Perth Parking Policy. For residential parking, the requirement is as per East Perth Redevelopment Authority Scheme No. 1, which is as follows: for minimum car parking spaces required, it is at the discretion of the Authority, and maximum exclusive-use on-site parking, is as per the R-Codes. Given it is a mixed use development, as per the R-Codes, one car bay for each multiple dwelling; therefore, 4 car bays are to be allocated for the 4 multiple dwellings. There are 6 parking bays being provided for this development, hence 2 bays will remain for the non-residential use.

For the non-residential use, the Perth Parking Policy requires a maximum parking allowed on a site and there is no requirement for minimum car parking. In this instance, the maximum car parking allowed on this site is 31 car bays. Given that there is no minimum, the proposal complies with the parking requirements. Moreover, the proposed development is located 300 metres from the Claisebrook Train Station which contributes to accessibility to the site via the railway network. The applicant submitted a Transport Statement which is "*Laid on the Table*", demonstrating the proposal will have a minimum impact in terms of parking and traffic on the surrounding area.

COMMENTS:

Public Art

The land bounded by Lord Street, Summers Street, the East Perth railway reserve and the Graham Farmer Freeway was ceded from the City of Perth to the Town of Vincent in 2007.

For a period of time when the land was within the City of Perth, the land was under the planning control of the East Perth Redevelopment Authority (EPRA). In 2002, the land was normalised back to the City of Perth, and the EPRA Scheme and Policies at the time of normalisation were transferred to the City of Perth to be used until such time that the City of Perth amended their Scheme to reflect the changes. At the time of the boundary changes on 1 July 2007, the City of Perth still applied the EPRA Scheme at the time of normalisation; therefore, when the land was transferred to the Town, the Town was required to use the active Scheme at that time. Therefore, the Town is required to use the Scheme (EPRA Scheme No. 1) at the time of normalisation, until such time that the Town's Scheme is amended to incorporate this area.

At the time of normalization, EPRA had no provisions relating to contributions for public art. An Officer at EPRA has advised that their public art policy requiring public art from private developers was not adopted until 2005. Given that the area is not adopted under the Town's Scheme, the Town's Policies cannot apply, and therefore land development within this area is not required to make contributions towards public art.

The EPRA Scheme for Public Art specifies the following:

"The involvement of artists in the design process of new development can enrich the design response and help to establish a specificity of approach in the development of local cultural and historical themes. Including artist on the design team for private developments which will contribute to the qualities of public streets and spaces, is encouraged."

Given the applicant is not required to make contribution towards public art; the EPRA Scheme specifies the involvement of artists in the design process. Therefore, as a condition of approval, it is recommended that an Artist undertake a Public Art Project for the proposal to the satisfaction of the Town.

Number of Storeys and Height

The fourth storey is setback 4.2 metres from northern boundary and 2.2 metres from the western boundary. It does not occupy the whole site and the proposal does not impact on the northern and western properties in terms of overshadowing as required by the R-Codes (only southern properties will be impacted). Given the fourth storey is setback 10.5 metres to 16.2 metres from Robertson Street, there is limited impact on the streetscape. The fourth storey and height are supported in this instance.

In light of the above, the application is considered acceptable and would not result in an undue impact on the amenity of the surrounding area; rather, the proposal will contribute to the rejuvenation of the area via the introduction of a residential component and other active uses on-site. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

9.1.4 Amendment No. 64 to Planning and Building Policies – Policy No. 3.5.5 Relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts

Ward:	Both	Date:	15 March 2010
Precinct:	All	File Ref:	PLA0216
Attachments:	001 , 002		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts as shown in Attachment 001, resulting from the advertised version having been reviewed and with regard to four (4) written submissions received during the formal advertising, as shown in Attachment 002, in accordance with Clauses 47 (4), and (5)(a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Draft Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts, as shown in Attachment 001, in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts, as shown in Attachment 001, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.05pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Harvey

That clause (i) be amended to read as follows (denoted by double strikethrough and underlining):

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts as shown in Attachment 001, resulting from the advertised version having been reviewed and with regard to four (4) written submissions received during the formal advertising, as shown in Attachment 002, in accordance with Clauses 47 (4), and (5)(a) of the Town's Town Planning Scheme No. 1~~½~~, subject to the Policy being further amended as follows:*

(a) *Clause 1) Objectives on Page 1 be amended to read as follows:*

“(1) *To protect the quality of streetscape, ~~adjoining public open space, foreshore reserves~~ and the amenity of nearby residents by minimising the visual impact of satellite dishes, microwave antennae and tower masts.*”

(b) *Clause 1) ii) and iv) Satellite Dishes on Page 1 be amended to read as follows:*

“(ii) *the satellite dish is not located on a wall or that portion of the roof of a building which faces, or is visible from, the primary street, ~~adjoining public open space~~ or foreshore reserves; and*

...

iv) *the satellite dish does not project above the ridgeline of the building or is not visible from the primary street, ~~adjoining public open space~~ or foreshore reserves; and*

...”

(c) *Clause 1) i), ii) and iii) on Page 2 be amended to read as follows:*

“(i) *the visual impact of the satellite dish on the subject site, the streetscape, ~~adjoining public open space, foreshore reserves~~ and the general locality in terms of its design, scale, bulk, colour, height and general appearance;*

ii) *~~the location of the satellite dish does not have any~~ adverse impact on the architectural integrity of any existing building; and*

iii) *~~the location of the satellite dish does not have any~~ adverse impact on the adjoining properties;.”*

(d) *Clause 1) iv) and v) on Page 2 be amended to form separate paragraphs and to read as follows:*

“(i) *~~Roof~~ mounted satellite dishes greater than 1 metre and less than 1.5 metres in diameter will only be permitted in instances where it can be demonstrated that they will not adversely impact on the visual amenity of the adjacent area and do not extend beyond the ridge line or within the street setbacks; ~~and~~*

“(ii) *~~Satellite~~ dishes with a greater diameter than 1.5 metres are to be located at ground level, have a maximum height of less than 3 metres and be located so that they are not visible from ~~any~~ the primary street, adjoining public open space or foreshore reserves.”*

(e) *Clause 3 Tower Masts on Page 2 be amended to read as follows:*

“(3) *The erection of a tower mast for the transmission and reception of radio signals in excess of 5 metres from natural ground level is not permitted ~~unless no~~ if there are any ~~written~~ valid objections ~~are~~ received by the Town of Vincent from the owners and occupiers of affected properties.”*

(f) *Clause 5 iii) Administration Requirements on Page 3 be deleted as follows:*

~~“iii) The Chief Executive Officer is granted delegated authority to approve applications which comply with this Policy or are seeking minor variations, to this Policy, where no objections to the variation have been received from the owners and occupiers of the affected properties.”~~

Debate ensued.

Cr Burns suggested that the word “written” in clause 3 Towner Masts on Page 2 of the Policy (clause (i)(c)(e) of the amendment) not be removed. The Mover, Cr Maier and the Seconder, Cr Harvey agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.4

That the Council;

(i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts as shown in Attachment 001, resulting from the advertised version having been reviewed and with regard to four (4) written submissions received during the formal advertising, as shown in Attachment 002, in accordance with Clauses 47 (4), and (5)(a) of the Town's Town Planning Scheme No. 1~~5~~, subject to the Policy being further amended as follows:*

(a) *Clause 1) Objectives on Page 1 be amended to read as follows:*

“1) *To protect the quality of streetscape, ~~adjoining public open space~~, foreshore reserves and the amenity of nearby residents by minimising the visual impact of satellite dishes, microwave antennae and tower masts.”*

(b) *Clause 1) ii) and iv) Satellite Dishes on Page 1 be amended to read as follows:*

“ii) *the satellite dish is not located on a wall or that portion of the roof of a building which faces, or is visible from, the primary street, ~~adjoining public open space~~ or foreshore reserves; and*

...

iv) *the satellite dish does not project above the ridgeline of the building or is not visible from the primary street, ~~adjoining public open space~~ or foreshore reserves; and*

...”

(c) *Clause 1) i), ii) and iii) on Page 2 be amended to read as follows:*

“i) *the visual impact of the satellite dish on the subject site, the streetscape, ~~adjoining public open space~~, foreshore reserves and the general locality in terms of its design, scale, bulk, colour, height and general appearance;*

- ii) ~~the location of the satellite dish does not have any~~ adverse impact on the architectural integrity of any existing building; and
- iii) ~~the location of the satellite dish does not have any~~ adverse impact on the adjoining properties;”
- (d) Clause 1 iv) and v) on Page 2 be amended to form separate paragraphs and to read as follows:
- “ ~~ii) #~~ Roof mounted satellite dishes greater than 1 metre and less than 1.5 metres in diameter will only be permitted in instances where it can be demonstrated that they will not adversely impact on the visual amenity of the adjacent area and do not extend beyond the ridge line or within the street setbacks; and
- ~~ii) #~~ Satellite dishes with a greater diameter than 1.5 metres are to be located at ground level, have a maximum height of less than 3 metres and be located so that they are not visible from ~~any~~ the primary street; adjoining public open space or foreshore reserves.”
- (e) Clause 3 Tower Masts on Page 2 be amended to read as follows:
- “3) The erection of a tower mast for the transmission and reception of radio signals in excess of 5 metres from natural ground level is not permitted ~~unless no~~ if there are any written valid objections ~~are~~ received by the Town of Vincent from the owners and occupiers of affected properties.”
- (f) Clause 5 iii) Administration Requirements on Page 3 be deleted as follows:
- ~~“iii) The Chief Executive Officer is granted delegated authority to approve applications which comply with this Policy or are seeking minor variations, to this Policy, where no objections to the variation have been received from the owners and occupiers of the affected properties.”~~
- (ii) **ADOPTS** the final amended version of the Draft Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts, as shown in Attachment 001, in accordance with Clause 47 (5)(b) of the Town’s Town Planning Scheme No. 1; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts, as shown in Attachment 001, in accordance with Clause 47 (6) of the Town’s Town Planning Scheme No. 1.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcome of the formal advertising period for the Draft Amended Policy relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts; to present to the Council the final amended version of the Draft Amended Policy; and to seek final adoption of the Policy.

BACKGROUND:

At its Ordinary Meeting held on 14 April 2009, the Council considered an application for a proposed satellite dish to an existing single house (No. 81, Lot: Y11 D/P:1151, Cowle Street, corner Charles Street, West Perth). The Officer Recommendation was for refusal of the proposed development. This was based on the fact that the development was not consistent with the orderly and proper planning and the preservation of the amenities of the locality, and was non-compliant with the Town's Policy relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts. The non-compliant requirements were as follows:

- the dish is 2.3 metres in diameter (the Policy requires satellite dishes to be less than one metre in diameter if erected on the wall or roof of the building);
- the dish is located on the rear portion of roof to the main dwelling and will be clearly visible from Charles Street (the Policy requires satellite dishes not to be located on a wall or that portion of the roof of a building which faces, or is visible from the street); and
- the dish is black powder coated (the Policy requires satellite dishes to be coloured in a similar colour to the wall or roof of the building it is erected upon if it is visible from any nearby properties).

It was considered that the location of the proposed satellite dish, in combination with the size and construction materials used, increased the visual impact of the dish from Charles Street. The Town's Officer's conducted a site visit on 23 December 2008, whereby it was confirmed that there were alternative locations within the site for an appropriately located satellite dish. However, it was noted that this would require modifications relating to the relocation of the clothes drying area and possibly, the water tank at the rear of the dwelling, to enable the satellite dish to be placed at ground level.

However, the Council did not support the Officer Recommendation for refusal of the proposal, but rather, supported the proposed development on the following grounds:

- the house is located near a Town of Vincent owned park and therefore the impact on neighbouring properties will be minimal;
- there are trees in the park which will screen the satellite dish; and
- the satellite dish is not visible from Cowle Street.

Ultimately, the decision was that the Council '*...in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner...for proposed Satellite Dish to Existing Single House...*'

At its Ordinary Meeting held on 25 August 2009, Council considered a similar application for a proposed satellite dish addition to an existing single house (No. 586, Lot 52 D/P: 33979 William Street, Mount Lawley). This was a retrospective application however, and was objected to by 18 adjoining property owners. The application was non-compliant with the Town's Policy No. 3.5.5 on the following grounds:

- the dish is 3 metres in diameter (the Policy requires satellite dishes to be less than one metre in diameter if erected on the wall or roof of the building);
- the dish is located on a portion of roof which is visible from William Street – northern and southern elevations (the Policy requires satellite dishes not to be located on a wall or that portion of the roof of a building which faces, or is visible from the street); and

- the steel frame of the satellite dish is of a black powder coated colour (the Policy requires satellite dishes to be coloured in a similar colour to the wall or roof of the building it is erected upon if it is visible from any nearby properties).

In this case, despite the adjoining property owner's objections and the non-compliant requirements, the Officers Recommendation was to support the satellite dish, which was '*Carried En Bloc*' by the Council.

As a consequence of these two decisions, and previous Council decisions, the Town's Officers were requested to formerly review the Town's Policy No. 3.5.5 relating to Satellite Dishes, Microwave Antennae and Tower Masts.

At its Ordinary Meeting held on 1 December 2009, the Council considered the proposed Amendment to the Domestic Satellite Dishes, Microwave Antennae and Tower Masts and resolved to advertise the Draft Amended Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

DETAILS:

The Draft Amended Policy relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, commencing on 19 January 2010 and closing on 17 February 2010. Following the completion of the advertising period, the Policy was further considered in light of the submissions received (summarised in Attachment 002), and where appropriate, the draft amended Policy has been modified.

In general, the proposed amendments are considered appropriate and logical, and relate to utilising consistent language throughout the Policy, as well as including reference to properties not exempt from planning approval by virtue of the Swan River Trust and the Heritage Council of Western Australia requirements.

Amendments to the draft amended Policy, (refer to Attachment 001), have been depicted using strikethrough and underline. However, the proposed key amendment to the Policy following the advertising period is outlined below, and depicted using underline.

Clause 7) is to be amended to read as follows;

“ii) Exemption from the requirement to obtain planning approval as set out in this Policy will not apply in the following instances:

a) for properties within or abutting the Swan River Trust's Development Control Area, which will require planning approval to be issued under Clause 30A of the Metropolitan Region Scheme, unless otherwise exempt by virtue of the *Telecommunications Act 1997* and *Telecommunications (Low-impact facilities) Determination 1997*; and

b) for properties listed on the State Register of Heritage Places.”

It is considered that the changes outlined in Attachment 001, and as depicted above, will assist in the streamlining of the Domestic Satellite Dishes, Microwave Antennae and Tower Masts Policy.

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 19 January 2010 and closed on 16 February 2010.

In total, four (4) submissions were received, the breakdown of which is as follows:

- two (2) supported the proposed Amendment No. 64;
- one (1) did not state either support or objection to the proposed Amendment No. 64; and
- one (1) stated no objection to the proposed Amendment No. 64.

A summary of the comments received in the submissions can be found in Attachment 002.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies. Also, the Residential Design Codes of Western Australia (R-Codes 2008).

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

“Natural and Built Environment

Objective 1.1- Improve and maintain the environment and infrastructure

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

SUSTAINABILITY IMPLICATIONS:

By addressing satellite dishes that do not comply with the requirements outlined in the Town’s Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts, this will reduce the adverse impact that such developments may have on the community in terms of negative visual impacts, and negative impacts on the preservation of the amenity of the locality.

Therefore, it is envisaged that by amending this Policy No. 3.5.5, this will serve to support and protect social sustainability within the Town.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that these amendments will result in a comprehensive and transparent Domestic Satellite Dishes, Microwave Antennae and Tower Masts Policy that provides clear, detailed information to the public with regard to the requirements relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts within the Town.

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Amended Policy in accordance with the Officer Recommendation.

9.1.5 Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies

Ward:	Both Wards	Date:	15 March 2010
Precinct:	All Precincts	File Ref:	PLA0219; PLA0161
Attachments:	001 , 002		
Reporting Officer:	S Kendall, Senior Planning & Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

That the Council;

- (i) *RECEIVES the report relating to the review of the Town's Planning and Building Policy Manual;*
- (ii) *RESCINDS the following Policies, as shown in Attachment 001:*
 - (a) *Policy No. 3.5.9 - Stormwater Disposal from Premises;*
 - (b) *Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;*
 - (c) *Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent;*
 - (d) *Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests; and*
 - (e) *Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties;*
- (iii) *AMENDS the following Policies, as shown in Attachment 002:*
 - (a) *Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory; and*
 - (b) *Policy No. 3.6.1 - Heritage Management - Development Guidelines;*
- (iv) *ADVERTISES the rescission and amendment of the following Policies:*
 - (a) *Policy No. 3.5.9 - Stormwater Disposal from Premises;*
 - (b) *Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;*
 - (c) *Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent;*
 - (d) *Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests;*
 - (e) *Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties;*
 - (f) *Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory; and*
 - (g) *Policy No. 3.6.1 - Heritage Management - Development Guidelines;*

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

 - (a) *advertising a summary of the subject Policies to be rescinded/amended once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies to be rescinded/amended; and*
 - (c) *forwarding a copy of the subject Policies to be rescinded/amended to the Western Australian Planning Commission; and*

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

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Harvey

That subclauses (iii)(b) and (iv)(g) be amended to read as follows:

“...(iii)(b) Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties;...

... (iv)(g) Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties;...”

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

“(a) That subclause (ii)(e) be deleted as follows:

*“(ii) **RESCINDS** the following Policies, as shown in Attachment 001:*

*...
(e) ~~Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties;~~”*

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

*“(iii) **AMENDS** the following Policies, as shown in Attachment 002:*

*...
(c) Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties and adjacent properties, subject to the following amendments:*

(1) the Objective of the policy being amended as follows:

~~To provide guidance to the Town of Vincent's Administration for dealing with enquiries regarding:~~

~~1) the heritage status of properties; and~~

~~2) partial or full demolition of properties not included on the Town of Vincent's Municipal Heritage Inventory.~~

~~To ensure that people making enquiries regarding the heritage status of a property obtain unambiguous advice and that a record is kept of that advice.~~

(2) the Policy Statement being amended as follows:

~~The Town of Vincent Municipal Heritage Inventory (MHI) lists properties and places in Category A – Conservation Essential and Category B – Conservation Recommended.~~

~~Other properties and places which have not been identified as meeting the threshold for inclusion on the MHI have not been listed however it is acknowledged that these properties and places may still have heritage significance.~~

~~This Policy and Procedure aim to provide information to property owners and prospective property owners, regarding the heritage status of the property/place and the possible redevelopment. At the same time, it aims to minimise the legal liability which may arise from actions as a result of information provided by the Town of Vincent,;~~

In order to minimise the potential for misunderstandings, the only verbal advice that the Town's Officers will provide with regard to the heritage status of a property, is whether the property is included in the Town's Municipal Heritage Inventory at the time that the enquiry is made. All other enquiries will be answered in writing. A disclaimer will be read to the enquirer at the time that a verbal response is provided.

(3) Clause 2 (ii) (b) being amended as follows:

b) Written Enquiries

...

- ~~Must be accompanied by the payment of an appropriate fee;~~

(c) That new clause (vi) be inserted as follows:

“(vi) REQUESTS the Chief Executive Officer to include energy conservation, universal design, protection of old growth forests and a commitment to only use timber which is obtained using sustainable harvesting practices when developing the Sustainability Strategy and Sustainability Guidelines.” ”

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

Debate ensued.

AMENDMENT NO 2 PART (a) PUT AND CARRIED (9-0)

Debate ensued.

The Mover, Cr Maier advised that he wished to withdraw his amendment Part (b), clause (iii)(c)(3). The Seconder, Cr Topelberg agreed. Cr Maier withdrew his amendment.

Debate ensued.

AMENDMENT NO 2 PART (b) CLAUSE (iii)(c)(1) and (2) PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2 PART (c) PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.5

That the Council;

(i) *RECEIVES the report relating to the review of the Town's Planning and Building Policy Manual;*

(ii) *RESCINDS the following Policies, as shown in Attachment 001:*

- (a) *Policy No. 3.5.9 - Stormwater Disposal from Premises;*
- (b) *Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;*
- (c) *Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent; and*
- (d) *Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests;*

(iii) *AMENDS the following Policies, as shown in Attachment 002:*

- (a) *Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory;*
- (b) *Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties; and*
- (c) *Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties and adjacent properties, subject to the following amendments:*

(1) the Objective of the policy being amended as follows:

~~*To provide guidance to the Town of Vincent's Administration for dealing with enquiries regarding:*~~

- ~~*1) the heritage status of properties; and*~~
- ~~*2) partial or full demolition of properties not included on the Town of Vincent's Municipal Heritage Inventory.*~~

To ensure that people making enquiries regarding the heritage status of a property obtain unambiguous advice and that a record is kept of that advice.

(2) the Policy Statement being amended as follows:

~~The Town of Vincent Municipal Heritage Inventory (MHI) lists properties and places in Category A – Conservation Essential and Category B – Conservation Recommended.~~

~~Other properties and places which have not been identified as meeting the threshold for inclusion on the MHI have not been listed however it is acknowledged that these properties and places may still have heritage significance.~~

~~This Policy and Procedure aim to provide information to property owners and prospective property owners, regarding the heritage status of the property/place and the possible redevelopment. At the same time, it aims to minimise the legal liability which may arise from actions as a result of information provided by the Town of Vincent;”~~

~~In order to minimise the potential for misunderstandings, the only verbal advice that the Town's Officers will provide with regard to the heritage status of a property, is whether the property is included in the Town's Municipal Heritage Inventory at the time that the enquiry is made. All other enquiries will be answered in writing. A disclaimer will be read to the enquirer at the time that a verbal response is provided.~~

(iv) **ADVERTISES** the rescission and amendment of the following Policies:

- (a) Policy No. 3.5.9 - Stormwater Disposal from Premises;
- (b) Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;
- (c) Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent;
- (d) Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests;
- (e) Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties;
- (f) Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory; and
- (g) Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties;

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (a) advertising a summary of the subject Policies to be rescinded/amended once a week for four consecutive weeks in a newspaper circulating in the locality;
- (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies to be rescinded/amended; and
- (c) forwarding a copy of the subject Policies to be rescinded/amended to the Western Australian Planning Commission;

- (v) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Policies to be rescinded and amended, having regard to any written submissions; and*
 - (b) *DETERMINES the Policies to be rescinded and amended, with or without amendment, to or not to proceed with them; and*
- (vi) *REQUESTS the Chief Executive Officer to include energy conservation, universal design, protection of old growth forests and a commitment to only use timber which is obtained using sustainable harvesting practices when developing the Sustainability Strategy and Sustainability Guidelines.*
-

PURPOSE OF REPORT:

To inform the Council of the review of the Town's Planning and Building Policy Manual and to enable the Council to consider the removal of the following policies:

- Policy No. 3.5.9 - Stormwater Disposal from Premises;
- Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;
- Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent;
- Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests and
- Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties.

The report also presents amendments to the following policies:

- Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory; and
- Policy No. 3.6.1 - Heritage Management - Development Guidelines.

The report does not identify all of the policies that are or may require review, rather it is the first stage of a review of the existing Planning and Building Policy Manual.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual with some amendments. Since the adoption of the original Manual, a number of amendments have been made to introduce new policies, amend existing policies or to rescind outdated policies.

DETAILS:

The Planning and Building Policy Manual contains policies adopted by the Council pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The Manual is intended to be used as a working document to assist in the preparation of planning and building applications. The provisions of these policies are also used as a basis for assessing planning and building applications.

As part of the Town's Town Planning Scheme No. 1 review, there is a requirement to review the Town's Planning and Building Policy Manual. The following objectives are guiding this review:

- Update Policies to reflect Local Planning Strategy;
- Remove redundant policies;
- Ensure existing and proposed polices have a clear planning purpose;

- Distinguish between a policy and a procedure;
- Minimise replication of requirements, especially where a requirement may be subject to separate and adequate legalisation; and
- Address issues identified by the Town's Officers.

To date, the Town's Officers have identified a number of Policies that are considered redundant, and are recommended to be removed from the Policy Manual. These policies and the rationale for their removal, are identified below:

1. Policy No. 3.5.9 - Stormwater Disposal from Premises

Date of Adoption	27 March 2001
Policy Objective	To establish controls to provide for the appropriate discharge of stormwater from premises within the Town of Vincent.
Reason for removal	<p>The matter of stormwater disposal is adequately addressed in the following legislation:</p> <ul style="list-style-type: none"> • Local Government Act 1995 - Schedule 3.1 - Powers Under Notices to Owners or Occupiers of Land, which states: '<i>Prevent water from dripping or running from a building on the land onto any other land.</i>' (pg 337); and • The Town's Health Local Law also states in relation to Part 3 - Housing And General: '<i>Maintenance of Guttering and Downpipes and Disposal of Rainwater</i> <p><i>21. The owner or occupier of a dwelling house shall -</i></p> <p><i>(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and</i></p> <p><i>(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property, and ensure stormwater is disposed of directly into an appropriate drain or soak-well or directly onto a paved surface provided the surface has an adequate fall away from any building structure.'</i></p>

2. Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings

Date of Adoption	27 March 2001
Policy Objective	To ensure that the future provision of translucent materials in building construction is compatible with the existing and/or proposed building and provide protection to pedestrians and building users from climatic conditions.
Reason for removal	<p>Shading co-efficient, is a value that determines one type of thermal performance of a glass unit (panel or window) in a building. The shading coefficient (SC) depends on the colour of glass and degree of reflectivity.</p> <p>Building Services have advised that the Energy Efficient provisions of the Building Code of Australia adequately address and provide requirements for the thermal performance of buildings.</p>

3. Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent

Date of Adoption	27 March 2001
Policy Objective	To ensure energy efficiency and universal design is considered in the design of the buildings owned by the Town of Vincent and buildings located within the Town of Vincent.
Reason for removal	<p>This policy does not have a planning focus. Rather it has an administrative and operational emphasis.</p> <p>It is considered that this Policy is more appropriate to be located in the Town's General Policy Manual and/or for use by the Town's Property and Projects Officer. The Building Code of Australia addresses energy efficiency and universal design.</p> <p>It is noted that the Town is currently preparing a Sustainability Strategy, Sustainability Guidelines and various other initiatives to better educate and encourage more energy efficient design responses.</p>

4. Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests

Date of Adoption	27 March 2001
Policy Objective	To ensure the protection and preservation of the natural environment and discourage the exploitation of non-renewable resources and the clearing of old growth, native, and rainforest resources.
Reason for removal	<p>This policy does not have a planning focus. Rather it has an administrative and operational emphasis.</p> <p>It is considered that this Policy is more appropriate to be located in the Town's General Policy Manual and/or for use by the Town's Property and Projects Officer.</p> <p>It is noted that the Town's Parks are protected as they are reserved under both the Town's Town Planning Scheme and the Metropolitan Region Scheme.</p>

5. Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties

Date of Adoption	10 April 2007
Policy Objective	To provide guidance to the Town of Vincent's Administration for dealing with enquiries regarding: <ol style="list-style-type: none"> 1. the heritage status of properties; and 2. partial or full demolition of properties not included on the Town of Vincent's Municipal Heritage Inventory.
Reason for removal	This policy has an administrative and operational emphasis and has an internal/procedural focus. It is recommended that this policy be removed from the Policy Manual but used as a reference document by the Town's Heritage staff.

In addition to the above, the Town's Officers have identified a number of Policies that require amendment. A selection of the policies currently under review, are presented below. Further reports will be presented to the Council in due course:

1. Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory

Date of Adoption	27 June 2006 Date Last Amended: 22 July 2008
Policy Objective	Provide a procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory.
Proposed Change	This policy has recently been updated and therefore no changes are proposed to the content of the policy. It is however recommended that the title be amended (shortened) for ease of reference as follows: <i>"Policy No. 3.6.5 – Adding/Deleting/Amending Places Listed On Amendments to the Municipal Heritage Inventory"</i>

2. Policy No. 3.6.1 - Heritage Management - Development Guidelines

Date of Adoption	27 June 2006 Date Last Amended: 22 July 2008	
Policy Objective	The Policy provides Guidelines for alterations and additions to places listed on the Town of Vincent Municipal Heritage Inventory (Heritage List).	
Proposed Change No. 1	To include the following provisions relating to Signage on page 6 of the Policy: <i><u>"Signage</u></i> <i><u>A.2.7 To comply with 'Standards Common to Signs on Heritage Buildings' provisions in the Town's Policy No. 3.5.2 relating to Signs and Advertising."</u></i>	
Proposed Change No. 2	There is limited guidance on development proposed adjacent to heritage listed places in the current policy. The proposed Acceptable Development Standards and Performance Criteria provisions, which commence on page 7 of the Policy, aim to provide such guidance. <i><u>"5 DEVELOPMENT ADJACENT TO HERITAGE LISTED BUILDINGS:</u></i>	
	<i><u>Performance Criteria</u></i>	<i><u>Acceptable Development</u></i>
	<i><u>P1 New development maintains and enhances existing views and vistas to the principal façade(s) of the adjacent heritage listed place.</u></i>	<i><u>A.1.1 New development has an equivalent setback and/or is no less than that of the adjacent heritage listed place.</u></i>
	<i><u>P2. New development maintains and enhances the visual prominence and significance of the adjacent heritage listed place.</u></i>	<i><u>A.2.1 New development does not imitate, replicate or mimic historic architectural styles.</u></i>

		<p><u>A.2.2 New development is clearly distinguishable from the adjacent heritage listed place.</u></p>
	<p><u>P3. New development is of a scale and mass that respects the adjacent heritage listed place.</u></p>	<p><u>A.3.1 Side setbacks of new development reflect those of the adjacent heritage listed place.</u></p> <p><u>A.3.2 The height of the new build is to be compatible to the adjacent heritage listed building. Staggering the building is one acceptable method to achieve this.”</u></p>

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.

STRATEGIC IMPLICATIONS:

This matter is in accordance with the Town's Strategic Plan 2009-2014 – Action 4.1.2 “Manage the organisation in a responsible, efficient and accountable manner” and Action 1.1.2 “Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision”.

FINANCIAL/BUDGET IMPLICATIONS:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

COMMENTS:

The policies listed above have been reviewed as part of the Town's Town Planning Scheme No. 1 review. The removal of, and amendment to, the subject policies will streamline the Planning and Building Policy Manual to ensure its content is relevant and easy to use for applicants, Council Members and the Town's Officers.

The adoption of the Officer Recommendation to progress the Town's Planning and Building Policy Manual review is therefore recommended.

9.1.6 City of Perth - Draft Urban Design Framework - A Vision for Perth 2029

Ward:	-	Date:	15 March 2010
Precinct:	-	File Ref:	ORG0016
Attachments:			
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES:**
- (a) *the report relating to the City of Perth Draft Urban Design Framework – A Vision for Perth 2029; and*
- (b) *the Draft Urban Design Framework – A Vision for Perth 2029, as circulated to Council Members, is available electronically at www.perth.wa.gov.au/udf;*
- (ii) *NOTES that the Draft Urban Design Framework is generally in line with the former Department of Planning and Infrastructure (now Department of Planning) Draft Capital City Planning Framework; and*
- (iii) *advises the City that it SUPPORTS IN PRINCIPLE the Draft Urban Design Framework – A Vision for Perth 2029 as outlined in this report, however, has some concerns in relation to the following:*
- (a) *the implication for the Town of Vincent in relation to page 21 of Section 4 of the document, relating to the Vision, which states, ‘the City of Perth will have expanded to include neighbouring precincts to make the City of Perth more effective;’*
- (b) *the wording of the principles relating to Activity and People, as outlined in Section 6 of the document, notably the absence of identifying the importance of providing for appropriate facilities and services that will cater for the proposed increase in residential population to complement surrounding suburbs, without putting added strain/stress on surrounding services; and*
- (c) *the flow-on impact of movement and transport directions on the Town, as outlined in Section 6 of the document, emphasising the necessity for the City to properly consult with the Town, particularly concerning the following:*
- (1) *relocating commuter parking areas to fringe areas of the City Centre; and*
- (2) *the proposed transport route changes, particularly relating to creating two-way streets that converge with one-way streets within the Town.*

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Farrell

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

“(iii) advises the City that it SUPPORTS IN PRINCIPLE the Draft Urban Design Framework – A Vision for Perth 2029 as outlined in this report, however, ~~has some concerns in relation to the following we~~ rejects;

- (a) the implication for the Town of Vincent in relation to page 21 of Section 4 of the document, relating to the Vision, which states, ‘the City of Perth will have expanded to include neighbouring precincts to make the City of Perth more effective;’*

Have some concerns about:

...”

Debate ensued.

The Mover, Cr Topelberg advised that he wished to change his amendment and reword it as follows with a new clause (iv):

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

(iii) advises the City that it SUPPORTS IN PRINCIPLE the Draft Urban Design Framework – A Vision for Perth 2029 as outlined in this report, however, has some concerns in relation to the following;

- (a) ~~the implication for the Town of Vincent in relation to page 21 of Section 4 of the document, relating to the Vision, which states, ‘the City of Perth will have expanded to include neighbouring precincts to make the City of Perth more effective;’~~*

- (a**b**) the wording of the principles relating to Activity and People, as outlined in Section 6 of the document, notably the absence of identifying the importance of providing for appropriate facilities and services that will cater for the proposed increase in residential population to complement surrounding suburbs, without putting added strain/stress on surrounding services; and*

- (b**e**) the flow-on impact of movement and transport directions on the Town, as outlined in Section 6 of the document, emphasising the necessity for the City to properly consult with the Town, particularly concerning the following:*

- (1) relocating commuter parking areas to fringe areas of the City Centre; and*

- (2) *the proposed transport route changes, particularly relating to creating two-way streets that converge with one-way streets within the Town.*

- (iv) *advises the City of Perth that it STRONGLY REJECTS the implication for the Town of Vincent in relation to page 21 of Section 4 of the document, relating to the Vision, which states, 'the City of Perth will have expanded to include neighbouring precincts to make the City of Perth more effective.'*

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.6

That the Council:

- (i) **RECEIVES:**
- (a) *the report relating to the City of Perth Draft Urban Design Framework – A Vision for Perth 2029; and*
- (b) *the Draft Urban Design Framework – A Vision for Perth 2029, as circulated to Council Members, is available electronically at www.perth.wa.gov.au/udf;*
- (ii) *NOTES that the Draft Urban Design Framework is generally in line with the former Department of Planning and Infrastructure (now Department of Planning) Draft Capital City Planning Framework; and*
- (iii) *advises the City that it SUPPORTS IN PRINCIPLE the Draft Urban Design Framework – A Vision for Perth 2029 as outlined in this report, however, has some concerns in relation to the following:*
- (a) *the wording of the principles relating to Activity and People, as outlined in Section 6 of the document, notably the absence of identifying the importance of providing for appropriate facilities and services that will cater for the proposed increase in residential population to complement surrounding suburbs, without putting added strain/stress on surrounding services; and*
- (b) *the flow-on impact of movement and transport directions on the Town, as outlined in Section 6 of the document, emphasising the necessity for the City to properly consult with the Town, particularly concerning the following:*
- (1) *relocating commuter parking areas to fringe areas of the City Centre; and*
- (2) *the proposed transport route changes, particularly relating to creating two-way streets that converge with one-way streets within the Town; and*
- (iv) *advises the City of Perth that it STRONGLY REJECTS the implication for the Town of Vincent in relation to page 21 of Section 4 of the document, relating to the Vision, which states, 'the City of Perth will have expanded to include neighbouring precincts to make the City of Perth more effective.'*

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the City of Perth's *Draft Urban Design Framework – A Vision for Perth 2029* currently being advertised for public comment, and to provide a summary of the document to the Council.

BACKGROUND:

The City of Perth launched the *Draft Urban Design Framework* following the economic development boom experienced up to 2009, in an effort to prepare for the next cycle of economic activity in Western Australia.

The *Draft Urban Design Framework* is a planning tool that establishes a link between the State Government's *Capital City Planning Framework* and the City's operational policies and strategies. It combines the City's vision *City of Perth 2029 We Hear You*, corporate plans, development plans and independent studies.

The *Draft Urban Design Framework* has been released for public comment, with submissions closing on 9 April 2010, to obtain feedback to inform the development and implementation of the Framework, prior to the documents being finalised by the City.

The Town has received a letter dated 5 February 2010 inviting the Town to comment on the Draft document.

DETAILS:

Currently, the City's urban design policies are set out in several documents, each of which has a different function. The *Draft Urban Design Framework* creates a single overview document that captures the main principles for the improvement of the City's public and private realm, and provides guidance in the writing and interpretation of operational policies and statutory planning documents, such as the City Planning Scheme.

It should be noted, that as a guiding document, the *Draft Urban Design Framework* does not propose specific solutions for future development, but rather, provides flexibility to '*manage change in changing circumstances of society, economy, environment and culture.*'

The *Draft Urban Design Framework* outlines the Urban Design Framework Elements of the City. For each of these elements, the *Draft Urban Design Framework* identifies a set of objectives, and a supporting set of principles that provide guidance on how the objectives should be achieved. The Urban Design Framework Elements examined in the document include:

- Activity and People;
- Urban Structure;
- Urban Pattern;
- Urban Grain;
- Connectivity;
- Movement;
- Streets;
- Parks;
- City Spaces;
- Built Form;
- Heritage;
- Quality in Architecture and Design; and
- Resilience.

It is envisaged that the *Draft Urban Design Framework* will provide guidance and illustration on the above elements that together make up a city environment, which, in turn, will:

- *‘Provide guidance on how development contributes to the city’s identity, structure, common interest and culture, and how such development is described in the statutory planning process;*
- *Increase developers’ appreciation of the expected built form outcomes across the city;*
- *Enable better integration of policy-making regarding public spaces and the public-private interface;*
- *Inspire responsive design of new buildings, spaces and their interfaces, focusing on architectural quality and place-making principles; and*
- *Provide Council with a reference tool in the coordination of capital works program to incrementally achieve the built form and public realm vision.’*

It is considered that the application of the principles outlined in the *Draft Urban Design Framework* to every project within the City, will assist in the implementation of the document. Some of the major projects identified include:

- Swan River Foreshore Improvement;
- Heirisson Island;
- Waterfront;
- St George’s Terrace;
- Forrest Place; and
- The Link.

A set of actions specifically relating to each of the Urban Design Framework Elements outlined above has been identified, in order to ensure that the principles and objectives of each of the elements are translated into the regulatory and policy framework.

CONSULTATION/ADVERTISING:

The City is currently advertising the *Draft Urban Design Framework* for public comment, which closes on 9 April 2010.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure

1.1.1 Capitalise on the Town’s strategic location, its centres and commercial areas.

Economic Development

Objective 2.1 Progress economic development with adequate financial resources

2.1.7 Develop and promote partnerships and alliances with key stakeholders.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

In the *Vision and Guiding Principles for 2029*, it has been emphasised that the City should be sustainable, capable of adapting to environmental change, in order to be passed on to future generations as an attractive and viable asset.

It is envisaged that the *Vision and Guiding Principles for 2029* will assist the Council in interpreting and prioritising the *Draft Urban Design Framework* into policy and other regulatory controls. In particular, three of these guiding principles that relate specifically to sustainability, state:

- *'Perth must develop in a way that meets the needs of the present..., through the integration of environmental protection, social advancement and economic prosperity, to build a sustainable future for the city;*
- *The City of Perth will take a leadership role in reducing and mitigating climate change and in the conservation of natural resources and native fauna and flora...; and*
- *A resilient and sustainable city economy requires a reduction in regulation and other barriers to entry, support for existing businesses and the facilitation of new growth areas.'*

In addition, a portion in Section 4 of the *Draft Urban Design Framework*, relating specifically to 'Response to Climate Change,' outlines the actions that will be taken to reduce the impact of climate change. These include a small carbon footprint, a green energy focus, and effective water management.

Finally, in Section 6 of the *Draft Urban Design Framework*, relating to the Urban Design Framework Elements, the portion relating to 'Resilience' outlines objectives and principles specifically relating to sustainable urban design. The objectives state:

- *'Make the city robust and resilient enough to enable it, and its users, to adapt to changing Circumstances;*
- *Minimise the city's carbon footprint and environmental impact; and*
- *Create a city that future generations will be proud to inherit.'*

COMMENTS:

As outlined above, the *Draft Urban Design Framework* is in line with the *Draft Capital City Planning Framework*. The latter document is the most recent step in a series of collaborative documents between the City of Perth and the State Government that have shaped the evolution of the Perth City area, and has developed following the release of *Directions 2031*. The Town has been involved in the *Draft Capital City Planning Framework* in an advisory capacity, at the development and planning levels. The *Draft Urban Design Framework* has been identified in the *Draft Capital City Planning Framework* as one of the key planning documents for the Perth City area. Similarly, the *Draft Urban Design Framework* has identified itself as a link between the *Draft Capital City Planning Framework* and the City's operational policies and strategies.

It should be noted however, that whilst the *Draft Urban Design Framework* predominantly addresses elements relating specifically to the central City area, the *Draft Capital City Planning Framework* addresses the wider Perth City area.

The Town's Officers have analysed the Urban Design Framework Elements of the *Draft Urban Design Framework* listed in the 'Details' Section of the report, in terms of how these relate to the Spatial Framework as set out in the *Draft Capital City Planning Framework*:

- Activity and People

In terms of activity and people, both the *Draft Urban Design Framework* and the *Draft Capital City Planning Framework* encourage the development of the City into a desirable place for people to live, work and play. A number of principles have been developed in the *Draft Urban Design Framework* in order to encourage a board range of activities and a higher proportion of residential development to create a 'living' city, including providing spaces for small creative enterprises, larger corporate enterprises, extending the allowable range of activities, providing a strong focus on education with inner city campuses for tertiary education, etc.

Likewise, the *Draft Capital City Planning Framework* has identified the trend and future vision for the City as one of city living and an increased population, resulting in the need to provide key services including higher education and school aged education, cultural facilities including community markets etc. In terms of community markets, the *Draft Capital City Planning Framework* has identified 5 categories of market types, including:

- 'Local Produce/Farmer's Market;
- Arts and Craft Market;
- Fruits and Flower Market;
- Specialty Market (e.g. antiques); and
- A Market with a mix of all, some, or all the above.'

In contrast however, the *Draft Urban Design Framework* has only identified one category of market type, stating 'a community in which people can, if they choose, live, play and shop locally including having access to a fresh food market.'

- Urban Structure/Urban Pattern/Urban Grain

In terms of the urban structure, the *Draft Urban Design Framework* aims to define and enable building forms and heights that 'celebrate the urbanity and intensity of the core area and other centres of activity,' whilst the *Draft Capital City Planning Framework* aims to encourage tall built forms with podiums to moderate the ground level impact, and create more dynamic and urban streets.

Both of the documents have identified the Swan River as influencing the urban pattern of the City. The *Draft Urban Design Framework* states 'Perth consists of a framework of buildings, activities, character precincts, streets and other public spaces, all set within a context of the river, the underlying landform...' whilst the *Draft Capital City Planning Framework* states 'it is apparent the first grid layout of 1829 of central Perth has formal qualities that interact directly with the underlying geography.'

- Connectivity/Movement

Connectivity and movement, in terms of pedestrians and cyclists, cars and other motorised vehicles, and public transport has been addressed in both of the documents. In general, both documents adopt a people first, public transport second, and cars last approach to transport planning.

In terms of pedestrians and cyclists movement, the *Draft Urban Design Framework* aims to 'create a high quality environment that encourages waking and cycling in preference to car use'. Likewise, the *Draft Capital City Planning Framework* has identified the community shift of attitude to an acceptance that to build healthy cities, the uncontrolled allocation of space to cars has to stop. The document states 'a more balanced approach is required when allocating road space and intersection green times between vehicles and pedestrians. This must recognise walking as the primary mode of movement in the city centre and provide it with a higher level of service.'

In terms of public transport, the *Draft Urban Design Framework* encourages significantly greater use of public transport as a means of access to and from the City. In addition, it has identified that the planning of the city needs to consider the incorporation of a future light rail/tram system, 'which will require a simple and legible network that connects centres of high pedestrian activity and development intensity.' The *Draft Capital City Planning Framework* has also identified the development of an integrated public transport system as an important element of a liveable city. Similar to the *Draft Urban Design Framework*, it has recognised light rail as a possible vehicle mode over time.

In terms of cars and motorised vehicles, both of the documents have identified the requirement to reduce car use in order to improve the quality of pedestrian experience and encourage the use of public transport within the City. However, as it would be unrealistic to expect car access to the city to be completely restricted, the need for a balanced approach has been identified. In particular, the *Draft Urban Design Framework* states 'make car access and parking less convenient and more costly to encourage alternative modes of transport...[however] enable sufficient car access to parking to maintain the city centre as a premium business location.' Other methods identified include limiting all day parking in the central area and limiting long-stay public car parking in the core. Likewise, the *Draft Capital City Planning Framework* has highlighted the 1993 Policy review relating to parking, which has recognised the need to encourage commuters to the City Centre to use modes other than the private car by developing 'parking measures which limit all day parking.'

- Streets

Both the *Draft Urban Design Framework* and the *Draft Capital City Planning Framework* have identified the importance of creating active streetscapes in order to stimulate trade and person-to-person interaction. The *Draft Urban Design Framework* aims to create street edges that encourage human interaction between the public and private realm and 'activate street frontage in intensive urban areas with retail, restaurant, café, office or other similar uses at street level.' Similarly, the *Draft Capital City Planning Framework* encourages an activated streetscape, and aims to create more dynamic and urban streets. It 'discourage[s] commercial buildings set back from the street,' as this results in non interactive ground floors.

- Parks/City Spaces

Although both the *Draft Urban Design Framework* and the *Draft Capital City Planning Framework* have identified significant areas of open space, both have also identified the importance of enhancing the parks around the City. The *Draft Urban Design Framework* aims to 'enhance the network of parks in and around the city...' whilst the *Draft Capital City Planning Framework* states 'it is important...to enhance the attributes of...parks closer to residential areas...'

In addition, both documents have identified the importance of providing a range of different open spaces. The *Draft Urban Design Framework* encourages a range of different parkland types that create a context for different types of demand for passive and active recreation, as well as entertainment events, whilst the *Draft Capital City Planning Framework* promotes 'a public open space domain that includes a variety of open spaces...outdoor performance spaces should vary in size, from intimate to larger scale...'

In terms of city spaces, both documents have identified the requirement for formal and incidental urban spaces such as squares, plazas, arcades, etc. In terms of the utilisation of these urban spaces, the *Draft Urban Design Framework* stipulates that urban spaces should be designed to be 'flexible in their use.' The *Draft Capital City Planning Framework* has stipulated the need for a public domain as a key feature of a vibrant, inclusive and liveable city. It has identified that consideration should be given to the 'inclusion of an outdoor performance space...where a range of formal and informal performances...could take place.'

The Urban Design Framework Elements relating to heritage, quality in architecture and design, and resilience, have not been addressed in the *Draft Capital City Planning Framework*.

It is noted that the Town has concerns in relation to the implications concerning Section 4 of the document, which states, '*the City of Perth will have expanded to include neighbouring precincts to make the City of Perth more effective.*' It is considered appropriate that the City provide further clarification as to what this entails. In addition, the Town has concerns in relation to the wording of the principles relating to Activity and People, notably the absence of identifying the importance of providing for appropriate facilities and services that will cater for the proposed increase in residential population to complement surrounding suburbs, without putting added strain/stress on surrounding services. Although it is necessary to recognise surrounding services outside of the central City area, for example, Beatty Park Leisure Centre within the Town of Vincent, it is important not to rely on these, and where necessary, allow for development of the Town's swimming pools, commercial centres, etc. to service any future increase in the residential base. Finally, it should be noted that the Town has concerns in relation to the impact of the proposed improvements to the movement networks/connectivity between the central City area and the Town. It is crucial that the Town is involved in any consultation undertaken for proposed improvements to connectivity between the central City area and the surrounding areas, and that an integrated approach to addressing any of these proposed improvements is undertaken in order to achieve an effective planning outcome.

In light of the above, it is recommended that the Council receive the report and support the Officer Recommendation to advise the City that the Town of Vincent supports in principle the intent and content of the *Draft Urban Design Framework – A Vision for Perth 2029*; however, has some concerns as outlined in the body of this report and in the Officer Recommendation.

9.1.8 Alteration of Parking Restriction Operating Times in Raglan Road and Chelmsford Road Car Parks

Ward:	South	Date:	16 March 2010
Precinct:	P11, Mount Lawley Centre	File Ref:	PKG0013; PKG0024
Attachments:			
Reporting Officer(s):	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer(s):	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council APPROVES an amendment of the operating times, for parking time restrictions, in Raglan Road and Chelmsford Road Car Parks from the current 8:00am to 8:00pm, Monday to Sunday, to 7:00am to Midnight, Monday to Sunday.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be amended to read as follows:

“That the Council APPROVES an amendment of the operating times, for parking time restrictions, for the ¼P bays in Raglan Road and Chelmsford Road Car Parks from the current 8:00am to 8:00pm, Monday to Sunday, to 7:00am to Midnight, Monday to Sunday.”

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Mayor Catania

COUNCIL DECISION ITEM 9.1.8

That the Council APPROVES an amendment of the operating times, for parking time restrictions, for the ¼P bays in Raglan Road Car Park from the current 8:00am to 8:00pm, Monday to Sunday, to 7:00am to Midnight, Monday to Sunday.

PURPOSE OF REPORT:

The purpose of this report is to address identified problems, by amending the parking time restriction operating times in Raglan Road and Chelmsford Road Car Parks.

BACKGROUND:

In 1996, the Council approved the introduction of parking time restrictions in Raglan Road and Chelmsford Road Car Parks, to address the complaints that were being received about people parking there and catching a bus into the City. At that time, the operating hours were from 8:00am to 5:30pm, Monday to Friday and 8:00am to noon on Saturday.

As part of a review of parking restrictions, around 2000, it was suggested that the operating hours in all car parks should be standardised at 8:00am to 8:00pm for day-time parking and 8:00pm to 8:00am for night time parking. Because of the usage patterns at that time, it was not considered necessary for Raglan Road and Chelmsford Road Car Parks to be restricted at night time.

Raglan Road Car Park

Raglan Road Car Park contains a total of 98 parking bays in the following configuration:

- 15 bays in the north western section are for all-day use and attract an hourly/daily fee;
- 64 bays are free but time restricted to a maximum of two hours (2P);
- 16 bays, adjacent to the Alexander Building, are free but are time restricted to a maximum of 15 minutes (¼P); and
- 3 bays are set aside for use by holders of an ACROD Parking Permit.

All of the ¼P bays and 15 of the 2P bays are within the properties owned by Silverleaf Pty Ltd. The Town of Vincent and Silverleaf Pty Ltd have entered into a formal agreement for the whole area to be recognised as "Raglan Road Car Park" and for the Town to undertake enforcement action on both the Town owned and privately owned land.

Chelmsford Road Car Park

Chelmsford Road Car Park contains a total of 56 parking bays in the following configuration:

- 23 bays in the southern section are for all-day use and attract an hourly/daily fee;
- 31 bays in the northern section are free but are time restricted to a maximum of two hours (2P); and
- 2 bays are set aside for use by holders of an ACROD Parking Permit.

DETAILS:

Over the past few years, the Town has received an increasing number of complaints from both businesses and their customers that, because the 2P time restrictions cease at 8:00pm, a vehicle that parks in this area at (say) 6:00pm, can remain there till 8:00am the following morning. With the increased popularity of the local restaurants, cafés and licenced premises, the current restrictions are no longer effective in controlling the area.

The Town recently engaged a consultant to develop a Town of Vincent Car Parking Strategy (CPS), which deals holistically with parking management throughout the Town, as well as individual Precinct Parking Management Plans (PPMP), which deal with the local parking issues in each of the Town's "high activity centres". These documents were approved by the Council at its Ordinary Meeting held on 9 March 2010. It is acknowledged that the PPMP for Mount Lawley recommends a number of strategies, including that all of the two hour (2P) parking time restricted areas of both Raglan and Chelmsford Road Car Parks become paid parking, between 7:00am and Midnight every day, but this will not be implemented until the 2010/2011 Budget has been approved. Given the current problems, it is considered appropriate to immediately extend the operating times for the existing restrictions, to midnight each night, in accordance with the PPMP recommendations. This measure will not affect the implementation of the paid parking restrictions in any way and, in fact, may assist, by extending the operating hours, prior to the introduction of ticket issuing machines.

Because the adjacent chemist shop is one of very few, in the Metropolitan area, to be open 24 hours per day, it has a regular high number of customers who make use of the facility at all times of the day and night. While the PPMP recommends that the ¼P area, adjacent to the chemist, should not be restricted after 7:00pm, it is suggested that this will result in the area being filled from around 6:30pm each night, thereby precluding parking by customers. As a result, as an interim measure, it is recommended that the whole car park, including the ¼P bays, remains time restricted till midnight.

The Town's Officers are currently compiling an Implementation Plan, for the recommendations that were approved by the Council on 9 March 2010, to introduce further restrictions in the various areas of the Town. It is expected that this Implementation Plan will be presented to the Council in late April 2010.

CONSULTATION/ADVERTISING:

Given that the above measures will assist in the implementation of the Car Parking Strategy and the Precinct Parking Management Plans, which were adopted following extensive consultation, it is not considered necessary to further consult on this matter.

LEGAL/POLICY:

There are no legal implications associated with this recommendation and Rangers will enforce the restrictions in the same manner as they do currently.

STRATEGIC IMPLICATIONS:

The above recommendation is in accordance with the Town of Vincent Strategic Plan 2009 - 2014, at Action 2.1.4(b) - *"Implement the Town's Car Parking Strategy"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a need to amend the existing signage to reflect the above, but since this is only an interim measure, until the paid parking is introduced, the amendments could be achieved by affixing adhesive stickers to the current signs. It is suggested that this would cost around \$150.00.

COMMENTS:

As a result of a number of complaints, regarding the problems being experienced in the Raglan Road and Chelmsford Road Car Parks, it is considered appropriate to extend the operating times for the parking time restrictions in Raglan and Chelmsford Road Car Parks. This measure is in keeping with the Car Parking Strategy 2010 and will assist in the implementation of the paid parking restrictions, which are to be introduced after the adoption of the 2010/2011 Budget.

As a result, the above is recommended for approval.

**9.2.1 Proposed Western Power Ring Main Unit & Transformer Installation –
Stuart Street Reserve, Perth – Further Report**

Ward:	South	Date:	17 March 2010
Precinct:	Hyde Park P12	File Ref:	RES0066/TES0552
Attachments:	001		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Checked/Endorsed by:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that Western Power intends to proceed with the installation of a Ring Main Unit and Transformer in the Stuart Street Reserve, Perth, and has served the Town with a "Notice of Entry" under the "Energy Operators (Powers) Act 1979, Section 46",*
- (ii) *Either:*
 - (a) *ACCEPTS that Western Power intends to proceed with the “works” as detailed in clause (i);*

or alternatively,
 - (b) *APPROVES the Chief Executive Officer to seek legal advice to any avenues of appeal or to have the "Notice of Entry" rescinded, and*
- (iii) *RECEIVES a further report once legal advice has been received.*

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.08pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.12pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be amended to read as follows:

“That the Council:

- (i) *NOTES that Western Power intends to proceed with the installation of a Ring Main Unit and Transformer in the Stuart Street Reserve, Perth, and has served the Town with a "Notice of Entry" under the "Energy Operators (Powers) Act 1979, Section 46",*

- (ii) ~~*Either:*~~
- ~~(a) ACCEPTS that Western Power intends to proceed with the “works” as detailed in clause (i); and~~
- ~~*or alternatively,*~~
- ~~(b) APPROVES the Chief Executive Officer to seek legal advice to any avenues of appeal or to have the “Notice of Entry” rescinded, and~~
- ~~(iii) RECEIVES a further report once legal advice has been received.~~
- (iii) REQUESTS the Chief Executive Officer to write to the Honourable Minister informing him that Western Power has chosen to install equipment in a local park even though they own suitable land in the immediate area.”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (9-0)

AMENDMENT NO 2

Moved Cr Lake, Seconded Cr Burns

That a new clause (iv) be inserted to the amended recommendation as follows:

- “(vi) *REQUESTS the Chief Executive Officer to write to Western Power requesting them to renovate the Stuart Street sub-station so that future infrastructure requirements can be housed within the available sub-station space.*”

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.1

That the Council;

- (i) *NOTES that Western Power intends to proceed with the installation of a Ring Main Unit and Transformer in the Stuart Street Reserve, Perth, and has served the Town with a “Notice of Entry” under the “Energy Operators (Powers) Act 1979, Section 46”,*
- (ii) *ACCEPTS that Western Power intends to proceed with the “works” as detailed in clause (i); and*
- (iii) *REQUESTS the Chief Executive Officer to write to:*
- (a) *the Honourable Minister informing him that Western Power has chosen to install equipment in a local park even though they own suitable land in the immediate area; and*
- (b) *Western Power requesting them to renovate the Stuart Street sub-station so that future infrastructure requirements can be housed within the available sub-station space.*

PURPOSE OF REPORT:

The purpose of this report is to advise Council that Western Power has served the Town with a "Notice of Entry" under the "Energy Operators (Powers) Act 1979, Section 46" to proceed with the installation of a Transformer and Ring Main Unit in the Stuart Street Reserve, Perth.

BACKGROUND:

At its Ordinary Meeting of 9 February 2010, Council received a further report on Western Power Corporation's proposal to locate an Transformer and Ring Main Unit within the Stuart Street Reserve near Palmerston Street.

The *Officer Recommendation*, as shown below, **was lost** for the following reasons:

1. Safety concerns.
2. Not aesthetically pleasing.
3. Loss of amenity and public open space is unacceptable.

"That the Council;

- (i) *APPROVES Western's Power's alternative proposal to locate a new ring main unit and transformer on the western side of the Stuart Street Reserve, as shown on the attached diagram, for the reasons outlined in the report, subject to Western Power agreeing to;*
 - (a) *plant appropriate screening vegetation around the ring main unit and transformer to the satisfaction of the Director Technical Services;*
 - (b) *pay all costs associated with the installation, including screening and any service relocations and reinstatements; and*
 - (c) *consult with all residents and property owners within the line of site of the proposed installation and provide the Town with the outcome of the consultation prior to any works commencing on the site; and*
- (ii) *NOTES that a further report will be submitted to the Council should any significant adverse comments be received as part of the consultation process."*

The Town duly advised Western Power of the Council's decision.

DETAILS:

Notice of Entry

On 8 March 2010, Western Power issued a "Notice of Entry" under the "Energy Operators (Powers) Act 1979, Section 46", received by the Town on 10 March 2010, a copy of which is attached. The Notice of Entry advises that Western Power intends on proceeding with installation of a Transformer and Ring Main Unit in the Stuart Street Reserve (Lot N 45, Deposited Plan 223022, being the whole of the land contained in Certificate of Title Volume 223, Folio 6), on or after the 1 April 2010.

The covering letter, in part, provided the following justification:

"The installation of the transformer will provide reliability and capacity to the power supply in the immediate vicinity. Western Power, under its legislation is not required to obtain ownership of the land and can place its work under Section 46 of the Energy Operators (Powers) Act 1979."

Once installed and commissioned, Western Power will consider registering an easement over the lot should it be required by the Town of Vincent.

Please find attached a Notice of Entry submitted in accordance with the Energy Operators (Powers) Act 1979 to formalise the matter."

Avenues of Appeal

The powers of entry conferred on Western Power under the "Energy Operators (Powers) Act 1979, Section 46", are extensive and do not appear to contain any avenues of appeal in the Act.

However, if Council wish to contest Western Power's "Notice of Entry" it is recommended that the Town seek legal advice on what, if any, avenues of appeal are available, the potential cost, likely chance of success and options available to the Town.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Western Power intend using its powers under the "Energy Operators (Powers) Act 1979, Section 46", to proceed with the installation despite the Town's objections.

A review of the Energy Operators (Powers) Act 1979 reveals that it does not contain the normal Rights of Appeal provisions found in other Acts. Therefore, if the Council wishes to pursue the matter, it will be necessary to seek legal advice.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2009 - 2014 – 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."

SUSTAINABILITY IMPLICATIONS:

Western Power contends that the transformer and ring main unit are necessary to ensure the reliability of power supply and to provide additional capacity in the immediate area, thereby improving the amenity of the local community.

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications for the Town in respect of the installation as it will be fully funded by Western Power.

However, there are potential financial implications, yet to be quantified, for the Town if Council initiates legal action to stop the installation and is unsuccessful.

An indicative cost for legal action is \$3,000 – \$5,000.

COMMENTS:

In light of Western Power issuing the aforementioned "Notice of Entry", Council has two (2) options:

1. It accepts that Western Power intends to proceed with the installation of a Transformer and Ring Main Unit in the Stuart Street Reserve and that the Town seek to have the previous *Officer Recommendation*, from the Ordinary Meeting of Council of 9 February 2010, re-instated, or alternatively
2. Approves of the Chief Executive Officer to seek legal advice as to what avenues of appeal, if any, are open to the Town.

9.2.3 Town of Vincent Participation in *Earth Hour 2010*

Ward:	Both	Date:	18 March 2010
Precinct:	All	File Ref:	ENS0106/PLA0175
Attachments:	-		
Reporting Officer:	A Gordon, Project Officer Environment (Temporary)		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** of the Town's participation in *Earth Hour 2010*; and
- (ii) **AUTHORISES** the Chief Executive Officer to;
 - (a) register the Town of Vincent as an official participant in *Earth Hour 2010*;
 - (b) arrange to turn off all non-essential lights on Town owned and directly controlled properties (wherever practicable) during *Earth Hour 2010* (Saturday 27 March 2010 (8.30pm-9.30pm)); and
 - (c) promote *Earth Hour 2010* to the lessee/occupiers of Town owned properties and the Vincent Community via newspaper advertisements, displaying posters at all of the Town's facilities and through the Town's web site.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Buckels, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.14pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.15pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of *Earth Hour 2010* and for the Council to authorise the Chief Executive Officer to participate in and promote the initiative.

BACKGROUND:

Earth Hour started in Sydney, Australia in 2007. Approximately 2.2 million people and 2,100 businesses took part in the first year.

In 2008, Earth Hour involved between 50 and 100 million people in 370 cities and towns around the world, including Chicago, Toronto, Copenhagen, Dublin, Atlanta and Bangkok. 58% of people in Australian capital cities joined in by switching off their lights.

In 2009, the concept truly went global, with *Earth Hour* triggering people to “switch off” all over the world – from the Eiffel Tower in Paris to Times Square in New York. Millions of people in over 4,000 towns and municipalities in 88 countries took part, including the Town of Vincent.

DETAILS:

Earth Hour is a world-wide event taking place this year on Saturday 27 March at 8.30pm.

For that hour, people all over the world will be switching off their lights in a show of global support for taking positive steps to address climate change and other serious environmental issues that we face.

The Town participated in *Earth Hour* in 2009 and it is intended that the Town register again for 2010.

Councils, businesses and individuals can show support for *Earth Hour* by registering to take part on the *Earth Hour* website (<http://www.earthhour.org.au/>).

The Town will also encourage employees to participate as individuals. For individuals, there is a useful tool on the *Earth Hour* website where a person can calculate their ecological footprint (<http://www.earthhour.org.au/earth-hour-wwf/footprint-calculator/footprint-calculator>). The website also provides some useful tips on steps that a person can take to reduce their footprint.

Town Properties

The Town will participate in this initiative by switching off lights during *Earth Hour* at all Council owned and directly controlled/occupied properties e.g. Administration and Civic Centre, Library and Local History Centre, Beatty Park Leisure Centre.

The lessee/occupiers of Council properties will also be notified and encouraged to participate.

CONSULTATION/ADVERTISING:

Earth Hour 2010 will be promoted to the Vincent Community via newspaper advertisements, displaying posters at all of the Town’s facilities and through the Town’s web site.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS

The Town’s Sustainable Environment Plan 2007-2012, Key Result Area – “Energy”, has a number of initiatives.

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.4 – Minimise negative impacts on the community and environment - "(d) Review, and progress the implementation and promotion of the Sustainable Environment Plan 2007-2012".

SUSTAINABILITY IMPLICATIONS:

Over consumption is a common part of today's society and is too often not questioned or considered by the community. Excessive energy consumption results in higher carbon emissions and a waste of resources to produce the energy required. With the rise in awareness of climate change, it has become apparent that energy consumption can no longer be sustained at current levels.

FINANCIAL/BUDGET IMPLICATIONS:

Advertising costs will be met as part of normal operating Budgets. Employee costs will also be met from operating Budgets.

COMMENTS:

Earth Hour is a widely recognised event, with participation across the globe. It is an excellent way to promote awareness and acceptance of our collective and individual responsibility to address climate change by taking steps to reduce energy consumption, reduce carbon emissions, and choose a more environmentally sustainable lifestyle.

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 8.15pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 8.15pm.

9.3.1 Investment Report as at 31 January 2010

Ward:	Both	Date:	3 February 2010
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer:	N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

Mayor Catania and Cr Burns have declared a financial interest in this Item.

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 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.

Debate ensued.

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 8.17pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 January 2010 were \$17,274,076 compared with \$18,774,076 at 31 December 2009. At 31 January 2009, \$16,473,265 was invested.

Total accrued interest earned on Investments as at 31 January 2010:

	Budget	Actual	%
	\$	\$	
Municipal	350,000	247,463	70.70
Reserve	300,000	216,321	72.11

COMMENT:

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

The funds invested have reduced from previous period due to payment to creditors.

The report comprises of:

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

9.3.4 Report on the Investigation of Hyde Park Tea Rooms – Progress Report No. 2

Ward:	South	Date:	15 March 2010
Precinct:	Hyde Park (12)	File Ref:	RES0042
Attachments:	001 , 002		
Reporting Officer:	Various		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the progress report No. 2, concerning the investigation of the possibility of providing a “Tea Room” at Hyde Park, Perth;*
- (ii) *DEFERS making a decision on the proposed location of the Tea Room at Hyde Park until the restoration of the Hyde Park Lakes, and ancillary works, have been completed; and*
- (iii) *AUTHORISES the Chief Executive Officer to prepare an Expression of Interest for a temporary portable/mobile food facility at Hyde Park on a trial basis.*

Moved Cr Farrell, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Buckels, Seconded Cr Burns

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

- “(ii) ~~DEFERS making a decision on~~ CONTINUES to investigate options for the proposed location of the Tea Room at Hyde Park until the restoration of the Hyde Park Lakes, and ancillary works, have been completed; and”

Cr Lake suggested including the words “and a simple Business Plan” after the word “location”. The Mover, Cr Buckels agreed.

- “(ii) ~~DEFERS making a decision on~~ CONTINUES to investigate options for the proposed location and a simple Business Plan of the Tea Room at Hyde Park until the restoration of the Hyde Park Lakes, and ancillary works, have been completed; and”

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Lake, Seconded Cr Burns

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

“(iv) INVESTIGATES possible locations for a portable/temporary food facility.”

AMENDMENT NO 2 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 3

Moved Cr McGrath, Seconded Cr Topelberg

That clauses (iii) and new clause (iv) be deleted.

Debate ensued.

AMENDMENT NO 3 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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.3.4

That the Council:

- (i) RECEIVES the progress report No. 2, concerning the investigation of the possibility of providing a “Tea Room” at Hyde Park, Perth; and*
 - (ii) CONTINUES to investigate options for the proposed location and a simple Business Plan of the Tea Room at Hyde Park until the restoration of the Hyde Park Lakes, and ancillary works, have been completed.*
-

PURPOSE OF REPORT:

The purpose of this report is to inform the Council on the progress concerning the investigation for the possibility of providing a ‘Tea Room’ at Hyde Park, Perth.

BACKGROUND:

At the Ordinary Meeting of Council, held on 1 December 2009, the Council adopted the following recommendation:

“That the Council

- (i) RECEIVES the progress report No. 1 as at 24 November 2009 concerning the investigation of the possibility of providing a “Tea Room” at Hyde Park Perth;*

- (ii) *AUTHORISES the Chief Executive Officer to further investigate the proposal for a:*
- (a) *permanent Tea Room at Hyde Park, Perth; and*
 - (b) *temporary portable/mobile food facility at Hyde Park Perth, on a trial basis; and*
- (iii) *NOTES that if the proposal in clause (ii) above is supported by the Council, a further report on the proposed Tea Rooms at Hyde Park will be submitted to the Council in March 2010.*”

In addition, at the Ordinary Meeting of Council, held on 22 September 2009, a Notice of Motion was adopted regarding the investigation into the possibility of providing a “Tea Room” at Hyde Park. The Motion was adopted as follows:

- “(i) *the Council REQUESTS the Chief Executive Officer to investigate the possibility of providing a “Tea Room” at Hyde Park, Perth;*
- (ii) *a report be prepared and submitted to the Council in November 2009, and include (but not be limited to) the following information;*
- (a) *identification of a suitable location(s);*
 - (b) *planning and heritage requirements;*
 - (c) *operational and logistical matters (e.g. hours of operation, types of foods/produce to be sold, etc);*
 - (d) *preferred method for operators (e.g. private use, public operator);*
 - (e) *lease and legal requirements;*
 - (f) *community interest and public opinion;*
 - (g) *any potential impact on existing businesses providing a similar service in the area; and*
 - (h) *any other relevant matters.*”

DETAILS:

Hyde Park Lakes Restoration project:

The area around the perimeter of the lakes will be required to be set aside as a ‘construction zone’ during the proposed lakes restoration works. The exact extent of this area will not be determined until the final design has been completed and the remediation methodology has been determined.

It is considered prudent that a decision on the exact location of the Tea Room be deferred until the completion of the restoration works to ensure that the lakes restoration design is not compromised by the tea room location.

Once the restoration project commences it is envisaged that there will be disruption around the lakes for at least 12 to 18 months. It is therefore recommended that it is appropriate to defer a final decision on a location of a proposed Tea Room until after this construction work is near to completion.

Permanent Tea Room:

The proposed sites included in the previous report are still considered to be the more favoured options.

These locations are listed as follows:

- Option 1 - Throssel Street (Western end of Hyde Park)

An existing building is located adjacent to the Throssel Street playground and consists of male/female toilets and storage shed. Large shady trees and views of the lake provide the most suitable and practicable location for a small tearoom.

Officers Comments:

This is the officers preferred location if a tearoom is to be seriously considered for Hyde Park. The existing storage shed could be modified into a kitchen/servery without any additions to the actual building structure and the appropriate facilities provided. Waste, water and electrical services are ready on site and it is considered by staff that the tearoom/seating area could be included in this location without being too intrusive.

In addition, this area of the park with proposed universal playground upgrade, existing water playground, BBQ's, picnic tables and toilet facilities is where the majority of patrons tend to congregate, particularly during the busy summer months.

- Option 2 - William Street (Eastern end of Hyde Park)

An existing building is also located at this end of Hyde Park and consists of male/female toilets and staff works compound. Large shady trees and a reasonably level area provide an alternative location for a tea room within Hyde Park.

Officers Comments:

Again, this location has all the required waste, water and electrical services required, although a kitchen/servery would actually have to be added to the existing structure. This may possibly be an issue with the Heritage Council of WA as previous proposed additions to this structure (accessible toilet) were not supported.

Whilst patrons regularly wander throughout and around the pathways located within Hyde Park, unless a specific event is being held at the stage area it is unlikely that this location will attract the patronage that the Throssel Street option would.

- Option 3 - Causeway (between the Eastern and Western Lakes)

Whilst there has been previous thoughts of a tearoom located within the actual lake area of Hyde Park it is not considered appropriate with the current and future potential issues surrounding the lakes. Alternatively with the proposal to decrease the actual size of the lakes there is an opportunity to construct a tearoom on the causeway between both lakes at either the north- eastern corner or the south western corner.

Officers Comment:

This location is the least preferred by officer and most likely the most difficult given that a new/additional facility will have to be constructed within the park and all services provided to the site.

Should temporary food premises (i.e. food vans) be considered an appropriate interim solution, temporary locations and relevant approval conditions could be determined by the Council and specified on the 'Special Events Permit' approval issued by Health Services.

Option 1 remains the Officers preferred location for the reasons outlined in this report.

It is recommended that the consideration of any other sites for a Tea Room be delayed until the restoration works are completed. Any alternative sites could be evaluated against the finished works.

Temporary Portable/Mobile Food Facilities:

To ascertain the interest in participating in the provision of a temporary portable/mobile food vendor at Hyde Park, the Town distributed a questionnaire (Attachment Item 9.3.4(b)) to all the Mobile Food Vendors that are registered with the Town in order to ascertain information of the type of facilities that may be offered at Hyde Park. The questionnaire was sent to 45 vendors attached to a letter on the 29 January 2010 for reply by the end of February 2010. At the close of the period, written responses were received from four (4) vendors as follows:

- Juice to Go;
- Coffee Cruz Pty Ltd;
- Vesbar Mobile Pizza Bar; and
- Smokey Jacks.

Only three (3) completed the questionnaire. Juice to Go did not complete the questionnaire, but sent an email expressing their interest in providing the service. The detailed responses are listed below:

- **Vendor 1 - Coffee Cruz Pty Ltd:**

Items offered for sale:

- Locally roasted gourmet coffee, teas, hot chocolate;
- Pre-packaged sandwiches, wraps, rolls, salads;
- Soft-serve ice-cream, smoothies;
- Cold drinks; and
- Toasted focaccias/baguettes.

Preferred operating times:

- All seasons (Summer through to Summer);
- Monday to Sunday; and
- Operating hours from 7.30am to 5.30pm.

- **Vendor 2 – Vesbar Mobile Pizza Bar:**

Items offered for sale:

- Wood-fired Pizza.

Preferred operating times:

- Summer and Spring months only;
- Wednesday to Sunday; and
- Operating hours from 10am to 2pm.

- **Vendor 3 – Smoky Jacks:**

Items offered for sale:

- Beverages, (tea, coffee, cold drinks);
- Pizzas;
- Breads, tea cakes and buns;
- Pies, sausage rolls, tarts and quiches;
- Soup of the day;
- Picnic hampers;
- Ice-creams, BBQ packs and salad bowls.

Preferred operating times:

- Summer, Autumn and Spring months;
- Saturday and Sunday 9am to 6pm.

The purpose of the questionnaire was to gauge interest and to identify the view of the catering industry into such matters as preferred opening times and seasons, food available and the equipment to be utilised to judge any impact on the park.

Despite the lower than expected response, the Town expects there to be enough interest in the provision of this service if the Town were to proceed with an Expression of Interest or Tender.

CONSULTATION/ADVERTISING:

A questionnaire on the provision of mobile services was distributed to all the mobile vendors listed on the books of the Town.

LEGAL/POLICY:

- Food Act 2008 and Food Regulations 2009
- Environmental Protection (Noise) Regulations 1997
- Local Government Act (1995) Tender Regulations.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2009–2014:

Key Result Area One – Natural and Built Environment:

“1.1.1 Improve and Maintain the Environment and Infrastructure.”

Key Result Area Two–Eco Economic Development

“2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.”

SUSTAINABILITY IMPLICATION:

The building will take cognisance of its environmental surrounds and will be low impact.

The project will have to be economically sustainable to be retained as the Tea Rooms.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds for this project in the 2009/10 Annual Budget, as the matter arise after the adoption of the Budget.

If approved by the Council, the service would be required to be listed for funding consideration in the Draft 2010/11 Budget.

COMMENTS:

In light of the significant earth works and disruption to the area surrounding the lakes during the rehabilitation process, it is recommended that consideration be given to deferring a decision of the final location of any proposed Tea Room until the work is nearing completion.

In the meantime, it is considered that the need to provide the required service for catering for park users can be justified. A temporary/mobile vender service on a trial basis should be considered. To that end, Expressions of Interest should be called for the provision of that service on a trial basis.

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.

PROCEDURAL MOTION

At 8.37pm Moved Cr Topelberg, Seconded Cr McGrath

That Council proceed "behind closed doors" to consider confidential item 14.1, as this matter relates to information concerning:

- *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- *a matter that if disclosed, could be reasonably expected to reveal information that has a commercial value to a person;*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

No members of the public were present. There was one (1) journalist present in the public gallery who departed the Chamber at 8.37pm.

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

14.1	Confidential Report: Federation Internationale De Football Association (FIFA) 2018/22 World Cup Bid – Training Site Agreements: Dorrien Gardens, 3 Lawley Street, West Perth and Litis Stadium, 41 Britannia Road, Mt Hawthorn
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Ward:	Both	Date:	17 March 2010
Precinct:	Hyde Park P12; Leederville P3	File Ref:	RES0110
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES of the Training Site Agreements between Federation Internationale De Football Association (FIFA), Zurich, Switzerland and Australian Local Organising Committee Pty Ltd (LOC) and the Town of Vincent (the Training Site Authority) for the 2018 and 2022 World Cup Bid for BGC Stadium – Dorrien Gardens, 3 Lawley Street, West Perth and Litis Stadium, 41 Britannia Road, Mount Hawthorn;*

- (ii) *NOTES that:*
- (a) *the Council can withdraw from participation in the proposal by not proceeding with execution of the Training Use Agreements, which is expected in 2014-15 or 2018-19;*
 - (b) *the FFA has a budget of \$45 million to prepare and submit its bid;*
 - (c) *the Chief Executive Officer will be preparing a “Renovation Plan” (Capital Works Program) for BGC Stadium – Dorrien Gardens, 3 Lawley Street, West Perth and Litis Stadium, 41 Britannia Road, Mount Hawthorn together with funding implications and an Indicative Timetable for implementation; and*
 - (d) *the details of the Training Sites Agreements are to be kept confidential;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to:*
- (a) *sign the Training Site Agreements and affix the Council’s Common Seal; and*
 - (b) *enter into discussions with various stakeholders including State and Federal Governments, FFA, Football West, Perth Soccer Club (Inc.) and Floreat Athena FC concerning the matter;*
- (iv) *REQUESTS the State/Federal Government and/or Football Federation of Australia (FFA) to fund any required upgrade of BGC Stadium – Dorrien Gardens, 3 Lawley Street, West Perth and Litis Stadium, 41 Britannia Road, Mount Hawthorn to comply with FIFA’s requirements, if Australia’s bid is successful; and*
- (v) *ADVISES Perth Soccer Club (Inc.) and Floreat Athena FC of its decision.*

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

The Chief Executive Officer gave a brief explanation of the Item.

Debate ensued.

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

Note: The Chief Executive Officer advised that this report is now released to the public (except for financial information on possible upgrade of Stadiums) as the Council has determined the matter.

PURPOSE OF REPORT:

To inform the Council of the Town of Vincent's possible involvement in the FIFA 2018/22 World Cup Bid and seek approval to sign the Training Site Agreements and authorise the Mayor and Chief Executive Officer to enter into discussions with various stakeholders.

BACKGROUND:

As part of the FFA's FIFA World Cup Bid 2018/22 the Town's Chief Executive Officer attended a meeting with several other Local Governments and the Department of Sport and Recreation (DSR) in August 2009 to consider possible training sites for use by the various participating nations. Details of the various sites are confidential until released by the FFA, however two facilities are located in the Town.

On 16 March 2010 a letter was received from the DSR as follows:

"As you may be aware the Football Federation of Australia (FFA), with the support of the Commonwealth and State and territory Governments, is bidding for the 2018 or 2022 FIFA World Cup. There is no doubt that if the Bid is successful an event of this magnitude and scope will provide considerable economic and social benefits to Australia. The Western Australian government is very supportive of the FFA's bid to secure either event.

As part of the bidding process there are a range of agreements and guarantees the Commonwealth, States and Territory governments must provide to ensure the FFA submits a compliant bid by the FIFA deadline of 14 May 2010. Given there are ten other bidding nations every effort is being made to ensure the FFA submits the strongest possible bid.

There are also many challenges and extremely tight deadlines that have to be met as part of the bidding process. One of the agreements that has to be completed and submitted as part of the bid is the nomination of training sites. In order for facilities to be included in the Bid as potential World Cup training sites, FIFA requires that this Agreement be signed without amendment or variation. Unfortunately the enclosed draft agreement was only provided to the State Government last week by the FFA. To meet the bid timelines, FFA has advised that a FIFA Training Site Agreement Cover must be executed in respect of each potential training site and provided to FFA by late March 2010.

The State Government understands that the FIFA Training Site Agreement Cover potentially commits Council to infrastructure and other costs associated with meeting the obligations contained in the proposed agreement. It should also be noted that if Australia is awarded the hosting rights to the 2018 or 2022 FIFA World Cup, a training site inspection process will take place and a Training Site Use Agreement will be entered into by each site. Use agreements are not expected to be completed until approximately 3-4 years prior to the World Cup. Only after this Use Agreement is executed can the Training Site be used as part of the FIFA World Cup. If Council elects not to execute the Training Site Use Agreement, its site cannot be selected by FIFA and it will be released from all obligations under the Training Site Agreement Cover.

The Western Australia Government is committed to using its best efforts in order to support the FFA's bid to win the World Cup. As a country we have a proven track record in hosting major events and hosting overseas visitors. I am absolutely sure the Western Australian community and your Local Government will be enthusiastic in their support of this initiative.

The purpose of this letter is twofold:

- 1. Seek your support for the above venue to be included as a nominated training/venue specific training site as part of the FFA's 2018/22 World Cup bid, and;*
- 2. By not later than 22 March 2010 either your execution and return of three originals for each the 2018 and 2022 agreements or given the extremely tight deadlines if execution of the agreement is not practicable by that date your approval for the State Government to execute the attached agreement as agent for your Local Government by signing and returning the authority at the foot of this letter."*

DETAILS:

At the Council Forum held on 16 March 2010 the Chief Executive Officer verbally informed the Councillors present of this matter and that it would be reported to the Ordinary Meeting of Council 23 March 2010.

On 17 March 2010 discussions were held with a Director of the DSR and he advised as follows:

1. an extension to 24 March 2010 is granted; and
2. the State Government will consider the matter in May 2011 and funding will be provided to assist various local governments if Australia's bid is successful – however, details are confidential at this stage.

FIFA World Cup

The FIFA World Cup is considered to be the worlds most widely viewed sporting event with an estimated 751.1 million watching the final. The Cup was founded in 1930 and approximately 204 nationals qualify for the 32 final events. The next World Cup will be held in South Africa from 11 June to 11 July 2010 and the 2014 World Cup will be in Brazil.

Ten (10) nations are bidding for the 2018/22 bid, with strong speculation that the 2018 bid will be held in the northern hemisphere – most likely a European nation. A World Cup event for Australia and/or Asia for 2022 is a high possibility.

Training Site Agreement

The Training Site Agreement is a lengthy document which covers the following items:

1. Introduction
This covers the FIFA bidding process LOC and purpose of the Training Site Agreement cover and the Training Site Use Agreement.
2. Selection and Appointment of Training Site
This covers the obligations of FIFA, Local Organising Committee (LOC) (i.e. FFA) and Training Site Authority (Local Government).
3. Renovation and Upgrading of Training Site
This requires a Training Site Authority to provide the LOC and FIFA with a Renovation Plan.
4. Provision and Use of Training Site
This specifies that:
 - FIFA and/or the LOC can use the training site at no cost; and
 - FIFA and the LOC's rights to sell tickets.
5. Training Site Requirements
This section specifies the infrastructure requirements, field of play, lighting, change room etc.

6. Operation of Training Site

This section specifies that FIFA and the LOC's access requirements for using the training site.

7. Training Site Related Rights

This section specifies matters relating to advertising, third party, temporary naming rights, sponsorship etc.

8. General Operation Matters

This section specifies the training site inspections, management plans and communications.

9. Commercial Rights

This section specifies the ownership of commercial rights concerning media, marketing, competition and trademarks.

10. Insurance

This specifies that the Training Site Authority shall provide and maintain comprehensive and adequate insurance for the sites.

11. Taxes

This specifies the tax requirements – not particularly relevant to the Town.

12. Miscellaneous

This contains the normal legal agreement terms and conditions. It also contains confidentiality clauses.

Training Site Requirements

The Town's records contain information about its facilities and this is detailed below. More accurate information will need to be obtained.

*******Information to remain confidential*******

Perth Glory Football Club (PGFC)

The Town has been advised that PGFC has been investigating the possibility of relocating its office administration and training aspects to Litis Stadium, until it finds a permanent home. The senior, youth and women's team would train at the Stadium and the clubrooms may be upgraded for the members.

At the time of writing this report, no application has been submitted to the Town and details are limited.

Football West (FW)

Several meetings have been held with FW. A masterplan is currently being prepared by Peter Hunt Architect, who are carrying out the work for FW and Floreat Athena Soccer Club. Progress is very slow, as FW do not have a permanent Chief Executive Officer and have limited funds.

Floreat Athena Soccer Club (FASC)

The Chief Executive Officer has held one meeting on 2 March 2010 with the FASC President and Secretary to discuss the short and long term requirements. The club has limited financial capacity and are in the process of preparing a Plan to meet their future needs. FASC have held several meetings with PGFC and FW.

As owner of the facility, the Town will need to plan for the upgrade of the major infrastructure such as buildings, change rooms, lights etc.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

If the Council wishes to participate, the FIFA legal agreements are to be signed without amendment or variation – if amended or varied it will result in Australia's bid being deemed non-compliant.

Training Site Agreements

The Training Site Agreements are initial documents which outline the various requirements for the facility and also the obligations of the parties. (It could be considered as an "Expression of Interest").

Training Use Agreement

If Australia's bid is successful, a training site inspection will be carried out by the LOC and FFA and a Training Site Use Agreement will be entered into for each site. These Agreements are not expected to be required until at least 3-4 years prior to the World Cup (that is 2014-2015 for 2018 or 2018-2019 for 2022).

Legal Advice

The Town has not obtained any legal advice concerning this matter, as the participating Town's have been provided with the following legal advice which has been provided by the Department of Sport & Recreation as follows:

"The Training Site Agreement Cover – Legal Impact on Authorities

The purpose of the Training Site Agreement Cover (Section 1.4) is to outline the overall framework for, and outline the main rights and obligations of the Training Site Authority.

By entering into this agreement, The Training Site Authority agrees to take part in the selection process of sites which is conducted by FIFA.

It is planned that FIFA will complete the selection process by the 1 May 2015 if Australia secures the rights for the 2018 World Cup or by 1 May 2019 if Australia secures the rights for the 2022 World Cup.

If selected by FIFA the Training Site Authority will be asked to enter into the Training Site Use Agreement which then commits the Training Site Authority.

The Training Site Authority at the time of being selected has the ability to withdraw from the process by choosing not to enter into the Training Site Use Agreement.

This is outlined in section 2 - Selection and Appointment of Training Sites, specifically in section 2 (iii) (see extract below)

(iii) *In the event that:*

- (a) *the Training Site will be selected as a training site for the FIFA Confederations Cup and/or the FIFA World Cup™; and*
- (b) *the LOC has provided FIFA with a copy of the Training Site Use Agreement fully executed and initialled by the LOC and the Training Site Authority;*

by counter-signing this Training Site Agreement Cover, FIFA and the LOC appoint the Training Site Authority, and the Training Site Authority accepts such appointment, as a training site for the FIFA Confederations Cup and/or the FIFA World Cup™ (as the case may be) on the terms and conditions as set out in this Training Site Agreement Cover.”

[bolding added]

The Chief Executive Officer's reading of the Training Site Agreement confirms that a Training Site Authority (that is – local government) can still withdraw from the process prior to signing a Training Use Agreement.

Leases

The leases for Perth Soccer Club (Inc.) expires on 31 December 2017 and Floreat Athena FC on 31 December 2016 and any new leases will need to contain a specific clause relating to the World Cup Bid – to protect the Town of Vincent's interests.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2009-2014 Objectives:

1.1.1 - “Capitalise on the Town's strategic location, its centres and commercial areas”;

1.1.5 - “Enhance and maintain parks, landscaping and community facilities”; and

1.1.6 - “Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State facility”.

2.1.2 - “Develop and promote partnerships and alliances with key stakeholders”.

SUSTAINABILITY IMPLICATIONS:

The Town's participation in the bid will result in infrastructure of both Stadiums being significantly upgraded to meet FIFA and World standards. It is envisaged that State and/or Federal Government funding will be available.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds on the Town's Budget 2010/11 for this proposal, as the matter has only just arisen. However, no funds are required at this stage.

If the Town's facilities are selected, there will need to be significant upgrade to Litis Stadium and some upgrade to BGC Stadium. At the time of writing this report, there has been no commitment from the State/Federal/FIFA to provide funds to upgrade facilities (it has been reported that the FFA's bid is being progressed with a Budget of \$45 million – primarily funded by the Federal Government). Australia needs to submit its bid to FIFA by 14 May 2010.

Irrespective of the World Cup bid, Litis Stadium requires considerable renovation and upgrade, which appears to be beyond the financial capacity of the club and this would need to be carried out over the forthcoming years – before the infrastructure deteriorates beyond repair.

The current proposal for possible use as Football West or as a State Football facility is being progressed (albeit very slowly – as Football West – do not have the funds or a Chief Executive Officer to drive the project).

Should this proposal eventuate, the upgrade of Litis Stadium would be carried out, with assistance from external funding.

If Australia's bid is successful, it is expected that significant economic benefits will be achieved to the Australian economy and local businesses.

COMMENTS:

The Town of Vincent is in a unique position of having 2 training facilities out of the 5 identified in Western Australia. If approved, the Town could be a part of the World Cup proposal – if Australia is successful.

Whilst it is in the early stages, the Town's support for Australia's World Cup bid is considered appropriate and is therefore recommended for approval.

PROCEDURAL MOTION

At 8.43pm **Moved Cr Topelberg, Seconded Cr Farrell**

That Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.43pm with the following persons present:

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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 March 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010