



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 OCTOBER 2007

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

INDEX
(23 OCTOBER 2007)

ITEM	REPORT DESCRIPTION	PAGE
10.1 DEVELOPMENT SERVICES		
10.1.1	Further Report - No. 136 (Lot: 96 D/P: 2001) East Parade, East Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings and One Two-Storey with Loft Grouped Dwelling (PRO3624; 5.2006.295.1)	50
10.1.2	Further Report - No. 241 (Lot 450 D/P: 301681) Stirling Street, Perth-Proposed Change of Use from Office Building to Lodging House (Backpackers) and Associated Alterations and Addition (PRO3686; 5.2007.104.1)	10
10.1.3	Building Design and Conservation Awards 2007 and Old Bottle Yard Artefact Collection (FIN 0166)	87
10.1.4	No. 36D (Lot: 501 D/P: 89560) Gardiner Street, East Perth – Single Storey Single House (PRO2907; 5.2007.203.1)	20
10.1.5	Nos. 142-144 (Lot: 2 D/P: 9745) Scarborough Beach Road, Mount Hawthorn - Proposed Rear Alfresco Dining Addition to Existing Eating House and Associated, Incidental and Ancillary Take Away Food Outlet (PRO0862; 5.2007.204.1)	92
10.1.6	No.1 (Lot: 80 D/P: 1106) Cavendish Street, Highgate – Proposed Demolition of Existing Single House and Construction of Two-Storey Single House (PRO0351; 5.2007.206.1)	41
10.1.7	Department of Health and Local Government Partnership Agreement – Public Health Act Roles and Responsibilities (LEG0061)	95
10.2 TECHNICAL SERVICES		
10.2.1	Traffic Management Matter "Forrest Street North Perth" - Referral to Local Area Traffic Management Advisory Group (TES0087) Norfolk Precinct	99
10.2.2	Installation of Parks "Outdoor Exercise Equipment" (RES0039) All Precincts	80
10.2.3	Proposed Safety Improvements – West Parade outside the Meela Child Care Centre (PRO3577) Banks Precinct	24
10.2.4	Proposed 2 Hour Parking Restriction in Fairfield Street, Mt Hawthorn (PKG0093) Mt Hawthorn Precinct	103
10.3 CORPORATE SERVICES		
10.3.1	Financial Statements as at 30 September 2007 (FIN0026)	26

10.3.2	Authorisation of Expenditure for the Period 1-30 September 2007 (FIN0005)	30
10.3.3	Cultural Development Seeding Grant Application “Once more with feeling” (FIN0155)	33
10.3.4	Les Lilleyman Reserve Clubrooms upgrade – Proposed Plans (RES 0001)	106

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	The International Federation of Environmental Health (IFEH) 10 th World Congress on Environmental Health (ADM0031)	110
10.4.2	Local Government Act (Official Conduct) Amendment 2007, Local Government (Rules of Conduct) Regulations 2007 and Designation of Complaints Officer	36
10.4.3	Adoption of Policy No 5.7.10 – Recognition of Employees (ORG0023)	114
10.4.4	Consideration of Survey / Submissions - Glendalough Suburb Name Change	119
10.4.5	Information Bulletin	126

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

Nil.	127
------	-----

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1	WALGA Nominations (ORG0045):	127
(i)	WALGA Metropolitan Member - Local Health Authorities Analytical Committee (Panel of 3 names) (Ministerial Approval) (<i>Re-advertised</i>);	
(ii)	WALGA Member - WA Child Care Industry Liaison Forum (<i>Re-advertised</i>); and	
(iii)	WALGA Metropolitan Member - Keep Australia Beautiful Council (WA)	

13. URGENT BUSINESS

Nil.	128
------	-----

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

Nil.	128
------	-----

15. CLOSURE	128
--------------------	-----

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 October 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.27 pm and then adjourned the meeting for official photographs of the new councillors to be completed.

The Presiding Member, Mayor Nick Catania reconvened the meeting at 6.28pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) **Apologies:** Nil.

(b) **Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Gillian van den Bok	A/Executive Assistant (Minutes Secretary)
Dale Morrissy	Manager, Beatty Park Leisure Centre (<i>until 7.02pm</i>)
Jeff Fondacaro	Assistant Manager (Aquatic and Operations), Beatty Park (<i>until 7.02pm</i>) Recipients of the Water Awards 2007, on behalf of Beatty Park Leisure Centre
Chris Thomson	Journalist - " <i>The Perth Voice</i> " (<i>until approximately 7.10 pm</i>)
Lindsay McPhee	Journalist - " <i>Guardian Express</i> " (<i>until approximately 6.33 pm</i>)

Approximately 10 Members of the Public

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

Nil.

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

1. Mr Andy Sharp of 1 Cavendish Street, Highgate spoke on Item 10.1.6 requesting Council to remove conditions (v)(b), (v)(c) and clause (ix).

2. Mr Ron Whitelaw of 33 Joel Terrace, East Perth spoke on Item 10.1.1. Mr Whitelaw expressed concerns in regard to the 6 vehicles proposed in this application as the 4m wide laneway running behind the property is the only way of accessing the properties. Added that the laneway is badly in need of sealing and the fences require repair.

Lindsay McPhee departed the Meeting at 6.33pm.

3. Mr David Bromfield of 122 East Parade, East Perth spoke on Item 10.1.1. Mr Bromfield expressed his concerns at the building being too large for the site and that this development would set a precedent for future developments. Other concerns included lack of access, wall to wall buildings, lack of trees, traffic, noise. Mr Bromfield urged Council to reject this proposal.
4. Mr John Bettes of 1B Coogee Street, Mount Hawthorn spoke on Item 10.2.2. Mr Bettes congratulated the Mayor, newly elected Councillors and re-elected Councillors on their election to Council. Mr Bettes asked why outdoor exercise equipment is being put in the particular parks outlined in the report and was it Council's intention to introduce equipment without community consultation.
5. Ms Liba Jelinek of 132 East Parade, East Perth spoke on Item 10.1.1. Ms Jelinek spoke on behalf of her neighbour who resides at 1430 East Parade, East Perth and the concerns she has with the proposed development. These include intrusion of privacy, the development is too big, the latest revisions are minor. Ms Jelinek expressed that Council should be protecting residents from oversize developments and urge Council to reject this application.

Ms Jelinek submitted a Petition from residents of East Parade objecting to the proposed development at 136 East Parade, East Perth as it will have a detrimental effect on all neighbours and local home owners within the neighbourhood and would set a dangerous precedent if allowed. The petition contained 35 signatures.

6. Mr Joe Algeri of Property Planning & Appeals Consultants spoke on behalf of Lisa Jelinke in regard to Item 10.1.1. Mr Algeri advised that he has been engaged by Ms Jelinek to review the further revised plans for the development at 136 East Parade, East Parade. Mr Algeri advised that he believes there are some minor changes otherwise the overall bulk of the development remains, in fact, other setbacks have decreased along with increases in some wall lengths and roof areas. Mr Algeri distributed plans and requested Council refuse the application as it does not comply with the r-codes and the bulk and scale is not in keeping with the desired character of the locality therefore having a detrimental impact on the amenity of the locality.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.47 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.2 Petition from residents of East Parade objecting to the proposed development at 136 East Parade, East Perth as it will have a detrimental effect on all neighbours and local home owners within the neighbourhood and would set a dangerous precedent if allowed. The petition contained 35 signatures. The Chief Executive Officer recommended that the Petition be considered as part of the debate in Item 10.1.1.

Moved Cr Farrell, Seconded Cr Ker

That the Petition be received and considered during the debate on Item 10.1.1.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 9 October 2007.

Moved Cr Farrell , Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 9 October 2007 be confirmed as a true and correct.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Mayor Nick Catania welcomed Gillian van den Bok, Acting Minutes Clerk, Dale Morrissy, Manager Beatty Park Leisure Centre and Jeff Fondacaro, Assistant Manager Aquatic and Operations – Recipients of the Water Awards 2007.

1. WATER AWARD 2007

It is with much pleasure that I congratulate the Town's Beatty Park Leisure Centre on winning the Water Award 2007- Water Conservation and Efficiency Award- Small Organisation, Community or Individual Projects category, announced by the Minister For Water Resources, John Kobelke at a Gala Dinner Awards Ceremony on Thursday, 11 October.

Special mention to Centre Manager Dale Morrissy and Assistant Manager Jeff Fondacaro - with assistance and direction from the Chief Executive Officer, John Giorgi and Director Corporate Services, Mike Rootsey - for their excellent work in this matter. The Chief Executive Officer received the award on behalf of the Town, along with Mike Rootsey and Acting Centre Manager, Jeff Fondacaro, (as Dale Morrissy was on leave) at the Burswood Dome.

The Award recognises the Town's outstanding efforts to reduce water consumption at Beatty Park by initiating several efficiencies including:

- Use of new technologies, i.e. Thermal blanket on all the pools 365 days a year
 - Use of water efficient shower heads in the major areas
 - Water Awareness signage on every shower
 - Prompt and structured plumbing maintenance
-

- Significant changes to wash down practices. (cleaning the pool surrounds)
- Scheduled and controlled backwashing of filters
- Staff and patron education and spreading the message about the precious commodity of water.

The Centre's initiatives will save millions of litres of water in the future.

This Award is the first acknowledgement (and hopefully not the last) in the Town's new direction and focus on Environmental issues, under the recently adopted Sustainable Environment Plan 2007-2012.

Once again, congratulations on an excellent job well done by all the staff at Beatty Park Leisure Centre.

The Presiding Member presented Dale Morrissy and Jeff Fondacaro with the Award and Certificate.

Received with acclamation.

2. COUNCIL ELECTIONS

I wish to congratulate the newly elected Councillors - Anka Burns and Noel Youngman - on their election to the Council. May I also congratulate, Councillors Steed Farrell and Sally Lake on their re-election.

May I also again extend my appreciation to Councillor Maddalena Torre for her four years' service and, as you are aware she did not re-nominate - and also to Councillor Simon Chester for his eight years' service. In accordance with the Council Policy I will arrange for an appropriate occasion to present them with a Certificate of Appreciation and an acknowledgement gift.

No doubt the forthcoming years will be hectic, with many important strategic matters to be considered and I look forward to working with you, the rest of the Council and the Town's Administration in the exciting times that lie ahead.

3. APPROVAL OF ACCESSIBLE PATHWAYS GRANT SCHEME

I am pleased to announce that the Honourable Alannah MacTiernan, Minister for Planning and Infrastructure, has approved of the Town's application for a grant of \$15,000 to provide a new path in Loftus Street, Leederville to link the bus stop with the Recreation Centre, Library and Community Centre.

This pathway was recommended by the Director of Technical Services, Rick Lotznicker, to improve access from Loftus Street, particularly for Seniors utilising bus services to the newly refurbished Loftus Centre. Congratulations to Rick and his staff on making a successful submission.

Received with acclamation.

4. TOWN'S RECYCLING SERVICE

In September this year AMCOR, who have been collecting the recycling for the Town over the last 10 years began experiencing major difficulties with its subcontractors and in attracting and retaining suitable staff to carryout the kerbside recycling service mainly the kerbside "crate" service.

The residential units and commercial collections were unaffected as they are serviced by 240 litre bins.

As a result of the ongoing staff problems the quality of the collection service provided by AMCOR slowly declined resulting in many calls being received by the Town from residents. On some days the workers simply did not turn up for work on the day or simply walked out the previous evening. This made it extremely difficult for all concerned as new staff had to be found literally overnight, usually employed through labour hire companies.

AMCOR's 3 year contract with the Town expired this September and they are currently providing the collection service on a month by month basis until a new tender is determined (Tenders closes tomorrow).

AMCOR has advised that they have now completely reviewed their operation and have deployed new crews on higher remuneration to ensure the recycling service meets the Town's requirements.

This week the Town's Waste Management Service assisted with the collection of the recycling backlog and together with AMCOR's new recycling crews had almost caught up today.

We have been assured that as from the end of this week the kerbside recycling service will be back to normal.

A report will be considered by the Council in November on the outcome of kerbside recycling tender including the results of the recent Recycling Survey.

5. SPECIAL ANNOUNCEMENT

The Mayor read out a Media Statement that he had received from Stephen Smith MP, Federal Member for Perth. The statement advised that Federal Labour will contribute \$2million dollars towards "Saving Hyde Park" – a project to assess alternative water supplies to supplement the lakes and ensure the heritage listed Hyde Park continues to be a place of community activity for local Perth residents. The announcement was made in Hyde Park on Monday 22 October by Anthony Albanese, Federal Labor's Shadow Minister for Infrastructure and Water and local Federal Member for Perth, Stephen Smith.

State Member for Perth, John Hyde and the Mayor were also in attendance.

The announcement was welcomed by Mr Hyde and Mr Catania. Both Mr Hyde as the State Member for Perth and Mr Catania as Mayor of the Town of Vincent have requested Government assistance to help fix Hyde Park's lakes.

Cr Farrell acknowledged Mayor Nick Catania's the hard work he has put into this Project.

Received with acclamation.

8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared a proximity interest in Item 10.2.1. – Traffic Management Matter "Forrest Street, North Perth". His interest is that he owns a house in Forrest Street.

- 8.2 Cr Izzi Messina declared a proximity interested in Item 10.2.1. – Traffic Management Matter “Forrest Street, North Perth”. The extent of his interest is that he has a commercial property office and business which abut the proposed street.
- 8.3 Cr Anka Burns declared an interest affecting impartiality in Item 10.2.1 relating to Traffic Management Matter “Forrest Street, North Perth”. The extent of her interest is that she lives in a street in close proximity to the street the subject of this item.
- 8.4 Cr Izzi Messina declared a proximity interested in Item 10.1.5 – No 142-144 Scarborough Beach Road, Mount Hawthorn – Proposed Rear Alfresco Dining Addition to Existing Eating House and Take Away Food Outlet. The extent of his interest is that he has a franchised outlet at the Mezz Shopping Centre in which the property is within close proximity.
- 8.5 Cr Izzi Messina declared a proximity interested in Item 10.2.4 – Proposed 2 Hour Parking Restriction in Fairfield Street, Mount Hawthorn. The extent of his interest is that he is a franchisor of a franchised Gelatino outlet abutting Fairfield Street.
- 8.6 Chief Executive Officer John Giorgi declared a Financial interest in Item 10.4.3- Policy - Recognition of employees . The extent of his interest being that he had a major role in the overseeing and drafting of this report, as Human Resource/employee matters are a direct responsibility of the Chief Executive Officer . Furthermore, if approved, he may be a recipient of a gift in the future.

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

Nil.

10. REPORTS

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

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

Item 10.1.1, 10.1.6 and 10.2.2

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

Item 10.1.1 and 10.1.3

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

Item 10.1.5, 10.2.1, 10.2.4 and 10.4.3

Presiding Member, Mayor Nick Catania JP, requested Elected Members to indicate:

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

Cr Farrell	10.4.5
Cr Messina	10.2.1 and 10.4.3
Cr Youngman	10.4.1
Cr Ker	10.1.7 and 10.4.4
Cr Doran-Wu	Nil
Cr Lake	10.1.3
Cr Burns	Nil
Cr Maier	10.3.4
Mayor Catania	Nil

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

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

Items 10.1.2, 10.1.4, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.2

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 10.1.2, 10.1.4, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.2

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

Items 10.1.1, 10.1.6 and 10.2.2

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

Moved Cr Farrell, Seconded Cr Ker

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

Items 10.1.2, 10.1.4, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.2

CARRIED (9-0)

Journalist Chris Thomson departed the Chamber at 7.10pm.

10.1.2 Further Report - No. 241 (Lot 450 D/P: 301681) Stirling Street, Perth- Proposed Change of Use from Office Building to Lodging House (Backpackers) and Associated Alterations and Additions

Ward:	South	Date:	15 October 2007
Precinct:	Beaufort; P13	File Ref:	PRO3686; 5.2007.104.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Metamorphica Architecture & Interiors on behalf of the owner X B Zhong for proposed Change of Use from Office Building to Lodging House (Backpackers) and Associated Alterations and Additions, at No.241 (Lot 450 D/P: 301681) Stirling Street, Perth, and as shown on plans stamp-dated 10 October 2007 (site plan, elevations, and shed floor plan and elevations) and amended plans stamp-dated 22 October 2007 (ground floor and upper floor plans), subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Stirling Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage*

shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;

(iv) prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised and additional plans shall be submitted and approved demonstrating the following;

(a) a landscaping plan, detailing a list of plants, which will adequately screen the communal spaces from adjoining properties and Stirling Street being provided. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described;

(b) a sufficient portion of the communal space being paved and be sufficiently equipped with seating and tables;

(c) car bay No. 9 being increased in length to a minimum of 6 metres;

(d) car bay No. 7 being increased in size to provide a car bay for people with disabilities in accordance with Australian Standards 2890.1;

(e) the 'existing paving to remain' area within the front setback area being used for communal space only;

(f) detailed plans of site works, including identification of pavement type, drainage and parking being provided;

(g) an enclosed bin store being provided to the satisfaction of the Town's Health Services and Technical Services; and

(h) the kitchen/dining area complying with the natural light, ventilation and waterproofing requirements of the Building Code of Australia.

The revised plans shall not result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(v) the lodging house shall accommodate a maximum of 40 lodgers at any one time;

(vi) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;

(vii) the lodgers shall stay at the lodging house for a maximum period of three consecutive months; and

(viii) prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to cease the lodging house use within three (3) years of notification of this approval. All costs associated with this condition shall be borne by the applicant/owner(s).

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

ADDITIONAL INFORMATION:

The attached amended plans (ground floor and upper floor plans) dated 22 October 2007 show the location of the Caretaker's Room and the number of lodgers proposed to be accommodated in each bedroom, for the Council's consideration.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Metamorphica Architecture & Interiors on behalf of the owner X B Zhong for proposed Change of Use from Office Building to Lodging House (Backpackers) and Associated Alterations and Additions, at No.241 (Lot 450 D/P: 301681) Stirling Street, Perth, and as shown on plans stamp-dated 10 October 2007 (site plan, elevations, and shed floor plan and elevations) and amended plans stamp-dated 22 October 2007 (ground floor and upper floor plans), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (ii) any new street/front wall, fence and gate between the Stirling Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be*
-

located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;

- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised and additional plans shall be submitted and approved demonstrating the following;*
 - (a) a landscaping plan, detailing a list of plants, which will adequately screen the communal spaces from adjoining properties and Stirling Street being provided. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described;*
 - (b) a sufficient portion of the communal space being paved and be sufficiently equipped with seating and tables;*
 - (c) car bay No. 9 being increased in length to a minimum of 6 metres;*
 - (d) car bay No. 7 being increased in size to provide a car bay for people with disabilities in accordance with Australian Standards 2890.1;*
 - (e) the 'existing paving to remain' area within the front setback area being used for communal space only;*
 - (f) detailed plans of site works, including identification of pavement type, drainage and parking being provided;*
 - (g) an enclosed bin store being provided to the satisfaction of the Town's Health Services and Technical Services; and*
 - (h) the kitchen/dining area complying with the natural light, ventilation and waterproofing requirements of the Building Code of Australia.*

The revised plans shall not result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

- (v) the lodging house shall accommodate a maximum of 40 lodgers at any one time;*
- (vi) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (vii) the lodgers shall stay at the lodging house for a maximum period of three consecutive months; and*

- (viii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to cease the lodging house use within three (3) years of notification of this approval. All costs associated with this condition shall be borne by the applicant/owner(s).*
-

FURTHER REPORT:

Background

- 25 September 2007 The Council at its Ordinary Meeting considered the proposed development and resolved that *'the Item was deferred as requested by the Applicant'*.
- 9 October 2007 The Town's Planning Officers met with the applicant to discuss the development and the extent of the proposed variations.

Details

The proposal involves proposed change of use from office building to lodging house (backpackers) and associated alterations and additions. The applicant has submitted a letter of justification for the proposed development and revised plans to address a number of non-compliance matters. The main points of justification from the applicant's letter dated 10 October 2007 are summarised below:

- There will be a permanent live-in caretaker looking after the premises, which will contribute to the residential component of the Policy.
- The proposal is in line with the Town's Policy statement which encourages mixed use development, whereby a diverse range of dwelling types are integrated with compatible commercial activities.
- The proposed use will be more suitable for the heritage conservation of the building. All the features and characters will be retained and enhanced.
- The proposed business is to be maintained and managed with a quality enforcement plan in order to control traffic, noise, litter and any antisocial behaviour.
- It is requested that the Council consider a temporary approval for three years so the suitability of the development can be assessed after this period.

The applicant's submission and preliminary Management Plan is included as an attachment to this report.

Heritage

The subject place at No. 241 Stirling Street, Perth, also known as Colmel House, is a rare and important example of a grand house in the Federation Queen Anne style. The place, which is one of very few grand houses to have been constructed in the Town, is listed on the Town's Municipal Heritage Inventory with a Category A - Conservation Essential listing.

The proposed alterations and additions to the subject place to accommodate the lodging house are generally confined to the rear of the dwelling and do not impact on original fabric. The original plans indicated that the street facing upper floor window was to be altered to accommodate a single door, the adjacent existing single door was to be removed and replaced with a double door and the existing sash windows along the northern, southern and western elevations are to be replaced with casement windows.

The applicant has since advised that they will not be undertaking any changes to the existing window and door openings of the building and has stated on the revised plans "*all existing windows and doors to be remain. Make good to damaged windows and doors.*"

In light of the revised plans and subsequent measures to ensure the integrity of the building's façade and fenestration, the Town's Heritage Officers have no objection to the proposal.

Summary

The revised plans have also addressed the non-compliance with the Town's Policy relating to Parking and Access, which requires car parking not to be within the front setback area and also addresses the non-compliance with the Town's Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments. Thus, the outstanding issue for consideration is the appropriateness of the development in context with the Beaufort Precinct Policy and the potential impact the lodging house will have on the amenity of the surrounding residences.

The Town's Policy relating to the Beaufort Precinct promotes a diverse range of inner city housing and mixed use development and stipulates that the subject area is to transform from a predominately commercial area to an area of compatible residential and commercial uses. A recent survey undertaken by the Town's Officers of the area along Stirling Street, surrounding the subject development has highlighted that the existing predominant use class is commercial, with new multiple dwelling developments.

It is considered that the proposal for a lodging house is reasonable in the short term when considering the existing commercial environment. However, it is the Officers' concern that with the further residential development of the area the lodging house will become an inappropriate use. The Town's Officers consider that the applicant has proactively endeavoured to address non-compliant issues and that the three year time frame for the use has merit in this instance. A time limit for the proposed lodging house will enable the Town to review the impact of the lodging house on the area as it further develops.

In light of the above, it is recommended that the proposal be supported as per the Further Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 September 2007.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Metamorphica Architecture & Interiors on behalf of the owner X B Zhong for proposed Change of Use from ~~Institution Building-Office Building~~ to Lodging House (Backpackers) and Associated Alterations and Additions, at No.241 (Lot 450 D/P: 301681) Stirling Street, Perth, and as shown on plans stamp-dated 21 August 2007 (site plan, upper floor plan and shed floor plan and elevations, 3 September 2007 (extension elevation) and 12 September 2007 (ground floor plan) 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 Mixed Residential/Commercial, Car Parking and Communal Open Space requirements of the Town's Policies relating to the Beaufort Precinct and Communal Space for Lodging Houses, Hostels and Serviced Apartments, respectively;*
- (iii) *the replacement of the building's existing windows, doors and associated sidelight and sill detail conflicts with the requirements of the Town's Policy relating to Heritage Management Development Guidelines which states: "alterations and additions to places of heritage value are to reflect the heritage significance associated with the place and follow good heritage management practice"; and*
- (iv) *consideration of the objections received.*

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

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Torre, Seconded Cr Maier

That the Item be DEFERRED as requested by the Applicant.

CARRIED (8-1)

*For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre*

*Against
Cr Chester*

COUNCIL DECISION ITEM 10.1.2

That the Item be DEFERRED as requested by the Applicant.

ADDITIONAL INFORMATION:

Upon further searches of the Town's and the City of Perth's archives records for the most recent approval for the subject site, it was established that a Building Licence dated May 1979 was conditionally approved for alterations and additions to office.

In light of the above, the relevant description is amended as detailed above.

CORRECTED BACKGROUND TABLE:

<i>Landowner:</i>	<i>X B Zhong</i>
<i>Applicant:</i>	<i>Metamorphica Architecture & Interiors</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Institution Building</i> <i>Office Building</i>
<i>Use Class:</i>	<i>Institution Building</i> <i>Office Building</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>1054 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

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

BACKGROUND:

No specific background directly relates to the proposal.

CORRECTED DETAILS:

The proposal involves proposed change of use from ~~institution building~~ office building to lodging house (backpackers) and associated alterations and additions. The applicant's submission is "Laid on the Table".

Note: The above Details were corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.

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>Residential/Non-Residential Use</i>	<i>To contain a residential component of no less than 66 per cent of the existing or approved floor space.</i>	<i>Nil residential component</i>	<i>Not supported- refer to "Comments".</i>
<i>Southern Setback</i>	<i>1.5 metres</i>	<i>1.14 - 4.0 metres</i>	<i>Supported- minor variation in this instance and not considered to have an undue impact on amenity of area.</i>

<i>Car Parking</i>	<i>Not to be within front setback area.</i>	<i>Two car bays within front setback area.</i>	<i>Not supported- undue impact on streetscape and to be conditioned to be deleted in the event of approval.</i>
<i>Communal Space for Lodging Houses</i>	<i>External communal space to be have a minimum dimension of 4 metres and area of 20 square metres</i>	<i>Not indication of communal open space.</i>	<i>Not supported- facilities considered to be inadequate for future occupants.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (3)</i>	<ul style="list-style-type: none"> • <i>Land was purchased due to the existing laws and changes are not wanted.</i> 		<i>Supported- refer to "Comments".</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>
<i>Car Parking</i>			
<i>Car Parking Requirement (nearest whole number) -1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (Total: 10 beds = 13.33 car bays)</i>			<i>13 car bays</i>
<i>Apply the adjustment factors</i>			<i>(0.7225)</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 one or more existing public car parks with in excess of 75 spaces)</i> 			<i>9.39 car bays</i>
<i>Minus car parking on-site</i>			<i>9 car bays (car bays 10 and 11 are not considered to be compliant).</i>
<i>Resultant shortfall</i>			<i>0.39 car bay**</i>

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

***If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bays or cash-in-lieu of parking is required for shortfall.*

COMMENTS:

Heritage

The subject place at No. 241 Stirling Street, Perth, also known as Colmel House, is a rare and important example of a grand house in the Federation Queen Anne style. The place, which is one of very few grand houses to have been constructed in the Town is listed on the Town's Municipal Heritage Inventory with a Category A - Conservation Essential listing.

The proposed alterations and additions to the subject place to accommodate the lodging house are generally confined to the rear of the dwelling and do not impact on original fabric. However, the proposed plans illustrate that the street facing upper floor window is to be altered to accommodate a single door, the adjacent existing single door is to be removed and replaced with a double door and the existing sash windows along the northern, southern and

western elevations are to be replaced with casement windows. The removal of the existing window, door and associated decorative detail such as sidelights and plaster sill treatment would have a negative impact on the original design and presentation of the building and conflict with the requirements of the Town's Policy relating to Heritage Management Development Guidelines, which states: "alterations and additions to places of heritage value are to reflect the heritage significance associated with the place and follow good heritage management practice."

Whilst the Town's Officers encourage the adaptive reuse of the subject place, the proposed changes to the front façade are not supported and would need to be conditioned to be retained in the event that an approval is granted for the site.

Summary

In giving consideration to the inner city location and the likely future development of the areas built form, it is considered that the proposed development is inconsistent with the objectives outlined in the Town's Policy relating to the Beaufort Precinct, which promotes a diverse range of inner city housing and mixed use development and stipulates that the subject area is to transform from a predominately commercial area to an area of compatible residential and commercial uses.

Further to the above, it is also noted that there has been recent planning applications/enquiries in the area, that have been presented to /approved by the Council which are considered to display a more appropriate mix of uses, including a strong residential component. It is considered that these aforementioned planning applications may provide a stimulus for other similar developments in the area, which is vital for the attraction of people to the area and the development and consolidation of inner city communities. It is also considered that approval of the subject application may set a precedence that departs from the Town's intentions for the area. In light of the above, it is recommended that the subject application be refused."

10.1.4 No. 36D (Lot: 501 D/P: 89560) Gardiner Street, East Perth – Single Storey Single House

Ward:	South	Date:	15 October 2007
Precinct:	Banks; P15	File Ref:	PRO2907; 5.2007.203.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ross Squire Homes on behalf of the owner L & P Squire for proposed Single Storey Single House, at No. 36D (Lot: 501 D/P: 89560) Gardiner Street, East Perth, and as shown on plans stamp-dated 5 June 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Gardiner Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of No. 36A Gardiner 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. 36A Gardiner Street in a good and clean condition; and*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a 1.8 metre high permanent obscure fence above the entire proposed retaining wall. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (b) *the retaining wall along the eastern (rear) boundary to be designed and erected in accordance to engineering design, specific to the site and in conjunction with Water Corporation directions taking into account the surcharge imposed on any Water Corporation infrastructure; and*
 - (c) *compliance with the recommendations of the 'Report On Geotechnical Investigations, Lot 501 (#36) Gardiner Street, East Perth, 3696355GI/SA/07, 20th September 2007', prepared by Structerre Consulting Group, including, but not limited to:*
 - (1) *site preparation being undertaken, all unsuitable material being removed from the site and after excavation and before filling, an inspection of the site being undertaken to determine if further excavation is required, in accordance with the recommendations of the geotechnical report; and*
 - (2) *an on-site drainage system being designed in accordance with recommendations of the geotechnical report.*

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	L & P Squire
Applicant:	Ross Squire Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	612 square metres
Access to Right of Way (Water Corporation Reserve)	West side, 4.02 metres wide, unsealed, privately owned (closed by resumption by the Water Corporation).

BACKGROUND:

1 March 2000

The Western Australian Planning Commission (WAPC) endorsed a diagram of survey for the creation of two (2) freehold lots at No. 36 Gardiner Street.

DETAILS:

The proposal involves the construction of a single storey single house.

Non-Compliant Requirements			
Requirements	Required	Proposed*	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	Not Applicable	Not Applicable	Noted.
Building Setbacks: Main Dwelling- East	5.1 metres	4.3 metres – 5.328 metres	Supported – not considered to have an undue impact on neighbouring property and no objections received.
South	2.5 metres	1.5 metres – 2.7 metres	As above.
Garage- North	1.1 metres	Nil	As above.
Retaining Wall- North	1.6 metres	Nil	As above.
East	5 metres	1.2 metres	As above.
South	1.6 metres	Nil	As above.
Buildings on Boundary:	Walls not higher than 3 metres with an average of 2.7 metres up to 9 metres in length up to one side boundary.	One boundary wall proposed. North Wall Height – 3.7 metres – 4 metres (average height is 3.85 metres) Wall Length is compliant.	Supported – not considered to have an undue impact on neighbouring property and no objections received.
Site Works:	Filling behind a street setback line is not to exceed 0.5 metre above the natural ground level at the boundary	Filling exceeds 0.5 metre above the natural ground level on the northern, eastern and southern elevations.	Supported – not considered to have an undue impact on neighbouring property and no objections received.

ASSESSMENT:

Privacy Setbacks: East -Dining Room	6 metres	5 metres – 5.3 metres to eastern boundary	Supported – as the 6 metres cone of vision extends onto the Water Corporation reserve only.
South -Bedroom 3	4.5 metres	1.6 metres – 2 metres to southern boundary	Not supported – considered to have an undue impact on neighbouring property. Condition applied to provide 1.8 metre high fencing above the retaining wall.
-Activity Room	6 metres	2.3 metres – 2.5 metres to southern boundary	As above.
Retained Land (500mm above natural ground level)	7.5 metres	Nil to southern and northern boundaries and 1.2 metres to eastern (rear) boundary.	As above.
Consultation Submissions			
Support (2)	• “ <i>Happy with proposal</i> ”		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.2.3 Proposed Safety Improvements – West Parade outside the Meela Child Care Centre

Ward:	South	Date:	17 October 2007
Precinct:	Banks P15	File Ref:	PRO3577
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Safety Improvements in West Parade outside the Meela Child Care Centre;*
- (ii) *APPROVES IN PRINCIPLE the proposal as outlined on attached plan No 2556-CP-01, estimated to cost \$7,500;*
- (iii) *CONSULTS with adjoining residents regarding the proposal, giving 14 days in which to provide a response; and*
- (iv) *SHOULD no adverse comment be received, implements the proposal as shown on attached plan 2556-CP-01.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to implement safety improvements outside the Meela Child Care Centre on West Parade.

BACKGROUND:

The Town has received a request from the Meela Child Care Centre for traffic calming in West Parade adjacent to the centre.

DETAILS:

The Meela Child Care Centre is located on the eastern side of West Parade between Chertsy and Harold Streets. The carriageway width is 10.0m in width and there are currently no deterrents or physical measures in place to highlight to passing motorists that there is a child care centre at this location, i.e. neither line marking/signage etc. to slow passing vehicles.

On 24 August 2007, the following was received from the child care centre.

On behalf of the Meela Child Care Centre we would like to put in a request to have the road outside of the child care, being West Parade, Mt Lawley, reviewed for traffic calming to provide a safe environment for the parents and children who attend the Centre.

It has become apparent that the road has many different users and often these users are not aware that this is a drop-off and pick-up area for a child care. Recently there have been a few close calls which have prompted us to take action.

We have contacted Main Roads in regard to zoning. They have advised that they are only responsible for School Zones and the policy currently excludes child care centres. They also advised that we should contact our local council.

As parents are leaving and collecting their children throughout the day, we would like to have considered some type of speed hump to slow traffic as they pass Meela Child Care Centre.

Technical Services officers met with the Acting Director of the centre on site in October 2007 to assess the situation and brainstormed some possible solutions. As a result of the meeting, the following measures, which are fully supported by the child care centre, are proposed (refer attached plan No 2556-CP-01).

- Two low profile speed humps at either end on the centre on West Parade
- Line marking to delineate parking and no stopping restrictions.
- Definition of the pickup and set down area
- Island at Harold Street and West parade to channelise traffic. (It was noticed on site that vehicles cut this corner at speed as West Parade is blocked off at Harold Street and vehicles can only turn right – heading south.

CONSULTATION/ADVERTISING:

Immediate residents will be consulted regarding the proposal.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group."

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2007/2008 draft budget, however, the proposal estimated to cost \$7,500 can be funded from the Miscellaneous Traffic management budget allocation.

COMMENTS:

It is considered that the proposal as presented will address the concerns of the Child Care centre and they fully concur with what is presented for approval in the report.

10.3.1 Financial Statements as at 30 September 2007

Ward:	Both	Date:	9 October 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B C Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 30 September 2007 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 September 2007.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 September 2007.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement

and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

Operating Revenue

Operating revenue is currently 3% over the year to date budget for the month ending 30 September 2007.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1% over the budget.

Governance (Page 2)

Governance is showing 43% over budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 16% under budget.

Health (Page 4)

Health is showing 101%, of the budget this is due to 322 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 19% under budget.

Community Amenities (Page 6)

Community Amenities is 11% below the year to date budget. There were 183 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently 8% over the revenue budget. Beatty Park Leisure Centre revenue is 16 % of the total Recreation and Culture revenue budget and performing with the centre year to date revenue of 106%.

Economic Services (Page 12)

Economic Services is 112% over budget due to the increase number of building licences (183) issued compared to last year 146 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 208% over the budget due to the advertising rebate received and allocated and other revenue received for the depot.

Operating Expenditure

Operating expenditure for the month is 99% of the year to date budget for the month ending September 2007.

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$6,001,025 which is 25 % of the budget of \$24,362,667.

	Budget	Actual to Date	%
Furniture & Equipment	538,150	32,177	6%
Plant & Equipment	1,487,450	125,069	8%
Land & Building	12,403,039	3,667,518	30%
Infrastructure	9,934,028	2,176,261	22%
Total	24,362,667	6,001,025	25%

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

The statement shows the current assets of \$35,927,478 and non current assets of \$124,657,467 for total assets of \$160,584,944.

The current liabilities amount to \$6,310,354 and non current liabilities of \$15,766,294 for the total liabilities of \$22,076,649. The net asset of the Town or Equity is \$138,508,296.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary

General Debtors (Page 28)

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

Sundry Debtors of \$1,201,838 is outstanding at the end of September 2007. Of the total debt \$38,826 (3%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue. There were 4 debts over \$500 exceeding 60 days as at 30 September 2007.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 29)

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

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

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

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

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

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

Rates outstanding are \$6,697,856 which represents 39% of the outstanding collectable income compared to last year 37%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

Beatty Park – Financial Position Report (Page 30)

As at 30 September 2007 the operating deficit for the Centre was \$191,916 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash deficit of \$78,788 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 30 September 2007 was \$20,047,516.

Net Current Asset Position (Page 32)

The net current asset position is \$20,047,516.

Variance comment Report (Pages 33 to 36)

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

10.3.2 Authorisation of Expenditure for the period 1 - 30 September 2007

Ward:	Both	Date:	4 October 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 September – 30 September 2007 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

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

Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 - 30 September 2007.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$757,073.67
Total Municipal Account		\$757,073.67
Advance Account		
Automatic Cheques	60042-60111, 60113-60277	\$1,281,162.72
EFT Batch	703-705, 707-711	\$3,053,855.86
Municipal Account		
Transfer of Creditors by EFT Batch	691, 693-698, 700-701	\$2,790,639.28
Transfer of PAYG Tax by EFT	September 2007	\$173,372.50
Transfer of GST by EFT	September 2007	\$0.0
Transfer of Child Support by EFT	September 2007	\$643.94
Transfer of Superannuation by EFT:		
• City of Perth	September 2007	\$34,705.54
• Local Government	September 2007	\$103,621.99
Total		\$4,647,362.55
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$10,061.39
Lease Fees		\$1,872.36
Corporate Master Cards		\$5,436.74
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$57,086.95
Rejection Fees		\$15.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$74,472.44
Less GST effect on Advance Account		-\$219,157.00
Total Payments		\$5,259,751.66

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

**10.3.3 Cultural Development Seeding Grant Application –
“Once More With Feeling”**

Ward:	Both	Date:	26 September 2007
Precinct:	All	File Ref:	FIN0155
Attachments:			
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J. Anthony M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the application of the ‘Vocal Ensemble Voiceworks’ for a Cultural Development Seeding Grant of \$800 for the “Once More With Feeling” project.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for Vocal Ensemble Voiceworks to conduct an open day vocal singing workshop and performance designed to encourage more people in the local community to get involved with singing.

BACKGROUND:

Vocal Ensemble Voiceworks Inc. is a Western Australian not-for-profit community-based vocal ensemble. Their commitment to providing music for the local community is enshrined in their constitution, as outlined in the following objectives of the association:

- a) *To promote the practice and performance of classic songs choral works and fine music and associated activities within the community.*
- b) *To achieve the highest standard in all performances.*
- c) *To educate members of the association in singing and performance techniques pertaining to the above for the benefit and edification of themselves and the community.*
- d) *To provide entertainment for the community in ways which reflect community values.*
- e) *To foster and promote opportunities for organisations groups and the general public to attend and participate in musical performances.*

DETAILS:

An application for a Cultural Development Seeding grant has been received from Maggie Wilde West, the Director for the Vocal Ensemble Voiceworks for conducting the singing workshop and performance entitled “Once More With Feeling”.

On Saturday 10 November 2007, Vocal Ensemble Voiceworks intends to perform a singing programme of cool classics and hot jazz standards for music lovers in the Town of Vincent.

St Hilda's Anglican Church in View Street is the venue and everyone within the community is invited to come along. Tickets to be sold include a lunch voucher from St Hilda's famous Spring Fete Food Court and entry to the Voiceworks show at 1.30 pm. An opportunity will be given to all present to "dust the rust off those vocal chords" and join in. Crooners and croakers alike will be encouraged to sing along and be part of the fun.

It is proposed that the Town of Vincent seeding grant of \$800 is used to sponsor fifty (50) residents from within the Town of Vincent to attend the event at no charge. This would enable a section of the community to take part that may otherwise be not given this opportunity. Voiceworks would supply a list of 50 community members as part of the acquittal process.

As part of Adult Learners' Week in 2006, Vocal Ensemble Voiceworks conducted "Sing For Your Supper"- an open day workshop and performance designed to encourage more people in the community to get involved with singing. The event was held at St Hilda's Anglican Church in North Perth. The program was designed to attract a broad spectrum of people from the local community, it particularly targeted senior citizens and, because music is an international language, people whose first language was not English. Over two hundred people took part in this very successful event. A series of open singing rehearsals was conducted during the day for all enrollees.

In response to the many requests for a return engagement that was received from the "Sing For Your Supper" participants, Voiceworks, again in association with St Hilda's and the local community intends to stage a follow up performance called "Once More With Feeling". The show will include active participation with the audience and will take place in the church at 1.30pm. An audience of 120 people is anticipated. Once again, St. Hilda's will cater for lunches and ticket prices will include lunch and the show.

"Once More With Feeling" is a show designed to entertain and to encourage greater participation in and enjoyment of singing within the local community. It will assist people to learn new skills, encourage greater community social interaction and help to establish St Hilda's Church as a centre for musical activity within the local community.

St Hilda's Anglican Church is a delightful venue for musical performances. Voiceworks has no religious affiliations with this parish but has had excellent support and encouragement from the rector and the parishioners of St Hilda's when approached with proposals to mount community arts programs in their church. They are keen to have their church used for more musical events such as these.

Voiceworks would ultimately like to help establish and participate in an annual season of musical performances at St Hilda's, that would recognize and support Vincent residents involvement in the arts and would encourage more Vincent residents to be involved in cultural activities in their town

All people will be encouraged to attend and regardless of differences will be welcomed by Voiceworks and the staff of St Hilda's. A variety of ethnic foods will be provided for those sharing lunch and the venue is wheelchair accessible and also has suitable disabled toilet facilities.

CONSULTATION/ADVERTISING:

Advertising will be conducted widely throughout the local and ethnic communities and help will be arranged to transport senior citizens coming from community aged care facilities in the Town of Vincent.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following strategic objectives of the Town's Strategic Plan 2006–11:

*“3.1.1 Celebrate and acknowledge the Town's cultural and social diversity
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

*“1.1.5 Enhance and maintain parks and community facilities
(d) Continue to provide vibrant meeting places for the community (eg Beatty Park Leisure Centre, Hyde Park and Library).”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 is allocated for Cultural Seeding Grants of which \$5,330 is still to be allocated within the 2007/08 budget.

COMMENTS:

“Once More With Feeling!” is an original and novel project that meets the criteria for the Cultural Development Seeding Grants. The Town's support will be acknowledged during the project and in the workshop promotion. Participants will be targeted from within the Town of Vincent and it will be conducted at the St Hilda's Anglican Church in View Street.

The applicant will be required to complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

10.4.2 Local Government Act (Official Conduct) Amendment 2007, Local Government (Rules of Conduct) Regulations 2007, and Designation of Complaints Officer

Ward:	-	Date:	17 October 2007
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the information on the Local Government Act (Official Conduct) Amendment 2007 and Local Government (Rules of Conduct) Regulations 2007;*
- (ii) *APPROVES the appointment of the Chief Executive Officer as the Town's Complaints Officer, pursuant to Section 5.120(1) of the Local Government Act; and*
- (iii) *NOTES that the Council's Code of Conduct will be reviewed to comply with Sections 5.103 (1) and (3) of the Local Government Act 1995 and a further report will be submitted to the Council.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the new legislation and for the Council to appoint the Town's Chief Executive Officer as the Complaints Officer, under Section 5.120(1) of the Local Government Act.

BACKGROUND:

The Department of Local Government and Regional Development have progressively developed a new approach to dealing with breaches of conduct by individual Council Members.

The Department has issued a number of circulars relating to its work and has involved industry organisations in reviewing proposed new legislation.

Amendments to the Local Government Act were promulgated in 2007 and supporting regulations have been prepared to operate from 21 October 2007. A copy of the legislation is "Laid on the Table".

The new provisions do not obviate requirements for reporting of serious breaches of legislative provisions to the Crime & Corruption Commission and other statutory authorities.

The matrix accompanying this report provides a brief summary of the revised reporting regime and, in respect of a new state-wide Standards Panel and the State Administrative Tribunal (SAT), outlines some of the matters and orders that may be dealt with through those bodies.

DETAILS:

Complaints regarding minor or serious breaches are in the first instance to be received by the Local Government Authority through a Complaints Officer and must be in writing. Although a statutory declaration is not necessary, it is to be an offence attracting a maximum penalty of \$5,000 to give false or misleading information to a Complaints Officer. The complaint is then assessed by the Standards Panel who deals with minor breaches. Complaints referred to the Standards Panel are to be kept confidential if received during the period prior to an election.

Procedure for Minor Breaches

1. Complaints to be in writing in an approved Complaint Form and sent to the Town's designated Complaints Officer.
2. On initial receipt of a complaint relating to a minor breach, the Complaints Officer is to check to ensure that all details have been entered and that the form is dated and signed.
3. The Complaints Officer is to acknowledge receipt of the complaint form.
4. A copy of the complaint is to be sent to the Council Member being complained about.
5. Complaints of a minor breach to be referred to the Standards Panel, along with any relevant information the Complaints Officer has in relation to the complaint.
6. The Council Member complained about may respond in writing to the Standards Panel to any adverse allegations in the complaint.

Procedure for Serious Breaches

Allegations of repeated minor breaches, or serious contraventions of the legislation, such as financial interest contraventions or the misuse of information for personal gain, are to be referred to the Director General of the Department of Local Government and Regional Development. The Director General will then determine whether to refer the matter to the State Administrative Tribunal (SAT), refer the matter to another enforcement agency or take direct prosecution action.

SAT will be able to impose the same penalties as a Standards Panel on individual Elected Members, as well as being able to suspend the Council Member for a period of not more than six months, or disqualify the Council Member for a period of not more than five years, from holding office as a Member of Council.

Appointment of Complaints Officer

Complaints are to initially be received by the relevant Local Government's Complaints Officer and the Act requires that the appointment be a senior employee or in the absence of an appointment, the Chief Executive Officer.

The Department of Local Government and Regional Development has suggested that a form of mediation take place prior to the complaint being formalised. Where the local government becomes aware that a person may be considered making a formal complaint of a minor

breach, it is suggested that an offer be made for the complainant and Elected Members to participate in a process for resolution of the matter. However, if a formal complaint of a minor breach is received, then the Complaints Officer must forward the complaint to the Standards Panel.

The Department has provided a "handout" on the process to be followed for mediation and has suggested that the Complaints Officer be encouraged to give the handout to people before they lodge their complaint.

Details of any decision made against a person by the Standards will need to be included in a public register and is to be entered into the Local Government's Annual Report.

Review of the Town's Current Code of Conduct

Subsequent to the proclamation of the Local Government (Official Conduct) Amendment Act 2007 and the formulation of the Rules of Conduct, as well as amendments to the Local Government (Administration) Regulations 19896 and the Local Government (Constitution) Regulations 1998), each Local Government is required to amend its Code of Conduct to be consistent with the new and amended legislation. The new Rules of Conduct cover many areas that are commonly dealt with in the Council's Code of Conduct and it is recommended that the Town review and amend its current Code of Conduct to remove any inconsistencies.

A draft of the new Code will be presented to Council for consideration in the near future.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Act

The purpose of the Local Government (Official Conduct) Amendment Act 2007 will amend the Local Government Act 1995 to provide a disciplinary framework to deal with individual misconduct by local government Council Members. The legislation will operate from 21 October 2007 and will provide for uniform "rules" for all Council Members.

The amendments provide for;

- "(i) the establishment of a statewide Standards Panel to deal with complaints about minor breaches which are to be contraventions of a new Code (Rules) of Conduct with penalties including public censure, public apology or an order to undertake training; and*
- (ii) for complaints about serious breaches to be made to the Department of Local Government and Regional Development for possible referral to the State Administrative Tribunal (SAT) for determination including similar penalties as above and stronger penalties of up to six month suspension or up to five years disqualification."*

(Local Government (Official Conduct) Amendment Act 2007 (Explanatory Notes)

Regulations

The Local Government (Rules of Conduct) Regulations 2007 cover the following key areas:

- *"Principles of general behaviour;*
- *Local Law as to conduct at meetings;*
- *Use of information;*
- *Securing unauthorised advantages or disadvantages;*
- *Misuse of Council resources;*
- *Prohibition against involvement in administration;*
- *Relations with local government employees;*
- *Disclosure of interest adversely affecting impartiality; and*
- *Restriction on receiving, and disclosure of, certain gifts."*

(Local Government (Official Conduct) Amendment Act 2007 (Explanatory Notes)

Code of Conduct

The Council's current Code of Conduct includes a provision to deal with complaints against Council Members and Employees. Complaints are dealt with by a Review Panel. Effective from 21 October, complaints (minor breaches) concerning Council Members, which have been prescribed by the Local Government (Rules of Conduct) Regulations 2007 will now no longer be dealt with by the Town's Review Panel, but will be reported to the Council's Complaints Officer who will refer it to a Statewide Standards Panel.

Serious breaches will be reported to the Department of Local Government. Complaints alleging criminal and/or corruption will still be reported to the Corruption and Crime Commission and WA Police.

Each Council must still maintain its own (additional) Code of Conduct, which applies to Council and employees.

Functions of the Chief Executive Officer

The Local Government Act 1995, at Section 5.41, prescribes the functions of the Chief Executive Officer. These include;

- (a) *advise the Council in relation to the functions of a Local Government under this Act and other written laws;*
 - (b) *ensure that advice and information is available to the Council so that informed decisions can be made;*
 - (c) *cause Council decisions to be implemented;*
 - (d) *manage the day to day operations of the Local Government;*
 - (e) *liaise with the Mayor or President on the Local Government's affairs and the performance of the Local Government's functions;*
 - (f) *speak on behalf of the Local Government if the Mayor or President agrees;*
 - (g) *be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
 - (h) *ensure that records and documents of the Local Government are properly kept for the purposes of this Act and any other written law; and*
 - (i) *perform any other function specified or delegated by the Local Government or imposed under this Act or any other written law as a function to be performed by the CEO.*
-

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011, Objective 4.1 - *"Provide good strategic decision-making, governance, leadership and professional management"*.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

A necessary part of the new legislation requires each Council to designate a Complaints Officer, who is the person who receives and processes complaints about Council Members. The Complaints Officer also has a role in reporting the status of compliance of Orders issued under the new legislation. The Act gives each Council the choice to designate the Complaints Officer (who must be a "Senior Employee" (ie the Chief Executive Officer or a Director). In the event that no person is designated as the Complaints Officer, the role of the Complaints Officer is undertaken by the Chief Executive Officer.

It is appropriate that the Chief Executive Officer be designated as the Complaints Officer, as this is the intent of the Legislation and fits into the Chief Executive Officer's current functions and responsibilities prescribed by the Act.

10.1.6 No.1 (Lot: 80 D/P: 1106) Cavendish Street, Highgate – Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	South	Date:	15 October 2007
Precinct:	Hyde Park; P12	File Ref:	PRO0351; 5.2007.206.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin, S Kendall		
Checked/Endorsed by:	D Abel; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A. Sharp for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 1 (Lot 80 D/P: 1106) Cavendish Street, Highgate, and as shown on plans stamp-dated 2 October 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (iii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iv) any new street/front wall, fence and gate between the Cavendish Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
- (a) *the maximum height to the top of the eaves of the external walls being 6.0 metres from the natural ground level;*
- (b) *the balcony and the main building on the first floor being setback a minimum of 5.0 metres and 6.0 metres respectively, from Cavendish Street;*
- (c) *the entire building wall being setback a minimum of 1 metre from the southern/right of way boundary; and*
- (d) *a minimum of one car parking bay being provided from the rear right of way, that complies with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking".*

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

- (vi) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to bedroom 2 on the western elevation;*
- (b) *the windows to bedrooms 3 and 4 on the southern elevation; and*
- (c) *the balcony to bedroom 1 on the northern elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.

Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.5 Cavendish Street, Highgate, for the windows to bedroom 2 and the balcony to bedroom 1, and No.166 Lincoln Street, Highgate and No.170 Lincoln Street, Highgate, for the windows to bedrooms 3 and 4, stating no objections to the respective proposed privacy encroachments.

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

- (vii) *following demolition of the existing single house, the existing outbuilding structures shall not be occupied or used until the proposed single house is constructed and occupied;*
 - (viii) *the outbuilding structures shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
 - (ix) *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 that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the property. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development.*
-

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Ker

That clauses (v)(b), (v)(c) and clause (ix) be deleted.

Cr Messina and Cr Lake requested that the clauses be voted upon separately and the Presiding Member agreed to this request.

Debate ensued.

AMENDMENT (v)(b) PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT (v)(c) PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT (ix) PUT AND CARRIED (9-0)

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That clause (v)(d) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A. Sharp for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 1 (Lot 80 D/P: 1106) Cavendish Street, Highgate, and as shown on plans stamp-dated 2 October 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (iii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iv) any new street/front wall, fence and gate between the Cavendish Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
 - (a) the maximum height to the top of the eaves of the external walls being 6.0 metres from the natural ground level;*

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

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

- (a) *the windows to bedroom 2 on the western elevation;*
- (b) *the windows to bedrooms 3 and 4 on the southern elevation; and*
- (c) *the balcony to bedroom 1 on the northern elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.

Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.5 Cavendish Street, Highgate, for the windows to bedroom 2 and the balcony to bedroom 1, and No.166 Lincoln Street, Highgate and No.170 Lincoln Street, Highgate, for the windows to bedrooms 3 and 4, stating no objections to the respective proposed privacy encroachments.

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

- (vii) *following demolition of the existing single house, the existing outbuilding structures shall not be occupied or used until the proposed single house is constructed and occupied;and*
- (viii) *the outbuilding structures shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only.*

Landowner:	A Sharp & A Chauvel
Applicant:	A Sharp
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	344 square metres
Access to Right of Way	South and west sides, 3.03 metres wide, private, unsealed

BACKGROUND:

18 January 2000 The Council at its Ordinary Meeting refused the application for demolition of existing single house at No.1 Cavendish Street, Highgate.

14 September 2004 The Council at its Ordinary Meeting granted conditional approval for demolition of existing outbuildings and construction of a two-storey outbuilding (shed), deck, swimming pool, retaining walls and landscaping, and alterations and additions to fencing to existing single house.

DETAILS:

The current application involves the demolition of an existing single house and the construction of two-storey single house. The outbuilding, pool and parking bays to the rear of the lot are to remain.

The applicant has provided a written submission in relation to the proposed development. The applicant’s submission is “*Laid on the Table*” and key points are outlined below:

Southern (side) setback to adjacent right of way (ROW):

- No undue negative overshadowing impacts adjoining properties as the majority occurs over the laneway;
- Minimum setback to the right of way maintains the existing condition and makes effective use of area within the lot;
- Environmental outcomes are best reached with the dwelling on the southern boundary to maximise northern aspects; and
- The boundary walls are considered to achieve the performance criteria of the R Codes by maximising solar and energy efficiencies of the proposal.

Eastern (front) setback to Primary Street:

- The 4.0 metre setback to the front balcony is screened on both sides and conforms to the R Codes;
- The balcony provides scale and character to the street and increases opportunity for community interaction; and
- The balcony does not extend beyond the existing footprint and is setback further than the building on the adjoining property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed*	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	0.65 or 223.6 square metres	64.23 or 220.95 square metres	Supported – compliant with the requirements of the R Codes.
Building Setbacks: - Ground Floor			
South (abutting ROW)	1.0 metre	Nil	Not supported – conditioned to comply as the Town’s Technical Services have requested a 1.0 metre setback from the right of way for future widening.

<p>- First Floor East (Cavendish Street) - Balcony</p> <p>South</p>	<p>6.0 metres</p> <p>1.0 metre</p>	<p>4.1 metres</p> <p>Nil</p>	<p>Not supported – considered to have an undue impact on the streetscape and amenity of the area and has been addressed in the Officer’s conditions to be setback 5.0 metres.</p> <p>Not supported – conditioned to comply as the Town’s Technical Services have requested a 1.0 metre setback from the right of way for future widening.</p>
<p>Privacy Setbacks: - First Floor East (Cavendish Street) - Balcony</p>	<p>7.5 metres</p>	<p>4.5 metres to northern boundary</p>	<p>Not supported – undue impact on affected neighbouring property and approval conditioned to require compliant screening.</p>
<p>West - Bedroom 2</p> <p>South - Bedroom 3</p> <p>- Bedroom 4</p>	<p>4.5 metres</p> <p>4.5 metres</p> <p>4.5 metres</p>	<p>3.2 metres to northern boundary</p> <p>3.03 metres to southern boundary</p> <p>3.03 metres to southern boundary</p>	<p>Not supported – as above.</p> <p>Not supported – as above.</p> <p>Not supported – as above.</p>
<p>Building Height: Top of eaves of external wall (pitched roof)</p>	<p>6.0 metres to the top of eaves of external wall</p>	<p>6.23 metres</p>	<p>Not supported – considered to have an undue impact on the area and has been conditioned to comply.</p>
<p>Car Parking:</p>	<p>Two on-site car bays, each with a minimum dimension of 2.4 metres by 5.4 metres.</p>	<p>1 car bay that complies with the Town’s requirements.</p>	<p>Supported – as the original house was approved with only 1 car bay and the outbuilding, swimming pool and car bays are being retained. Condition applied to ensure that 1 car bay is provided from the rear right of way and a section 70A notification restricting no residential or visitor car parking permits to be issued for any owner or occupier of the property.</p>

Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> The northern setbacks should be required to be setback 2.0 metres. Concerns over privacy and overlooking. 	<p>Not supported – amended plans were submitted and northern side setbacks are now compliant with the setback requirements of the Residential Design Codes in relation to walls with no major openings.</p> <p>Supported – the window to Bedroom 2 on the western elevation has been conditioned to be screened.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Demolition

- At the Ordinary Meeting of Council (OMC) held on 18 January 2000, the Council resolved to refuse the proposal for demolition of the existing dwelling. At the OMC held on 14 September 2004, the Council resolved to approve the proposal for demolition of existing outbuildings and construction of a two storey outbuilding (shed), deck, swimming pool, retaining walls and landscaping and alterations and additions to the existing fence.
- The place was listed on the Town's draft Municipal Heritage Inventory (MHI) as a Category C - Conservation Encouraged place. With the recent review of the Town's MHI, the Town's Officers undertook further investigation of the cultural heritage value of all the places listed as Category C - Conservation Encouraged. As a result of this investigation, all places designated with a Category C listing were either removed from the list prior to the consultation period, due to insufficient cultural heritage, or moved to Category B - Conservation Recommended.
- Although the place has some rarity value in the Town of Vincent due to its weatherboard construction and as an example of the Late Colonial Georgian style, the subject dwelling was found not to have sufficient cultural heritage value to warrant inclusion onto the Town's MHI in accordance with the Town's Policy relating to Heritage Management - Assessment.

In light of the above background information regarding the recent review of the place's cultural heritage value and the further consideration not to include the place onto the Town's MHI, the Town's Heritage Officers have no objection to the demolition of the subject dwelling subject to standard and appropriate conditions.

Character and Design

The St Albans Locality Statement – Policy No. 3.3.26, states that new contemporary developments are encouraged, provided that the design responds to the established character of the streetscape. The proposed developed incorporates a pitched roof and front setbacks that are considered not to have an undue impact on the streetscape. The proposal aims to achieve for the environmentally sustainable outcomes, and also incorporates design features and materials that complement the existing developments along the street, as well as the new developments within the area.

Summary

In light of the above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.1 Further Report - No. 136 (Lot: 96 D/P: 2001) East Parade, East Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings and One Two-Storey with Loft Grouped Dwelling

Ward:	South	Date:	15 October 2007
Precinct:	Banks; P15	File Ref:	PRO3624; 5.2006.295.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted on behalf of the owner R Lee, C G Mulroy and Y F Lee for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings and One Two-Storey with Loft Grouped Dwelling, at No. 136 (Lot: 96 D/P: 2001) East Parade, East Perth, and as shown on revised plans stamp-dated 10 October 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the East Parade boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the East Parade boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *first obtaining the consent of the owners of No. 132 East Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 132 East Parade in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping of the East Parade verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vi) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vii) *prior to the issue of a Building Licence, the applicant shall submit to the Town written support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission for the development, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *for Unit 1:*
- (1) *the balcony to the lounge/games room on the northern, southern and western elevations; and*
- (2) *the balcony to bedroom 2 on the northern, southern and eastern elevations;*
-

(b) for Unit 2:

- (1) the balcony to bedroom 1 on the southern and eastern elevations; and*
- (2) the balcony to bedroom 2 on the southern elevation; and*

(c) for Unit 3:

- (1) the balcony to bedroom 1 on the northern and eastern elevations; and*
- (2) the balcony to bedroom 2 on the northern elevation;*

within the 7.5 metre cone of vision to the boundaries, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 132 and 140 East Parade and No. 45 Joel Terrace, respectively, stating no objections to the proposed privacy encroachment.

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

- (ix) prior to the first occupation of the development, the full length and width of the right of way from Westralia Road to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (x) a bond and/or bank guarantee for \$14,500 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (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, and thereafter implemented and maintained.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Messina, Seconded Cr Farrell

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

(xiii) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the development complies with the maximum 50 per cent overshadowing requirement under clause 3.9.1 Solar Access for Adjoining Sites of the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.

Debate ensued.

AMENDMENT PUT AND CARRIED (6-3)

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

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

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

(xiv) prior to the issue of a Building Licence for Unit 1, 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 Unit 1 structure that:

- (a) the Unit 1 structure shall be used as one (1) grouped dwelling only; and*
- (b) the floor plan layout of the Unit 1 structure shall be maintained in accordance with the Planning Approval plans.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the Unit 1 structure.

Debate ensued.

AMENDMENT PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-2)

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

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted on behalf of the owner R Lee, C G Mulroy and Y F Lee for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings and One Two-Storey with Loft Grouped Dwelling, at No. 136 (Lot: 96 D/P: 2001) East Parade, East Perth, and as shown on revised plans stamp-dated 10 October 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the East Parade boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the East Parade boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *first obtaining the consent of the owners of No. 132 East Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 132 East Parade in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping of the East Parade verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vi) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vii) *prior to the issue of a Building Licence, the applicant shall submit to the Town written support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission for the development, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *for Unit 1:*
- (1) *the balcony to the lounge/games room on the northern, southern and western elevations; and*
- (2) *the balcony to bedroom 2 on the northern, southern and eastern elevations;*
-

(b) for Unit 2:

- (1) the balcony to bedroom 1 on the southern and eastern elevations; and*
- (2) the balcony to bedroom 2 on the southern elevation; and*

(c) for Unit 3:

- (1) the balcony to bedroom 1 on the northern and eastern elevations; and*
- (2) the balcony to bedroom 2 on the northern elevation;*

within the 7.5 metre cone of vision to the boundaries, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 132 and 140 East Parade and No. 45 Joel Terrace, respectively, stating no objections to the proposed privacy encroachment.

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

- (ix) prior to the first occupation of the development, the full length and width of the right of way from Westralia Road to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
 - (x) a bond and/or bank guarantee for \$14,500 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
 - (xi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
 - (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, and thereafter implemented and maintained;*
 - (xiii) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the development complies with the maximum 50 per cent overshadowing requirement under clause 3.9.1 Solar Access for Adjoining Sites of the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
 - (xiv) prior to the issue of a Building Licence for Unit 1, 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 Unit 1 structure that:
 - (a) the Unit 1 structure shall be used as one (1) grouped dwelling only; and**
-

(b) the floor plan layout of the Unit 1 structure shall be maintained in accordance with the Planning Approval plans.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the Unit 1 structure.

FURTHER REPORT:

The Council further considered the application at its Ordinary Meeting held on 28 August 2007 and resolved as follows:

“That the item be DEFERRED for further consideration”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted revised plans and a written submission that reflect compliant requirements, therefore reducing the amount of variations and conditions from the previous proposal. The applicant’s further submission is *“Laid on the Table”*.

The main amendments to the proposal are as follows:

- the setback of the first floor of unit 1 has been increased from 2.04 metres to 2.1 metres from the southern boundary;
- the finished ground floor level of all three units has been reduced from 10.93 to 10.673, totalling a reduction in height of 257 millimetres;
- the reduction in the finished floor level has reduced the height of the parapet wall on the southern boundary of unit 1, making it completely compliant with the requirements of the R Codes;
- the ceiling height of the first floor of unit 1 has been reduced by 86 millimetres, thus reducing the building wall height to 5.9 metres from the natural ground level; and
- the ceiling height of unit 2 and 3 has also been reduced by 86 millimetres to reduce the bulk and scale of the building.

These amendments have resulted in a reduction in the number of variations proposed and conditions placed on the previous recommended approval.

Further Assessment

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.44 dwellings at R60	3 dwellings at R48.38	Supported – no variation.
Plot Ratio: Unit 1	0.65 110.32 square metres	0.62 105.23 square metres	Supported – no variation.
Unit 2	0.65 96.09 square metres	0.51 73.39 square metres	Supported – no variation.

Unit 3	0.65 79.42 square metres	0.58 70.87 square metres	Supported – no variation.
Minimum Lot Size: Lot 2/Unit 2	160 square metres	147.83 square metres	Supported – the development complies with the R60 average lot size/density, open space and plot ratio requirements.
Lot 3/Unit 3	160 square metres	122.19 square metres	Supported – the development complies with the R60 average lot size/density, open space and plot ratio requirements.
Setbacks: Unit 1- Ground Floor South	1.5 metres	Nil	Supported – the boundary/parapet wall is not considered to have an undue impact on the neighbouring property and it complies with the length <u>and height</u> requirements of building on boundary.
Upper Floor South	2.1 metres	Amended plans reflect setback of 2.04 metres	Supported – not considered to have an undue impact on adjoining property.
		<u>Amended plans reflect a setback of 2.1 metres</u>	<u>This is now compliant with the setback requirements of the R Codes.</u>
North	1.5 metres	1.2 metres – 2.9 metres – 3.5 metres	Supported – not considered to have an undue impact on adjoining property.
Loft Floor South	3.3 metres	2.3 metres	Supported in part – as the balcony of the loft is not contained entirely within the roof space. Condition applied to delete the balcony of the loft from the proposal.
			<u>A re-assessment of the loft balcony demonstrates that the loft is well integrated with the roof space and will not have an undue impact on the adjoining property.</u>
Unit 2- Ground Floor			

South	1.5 metres	1.2 metres – 3 metres – 4.2 metres	Supported – not considered to have an undue impact on adjoining property.
Upper Floor West (East Parade)	6 metres	4.2 metres to planter and dividing wall, and 5.06 metres to the balcony	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
South	2.1 metres	1.2 metres – 2.3 metres	Supported – not considered to have an undue impact on adjoining property.
Unit 3 Upper Floor West (East Parade)	6 metres	4.2 metres to planter and dividing wall, and 5.06 metres to the balcony	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
North	2.0 metres	1.2 metres – 2.3 metres	Supported – not considered to have an undue impact on adjoining property.
Building on Boundary: Unit 1	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	One boundary/parapet wall proposed South Wall Height – 3.1 metres – 3.2 metres (average wall height is 3.15 metres). Wall length is compliant. <u>The height and length of the boundary wall is now compliant.</u>	Supported in part – the wall length is compliant, therefore, not considered to have an undue impact on neighbouring properties provided the height of the wall is conditioned to be a maximum of 3 metres above natural ground level. The proposed boundary wall is now compliant with the requirements of the R Codes.
Street Walls and Fences	Fence to be 50 per cent visually permeable above 1.2 metres.	Details are not indicated on plans.	Not supported – condition all proposed street walls and fences to comply with the Town’s Policy relating to Street Walls and Fences.

Outdoor Living Area Units 2 and 3	To be provided behind the front setback.	Provided within the front setback.	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
Driveway: Minimum width	4 metres	3.2 metres	Supported – the Town’s Technical Services Officers have assessed and supported this variation
Building Wall Height: Unit 1- Loft/———Third Storey North	6 metres	8.2 metres	Not supported – considered to have an undue impact on the streetscape and the amenity of the area. Condition applied for the loft to be deleted from the proposal and the building wall height to be reduced to a maximum of 6 metres. <u>A re-assessment of the loft balcony demonstrates that the loft is well integrated with the roof space and will not have an undue impact on the adjoining property.</u>
South	6 metres	6.3 metres	Not supported – undue impact on the streetscape and amenity of the area, and condition applied to reduce the building wall height to a maximum of 6 metres above natural ground level. <u>The amended plans now reflect the building wall height of units 1, 2 and 3 being a maximum of 5.9 metres from the natural ground level.</u>
Town’s Policy relating to Ancillary Accommodation:			

Unit 1	Where the ancillary accommodation structure is to be attached to the existing dwelling, direct internal access between the main dwelling and the ancillary accommodation structure is to be provided.	No direct internal access provided.	Not supported condition the lift to be openable from the kitchen or dining room as well as the lobby, therefore direct internal access is provided. The amended plans reflect the removal of the ancillary accommodation as only one laundry and store has been provided. Due to this, the parking bay adjacent to the right of way has also been removed.
--------	--	--	--

Summary

In light of the above, the previous Officer Recommendation and assessment has been altered to reflect the amended plans. The revised plans do not propose any other further variation to the Residential Design Codes and the Town’s Policies, and is considered not to have an undue impact on the adjoining properties and the amenity of the area, and as such there is no need to further re-advertise the proposal. On the above basis, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters as outlined in the Further Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 August 2007.

“FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted on behalf of the owner R Lee, C G Mulroy and Y F Lee for proposed Demolition of Existing Single House and Construction of Two (2) Two -Storey Grouped Dwellings and One Two-Storey with Loft Grouped Dwelling, at No. 136 (Lot: 96 D/P: 2001) East Parade, East Perth, and as shown on revised plans stamp-dated 17 July 2007, subject to the following conditions:

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

- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the East Parade boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) *the solid portion adjacent to the East Parade boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the height of the boundary/parapet wall of unit 1 on the southern elevation being reduced to a maximum of 3 metres;*
 - (b) *the balcony of the loft floor of unit 1 being deleted from the proposal; and*
 - (c) *the building external wall height being reduced to a maximum of 6 metres above natural ground level.*

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

- (iv) *first obtaining the consent of the owners of No. 132 East Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 132 East Parade in a good and clean condition;*
-

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Parade verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (viii) *prior to the issue of a Building Licence, the applicant shall submit to the Town written support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission for the development, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *for Unit 1:*
- (1) *the balcony to the lounge/games room on the northern, southern and western elevations; and*
- (2) *the balcony to bedroom 2 on the northern, southern and eastern elevations;*
- (b) *for Unit 2:*
- (1) *the balcony to bedroom 1 on the southern and eastern elevations; and*
- (2) *the balcony to bedroom 2 on the southern elevation; and*
- (c) *for Unit 3:*
- (1) *the balcony to bedroom 1 on the northern and eastern elevations; and*
- (2) *the balcony to bedroom 2 on the northern elevation;*
- within the 7.5 metre cone of vision to the boundaries, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 132 and 140 East Parade and No. 45 Joel Terrace, respectively, stating no objections to the proposed privacy encroachment.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"*
- (x) *prior to the first occupation of the development, the full length and width of the right of way from Westralia Road to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
-

- (xi) *a bond and/or bank guarantee for \$14,500 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained.*

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.01pm.

AMENDMENT:

Moved Cr Maier, Seconded Cr Lake

That Clause (ii)(b) be deleted.

Debate ensued.

AMENDMENT PUT AND LOST (2-5)

For

*Cr Lake
Cr Maier*

Against

*Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker*

(Cr Torre was an apology for the meeting. Cr Messina was absent from the Chamber.)

Cr Messina returned to the Chamber at 7.02pm.

Debate ensued.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the item be DEFERRED for further consideration.

MOTION TO DEFER PUT AND CARRIED (5-3)

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

(Cr Torre was an apology for the meeting)

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 26 June 2007 and resolved as follows:

“That the Item be DEFERRED at the request of the applicant also to allow the Town’s officers to investigate the various issues raised during Public Question Time.”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, a meeting was held on 6 July 2007 between the Town’s Officers, the applicant and one of the affected neighbours at No. 132 East Parade, East Perth to discuss the concerns the affected neighbour had with the proposed development considered at the Ordinary Meeting of Council held on 26 June 2007. The applicant has submitted revised plans and a written submission dated 17 July 2007 to address the matters raised at the above meeting with the Town’s Officers and also issues raised at the Ordinary Meeting of Council held on 26 June 2007. The applicant’s further submission is “Laid on the Table”.

The main amendments to unit 1 are as follows:

- *the first floor has been setback 2.04 metres from the southern boundary;*
- *the loft has been redesigned to be contained within the roof space;*
- *the overshadowing plan has been revised and is proposed at 47.89 percent, which is still compliant with the requirements of the Residential Design Codes;*
- *the proposed unit encompasses only one laundry and one store, therefore, it is not considered as an ancillary accommodation as previously proposed;*
- *a car bay has been removed adjacent to the right of way and replaced with landscaping;*
- *Units 2 and 3 remain the same as per the original plans; and*
- *the windows to the habitable rooms on the northern, southern and western elevations of the first floor have been amended to reflect highlight windows, above 1.6 metres from the finished floor level.*

The southern adjoining land owner at No. 132 East Parade, East Perth, viewed the amended plans on 8 August 2007, and still has issues and concerns regarding the overshadowing, the boundary wall of unit 1 on the southern elevation and all proposed variations to building wall setbacks. The landowner has acknowledged that whilst some of the setback revisions in the

amended plans slightly lessen the impact of the proposed development on the southern property, the scale and the overall “development philosophy” is still not acceptable and the original objections still stands.

Further 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>Density:</i>	<i>3.44 dwellings at R60</i>	<i>3 dwellings at R48.38</i>	<i>Supported – no variation.</i>
<i>Plot Ratio: Unit 1</i>	<i>0.65 110.32 square metres</i>	<i>0.62 105.23 square metres</i>	<i>Supported – no variation.</i>
<i>Unit 2</i>	<i>0.65 96.09 square metres</i>	<i>0.51 73.39 square metres</i>	<i>Supported – no variation.</i>
<i>Unit 3</i>	<i>0.65 79.42 square metres</i>	<i>0.58 70.87 square metres</i>	<i>Supported – no variation.</i>
<i>Minimum Lot Size: Lot 2/Unit 2</i>	<i>160 square metres</i>	<i>147.83 square metres</i>	<i>Supported – the development complies with the R60 average lot size/density, open space and plot ratio requirements.</i>
<i>Lot 3/Unit 3</i>	<i>160 square metres</i>	<i>122.19 square metres</i>	<i>Supported – the development complies with the R60 average lot size/density, open space and plot ratio requirements.</i>
<i>Setbacks: Unit 1- Ground Floor</i>			
<i>South</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported – the boundary/parapet wall is not considered to have an undue impact on the neighbouring property and it complies with the length requirements of building on boundary.</i>

Upper Floor South	2.1 metres	1.09 metres – 1.2 metres – 2 metres – 4.5 metres <u>Amended plans reflect setback of 2.04 metres</u>	Supported – not considered to have an undue impact on adjoining property.
North	1.5 metres	1.2 metres – 2.9 metres – 3.5 metres	Supported – not considered to have an undue impact on adjoining property.
Loft Floor South	3.3 metres	2.3 metres	Not supported – considered to have an undue impact on neighbouring property. Condition the loft to be deleted from the proposal. <u>Supported in part – as the balcony of the loft is not contained entirely within the roof space. Condition applied to delete the balcony of the loft from the proposal.</u>
Unit 2- Ground Floor South	1.5 metres	1.2 metres – 3 metres – 4.2 metres	Supported – not considered to have an undue impact on adjoining property.
Upper Floor West (East Parade)	6 metres	4.2 metres to planter and dividing wall, and 5.06 metres to the balcony	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
South	2.1 metres	1.2 metres – 2.3 metres	Supported – not considered to have an undue impact on adjoining property.
Unit 3 Upper Floor West (East Parade)	6 metres	4.2 metres to planter and dividing wall, and 5.06 metres to the balcony	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
North	2.0 metres	1.2 metres – 2.3 metres	Supported – not considered to have an undue impact on adjoining property.

<i>Building on Boundary: Unit 1</i>	<i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>One boundary/parapet wall proposed South Wall Height – 3.1 metres – 3.2 metres (average wall height is 3.15 metres). Wall length is compliant.</i>	<i>Supported in part – the wall length is compliant, therefore, not considered to have an undue impact on neighbouring properties provided the height of the wall is conditioned to be a maximum of 3 metres above natural ground level.</i>
<i>Street Walls and Fences</i>	<i>Fence to be 50 per cent visually permeable above 1.2 metres.</i>	<i>Details are not indicated on plans.</i>	<i>Not supported – condition all proposed street walls and fences to comply with the Town’s Policy relating to Street Walls and Fences.</i>
<i>Outdoor Living Area Units 2 and 3</i>	<i>To be provided behind the front setback.</i>	<i>Provided within the front setback.</i>	<i>Supported – not considered to have an undue impact on the streetscape and the amenity of the area.</i>
<i>Driveway: Minimum width</i>	<i>4 metres</i>	<i>3.2 metres</i>	<i>Supported – the Town’s Technical Services Officers have assessed and supported this variation</i>
<i>Building Wall Height: Unit 1- Loft/ Third Storey North</i>	<i>6 metres</i>	<i>8.2 metres</i>	<i>Not supported – considered to have an undue impact on the streetscape and the amenity of the area. Condition applied for the loft to be deleted from the proposal and the building wall height to be reduced to a maximum of 6 metres.</i>
<i>South</i>	<i>6 metres</i>	<i>6.3 metres</i>	<i>Not supported – undue impact on the streetscape and amenity of the area, and condition applied to reduce the building wall height to a maximum of 6 metres above natural ground level.</i>
<i>Town’s Policy relating to Ancillary Accommodation:</i>			
<i>Unit 1</i>	<i>Where the</i>	<i>No direct internal</i>	<i>Not supported – condition the lift to</i>

	<p>ancillary accommodation structure is to be attached to the existing dwelling, direct internal access between the main dwelling and the ancillary accommodation structure is to be provided.</p>	<p>access provided.</p>	<p>be openable from the kitchen or dining room as well as the lobby, therefore direct internal access is provided.</p>
			<p>The amended plans reflect the removal of the ancillary accommodation as only one laundry and store has been provided. Due to this, the parking bay adjacent to the right of way has also been removed.</p>

Summary

In light of the above, the previous Officer Recommendation and assessment has been altered to reflect the amended plans. The revised plans do not propose any other further variation to the Residential Design Codes and the Town's Policies, and is considered not to have an undue impact on the adjoining landowner and the amenity of the area, and as such there is no need to further re-advertise the proposal. On the above basis, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters as outlined in the Further Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 June 2007.

“OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony J Casella Designers on behalf of the owner R Lee, C G Mulroy and Y F Lee for proposed Demolition of Existing Single House and Construction of Two (2) Two -Storey Grouped Dwellings and One Two-Storey with Loft Grouped Dwelling and Associated Ancillary Accommodation, at No. 136 (LOT: 96 D/P: 2001) East Parade, East Perth, and as shown on plans stamp-dated 7 March 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the East Parade boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to East Parade boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the height of the boundary/parapet wall of unit 1 on the southern elevation being reduced to a maximum of 3 metres;*
 - (b) *the loft floor of unit 1 being deleted from the proposal;*
 - (c) *the building external wall height being reduced to a maximum of 6 metres above natural ground level;*
 - (d) *the lift of unit 1 being directly accessible from the kitchen or dining room on the ground floor; and*

- (e) *the opening between the kitchen and the laundry of unit 1 having a door, which when closed shall completely fill the opening.*
The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;
- (iv) *first obtaining the consent of the owners of No. 132 East Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 132 East Parade in a good and clean condition;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Parade verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (viii) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification being registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the ancillary accommodation structure on the land:*
- (a) *the ancillary accommodation structure shall only be occupied by a member or members of the family of the occupier of the main dwelling;*
- (b) *the ancillary accommodation structure shall not be used or rented out as a separate dwelling to the main building;*
- (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and shall be used for no other purposes or by other persons; and*
- (d) *the ancillary accommodation structure shall not be occupied by any more than two (2) occupiers at any one time.*
- This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner;*
- (ix) *prior to the issue of a Building Licence, the applicant shall submit to the Town written support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission for the development, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense; and*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony to the family room and bedroom 1 on the northern, southern and eastern elevations of unit 1, the balcony to the lounge room on the northern, southern and western elevations of unit 1, the windows to the dining room and lounge room on the western elevation of the first floor of unit 1, the*
-

windows to the lounge room on the northern elevation of the first floor of unit 1, the balcony to bedroom 1 on the southern and eastern elevations of unit 2, the balcony to bedroom 2 on the southern elevation of unit 2, the balcony to bedroom 1 on the northern and eastern elevations of unit 3, and the balcony to bedroom 2 on the northern elevation of unit 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 132 and 140 East Parade stating no objection to the respective proposed privacy encroachments.

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

- (xi) Prior to the first occupation of the development, the full length and width of the right of way from Westralia Road to the Southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xii) A bond and/or bank guarantee for \$14500 for the full upgrade of the right of way shall be lodged prior to the issue of a Building License; and*
- (xiii) Prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre , Seconded Cr Farrell

That the recommendation be DEFERRED at the request of the applicant and also to allow the Town's officers to investigate the various issues raised during Public Question Time.

MOTION PUT AND CARRIED (7-2)

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

<i>Landowner:</i>	<i>R Lee, C G Mulroy and Y F Lee</i>
<i>Applicant:</i>	<i>Anthony J Casella Designers</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>620 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 4 metres wide, unsealed, Town owned</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of the two, two storey grouped dwellings and one, two storey with loft grouped dwelling and associated ancillary accommodation.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density:</i>	<i>3.44 dwellings at R60</i>	<i>3 dwellings at R48.38</i>	<i>Supported – no variation.</i>
<i>Plot Ratio: Unit 1</i>	<i>0.65 110.32 square metres</i>	<i>0.62 105.23 square metres</i>	<i>Supported – no variation.</i>
<i>Unit 2</i>	<i>0.65 96.09 square metres</i>	<i>0.51 73.39 square metres</i>	<i>Supported – no variation.</i>
<i>Unit 3</i>	<i>0.65 79.42 square metres</i>	<i>0.58 70.87 square metres</i>	<i>Supported – no variation.</i>
<i>Minimum Lot Size: Lot 2/Unit 2</i>	<i>160 square metres</i>	<i>147.83 square metres</i>	<i>Supported – the development complies with the R60 average lot size/density, open space and plot ratio requirements.</i>

<i>Lot 3/Unit 3</i>	<i>160 square metres</i>	<i>122.19 square metres</i>	<i>Supported – the development complies with the R60 average lot size/density, open space and plot ratio requirements.</i>
<i>Setbacks: Unit 1- Ground Floor South</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported – the boundary/parapet wall is not considered to have an undue impact on the neighbouring property and it complies with the length requirements of building on boundary.</i>
<i>Upper Floor South</i>	<i>2.1 metres</i>	<i>1.09 metres – 1.2 metres – 2 metres – 2.2 metres – 4.5 metres</i>	<i>Supported – not considered to have an undue impact on adjoining property.</i>
<i>North</i>	<i>1.5 metres</i>	<i>1.2 metres – 2.9 metres – 3.5 metres</i>	<i>Supported – not considered to have an undue impact on adjoining property.</i>
<i>Loft Floor South</i>	<i>3.3 metres</i>	<i>2.3 metres</i>	<i>Not supported – considered to have an undue impact on neighbouring property. Condition the loft to be deleted from the proposal.</i>
<i>Unit 2- Ground Floor South</i>	<i>1.5 metres</i>	<i>1.2 metres – 3 metres – 4.2 metres</i>	<i>Supported – not considered to have an undue impact on adjoining property.</i>
<i>Upper Floor West (East Parade)</i>	<i>6 metres</i>	<i>4.2 metres to planter and dividing wall, and 5.06 metres to the balcony</i>	<i>Supported – not considered to have an undue impact on the streetscape and the amenity of the area.</i>
<i>South</i>	<i>2.1 metres</i>	<i>1.2 metres – 2.3 metres</i>	<i>Supported – not considered to have an undue impact on adjoining property.</i>

Unit 3 Upper Floor West (East Parade)	6 metres	4.2 metres to planter and dividing wall, and 5.06 metres to the balcony	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
North	2.0 metres	1.2 metres – 2.3 metres	Supported – not considered to have an undue impact on adjoining property.
Building on Boundary: Unit 1	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	One boundary/parapet walls proposed South Wall Height – 3.1 metres – 3.2 metres (average wall height is 3.15 metres). Wall length is compliant.	Supported in part – the wall length are compliant therefore not considered to have an undue impact on neighbouring properties provided the height of the wall is conditioned to be a maximum of 3 metres above natural ground level.
Street Walls and Fences	Fence to be 50 per cent visually permeable above 1.2 metres.	Details are not indicated on plans.	Not supported – condition all proposed street walls and fences to comply with the Town's Policy relating to Street Walls and Fences.
Outdoor Living Area Units 2 and 3	To be provided behind the front setback.	Provided within the front setback.	Supported – not considered to have an undue impact on the streetscape and the amenity of the area.
Driveway: Minimum width	4 metres	3.2 metres	Supported – The Town's Technical Services Officers have assessed and supported this variation

<i>Building Height: Unit 1-Loft/ Third Storey North</i>	<i>Wall</i>	<i>6 metres</i>	<i>8.2 metres</i>	<i>Not supported – considered to have an undue impact on the streetscape and the amenity of the area. Condition applied for the loft to be deleted from the proposal and the building wall height to be reduced to a maximum of 6 metres.</i>
<i>Town's Policy relating to Ancillary Accommodation:</i>	<i>Policy to</i>			
<i>Unit 1</i>		<i>Where the ancillary accommodation structure is to be attached to the existing dwelling, direct internal access between the main dwelling and the ancillary accommodation structure is to be provided.</i>	<i>No direct internal access provided.</i>	<i>Not supported – condition the lift to be openable from the kitchen or dining room as well as the lobby, therefore direct internal access is provided.</i>
<i>Consultation Submissions</i>				
<i>Support</i>	<i>Nil</i>		<i>Noted</i>	
<i>Objection (2)</i>	<ul style="list-style-type: none"> <i>A three dwelling development will create more people living along East Parade, therefore limited verge parking for visitors</i> 		<ul style="list-style-type: none"> <i>Not supported – the development complies with the parking requirements of the Residential Design Codes and the Town's Policies.</i> 	
	<ul style="list-style-type: none"> <i>Concerns that there are too many non-compliant requirements.</i> 		<ul style="list-style-type: none"> <i>Not supported – the Town has the discretion to consider variations to the R Codes as per clause 1.3.3 of the R Codes.</i> 	
	<ul style="list-style-type: none"> <i>The development should not rely on the right of way for vehicular access.</i> 		<ul style="list-style-type: none"> <i>Not supported – the Town's policy relating to Vehicular Access states that if the property has legal access to a right of way then this shall be utilised for all access of vehicles.</i> 	

	<ul style="list-style-type: none"> Concerns of privacy regarding the upper floor balconies and windows. 	<ul style="list-style-type: none"> Not supported – all windows and balconies that are located 0.5 metre above natural ground level have been appropriately screened.
	<ul style="list-style-type: none"> The construction of the dwellings (for example, trucks) shall not cause an impact on the amenity of the street. 	<ul style="list-style-type: none"> Not supported – this is a civil matter between the land owner and the surrounding neighbours.
	<ul style="list-style-type: none"> Objection to the minimum site area for Units 2 and 3. 	<ul style="list-style-type: none"> Not supported – the development complies with the R60 average site area/density, open space and plot ratio requirements.
	<ul style="list-style-type: none"> The plot ratio is non-compliant. 	<ul style="list-style-type: none"> Not supported – the plot ratio complies with the requirements of the Residential Design Codes.
	<ul style="list-style-type: none"> The boundary wall on the southern elevation. 	<ul style="list-style-type: none"> Supported in part – the wall length are compliant therefore not considered to have an undue impact on neighbouring properties provided the height of the wall is conditioned to be a maximum of 3 metres above natural ground level.
	<ul style="list-style-type: none"> The variation of the setback of the ground floor and upper floor of unit 2 on the southern boundary. 	<ul style="list-style-type: none"> Not supported – not considered to have an undue impact on adjoining property.
	<ul style="list-style-type: none"> The building wall height of 8.2 metres. 	<ul style="list-style-type: none"> Supported – condition of approval applied that the loft be deleted from the proposal and the building wall height be reduced to a maximum of 6 metres from natural ground level.
	<ul style="list-style-type: none"> The overshadowing onto the northern neighbouring property. 	<ul style="list-style-type: none"> Not supported – the overshadowing complies with the requirements of the Residential Design Codes.
	<ul style="list-style-type: none"> The outdoor living area of units 2 and 3 being located in the front setback. 	<ul style="list-style-type: none"> Not supported – not considered to have an undue impact on the streetscape and the amenity of the area.

	<ul style="list-style-type: none"> The driveway with a reduced width of 3.2 metres is reflective of the excessive scale of the development. 	<ul style="list-style-type: none"> Not supported – the Town’s Technical Services Officers have assessed and supported this variation and the development is compliant in terms of plot ratio.
	<ul style="list-style-type: none"> Unit 1 is classed as a multiple dwelling not a unit with an ancillary accommodation structure. 	<ul style="list-style-type: none"> Not supported – the ancillary accommodation will comply with the Town’s Policy relating to Ancillary Accommodation provided that conditions are applied that the lift be accessible from the kitchen or dining room on the ground floor and a Section 70A notification is registered.
	<ul style="list-style-type: none"> The third storey/loft is totally out of character with the existing two and mostly single storey character of the streetscape and is a contributing factor to excessive height of the proposed dwelling. 	<ul style="list-style-type: none"> Supported – a third storey is not permitted in the Banks Locality. Condition applied that the loft be deleted from the proposal.
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

COMMENTS:

The application was sent to the Department for Planning and Infrastructure on 28 June 2006 for their comments and recommendation as East Parade is classed as a Primary Regional Road in the Metropolitan Region Scheme. No response was received from the Commission.

The plans submitted for approval show insufficient details of screening and therefore this matter has been conditioned accordingly.

Heritage:

A detailed Heritage Assessment is contained in Appendix 10.1.
The subject dwelling at No. 136 (Lot 96) East Parade, Mount Lawley is a single storey timber and iron residence, which was constructed circa 1906 in the Federation Georgian style of architecture as part of the East Norwood Estate. The dwelling follows a common standard four-roomed plan, with central hallway, rear skillion and front verandah extending the length of the facade. Internally much of the original features and fittings remain intact, however externally the dwelling has been altered. Such alterations include the replacement of the

original roof and verandah, removal of the chimneys and replacement of the original verandah floor and window detail.

The majority of the properties along East Parade, including the subject place, are considered to have some degree of significance in terms of local heritage, as they are representative of the Federation style of architecture and as they formed part of the East Norwood Estate, which was development circa 1900 through to the First World War. However, it is considered that the historic and representative values identified are common elements of most original building stock in the Town and are not unique to the subject buildings to warrant inclusion on the Town's Municipal Heritage Inventory (MHI).

As a weatherboard dwelling the place has some rarity value as it represents a building material that is no longer widely used in the construction of residential buildings in Perth. However, in considering the comparable thresholds for including properties on the Town's MHI resultant from the recent MHI review, it is considered that the application should be recommended for approval, subject to archival to a quality archival record and other standard demolition conditions.

Summary:

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

10.2.2 Installation of Parks "Outdoor Exercise Equipment"

Ward:	Both	Date:	15 October 2007
Precinct:	All	File Ref:	RES0039
Attachments:	001		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report in relation to the installation of "Outdoor Exercise Equipment";*
- (ii) *APPROVES the installation of four (4) items of "Outdoor Gym Equipment" in each of the following locations (shown also as laid on the table);*
 - (a) *Robertson Park - South Ward (refer attached plan Appendix 10.2.2A); and*
 - (b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iii) *APPROVES the installation of three (3) items of "LifeTrail Equipment" in each of the following locations;*
 - (a) *Banks Reserve - South Ward (refer attached plan Appendix 10.2.2C); and*
 - (b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iv) *ADVISES the Banks Precinct Action Group, Mount Hawthorn Precinct Group and Hyde Park Precinct Group of its decision; and*
- (v) *INVESTIGATES holding induction sessions for interested residents at one or more of the outdoor equipment locations and receives a further report on this matter when a proposal/s has been developed.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 7.36pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.38pm.

Cr Messina departed the Chamber at 7.38pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.40pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

(1) *That clause Clauses (iii) and (iv) be amended as follows:*

(iii) ~~*APPROVES the installation of three (3) items of "LifeTrail Equipment" in each of the following locations;*~~

~~(a) *Banks Reserve - South Ward (refer attached plan Appendix 10.2.2C);*~~
~~*and*~~

~~(b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*~~

APPROVES the installation of four (4) items of "Outdoor Exercise Equipment" in each of the following locations;

(a) *Les Lilleyman Reserve - North Ward; and*

(b) *Beatty Park Reserve - South Ward;*

(iv) *ADVISES the Banks Precinct Action Group, Mount Hawthorn Precinct Group, ~~and~~ Hyde Park Precinct Group, Smith's Lake Precinct Group and North Perth Precinct Group of its decision; and*

(2) *That a new clause (vi) be inserted as follows;*

(vi) *RECEIVES a further report on the "Life Trail Equipment" with the view of including a set in the 2008/2009 budget.*

Debate ensued.

AMENDMENT PUT AND LOST (1-8)

For

Cr Maier

Against

Mayor Catania

Cr Burns

Cr Doran-Wu

Cr Farrell

Cr Ker

Cr Lake

Cr Messina

Cr Youngman

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

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

(iv) *ADVISES the Precinct Groups of its decision.*

AMENDMENT PUT AND CARRIED (9-0)

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the item be DEFERRED in order for a Strategy to be prepared for where the equipment will be placed.

PROCEDURAL MOTION PUT AND LOST (2-7)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the further report in relation to the installation of "Outdoor Exercise Equipment";*
- (ii) *APPROVES the installation of four (4) items of "Outdoor Gym Equipment" in each of the following locations (shown also as laid on the table);*
 - (a) *Robertson Park - South Ward (refer attached plan Appendix 10.2.2A); and*
 - (b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iii) *APPROVES the installation of three (3) items of "LifeTrail Equipment" in each of the following locations;*
 - (a) *Banks Reserve - South Ward (refer attached plan Appendix 10.2.2C); and*
 - (b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iv) *ADVISES the Precinct Groups of its decision; and*
- (v) *INVESTIGATES holding induction sessions for interested residents at one or more of the outdoor equipment locations and receives a further report on this matter when a proposal/s has been developed.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the proposed locations for the installation of "Outdoor Exercise Equipment" and to seek approval of the location(s) as outlined.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 February 2007 a report was presented in relation to the installation of Outdoor Exercise Equipment where it was resolved:

That the Council;

- (i) *RECEIVES the report in relation to the installation of eight (8) items of "Outdoor Gym Equipment";*
- (ii) *APPROVES the installation of four (4) items of "Outdoor Gym Equipment", as outlined in appendix 10.2.4A (and as laid on the table), in the following locations;*
 - (a) *Banks Reserve - South Ward (refer attached plan Appendix 10.2.4B); and*
 - (b) *Menzies Park - North Ward (refer attached plan Appendix 10.2.4C);*
- (iii) *LISTS \$25,000 for consideration in the 2007/2008 draft budget for the installation of a further eight (8) items of "Outdoor Gym Equipment" at Britannia Reserve and Robertson Park, location(s) to be determined and that future installations will be positioned and promoted as features on the Greenway;*
- (iv) *ADVISES both the Banks Precinct Action Group and the Mount Hawthorn Precinct Group of its decision; and*
- (v) *RECEIVES a further report on the matter in June 2007 to determine the success or otherwise of the "Outdoor Gym Equipment".*

At the meeting, Council also decided that a further report should be received in June 2007 to determine the success or otherwise for the Outdoor Gym Equipment installed at both Menzies Park and Banks Reserve.

Due to various difficulties with sub-contractors, Forpark Australia, the supplier of this equipment, was unable to complete the installations for the Town until the end of June 2007.

Monitoring the use of this equipment was therefore undertaken by Parks staff over the next three (3) months, whereby staff visited the parks at least once per week day during the hours of 7.00am and 3.00pm.

DETAILS:

During the inspections, Parks staff identified the equipment being utilised on almost every morning at both locations since its installation. The equipment was also utilised during the day at various times, more so at Banks Reserve where the passing recreational cyclists and walkers stopped on a regular basis to investigate and test out the equipment.

The Manager Parks Services visited both Menzies Park and Banks Reserve after hours and on weekends on various occasions and on every visit the equipment was well patronised.

Whilst the monitoring was undertaken informally, it is evident from the high use and numerous calls made to staff, that the equipment is being well used and highly regarded by the local communities and patrons visiting both parks.

Outdoor Gym Equipment

As previously decided by Council at its Meeting held on 13 February 2007, a set of the Outdoor Gym Equipment was to be installed at Robertson Park and Britannia Road Reserve. The locations chosen for the installation are adjacent to existing or proposed pathways.

Robertson Park Reserve (appendix 10.2.2A)

The area chosen for the installation of the equipment at Robertson Park is adjacent the existing playground near the Central Axis Garden. Whilst initially it was thought that the large open area (Women's Hockey Field) was best suited, this area is heavily used by the local community and a dog exercise area. People trying to exercise may come into conflict with over excited dogs, therefore the area adjacent the playground was considered the most appropriate.

Britannia Road Reserve (south) (appendix 10.2.2B)

The southern end of Britannia Road Reserve, near the playground, is where the majority of persons park their vehicles to use the southern area of the park to exercise their dogs and undertake casual/informal exercise.

The northern/central areas of the park are used predominantly for matchplay and organised training and therefore the southern end of the park is considered the best option, particularly with the long-term proposal to construct a dual use path adjacent to this area as part of the Town of Vincent "Greenway."

LifeTrail Equipment

Miracle Recreation Equipment (one of two companies contracted to the Town for the supply of playground equipment) have recently advised of the availability of their "LifeTrail" range of exercise equipment.

This outdoor exercise equipment consists of a series of exercise stations designed specifically to meet the needs of the active older adult. Research shows that the most common and preferred physical activity of older adults is walking and the LifeTrail range of activities provides a perfect compliment to any walking routine.

There are ten (10) exercise /information stations available and they can be constructed to suit specific needs or requirements of the older generation or local community.

The LifeTrail Equipment is yet to be installed in the metropolitan area, however its innovative design and robust construction is likely to attract a similar amount of attention as the Outdoor Gym equipment.

The sites selected for the installations of these items were based on what staff considers is the area where the equipment will be most utilised and appropriate. As indicated above, the LifeTrail equipment is more suited to the older aged patrons.

Banks Reserve (appendix 10.2.2C)

Numerous older people use the path recently opened from Bardon Park to Banks Reserve and through to Perth. The park is regularly frequented and the Outdoor Exercise Equipment is regularly used as outlined above.

It is proposed to install the items adjacent the path between the existing Outdoor Gym Equipment which is located at the northern and southern ends of the park.

Britannia Road Reserve (south) (appendix 10.2.2B)

Numerous older residents from Leederville Gardens and the surrounding community use Britannia Road Reserve for passive recreational activities. With the addition of the Outdoor Gym Equipment this end of the reserve will then cater for all users.

The installations will be in the area of land adjacent to Bourke Street adjacent to the existing playground and far enough away from the Dog exercise area to avoid any potential conflict.

CONSULTATION/ADVERTISING:

Consultation with representatives of the local precinct groups will be undertaken to determine the exact location/orientation of the equipment as previously undertaken with the items installed at both Menzies Park and Banks Reserve.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. *“(b) Implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway.”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$50,000 has been included in the 2007/2008 budget for the installation of two (2) sets of Outdoor Gym Equipment.

One (1) set of the “Outdoor Gym Equipment” (8 items) as previously installed at both Menzies Park and Banks Reserve is now \$25,000.

There are ten (10) items of “LifeTrail Equipment” and they vary in price considerably depending on what configuration of items is proposed at each respective exercise station.

The total cost of supply / installation of the LifeTrail Equipment as follows:

- Station 1 - Lower body warm up (Std and Tall) and Benefits of Exercise-information panel
- Station 2 - Bench Stepper (Std and Advanced) and Healthy Eating-information panel
- Station 3 - Upper Body warm up, Forearm Roll and Exercise the Mind-information panel
- Station 4 - Upper body Stretch and Strengthening (x 2) and Yoga-information panel
- Station 5 - Hamstring Stretch, Calf Stretch and Tai Chi- information panel
- Station 6 - To be determined

The above set up comes to a total in excess of \$28,612.00 exclusive of GST, however, Miracle Recreation Equipment are prepared to supply and install the first set to a metropolitan Council for \$25,000.

COMMENTS:

Since the installation of the first 8 items of Outdoor Gym Equipment, staff have received numerous calls congratulating the Town on such an initiative. The level of use to date also reflects that this project was money well spent.

The installations at the locations listed above are likely to receive a similar level of use and following further assessment of the equipment over time, it may be prudent to consider additional equipment of this type within the Town's Parks and Reserves.

The Manager Beatty Park Leisure Centre has also expressed an interest in installing the Outdoor Gym Equipment around the outdoor pool areas after seeing the equipment in operation.

10.1.3 Building Design and Conservation Awards 2007 and Old Bottle Yard Artefact Collection

Ward:	Both Wards	Date:	12 October 2007
Precinct:	All Precincts	File Ref:	FIN 0166
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Building Design and Conservation Awards 2007 and the Old Bottle Yard Collection;*
- (ii) *APPROVES of an alternative approach to be taken for the Building Design and Conservation Awards for 2007 as detailed in the report; and*
- (iii) *subject to (ii) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$10,000 to developing a display of the Old Bottle Yard Collection recovered from the former Bottle Yard site located within Robertson Park, to be funded from the following.*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Budget Net Impact</i>
<i>Old Bottle Yard Collection Display</i>	<i>\$10,000</i>	<i>Building Design and Conservation Awards</i>	<i>\$10,000</i>	<i>0</i>

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

- (iv) *ENDORSES that the Building Design and Conservation Awards scheduled for 2009/2010 include a category designated to the conservation of properties worthy of retention that are not listed on the Town's Municipal Heritage Inventory.*

Debate ensued.

Cr Farrell departed the Chamber at 8.01pm

Debate ensued.

Cr Farrell returned to the Chamber at 8.04pm.

AMENDMENT PUT AND LOST (4-5)

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

AMENDMENT

Moved Cr Lake, Seconded Cr Maier

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

- (iii) *Reviews the Categories for the Building Design and Conservation Awards to allow restorations of properties not listed in the MHI to be entered in the competition.*

AMENDMENT PUT AND CARRIED (5-4)

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

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

COUNCIL DECISION ITEM 10.1.3

That the Council;

- (i) *RECEIVES the report relating to the Building Design and Conservation Awards 2007 and the Old Bottle Yard Collection;*
- (ii) *APPROVES of an alternative approach to be taken for the Building Design and Conservation Awards for 2007 as detailed in the report;*
- (iii) *Reviews the Categories for the Building Design and Conservation Awards to allow restorations of properties not listed in the MHI to be entered in the competition; and*
- (iv) *subject to (ii) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$10,000 to developing a display of the Old Bottle Yard Collection recovered from the former Bottle Yard site located within Robertson Park, to be funded from the following.*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Budget Net Impact</i>
<i>Old Bottle Yard Collection Display</i>	<i>\$10,000</i>	<i>Building Design and Conservation Awards</i>	<i>\$10,000</i>	<i>0</i>

PURPOSE OF REPORT:

To discuss an alternative to the delivery of the Building Design and Conservation Awards for 2007 and present an alternative to expending the remaining funds allocated to the Awards, namely to prepare a professional display of the Bottle Yard Artefact Collection recovered from the former Bottle Yard site located within Robertson Park.

BACKGROUND:

The Town's Building Design and Conservation Awards are designed to recognise and celebrate the efforts of all those involved in the construction and conservation of Vincent's buildings. The Awards are held every two years and are now in its sixth year. In previous years, the event has attracted strong support from the community and the Town has received a high calibre of entrants from all award categories.

Publicity for this year's Building Design and Conservation Awards commenced in July 2007, including advertisements in the Town's Newsletter distributed to all residents within the Town of Vincent, the Town's dedicated Heritage Newsletter distributed to all owners of properties listed on the Town's Municipal Heritage Inventory, the local newspapers, the Town's website and the Town's dedicated heritage website. Letters advising of the event were distributed to approximately 800 architects and builders within the Perth Metropolitan area. Brochures advertising and detailing the event were also prepared and distributed at the Town's Administration and Civic Centre and the Town's Library.

Applications for the 2007 Building Design and Conservation Awards closed on Friday 28 September 2007. This year there were four award categories:

1. Conservation - Municipal Heritage Inventory Award;
2. Community Award;
3. Innovative - Building Design; and
4. Sustainable Design.

Only three applications have been received and these were for the 'Conservation - Municipal Heritage Inventory Award' category, with only two being eligible applications. No applicants were received for the other categories.

DETAILS:

At the Special Meeting of Council held on 10 July 2007, \$15, 000 was endorsed to undertake the Building Design and Conservation Awards to be completed as part of the 2007/2008 Annual Budget. At total of \$13,782.73 currently remains in the budget.

Whilst there are no conditions stating that the Town may postpone the Awards as a result of a low number of applications, it is not considered an appropriate expenditure of the Town's resources to continue in the manner originally proposed.

Given the above, the following options are recommended to expend the remaining funds:

1. The Conservation - Municipal Heritage Inventory Award is judged on the basis of the two eligible applications. Instead of a full Award Presentation Function, a presentation is made to the two eligible applicants at an Ordinary Meeting of Council. It is recommended that the \$2000 cash prize and plaque is awarded to the winner of the Conservation - Municipal Heritage Inventory Award and a merit certificate awarded to second place. It is considered that \$3,782.73 will be sufficient funds to
-

cover the costs of the \$2,000 cash prize, preparing a framed merit certificate and to engrave a pre-existing plaque.

2. The remaining \$10,000 funds are to be spent on developing a professional public display and presentation / interpretation for the Old Bottle Yard Artefact Collection at Robertson Park.

It is considered that the above initiative will be a suitable alternative to expend the remaining funds for the following reasons:

- The initiative strongly supports the objectives detailed in the Town's Heritage Strategic Plan, of particular relevance is Key Result Area 1 'Community and Heritage - Education, Promotion and Celebration'. The main objective of this Key Result Area is to maximise community interest and awareness through events and programs that promote the positive value of heritage.
- The Town's Local Studies Collection holds a number of relevant resources relating to the Old Bottle Yard Collection and other associated information on Robertson Park which will provide the basis to preparing the textual information relating to the display. The Old Bottle Collection itself is currently held at the Town's Depot which can be easily accessed to form part of the display.
- The Old Bottle Yard Artefact Collection public display and presentation/interpretation can be undertaken in a professional manner with the funds available and completed within the 2007/2008 financial year.
- Opportunity exists to combine the launch of the display with community presentations involving the past and current use and history of Robertson Park and further off site presentation to schools and community groups.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006-2011:

Strategic Objective 3.1 – Enhance community development and wellbeing

Action:

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

3.1.1(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.

3.1.1(c) Promote an appropriate range of resources and programs, in various formats for members of the community.

Heritage Strategic Plan 2007 - 2012:

Key Result Area 1 'Community and Heritage' - Education, Promotion and Celebration

1.17 Provide public display and presentation/interpretation of the Old Bottle Yard Artefact Collection.

FINANCIAL/BUDGET IMPLICATIONS:

Estimated costs for producing a public display:

Display Panels	\$5,500
Advertising and Promotion Costs	\$2,500
Exhibition Launch	<u>\$2,000</u>
Total Budget Allocation:	<u>\$10,000</u>

COMMENTS:

It is considered that the initiative to prepare a public display and an interpretation/presentation of the Old Bottle Yard will serve to promote community interest and awareness of the Town's heritage in relation to former industrial sites within the inner city and Robertson Park more generally.

In light of the above, it is recommended that the Council supports the Officer Recommendation.

The Presiding Member advised the meeting that Cr Messina had declared a proximity interest in this Item and Cr Messina departed the Chamber at 8.07pm. He did not speak or vote on this item.

10.1.5 Nos. 142-144 (Lot: 2 D/P: 9745) Scarborough Beach Road, Mount Hawthorn - Proposed Rear Alfresco Dining Addition to Existing Eating House and Associated, Incidental and Ancillary Take Away Food Outlet

Ward:	North	Date:	12 October 2007
Precinct:	Mount Hawthorn Centre;P2	File Ref:	PRO0862; 5.2007.204.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by E Michalczyk on behalf of the owner V Gvozdenovic for Proposed Rear Alfresco Dining Addition to Existing Eating House and Associated, Incidental and Ancillary Take Away Food Outlet, at Nos. 142-144 (Lot: 2 D/P: 9745) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 5 June 2007 (ground floor plan) and 17 September 2007, subject to the following conditions:

- (i) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$8,964 for the equivalent value of 3.32 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget;*
- (ii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) the public area of the rear alfresco dining area shall be limited to 7.2 square metres; and*
- (iv) the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

Cr Messina out of the Chamber – due to his proximity interest.

Cr Messina returned to the Chamber at 8.08pm and was advised that the Officer Recommendation had been carried.

Landowner:	V Gvozdenovic
Applicant:	E Michalczyk
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	212 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

9 September 2003

The Council at its Ordinary Meeting conditionally approved an application for change of use from shop to eating house and associated, incidental and ancillary take away food outlet.

DETAILS:

The proposal involves rear alfresco dining addition to an existing eating house and associated, incidental and ancillary take away food outlet.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (2)	No comments given.		Noted.
Objection	Nil		Nil
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) - Take away food outlet - 9.52 square metres of queuing area with a minimum of 4 bays – requires 4 bays - Take away food outlet/restaurant - 6.16 square metres of indoor seating dining area and 7.2 square metres of outdoor seating dining area – requires 2.97 bays			= 7 car bays
Apply the adjustment factors. ▪ 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)			(0.65025)

▪ 0.90 (the proposed development is within a District Centre Zone)	= 4.55 car bays
Minus the car parking provided on-site	0 car bays
Minus the most recently approved on-site car parking shortfall. 9 September 2003 - Council supported a change of use from shop to eating house and associated incidental and ancillary take away food outlet. The resultant shortfall totals 1.23.	1.23 car bays
Resultant shortfall	3.32 car bays

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

COMMENTS:

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$8,964. The parking shortfall is not considered excessive given its locational context and is therefore supported subject to a cash-in-lieu payment. The Parking and Access Policy also requires commercial uses to provide bicycle spaces for its customers and employees. Two class 3 bicycle spaces have been provided from a condition that was placed on the previous change of use approval granted on 9 September 2003. A calculation of the bicycle requirements show that with the proposed additional public dining area, no more spaces are required.

The building is existing with no feasible ways to provide on-site parking as there is no rear or front access for vehicles. There are public car parks in the immediate vicinity and the eating house is directly next door to the Mezz shopping centre and within 100 metres of the Mezz car park. The premises is a small scale 'lunch-bar cafe' and itself is not considered to attract many vehicles, as the premises is ancillary to other major uses within the area. These include the supermarkets and retail shopping in the Mezz and along Scarborough Beach Road and the offices in the Mount Hawthorn area.

The main issue concerning this application relates to the parking shortfall, which is considered to be appropriately addressed through a cash-in-lieu payment. The application is therefore considered to be acceptable, subject to standard and appropriate conditions to address the above matters.

**10.1.7 Department of Health and Local Government Partnership Agreement –
Public Health Act Roles and Responsibilities**

Ward:	Both	Date:	16 October 2007
Precinct:	All	File Ref:	LEG0061
Attachments:	001		
Reporting Officer(s):	M Fallows, A Giles		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the proposed Department of Health and Local Government Partnership Agreement – Public Health Act Roles and Responsibilities;*
- (ii) *ACKNOWLEDGES the Officer’s comments detailing the implications of the Partnership Agreement on the Town of Vincent; and*
- (iii) *ADVISES the Western Australian Local Government Association of the Town’s IN PRINCIPLE support for the Partnership Agreement, and of the comments relating to the Roles and Responsibilities.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Maier

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

- (iii) *ADVISES the Western Australian Local Government Association of the Town’s IN PRINCIPLE support for the Partnership Agreement, and of the comments relating to the Rules and Responsibilities, subject to this not being construed as support for any shifting of costs to Local Government without adequate consultation and resourcing.*

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.7

That the Council;

- (i) *RECEIVES the report regarding the proposed Department of Health and Local Government Partnership Agreement – Public Health Act Roles and Responsibilities;*
-

- (ii) *ACKNOWLEDGES the Officer's comments detailing the implications of the Partnership Agreement on the Town of Vincent; and*
 - (iii) *ADVISES the Western Australian Local Government Association of the Town's IN PRINCIPLE support for the Partnership Agreement, and of the comments relating to the Rules and Responsibilities, subject to this not being construed as support for any shifting of costs to Local Government without adequate consultation and resourcing.*
-

PURPOSE OF REPORT:

The Western Australian Local Government Authority (WALGA) have released a paper entitled 'Department of Health and Local Government Partnership Agreement – Public Health Act Roles and Responsibilities' (the Partnership Agreement), and have requested comment from all Local Governments by 2 November 2007 (at Appendix 10.1.7). This report details the implications of the Partnership Agreement on the Town and its resources, and provides comment on certain aspects of the Agreement from Health Services' perspective for consideration by the Council, prior to advising WALGA of the in principle support.

BACKGROUND:

The concept of Partnership Agreement between the Department of Health and Local Government arose following a previous consultative process undertaken by the Department of Health (DOH) in the form of a discussion paper released in July 2005 entitled 'A New Public Health Act for Western Australia – A Discussion Paper for Public Consultation', which was previously reported to the Council on 9 August 2005.

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

That the Council;

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

The Department of Health, the principal agency responsible for health legislation, has issued consultation papers regarding the new Public Health Act. One outcome to date, is that Local Government has recognised that there is a need to define roles and responsibilities of key agencies that are responsible for the implementation of the new Public Health Act. Currently, no formal agreement exists between the Department of Health and Local Government

Authorities regarding the current *Health Act 1911*; however, the Town appoints officers who are authorised under the provisions of this Act.

A working group was established, consisting of representatives from WALGA, Local Government Managers Australia, Environmental Health Australia, and the DOH to develop the Partnership Agreement.

DETAILS:

The Town of Vincent employs Environmental Health Officers who are authorised to conduct a range of public health related duties under the provisions of the *Health Act 1911* (as amended) and associated Regulations. It is proposed that the *Health Act 1911* (as amended) will be replaced by a new Public Health Act that has a more contemporary and risk based approach for dealing with local public health issues.

The Partnership Agreement details the proposed roles and responsibilities of the Department of Health (DOH) and Local Government, singularly and collectively. Once the Partnership Agreement is finalised, and acceptable to all stakeholders, it is proposed that the agreement be signed by peak representatives and adopted.

The concept of having an agreement between key agencies is strongly supported; however, Health Services note that a general improvement is needed in the level of communication between the DOH and Local Government. Furthermore, with consideration to the DOH role as the key health authority in WA, it is also recommended that DOH examine resourcing levels of Local Government Health Authorities, with particular consideration to those Local Government Health Authorities who are unable to meet key public health targets.

The following comments and suggestions are made by Health Services on the Partnership Agreement:

1. **Existing Legislation** - As well as supporting the introduction of risk based legislation, DOH must also support the revocation of non-risk based prescriptive legislation that is no longer relevant to Local Government.
 2. **DOH Role** - The Agreement details strongly that DOH is a lead organisation. DOH also should be seen as a consultative and information sharing organisation.
 3. **Reporting** - DOH needs to create an effective tool to ensure that Local Government can adequately report statistics in a timely and efficient manner. A web based database is recommended. Reports should be assessed in a timely manner, and Local Governments should be provided feedback regarding statistics. Evaluation of collective statistics should assist DOH and in turn Local Government, to identify key and emerging issues requiring further attention/resources (again, moving away from prescriptive to a risk based assessment).
 4. **Workforce** - It is recognised that the capacity of the Environmental Health workforce can be increased by implementing contemporary, relevant and workable legislation as well as through research and development. The Environmental Health workforce is currently experiencing a staff shortage, due to various issues relating to salary, lack of profile, low numbers of graduates, etc. DOH should take the lead role in identifying methods to address this shortage, including research and development, training, and planning to meet future needs.
 5. **Resourcing** - An agreement is recommended regarding resource sharing between Local Governments and DOH; for example, assistance to a Local Government Authority that is experiencing a large scale gastroenteritis outbreak.
 6. **Education** - Local Government would benefit from DOH funding or input into local Health Promotion programs. It has been identified that education is far more effective than enforcement in the long term.
-

7. **Intervention** - DOH intervention into public health incidents that Local Government cannot manage on their own must only occur subject to consultation with the Local Government in question. After consultation, DOH's role as a lead agency or assisting agency can then be defined.
8. **Performance** - Local Governments who are performing well with regard to enforcing legislation should formally be recognised by DOH.
9. **Agency Role** - As opposed to the DOH being defined as a lead agency, it is recommended that it be referred to as a central and specialised agency.
10. **Coordinated approach** – DOH is to ensure that there exists a coordinated approach to public health throughout the State. DOH to consider the development of Local Laws for the adoption by all Local Governments, to ensure a consistent approach (similar to the approach taken in Queensland).

The concept that underpins many of the above comments is that the Partnership Agreement must be made with both parties adhering to a high standard of communication and consultation to ensure that the Partnership Agreement is effective, and ongoing.

CONSULTATION/ADVERTISING:

Not required

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment

1.1.3 Minimise negative impacts on the community and environment.

LEGAL POLICY:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is recommended that WALGA be advised of the Town's in principle support for the further development of the Partnership Agreement between the Department of Health and Local Government, and advise of the specific comments relating to the roles and responsibilities identified in the body of the report.

The Presiding Member, Mayor Nick Catania advised the meeting that he and Cr Messina had declared a proximity interest in this Item and they both departed the Chamber at 8.11pm. They did not speak or vote on this item.

Deputy Mayor, Cr Farrell assumed the Chair.

10.2.1 Traffic Management Matter "Forrest Street North Perth" - Referral to Local Area Traffic Management Advisory Group

Ward:	South	Date:	15 October 2007
Precinct:	Norfolk P10	File Ref:	TES0087
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Traffic Management Matter referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *NOTES that this matter was previously referred to the Town's Local Area Traffic Management Advisory Group in 2004 and measures were subsequently implemented (as outlined in appendix 10.2.1) to address residents' concerns, resulting in a decrease in traffic volumes and a reduction in 85% percentile speed (as outlined in the report);*
- (iii) *AGAIN REFERS "Forrest Street, North Perth" to the Town's Local Area Traffic Management Advisory Group for further consideration; and*
- (iv) *RECEIVES a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group if required.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

The Presiding Member, Mayor Nick Catania and Cr Messina out of the Chamber – due to their proximity interest.

The Presiding Member, Mayor Nick Catania and Cr Messina returned to the Chamber at 8.12pm and were advised that the Officer Recommendation had been carried.

The Presiding Member, Mayor Nick Catania assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to again refer a matter to the Local Area Traffic Management (LATM) Advisory Group for further consideration.

BACKGROUND:

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

Ordinary Meeting held on 10 February 2004

At this meeting the Council referred various matters to the Local Area Traffic Management (LATM) Advisory Group, one matter being Traffic in Forrest Street, North Perth.

LATM Advisory Group meeting held on 15 March 2004

At this meeting Forrest Street was subsequently discussed, where community representatives expressed concerns regarding the speed and volume of traffic using the street, especially by the "rat runners" between Fitzgerald and William Streets. They considered some form of closure would be appropriate to stop "rat running".

Discussion centred on Forrest Street providing access to a wider residential area and, as such, it was considered a closure would not be appropriate. It was indicated that some adjoining parallel streets had either been "traffic calmed" or access had been restricted, e.g. Wasley, Alma and Burt Streets.

The group considered that strategically placed modifications should be implemented in Forrest Street to indicate that it is a residential street.

Ordinary Meeting held on 23 March 2004

The Council considered a further report on Forrest Street at this meeting, where it was decided the community would be consulted regarding the following proposal.

Entry Statement (1) – Forrest/William Streets

Construct paved/landscaped nibs with a raised red asphalt speed hump to narrow the throat width of Forrest Street from 12.0 metres to 6.0 metres wide.

Entry Statement (2)

This would be located at the start of the residential area, approximately 50.0 metres east of Fitzgerald Street. This treatment would be similar to Entry State (1) – refer attached Plan No. A4-2262-CP-1.

Low Profile Speed Hump

Install a low profile speed hump opposite the children's playground at Hyde Street.

Ordinary Meeting held on 25 May 2004

At this meeting the Council was advised that the majority of respondents were in favour of the traffic management proposal and of the additional tree planting (where residents were in favour of a tree on their verge). The Tipuana was recommended as the majority of respondents requested it. This tree is the secondary species within the street and is most suitable for planting in wide verges.

It was also suggested that future works should include the removal or relocation of existing species, to ultimately create an avenue with a continuous tree canopy, giving a feeling of order and rhythm, rather than the visual confusion that currently exists.

DETAILS:

Petition

A petition from residents in Forrest Street was received on 3 July 2007, expressing strong concerns about the amount of traffic using Forrest Street as a thoroughfare between William and Fitzgerald Streets, requesting that the Council implement a solution to this increasing problem and advising that the existing speed humps in Forrest Street are totally inadequate.

Description

Forrest Street, between Fitzgerald and William Streets, is classified as an access road in accordance with the Metropolitan Functional Road Hierarchy. In accordance with this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50kph.

The intersections on Fitzgerald Street/Forrest and William Streets/Forrest Street are controlled with a compulsory stop control. As part of the previous approved works (refer background) there is an entry statement at William Street and approximately 50m east of Fitzgerald Street and a speed hump just before Hyde Street. There is also a roundabout at Forrest and Norfolk Streets.

In addition, trees (Tipuana) were planted on the verges where residents were in favour of the plantings.

Traffic Statistics

Traffic counts taken over the last few years between Fitzgerald and William Streets are outlined in the following table.

FORREST STREET	Volume (vpd)	Ave kph	85% kph
Fitzgerald to Norfolk	<i>2001</i>		
	1748	51	61
	<i>2003</i>		
	1932	49	61
	<i>2004</i>		
	1926	48	57
	<i>2005</i>		
1723	45	55	

Norfolk to Hyde	<i>1998</i>		
	1116	No data	60
	<i>2003</i>		
	1411	43	52
	<i>2004</i>		
	1326	43	53
	<i>2005</i>		
1263	43	52	

Hyde to William	<i>2003</i>		
	1415	52	61
	<i>2004</i>		
1306	44	53	

	<i>2005</i>	
	1238	42.5
		51

Officer Comments

The petitioners have suggested that *the Council implement a solution to this increasing traffic problem* in Forrest Street.

From the above table, it can be seen that in fact the traffic volumes together with the 85% speed decreased after the Town implemented traffic measures in 2004. The 85% speed and traffic volume in 2005 were within the acceptable criteria for this road given its geographical location in the road network.

Notwithstanding the above, as is common practice, it is recommended that this matter again be referred to the Town’s LATM Advisory Group and that community representative/s be invited to attend the meeting. In addition Vehicle classifiers will be redeployed in the street to determine whether there has been any significant changes in the traffic since 2005.

CONSULTATION/ADVERTISING:

Once the matter has been considered by the LATM Advisory Group and referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2007/2008 draft budget for this matter.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

As outlined in the report, the LATM Advisory Group previously considered that while the traffic volumes in Forrest Street were slightly higher than the adjoining streets, they were still below the threshold for an access road and that Forrest Street provided access to a wider residential network and acted more like a local distributor.

The Town subsequently installed strategically placed entry statements, a low profile speed hump at Hyde Street, associated landscaping, and signage to alert motorists they are entering a residential street and verge tree plantings.

The Presiding Member advised the meeting that Cr Messina had declared a proximity interest in this Item and Cr Messina departed the Chamber at 8.12pm. He did not speak or vote on this item.

10.2.4 Proposed 2 Hour Parking Restriction in Fairfield Street, Mt Hawthorn

Ward:	North	Date:	17 October 2007
Precinct:	Mount Hawthorn (P1)	File Ref:	PKG0093
Attachments:	001		
Reporting Officer(s):	A Munnyard, R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed two (2) hour restriction in the unrestricted sections of Fairfield Street, between Scarborough Beach Road and Woodstock Street, Mount Hawthorn, as illustrated in attached Plan 2541-PP-1B;
- (ii) **DOES NOT PROCEED** with the restriction at this time for the reasons outlined in the report and as outlined in Appendix 10.2.4; and
- (iii) **ADVISES** the residents of Fairfield Street, between Scarborough Beach Road and Green Street, of its decision.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

Cr Messina out of the Chamber – due to his proximity interest.

Cr Messina returned to the Chamber at 8.14pm and was advised that the Officer Recommendation had been carried.

PURPOSE OF REPORT:

To inform the Council of the outcome of the consultation with residents which was undertaken to determine their support for the introduction of a two (2) hour parking restriction on both sides of Fairfield Street, between Scarborough Beach Road and Woodstock Street, Mount Hawthorn.

BACKGROUND:

At its Ordinary Meeting held on 28 August 2007, the Council considered a report proposing a three (3) hour parking restriction in Fairfield Street, between Scarborough Beach Road and Woodstock Street. The Council's amended recommendation was put to the residents for comment, and the outcome is discussed below.

DETAILS:

The Council's decision at its Ordinary Meeting held on 28 August 2007 was that the Council:-

- (i) *RECEIVES the report on the introduction of parking restrictions in Fairfield Street between Scarborough Beach Road and Woodstock Street;*
- (ii) *APPROVES IN PRINCIPLE the introduction of a two (2) hour parking restriction in the unrestricted sections of Fairfield Street as illustrated in Plan 2541-PP-1, subject to the majority of residents being in favour;*
- (iii) *ADVERTISES the proposal for a period of twenty-one (21) days, seeking public comment;*
- (iv) *FOLLOWING the conclusion of advertising, submit a further report to Council; and*
- (v) *LIAISES with the managing agents of 'The Mezz' Shopping Centre, requesting that adequate all-day parking is provided within the Shopping Centre car park for staff at 'The Mezz' and further requests that 'The Mezz' management prepare a parking management plan for 'The Mezz' car park to minimise the need for staff parking within the shopping centre car park.*

The residents of Fairfield Street, between Scarborough Beach Road and Green Street were advised of the Council's decision and given 21 days in which to comment if they wished to. The management of "The Mezz" was also given the opportunity to comment on the proposal.

The Town's advice also included details of the policy on eligibility for exemption from the time restrictions through the Residential and Visitor parking permits. A summary of the comments received is attached (appendix 10.2.4).

Officer's Comments:

Twenty (20) responses were received, all from residents. Of these, fourteen (14) were opposed to the proposal, three (3) in favour, and four (4) in favour of some kind of restriction other than that that proposed, or with variations to the Town's exemption policy. Therefore, it is the Officer's recommendation that the Town not proceed with the introduction of the two (2) hour parking restriction at this time.

The Council voted separately on clause (v). The Manager, Planning, Building and Heritage Services, has advised that the Town is not in a position to require car parking allocation above the conditions of the Planning Approval for the Mezz Shopping Centre.

CONSULTATION/ADVERTISING:

Residents were consulted in accordance with the Council's decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 - 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy and functional environment. "9e) Review, implement and promote the car parking strategy".

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications to the officers recommendation.

COMMENTS:

Residents and affected businesses have been given the opportunity to comment on the proposed parking restriction and the vast majority are not in favour. Therefore, it is recommended that the Town NOT proceed with the implementation of time restricted parking in Fairfield Street, between Scarborough Beach Road and Woodstock Street.

10.3.4 Les Lilleyman Reserve Clubrooms Upgrade – Proposed Plans.

Ward:	North	Date:	15 October 2007
Precinct:	Mt Hawthorn P1	File Ref:	RES0001
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council

- (i) *APPROVES the proposed plan for the upgrade of the Les Lilleyman Reserve Clubrooms as submitted by the Subiaco Football Club and shown at Appendix 10.3.4;*
- (ii) *AUTHORISES the Chief Executive Officer to*
 - (a) *prepare a specification with detailed working drawings for the upgrade of the Les Lilleyman Reserve Clubrooms; and*
 - (b) *call quotes for the work; and*
- (iii) *ADVERTISES the proposed upgrade plans for twenty one (21) days for community consultation.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

- (1) *clause (i) be amended to include the words “IN PRINCIPLE” after “APPROVES”; and*
- (2) *clause (iii) be amended to read as follows:*
 - (iii) (a) *APPROVES the advertising of the concept plans for a period of twenty one (21) days; and*
 - (b) *considers any submissions received as a result of the community consultation period.*

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.4

That the Council

- (i) *APPROVES IN PRINCIPLE the proposed plan for the upgrade of the Les Lilleyman Reserve Clubrooms as submitted by the Subiaco Football Club and shown at Appendix 10.3.4;*
 - (ii) *AUTHORISES the Chief Executive Officer to*
 - (a) *prepare a specification with detailed working drawings for the upgrade of the Les Lilleyman Reserve Clubrooms; and*
 - (b) *call quotes for the work; and*
 - (iii) (a) *APPROVES the advertising of the concept plans for a period of twenty one (21) days; and*
 - (b) *considers any submissions received as a result of the community consultation period.*
-

PURPOSE OF REPORT:

To present the proposed Plans for the upgrade of the Les Lilleyman Reserve Clubrooms for approval to the Council.

BACKGROUND:

The relocation of the Subiaco Football Club (SFC) to Leederville Oval (Medibank Stadium) required the Town of Vincent (TOV) to provide an alternate training venue for SFC Colts, as detailed in their lease.

A number of grounds were considered and trialled, finally the Les Lilleyman Reserve was agreed by all parties to be the most suitable venue.

The SFC Colts have trained there since 2005. The Subiaco Football Club has been very cognisance of the community use of the reserve since they commenced training there.

The club has developed a good rapport with the community and no significant complaints have been received by the Town.

The Subiaco Football Club is keen to improve the facilities at Les Lilleyman Reserve Clubrooms and are willing to provide financial and in kind support for the project. In addition the West Australian Football Commission has also agreed to make a financial contribution to this project.

DETAILS:

Upgrade Plans:

The SFC is seeking the approval in concept from the Town to develop a gymnasium facility at Les Lilleyman Reserve. (See elevations and concept plans in the attachment 10.3.4).

The gymnasium would be constructed under the main roof of the facilities room located at the northern end of the existing buildings. The gymnasium would be rendered brick with a colour bond roof. Windows, colours and styles would be matched to the existing building.

There would be no alterations to the existing plumbing, sewerage and storm water drainage facilities.

There are no environmental considerations other than a reshaping of the garden beds at the northern end of the existing buildings.

No trees will be required to be moved or lighting relocated.

A preliminary estimate of the work has been made of approximately \$60,000. The SFC Volunteer Group will be painting the gymnasium facility with an additional \$1,200 allowed for the provision of the purchase of paint. It is also intended that the gym be carpeted together with the coach's room and the two change rooms a provision of \$4,000 has been made for this work.

The addition of the gymnasium to the clubrooms will allow the increased development of the younger members of the SFC. Both the gymnasium and the carpeted clubroom will be available for use by the community.

CONSULTATION/ADVERTISING:

In accordance with the Community Consultation Policy, the concept plans should be advertised for 21 days public consultation.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future Strategic Plan 2006- 2011-

3.1 - Community Development

3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$60,000 is included in the 2007- 2008 budget for this project.

The Western Australian Football Commission through its Community Development Facility Fund will provide financial assistance of \$15,000 toward this project. A letter confirming this contribution was received by the Subiaco Football Club.

The Town and the SFC will each contribute \$22,500 for the balance of the project cost.

COMMENTS:

The addition of the gymnasium facility at the Les Lilleyman Reserve will significantly improve the facility allowing the increased future development for the colts players of SFC. The SFC player zone is being changed to include this area and therefore this improved facility will impact on the youth of this area.

The SFC have minimised the financial impact of this upgrade on the Town of Vincent by their successful application to the Western Australian Football Commission for funding through the Community Development Facility Fund. The SFC itself has committed funds and also in kind support to this project.

It is therefore recommend that the upgrade to these facilities be supported.

10.4.1 The International Federation of Environmental Health (IFEH) 10th World Congress on Environmental Health

Ward:	-	Date:	15 October 2007
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	K Bardon		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the Director Development Services, and up to one (1) Elected Member -----, to attend The International Federation of Environmental Health 10th World Congress on Environmental Health, to be held in Brisbane, Queensland from 11 to 16 May 2008, at an approximate cost of \$3,929 for the Director Development Services and \$4,229 for the Elected Member.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

The Presiding Member called for nominations from Council Members. No nominations were made.

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.1

That the Council APPROVES the Director Development Services to attend The International Federation of Environmental Health 10th World Congress on Environmental Health, to be held in Brisbane, Queensland from 11 to 16 May 2008, at an approximate cost of \$3,929.

PURPOSE OF REPORT:

The purpose of this report is to request the Council's approval for the Director Development Services and one (1) Elected Member to attend *The International Federation of Environmental Health 10th World Congress on Environmental Health*, to be held in Brisbane, Queensland in May 2008.

BACKGROUND:

The International Federation of Environmental Health 10th World Congress on Environmental Health will be held at the Brisbane Convention Centre in Queensland from 11 to 16 May 2008 and is to be conducted in conjunction with the 2008 Australian Institute of Environmental Health (AIEH) Queensland Branch and National Annual Conference.

DETAILS:

The theme of the Conference is “*Environmental Health, a Sustainable Future – 20 years on*”. In the context of new and emerging global environmental health challenges 5 Key Congress Themes and Sub-Themes have been identified as follows:

- Climate Change and Environmental Health;
 - Climate Change Adaptation
 - Pandemic preparedness, quarantine and disease surveillance
 - Impacts of natural disasters and humanitarian action
 - Food Safety, Food Grading and Bio-Security
 - Natural Resource Management
 - Impacts on Asia Pacific Indigenous Communities
 - Urbanisation and Planning Governance for Sustainable Development;
 - Millennium Development Goals and Health Development
 - The demographics and economics of urban change
 - Regional and City Planning;
 - Healthy city and community partnerships
 - Small Urban and Rural Shire Governance
 - Town Planning Schemes
 - Transport
 - Economic Development
 - Community Participation
 - Indigenous Health: Improving Environmental Health Conditions in Indigenous Communities;
 - Indigenous People / First Nation People: Environmental Health Settings
 - Aboriginal and Torres Strait Islander Indigenous Health
 - Pacific Island Issues
 - Healthy Community Infrastructure
 - Housing
 - Immunisation
 - Lifestyle Issues
 - Environment Health Crisis Management, Major Incidences and Risk Communication;
 - The Urban Crisis: issues for environment and health
 - Environmental Pollution
 - Poverty and Affordable Housing
 - Healthy Waterways: the debate about water quantity and quality
 - Drinking water
 - Recycled water
 - Rain water tanks
 - Sustainable water supplies
 - Waste Management in local government practices
 - Mosquito borne disease and parasitic diseases
 - Emission Management (Air and Noise)
 - Food Supply, Standards and Hygiene
 - Expanding immunisation programmes
 - Emergency public health and industrial incidents
 - Health Promotion and Settings;
 - Physical activity and obesity
 - Tobacco free initiatives
 - WHO Health Initiatives
 - Occupational Health and Safety
-

- Compliance;
 - Managing regulation processes in Local Authorities
 - Pollution and Environmental Protection
 - Public Health Protection
 - Tobacco Control
 - Local laws
- Capacity Building: smart technology and tools... Institutions, communities, the workforce and the profession will address environmental health smart technology, regulatory reform, research and tools, and build capacity to respond to global and local environmental health challenges;
 - Support Environmental Health Science and Technology
 - Healthy Public Policy
 - Partnerships with Government, Industry and NGO Agencies
 - Environmental Health action planning
 - Strengthening community action
 - Creating Environmental Health Tools
 - Health Promotion
 - Improving epidemiology techniques
 - Strategic management and planning
 - Financial management approaches
 - Program evaluation techniques
 - Defining Risk Assessment Frameworks
 - Impact Assessment (Social, Environmental and Health)
 - Environmental Indicators
 - Geographical Information Systems
 - Progressing Educational and Professional Development
 - Workforce planning and human resources for health
 - Quality Tertiary Education responses and accreditation
 - Continuing Professional Development
 - Dispute Resolution
 - Promoting Smart Environmental Health Research and Development

The Congress will attract delegates from Australia and New Zealand along with Environmental Health practitioners and educators from America, Canada, Europe, Asia and Africa. It will give an opportunity to hear debate on global environmental health challenges and local responses and seek innovative and realistic solutions through a better understanding of environmental health science, policy and advocacy in building a healthy and sustainable future.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 – "*Conferences & Training – Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" – Clause 1.1 (i) states;

- “(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*

The Director, Development Services Contract of Employment entitles him to attend one interstate conference per annum.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	<u>Director</u>	<u>Elected Member</u>
Full Conference registration	\$1,000.00 (Member)	\$1,300.00 (Non-Member)
Economy Airfare (approx)	\$ 675.00	\$ 675.00
Accommodation and meals	\$2,254.00	\$2,254.00
Total:	\$3,929.00	\$4,229.00

COMMENTS:

It is recommended that approval be granted for the Director Development Services and up to one (1) Elected Member to attend *The International Federation of Environmental Health 10th World Congress on Environmental Health* to be held in Queensland, Brisbane from 11 to 16 May 2008.

10.4.3 Adoption of Policy 5.7.10 - Recognition of Employees

Ward:	-	Date:	17 October 2007
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RESCINDS existing Policy No 5.7.10 – Retirement of Employees - Presentations as shown in Appendix 10.4.3A;*
- (ii) *ADOPTS the draft Policy No 5.7.10 – Recognition of Employees as shown in Appendix 10.4.3B; and*
- (iii) *NOTES that the policy will not be advertised, as it relates to Town employees only and does not involve the community.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Doran-Wu

That a new clause (iv) be added to read as follows:

- (iv) *CONSIDERS listing an amount of money in the 2008/09 Budget, during the budget process, so that all categories can be considered for recognition in the 2008/09 financial year.*

CARRIED (9-0)

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That clause 6.1 (iii) of the Policy be deleted.

AMENDMENT PUT AND LOST (6-3)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.3

That the Council;

- (i) *RESCINDS existing Policy No 5.7.10 – Retirement of Employees - Presentations as shown in Appendix 10.4.3A;*
 - (ii) *ADOPTS the draft Policy No 5.7.10 – Recognition of Employees as shown in Appendix 10.4.3B;*
 - (iii) *NOTES that the policy will not be advertised, as it relates to Town employees only and does not involve the community; and*
 - (iv) *CONSIDERS listing an amount of money in the 2008/09 Budget, during the budget process, so that all categories can be considered for recognition in the 2008/09 financial year.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to rescind existing Policy No: 5.7.10 – Retirement of Employees - Presentations and adapt a new policy in its place.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 July 2007, the following Notice of Motion was carried:

“That;

- (i) *the Council REQUESTS the Chief Executive Officer to investigate ways as to how the Town could appropriately acknowledge, celebrate and commemorate its long serving employees, who have contributed to the Town and the Vincent community;*
- (ii) *the report;*
 - (a) *investigates the matter and gives consideration to such items as a memorial (e.g. naming of a facility such as a Staff room, interview room, etc, at the Administration and Civic Centre, Depot, Library and Local History Centre or a building, etc) to acknowledge and recognise them for their service;*
 - (b) *includes relevant criteria, options available (both current and proposed), type of acknowledgement to be provided (as determined by the Chief Executive Officer); and*
 - (c) *be submitted to the Council by October 2007.”*

DETAILS:

The Town has approximately 200 full-time equivalent employees working at four locations :- Administration & Civic Centre, Library and Local History Centre, Beatty Park Leisure Centre and the Works Depot.

In researching this matter, a number of other local governments were contacted. This revealed that many had no policies in place (other than recognition upon retirement) and several had policies, which varied considerably.

It is therefore appropriate to review the Town's existing policy and this can be achieved by rescinding the existing policy and adopting a new policy in its place.

A review of the Town's current Policy 5.7.10 – "Retirement of Employees" – Presentations has been carried out. The proposed new policy will provide for:

1. Recognition of an Employee's Years of Service

The current policy only acknowledges an employees length of service upon retirement. The proposed policy will acknowledge employees of ten years of service and over with a gift and Service Certificate.

2. Service Certificates

This is a new initiative and will recognise an employee who achieves 5 years of service with the presentation of a Certificate. In today's highly volatile workplace, turnover of employees is considerable in some industries. Employment of 2-3 years by some employees is considered acceptable as they move between places of employment. Therefore, 5 years service with one organisation is now considered an achievement, worthy of recognition.

3. 20 Year Service Recognition Gift

Previously, employees were only recognised for the length of service upon retirement. This new clause will allow the Town to recognise an employee who reaches 20 years of service by presenting them with a gift (eg watch/clock), to a maximum value of \$350.

4. Achievements

This is also a new initiative where an employee who has accomplished a significant achievement above and beyond their normal performance of their duties will be presented with a gift which will be determined by the Chief Executive Officer. The value of the gift is set at a maximum of \$250 for each initiative.

Achievements will be considered as follows:

- Where a suggestion provides costs savings to the Town;
- Where procedures and practices provide considerable improvement in efficiency and effectiveness; and
- Where customer service is significantly improved for the ratepayers.

5. Annual Employee Achievement Awards

It is intended that the Annual Employee Awards will be presented at a function to be held at the end of the year. This function will replace the current Employee Christmas Functions. By combining both events, the Town will save approximately \$5,000 in Fringe Benefits Tax, which could be used to acknowledge and reward employees.

It is recommended that the Awards will be for the following categories:

- Excellence in Customer Service for an Individual within the organisation - \$250
- Excellence in Customer Service for an Individual within the organisation to the Residents/Ratepayers/Members of the Public - \$250
- Excellence in Customer Service for a Section or Group of Employees within the organisation (maximum of 6 persons) - \$200 each
- Excellence in Customer Service for a Section or Group of Employees within the organisation (maximum of 6 persons) to the Residents/Ratepayers/Members of the Public - \$200 each.
- Best Innovation/Business Improvement by an employee (non-managerial) - \$250.
- Best Innovation/Business Improvement by an employee (managerial) - \$250.

If introduced, the Annual Employee Achievement Award will cost approximately \$3,400 for the awards, plus catering. There would be no additional cost to the Town, as the FBT savings will be used for the awards. Catering is already provided.

(Chief Executive Officer and Directors are ineligible).

6. Naming of Facilities

The Town's research revealed that no local government has a specific policy to name a facility/building after an employee and each considers any application upon their merit (namely due to the infrequency of such requests).

It is therefore recommended that the Town not adopt any formal policy for employees and consider such requests upon merit.

The Council has an existing Policy – 4.1.18 – Naming of Reserves and Buildings, which can be used as a basis when considering such an application.

Years of Service

The Town's employment records reveal the following:

Years of Service	Number of Employee
More than 30 years	2
20 – 29 years	10
10 – 19 years	29 (includes 10 permanent part-time/casual employees)
5 – 9 years	41
4 – 5 years	12
Years of Service	Number of Employee
3 – 4 years	10
2 – 3 years	16
1 – 2 years	22
1 years service	43
0 – 1 years	88
Total	273

The above includes permanent full time and permanent part time employees

CONSULTATION/ADVERTISING:

Policies are generally advertised for a period of twenty-one (21) days seeking comments from the public, however as this policy relates to employees only and does not involve the community there is no requirement to advertise. This is the normal practice for policies involving the Town Human Resources and employees.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area 4 – Leadership, Governance and Management –

“4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”.

“4.2.3 – Promote Employees satisfaction and well-being, and a safe and positive workplace”.

“4.2.4 – Attract and retain quality employees”.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2007/08 Budget for purchase of gifts to recognise long serving employees. If approved the purchase of gifts could cost approximately \$4,200 (20 years service 12 employees x \$350 each).

It is therefore recommended this initiative (if approved) become effective from 1 July 2008 and funds be listed in the 2008/09 Budget.

Funding for the other categories is already contained in the current Operating Budget.

COMMENTS:

Long servicing employees are a valuable asset to any organisation and accordingly should be recognised for their commitment and loyalty. It is recommended that the Council approve the draft Policy No: 5.7.10 – Recognition of Employees.

10.4.4 Consideration of Survey / Submissions - Glendalough Suburb Name Change

Ward:	North	Date:	18 October 2007
Precinct:	-	File Ref:	CVC0040
Attachments:	001		
Reporting Officer(s):	N Greaves, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the results of the survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas;*
- (ii) *SUPPORTS the suburb name change for Glendalough (east of the Mitchell Freeway) to Mount Hawthorn; and*
- (iii) *REQUESTS Landgate to approve of the suburb name change of Glendalough (east of the Mitchell Freeway), as shown in Appendix 10.4.4, to Mount Hawthorn.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That a new clause (iv) be added to read as follows:

- (iv) *RECEIVES a further report on establishing thematic links with the Glendalough Train Station.*

AMENDMENT PUT AND LOST (4-5)

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

MOTION CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) *CONSIDERS the results of the survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas;*
 - (ii) *SUPPORTS the suburb name change for Glendalough (east of the Mitchell Freeway) to Mount Hawthorn; and*
 - (iii) *REQUESTS Landgate to approve of the suburb name change of Glendalough (east of the Mitchell Freeway), as shown in Appendix 10.4.4, to Mount Hawthorn.*
-

PURPOSE OF REPORT:

The purpose of the report is for Council to receive and consider the submissions of the survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas and to recommend a change in name for the part of Glendalough now within the Town's boundaries to "Mount Hawthorn" in accordance with the Principles, Guidelines and Procedures of the Geographic Names Committee.

DETAILS:

At the Ordinary Meeting of Council on 14 August 2007, the Council considered the the matter and resolved as follows;

- (i) *APPROVES;*
 - (a) *the carrying out of a survey of affected owners and occupiers in the Glendalough and Mount Hawthorn areas to ascertain the level of support for the part of Glendalough now within the Town's boundaries (Appendix 10.4.6A) to be changed to "Mount Hawthorn" at an estimated cost of \$12,500; and*
 - (b) *the survey form; and*
- (ii) *AUTHORISES;*
 - (a) *the Chief Executive Officer to conduct the survey and report the findings to the Council; and*
 - (b) *the Mayor and Chief Executive Officer to meet with the Minister for Land Information.*

At the Ordinary Meeting of Council held on 27 February 2007, the Council resolved inter alia as follows;

"(v)(b) APPROVES of the name change from Glendalough to Mount Hawthorn, if the survey is in favour of the name change."

BACKGROUND:

On 1 July 2007, the Town's boundaries were extended to include a part of Glendalough east of the Mitchell Freeway. The precise area specified by the Department of Local Government is as follows;

"An area of approximately 34 hectares comprising all that portion of land bounded by lines starting from the intersection of the centreline of Powis Street with the centreline of the Perth-Currambine Railway, a present north-western corner of the Town of Vincent, and extending generally north-westerly along the centreline of the Perth - Currambine Railway to a southern side of Scarborough Beach Road; thence generally easterly along sides of that road to the prolongation northerly of the western boundary of Lot 417, as shown in Plan 1939, a present north-western corner of the Town of Vincent, and thence southerly, generally south-westerly, easterly, again southerly, north-westerly, south-westerly, generally north-westerly and again south westerly along boundaries of that town to the starting point."

One of the overriding arguments for the Minister of Local Government approving the expansion proposal was the overwhelming support of Glendalough property owners and residents to have the area transferred to the Town. A significant number of property owners in the Glendalough area lent their support to the boundary proposal by signing petitions, making submissions to the inquiry, door-knocking and generating community support.

An aspect of the boundary change that was important to a number of people was the possibility of having the name of this part of Glendalough changed to Mount Hawthorn. The Town indicated to the Glendalough owners that it would investigate the issue in the event that the boundary proposal was successful. A discussion paper was prepared to fulfil the requirements of the Geographic Names Committee procedures for proposing a locality name change. The discussion paper outlined the process and highlighted some of the possible benefits and disadvantages of a name change for both Glendalough and Mount Hawthorn residents and ratepayers. The paper included a survey form to gauge the level of support from the affected community on the possibility of proposing a name change for the Glendalough area. The survey closed on 28 September 2007.

The results of the survey are outlined below:

1. Reach

3300 surveys were delivered direct to mail boxes in the affected areas.

756 surveys were posted to owners of properties in the affected area, who did not reside in the affected area

Therefore a total of 4056 surveys were distributed.

At the close of the survey 420 forms had been returned to the Town (a return rate of approx. 10.4%).

Rates database indicates that there are 3425 properties in the combined area (including property owned by the Crown and Town):

Mount Hawthorn Properties	2,978
Glendalough Properties	<u>404</u>
Total	3,382 (excluding Crown land etc.)

Therefore, based on the responses, the return rate for the Glendalough area was 72.5 % and Mt Hawthorn 12.7%. In excluding responses from tenants (non ratepayers) the returns are 68.8% for Glendalough and 12.3% for Mt Hawthorn.

Note 1: As many properties have multiple owners, where the names of owners were included the 'vote' has been adjusted to reflect these numbers. For example if a survey came in with two owners listed and was in favour, then this has been counted as 2 in favour.

Note 2: As some respondents own multiple properties in the affected area, each property owned by a respondent has been given a 'vote' i.e. if a property owner has 4 properties in Glendalough and was in favour, then this has been counted as 4 in favour. It should be noted that one person owns ninety-five (95) properties in Glendalough and each property has been given one vote.

Therefore the number of responses (on which the statistics are based) is **672**.

2. Statistics

2.1 The survey requested respondents indicate if they were “in favour” of the proposal, “against” the proposal or “undecided”:

In Favour	Opposed	Undecided	Total
490	170	12	672
72.9%	25.3%	1.8%	% of total responses

2.2 To assist with statistical analysis of the results, respondents were asked to indicate in which area they resided and/or owned property

Glendalough	Mt Hawthorn	Both	Total
287	371	14	672
42.7%	55.2%	2.1%	% of total responses

2.3 Area specific breakdown

Area in which respondent resides/owns property	(total) % in favour	(total) % against	(total) % undecided
Glendalough	(278) 96.8%	(6) 2.1%	(3) 1.1%
Mt Hawthorn	(197) 53.1%	(163) 44.4%	(9) 2.5%
Both	(14) 100%	N/A	N/A

2.4 To analyse the responses based on property ownership, respondents were asked to indicate if they were owner-occupiers, owners only, occupiers/tenants only.

Suburb	Owner-occupier	Owner	Occupant	Total
Glendalough	122	156	15	293
Mt Hawthorn	251	116	12	379

2.5 Breakdown of responses based on ownership

Suburb	In Favour	Opposed	Undecided	Total % of suburb respondents
Glendalough owner-occupier	121	1	0	18.2%
Glendalough owner	156	0	0	23.2%
Glendalough occupant	7	5	3	2.2%
Mt Hawthorn owner-occupier	135	107	9	37.3%
Mt Hawthorn owner	60	56	0	17.3%
Mt Hawthorn occupier	11	1	0	1.8%
Total % of respondents	72.9%	25.3%	1.8%	100%

3. Comments

Respondents were also given the opportunity to provide additional comments.

A summary of the comments is below:

In Favour

- Logical
- Commonsense
- Improve property values in this part of Glendalough
- Benefit the long-term property market growth
- Would show Town boundaries clearly
- Great idea
- Use facilities in Mt Hawthorn
- Seems the obvious thing to do
- Makes sense to re-name now that it is in the Town
- Will increase “sense of community”
- Freeway is logical boundary
- There is currently a lot of confusion – people assume Glendalough is the other side of the Freeway
- There aren't many properties in this part of Glendalough
- Is currently 'known' as Mt Hawthorn anyway
- Indication that the area was previously called Mt Hawthorn
- Benefit both suburbs – be good for Mt Hawthorn in the long-term

Opposed

- Will negatively affect housing prices in Mt Hawthorn (major theme of opposition – where comments were provided)
- The areas are not similar in character, history, land use or style – dilutes the uniqueness of Mt Hawthorn
- The areas are not similar in demographics
- May detract from Mt Hawthorn's reputation
- There is no reason to change
- Quality of housing in Glendalough does not compare with Mt Hawthorn
- There is no benefit for Mt Hawthorn residents
- Glendalough has its own history/identity
- Suggestions to rename the area East Glendalough or West Mt Hawthorn

Indicative Timeline

Survey of affected Ratepayers	August - September 2007
Closing date for Submissions	28 September 2007
Compilation of report to Council	October 2007
Submission to Geographic Names Committee (GNC)*	December 2007
Evaluation and determination by GNC	December 2007
Notification to Town	10 days after the meeting
Notification of affected Agencies (if successful)	Varies

* *Subject to community support.*

CONSULTATION/ADVERTISING:

The area of Glendalough (east of the Mitchell Freeway) and the suburb of Mount Hawthorn were consulted with a Survey Form, previously approved by the Council.

The Mayor, Deputy Mayor Cr Farrell and the Chief Executive Officer included the request for the Glendalough suburb name change in the items presented to the State Cabinet, which met at the Town on 10 September 2007. The matter was also raised with the Minister for Lands.

LEGAL/POLICY:

Responsibility for the naming of roads, features, town sites and places in Western Australia resides with the Minister for Land Information. The Geographic Names Committee is charged with providing advice to the Minister on geographical name issues. The Geographic Names Committee is served by a Secretariat provided by the Information Services Division of LANDGATE. The Secretariat serves the needs of the real estate, Local Government and mapping industries for names and maintains a computer database 'GEONOMA' that holds essential information on all named roads and places in the State.

The Geographic Names Committee was established by the Minister and represents many different points of view, from local communities to professional institutions and government agencies within Western Australia. It provides an inexpensive mechanism to make democratic naming decisions for the State Government and at present, is comprised of representatives of the following organisations:

- Department of Indigenous Affairs
- State Records Office
- Main Roads Western Australia
- Western Australian Local Government Association (2 representatives)
- Australia Post
- Urban Development Institute of Australia (WA Division) Inc.
- Department of Industry and Resources
- Fire and Emergency Services Authority
- LANDGATE - Chairman.

Submissions for name changes need to be directed to the Secretary of the Geographic Names Committee.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2006-2011 - Key Result Area 3.1.3 - *"Determine the requirements of the community."*

FINANCIAL/BUDGET IMPLICATIONS:

The survey cost approximately \$12,000.

COMMENTS:

Based on the overwhelming community support from the owners and occupiers of both Glendalough (96.8%) and Mount Hawthorn (53.1%) it is recommended that the Council approve of the name change of Glendalough (east of the Mitchell Freeway) to Mount Hawthorn. This decision is in keeping with the Council's previous resolution of 14 August 2007 whereby it resolved to approve of the name change if there was community support for it. Accordingly, the Council should approve the Officer Recommendation.

10.4.5 Information Bulletin

Ward:	-	Date:	18 October 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 23 October 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Cr Ker requested that Elected Members be invited to the People with Disabilities (WA) AGM in future years.

DETAILS:

The items included in the Information Bulletin dated 23 October 2007 are as follows:

ITEM	DESCRIPTION
IB01	Letter from State Administrative Tribunal regarding Matter No. DR/74 of 2007 – Lease Equity Pty Ltd v Town of Vincent (Unit 7, 595 Beaufort Street, Mount Lawley).
IB02	Letter from John Sutton, Air Quality Management of Dept of Environment and Conservation (DEC) regarding “Community Research Trial with the Graham Farmer Freeway Tunnel’s Surrounding Community”.
IB03	Letter of appreciation from People with Disabilities (WA) Inc PWD (WA) for hosting the AGM.
IB04	Letter from Premier of Western Australia thanking the Town for their hospitality during the recent State Cabinet visit.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Local Health Authorities Analytical Committee, WA Child Care Industry Liaison Forum and Keep Australia Beautiful Council (WA)

Ward:	-	Date:	11 October 2007
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) ----- *be nominated as WALGA Metropolitan Member - Local Health Authorities Analytical Committee (Panel of 3 Names) (Ministerial Approval) (Re-advertised);*
- (ii) ----- *be nominated as WALGA Member - WA Child Care Industry Liaison Forum (Re-advertised); and*
- (iii) ----- *be nominated as WALGA Metropolitan Member - Keep Australia Beautiful Council (WA) (Panel of 3 Names) (Ministerial Approval).*

COUNCIL DECISION ITEM 12.1

The Presiding Member called for nominations and Cr Farrell nominated for the WALGA Member of the WA Child Care Industry Liaison Forum.

Moved Cr Ker, Seconded Cr Farrell

That the nomination as received be approved as follows:

That:

- (i) *Cr Farrell be nominated as WALGA Member – WA Child Care Industry Liaison Forum;*

CARRIED (9-0)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 16 NOVEMBER 2007

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 8.38pm with the following persons present:

Mayor Catania	
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director, Technical Services
Gillian van den Bok	A/Executive Assistant

No media representatives or 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 October 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007
