



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 APRIL 2007

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 24 April 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Simon Chester	North Ward (work commitments)
Cr Maddalena Torre	South Ward (family commitments)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
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
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Annie Smith	Minutes Secretary
Lindsay McPhee	Journalist - "Guardian Express" (until 8.44pm)

Approximately 13 Members of the Public

(c) Members on Leave of Absence:

Cr Steed Farrell on approved leave of absence for the period 24 to 30 April 2007 for work commitments.

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

1. Mr Steve Saunders of 11 Tennyson Street, Leederville - Item 10.2.5 - Requested that the Item be brought forward.
2. Ms Kate Lee of 24 Grosvenor Road, Mt Lawley - Advised that she had submitted a petition regarding the Flying Scotsman requesting that "resident only parking" be installed in Grosvenor Road, Mount Lawley and that the Town recommends removal of the Extended Trading Permit (ETP) in a dense residential area to the Department of Racing, Gaming and Liquor. Stated that the residents are experiencing problems with parking and patrons around closing time who are loud, drunk and abusive.
3. Ms Cathy Baker of 35 Harold Street, Mt Lawley - Item 10.1.3 - Stated that the boundary wall was installed in April 2002, at which time Phelps Lane was an unsealed right of way. Advised that dedication was not finalised until 18 months later, therefore believes her boundary wall should be assessed under the policy pertaining at that time and not now be deemed a street wall. Advised that the sole purpose and scale is necessitated by the

impact of the undercroft garage 6 metres from her rear boundary and given that the Town approved the location of the undercroft garage, believes that the impact on her amenity to be significant grounds for granting dispensation for the existing wall height of 2.7 metres. Believes the visual bulk and scale of the undercroft garage, its superstructure and more recent and ongoing development in Phelps Lane is significantly more obtrusive than her boundary wall. Stated that the shed roller door provides the only unrestricted access to her property for maintenance purposes.

4. Ms Leslie Penirschke of 21 Bulwer Street, Perth - Item 11.1 - Believes there are a number of factors to be considered with the proposal, not only in light of recent development proposals but also given the stadium development proposals. State that the area itself is slowly emerging from its "*red light*" image with residents moving back, buildings being renovated and developed. Believes that it will take a dedicated approach to make this area one that the Town can be proud of and that a complete overall approach is required rather than the ad-hoc approach that is currently occurring. State that if the Councillor's proposal leads to more orderly planning for the area, then as residents were are for it.
5. Ms Verity Allen of 30 Knebworth Avenue, Perth - Item 10.1.8 - Stated that they have been operating the short term accommodation for over two years and have received only one complaint which was attended to immediately. Believes their management plan has been very successful and that they often check with the neighbours giving them the opportunity to advise of any problems. Advised that in regards to noise, they have a zero tolerance in place and if one complaint is received the occupants are told to leave immediately. Believes that renting the units as short term accommodation gives them the freedom to resolve any complaints immediately as no leases are involved which would not be the case with permanent tenants. Advised that there are notices in the units regarding parking and the units are generally rented to families that use a single hire car to keep parking problems to a minimum. Further advised that they have arranged special pick times with the Town for the removal of rubbish to keep waste problems to a minimum.
6. Mr David Pfeifer of 54 Bulwer Street, Perth - Item 10.1.5 - Requested that the Item be brought forward and that Council support the application.
7. Mr Mark Duncan-Smith of 369 Bulwer Street, Perth - Item 10.1.7 - Advised that the property already adjoins a commercial/car park and therefore given that it is right next door to a car park does not create an undue impact. Believes the project is low impact, for a benefit to the local community as well as the Town and accordingly is similar to the Lord Street application which was recently approved. Stated that the application pre-dates the changes to the consulting rooms ordinances and that by maintaining the parking at the front this will reduce traffic to the rear. Believes the property still provides a buffer to the commercial area and would not set a precedent and there will not be any changes to the streetscape. Requested Council support the application.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.20pm.

(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

- 5.1 The Chief Executive Officer advised that a petition had been received from Ms Kate Lee of 24 Grosvenor Road, Mt Lawley with 10 signatures requesting "resident only parking" be installed in Grosvenor Road, Mount Lawley and that the Town recommends removal of the Extended Trading Permit (ETP) in a dense residential area to the Department of Racing, Gaming and Liquor (relating to "The Flying Scotsman" pub in Mount Lawley).

The Chief Executive Officer recommended that the petition be received and referred to the Executive Manager Environmental and Development Services for investigation and report.

- 5.2 The Chief Executive Officer advised that a petition had been received from Mr Brad Ogden on behalf of the Leederville Cricket Club with 64 signatures in support of redevelopment and planned upgrade of the Britannia Road Clubrooms proposed by the Leederville Cricket Club, the WA Junior Rugby Association and Floreat Athena Soccer Club and requesting the upgrade commence immediately as the current facility is inadequate.

The Chief Executive Officer recommended that the petition be received and referred to the Executive Manager Corporate Services for investigation and report.

Moved Cr Messina, Seconded Cr Ker

That the petitions be received.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 10 April 2007.

Moved Cr Ker, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 10 April 2007 be confirmed as a true and correct record.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Proposed Local Law Relating to Dogs

Pursuant to Section 3.12 - 3.16 of the Local Government Act, the Town of Vincent hereby gives notice that it has carried out a review of its Local Law Relating to Dogs and proposes to adopt a new Local Law Relating to Dogs. The purpose of this Local Law is to provide for the regulation, control and management of the keeping of dogs and kennel establishments in the Town.

7.2 Mindarie Regional Council - Resource Recovery Facility (RRF)

As Council is aware, the Town is a member of the Mindarie Regional Council, which is proposing to construct a Resource Recovery Facility for waste management.

The Town has previously expressed concern about this project, including the expenses for legal and other consultants.

On 23 April 2007, the Town was advised that Worley Parsons, who is the company involved in this project, has decided to withdraw. Further information will be provided at the Mindarie Regional Council meeting to be held on 26 April 2007.

7.3 Mount Hawthorn Pre-Primary School

I am pleased to receive on behalf of the Council, a THANK YOU from the students of the Mount Hawthorn Pre-Primary School, expressing their appreciation for the Town's assistance in upgrading their playground.

In particular, the students "*like the flying fox and the whizzy dizzy*" (from PP2!)

May I express my appreciation to our Technical Services and Parks Staff for their fine efforts in this matter.

7.4 ANZAC Day Ceremony - Invitation

On behalf of the Council I wish to extend an open invitation to the Town's ratepayers and residents to attend the Anzac Day Ceremony to be held at Axford Park, corner Scarborough Beach Road and Oxford Street, Mount Hawthorn at 11.00am on Anzac Day.

Persons who wish to lay a wreath or flowers, are most welcome to do so.

7.5 Urgent Business

I have approved of two Late Items, under Urgent Business, which have been circulated to Elected Members, relating to a Training Seminar and the purchase of a Refuse Truck. These are listed as Item 13.1 and Item 13.2 on tonight's Agenda.

8. DECLARATION OF INTERESTS

- 8.1 Crs Lake declared an interest affecting impartiality in Item 14.1 - Adding/Deleting/Admending Places Listed on the Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 - 31 March 2007. The nature of her interest being that she owns property listed on the MHI.
- 8.2 Crs Maier declared an interest affecting impartiality in Item 14.1 - Adding/Deleting/Admending Places Listed on the Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 - 31 March 2007. The nature of his interest being that he owns property listed on the MHI.

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:

The Agenda Items were categorised as follows:

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

Items 10.2.5, 10.1.3, 10.1.8, 10.1.5 and 10.1.7

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

Items 10.1.1, 10.1.2 and 13.2

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

10.3 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 Ker	Items 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.4.2 and 10.4.4
Cr Doran-Wu	Item 10.4.3
Cr Lake	Items 10.1.4 and 10.1.6
Cr Messina	Nil.
Cr Maier	Item 10.1.9
Mayor Catania	Nil.

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

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

Nil.

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

Items 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.4.1, 10.4.5, 10.4.6 and 13.1

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

Item 14.1

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

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

Items 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.4.1, 10.4.5, 10.4.6 and 13.1

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

Items 10.2.5, 10.1.3, 10.1.8, 10.1.5 and 10.1.7

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

Moved Cr Ker, Seconded Cr Doran-Wu

That the following unopposed items be moved en bloc;

Items 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.4.1, 10.4.5, 10.4.6 and 13.1

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

The Presiding Member advised that a request had been received from the applicant for Item 10.1.1 - No 4. (Lot 36 D/P: 2358) Salisbury Street, Leederville - Proposed Two Two-Storey Single houses to be deferred.

10.1.1 No.4 (Lot 36 D/P: 2358) Salisbury Street, Leederville - Proposed Two (2) Two-Storey Single Houses

Ward:	North	Date:	17 April 2007
Precinct:	Leederville; P03	File Ref:	PRO3076; 5.2006.602.1
Attachments:	001		
Reporting Officer(s):	O Hammond		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman, John Giorgi

CEO and EMEDS 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 S Radalj on behalf of the owner Y Cimen, & M Falcone, & A Magri & M Sedic for proposed Two (2) Two-Storey Single Houses, at No.4 (Lot 36 D/P: 2358) Salisbury Street Leederville, and as shown on plans stamp-dated 6 March 2007, 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 upper floor setbacks, upper floor building on boundary, building height and privacy requirements of the Residential Design Codes;*
- (iii) the non-compliance with the Town's Policy relating to Leeder Residential Locality Statement given the undue impact of the boundary/parapet walls on an intact streetscape; and*
- (iv) consideration of objection received.*

CEO AND EMEDS COMMENTS:

The CEO and EMEDS have changed the Officer Recommendation for the following reasons:

- The Town's Officers recommended refusal of the proposed subdivision of the property into two lots for the following reasons:
 - “(i) the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (ii) the non-compliance with the average site area requirements pertaining to the R30 coding of the Residential Design Codes”.*
- The existing Salisbury Street streetscape predominantly comprises detached single storey, single houses with side setbacks and this is strongly encouraged in the Leeder locality.
- The number and extent of variations to the development requirements, especially the number and bulk and scale of the boundary walls of the proposed dwellings, is considered to unduly impact the amenity of the neighbouring properties and the streetscape of Salisbury Street.

The CEO and EMEDS have amended the Agenda Report as shown by strikethrough and underline.

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 by S Radalj on behalf of the owner Y Cimen, & M Falcione, & A Magri & M Sedie for proposed Two (2) Two-Storey Single Houses, at No.4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp-dated 6 March 2007, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the total building height being reduced to a maximum height of 7 metres above the natural ground level;*
 - (b) the upper floor parapet walls adjacent to bedroom 3 of the dwellings being reduced to a maximum length of 4.06 metres for the section above 3.6 metres;*
 - (c) for unit 1, the windows to bedroom 1 on the western elevation, the sitting room on the western elevation, and bedroom 3 on the southern and northern elevations, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 6 Salisbury Street stating no objection to the respective proposed privacy encroachments; and*
 - (d) for unit 2, the windows to bedroom 1 on the eastern elevation, the sitting room on the eastern elevation, and bedroom 3 on the southern and northern elevations, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 2 Salisbury Street stating no objection to the respective proposed privacy encroachments.*

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

- ~~(ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;~~
- ~~(iii) first obtaining the consent of the owners of Nos. 2 and 6 Salisbury Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 2 and 6 Salisbury Street in a good and clean condition;~~
- ~~(iv) any new street/front wall, fence and gate between the Salisbury 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) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Salisbury Street 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); and~~
- ~~(vi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.~~

COUNCIL DECISION ITEM 10.1.1

Moved Cr Messina, Seconded Cr Ker

That the Item be DEFERRED at the request of the applicant.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Cr Maier queried why Item 11.1 - Notice of Motion was not being brought forward for consideration as it was the subject of comment during public question time.

The Presiding Member ruled that Notices of Motion are not brought forward even though they may have been the subject of a comment during public question time.

Moved Cr Lake, Seconded Cr Maier

Dissent with the Presiding Member's ruling.

PROCEDURAL MOTION PUT AND LOST (2-4)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Doran-Wu
Cr Ker
Cr Messina

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Landowner:	Y Cimen, M Falcone, A Magri & M Sedic
Applicant:	S Radalj
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	577 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned

BACKGROUND:

The Council at its Ordinary Meeting held on 12 April 2005 granted conditional approval for the demolition of existing single house and construction of a two-storey single house.

The Council at its Ordinary Meeting held on 25 July 2006 recommended conditional approval of the subdivision of the property for two (2) freehold lots. The Western Australian Planning Commission (WAPC) conditionally approved the subdivision on 6 September 2006. Subsequently, the Town cleared the relevant conditions and endorsed the Diagram of Survey on 8 December 2006. The proposed lots have not yet been created on Certificate of Title.

DETAILS:

The proposal involves the construction of two (2) two-storey single houses.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.92 dwellings/lots R30	2 dwellings/lots R 34.6 3.9 per cent density bonus	Noted – subdivision to create proposed lots supported by the Council on 25 July 2006 and approved by the WAPC on 6 September 2006. Absolute majority of Council is required to approve subject density bonus.
Average Lot/Site Area	300 square metres	289 square metres	Noted - as above
Plot Ratio	N/A	N/A	Noted.
Building Height: Unit 1 (West)	7 metres for concealed roof	7.1 metres	Not supported – excessive bulk and scale. conditioned to comply.
Unit 2 (East)	7 metres for concealed roof	7.3 metres	Not supported – excessive bulk and scale. conditioned to comply.
Building Setbacks: Unit 1 (West) - Ground Floor West	1.5 metres	Nil – 1 metres – 2 metres	Supported – no undue impact on neighbouring property.
- Upper Floor West	6.4 metres (or 2.8 metres if no major opening).	Nil – 1.030 metres	Not supported – undue impact on neighbouring property. and major openings conditioned to be screened reducing the required setback.
Unit 2 (East) - Ground Floor East	1.5 metres	Nil – 1 metres – 2 metres	Supported – no undue impact on neighbouring property.

- Upper Floor East	6.4 metres (or 2.8 metres if no major opening).	Nil – 1.030 metres	Not supported – undue impact on neighbouring property. and, major openings conditioned to be screened reducing the required setback.
Unit 1 Garage - West	1 metre	Nil	Supported – no undue impact on neighbouring property.
Unit 2 Garage - East	1 metre	Nil	Supported – no undue impact on neighbouring property.
Building on Boundary: Unit 1	Build on 1 boundary. Maximum height 3 metres. Average height 3.5 metres.	Build on 3 boundaries. Maximum height 6.25 metres. Average height 4.3 metres.	Not supported – excessive bulk and scale, and undue impact on existing streetscape and existing side setbacks. Upper boundary wall conditioned to be reduced in length.
Unit 2	Build on 1 boundary. Maximum height 3 metres. Average height 3.5 metres.	Build on 3 boundaries. Maximum height 6.45 metres. Average height 4.58 metres.	Not supported – excessive bulk and scale, and undue impact on existing streetscape and existing side setbacks. Upper boundary wall conditioned to be reduced in length.
Privacy Setbacks: Unit 1 Upper Floor - Bed 1	4.5 metre setback or screening in accordance with the R Codes	1.030 metres to western boundary.	Not supported – undue impact. and has been conditioned to comply.
- Bed 3	4.5 metre setback or screening in accordance with the R Codes	0.2 metre to western boundary.	Not supported – undue impact. and has been conditioned to comply.
- Sitting Room	6 metre setback or screening in accordance with the R Codes	1.030 metres to western boundary.	Not supported – undue impact. and has been conditioned to comply.

Unit 2 Upper Floor - Bed 1	4.5 metre setback or screening in accordance with the R Codes	1.030 metres to eastern boundary.	Not supported – undue impact. and has been conditioned to comply.
- Bed 3	4.5 metre setback or screening in accordance with the R Codes	0.2 metre to eastern boundary.	Not supported – undue impact. and has been conditioned to comply.
- Sitting Room	6 metre setback or screening in accordance with the R Codes	1.030 metres to eastern boundary.	Not supported – undue impact. and has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Objection to not meeting the R30 density requirement as it impacts on the infrastructure and facilities which are only required to cope with R30 standards. By not rezoning the area, the other ratepayers are disadvantaged. • Objection to the height limit as the proposed development would look directly down onto the rear yard of the neighbouring property compromising their privacy. 		Supported in part – the subdivision has already been granted conditional approval by the WAPC. The Height has been can <u>be</u> conditioned to comply with Town of Vincent requirements.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

In light of the above, the proposal is recommended for refusal. ~~considered supportable, subject to standard and appropriate conditions to address the above matters.~~

10.2.3 Tender No. 359/07 - Supply and Delivery of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck

Ward:	Both	Date:	16 April 2007
Precinct:	All	File Ref:	TEN0325
Attachments:	-		
Reporting Officer(s):	C Economo, R Lotznicher,		
Checked/Endorsed by:	M Rootsey	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender submitted by Skipper Trucks for the Supply of One (1) 22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck for the total cost of \$300,200 (GST exclusive) in accordance with the specifications as detailed in tender No. 359/07; and*
- (ii) *LISTS an additional \$40,200, to be funded from the Waste Management Reserve, in the 2007/2008 budget to cover the funding shortfall, as outlined in the report.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for awarding a tender for the supply of one (1) 22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck to the preferred supplier.

BACKGROUND:

Tenders closed on 20 February 2007 for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck Complete and four (4) tenders were received. Present at the tender opening were Purchasing/Contracts Officer and Depot Clerk.

One (1) tender received from WA Hino Sales and Service was non-conforming and was not considered further

DETAILS:

Details of the submissions received for Tender No 359/07 are as follows: prices exclude GST.

Wastemaster Compactor body	MacDonald Johnston Engineering Compactor Body	Skipper Trucks Iveco	Major Motors Isuzu
\$123,440	\$137,690	\$162,510	\$151,660*

Note:* Licensing statutory costs excluded.

Evaluation Criteria

The following particular evaluation criteria was applied in the assessment of the tenders:

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

An evaluation panel consisting of the Executive Manager Technical Services, the Coordinator Engineering Services and Executive Manager Corporate Services assessed the conforming tenders using the selection criteria in accordance with the tender documentation as follows:

Tender Evaluation

Evaluation Criteria	Weighting	MacDonald Johnston Compactor Body	Wastemaster Compactor Body
Mandatory Product Features	25	25	23.5
Special Facilities	20	20	17
Price Tender	20	17.9	20
Life Cycle Costs	15	5	5
Operators Ergonomics	10	10	8.5
Warranty	5	5	4.5
Delivery	5	5	5
Total	100	87.9	83.5

Evaluation Criteria	Weighting	IVECO Truck	Isuzu Truck
Mandatory Product Features	25	25	22.5
Special Facilities	20	20	20
Price Tender	15	18.7	20
Life Cycle Costs	10	0	0
Operators Ergonomics	5	10	8.5
Warranty	5	4.5	5
Delivery	25	5	4.5
Total	100	83.2	80.5

The Town currently has a fleet of 5 rubbish trucks comprising 2 Rear loaders, 2 Side loaders and a Small Rear Loader for parks and street litter bin collection.

Truck

Three (3) submissions were received as follows:

- Iveco Acco F2350G/285
- Isuzu FVZ1400 Automatic Cab / Chassis
- Hino Ranger Pro 14 Long Auto Ace Cab/ Chassis (FM1JRPG)

As mentioned above, the Hino Ranger was a “Non Conforming Tender” as the vehicle did not meet the specification for engine capacity.

The Iveco scored higher than the Isuzu in the evaluation criteria due to Mandatory Product Features. The power of the Iveco is substantially greater than that of the Isuzu, 213kw 1085Nm in comparison with 206kw, 1030 Nm. This also has impact on the speed of the operations. Also, the Iveco has air bags for rear suspension which makes it greater operator safety / ergonomics. The Iveco has been specifically designed for Waste Management operations, making it a more effective truck for this application.

The Kimax 11 Weighing system is the cheaper alternative that operates on an Air Bag rear suspension which is included in the Iveco. The Isuzu does not have air bag rear suspension, however, this can be fitted after market for an additional cost.

Compactor Body

In accordance with the Evaluation Criteria, the MacDonald Johnston Gen V SL9522 scored slightly higher than the Wastemaster “Superior Pak”. This is mainly due to the 'time cycle' of the operation.

The Wastemaster operates a hopper system that can take six (6) rubbish bins and then needs to stop and pack. The MacDonald Johnston, on the other hand, operates a paddle system which continually packs. From the Town's experience, once cardboard is loaded into the Wastemaster it can jam the system and may require to be manually 'freed up'. This can cause a safety issue on the road and may slow the operation down substantially.

In addition, from past experience, support for breakdowns by MacDonald Johnston is superior and has more comprehensive workshop facilities. MacDonald Johnston have their workshop in Bayswater whereas Wastemaster is located in Maddington, which may add to the cost of repairs. In addition, both tenders offered the Elphinstone weighing system as an option which is more expensive than the Kimax 11.

Conclusion

The Town's current fleet of Iveco trucks has performed exceptionally well, with little down time resulting from engine mechanical failures. The main down time with waste collection vehicles results from repairs, maintenance and general wear and tear to moving parts in the compaction unit which operates five (5) days per week all year round. Also, parts are readily available, relatively inexpensive and available from Australia, the United Kingdom and the USA.

The Iveco offered by Skipper Trucks is purpose built for domestic waste collection and is used extensively by private refuse collection companies and other Local Governments throughout Western Australia and has a proven low cost of ownership over the longest possible work life.

The Iveco can compact rubbish at lower RPMs, reducing the noise factor for operations. This is a crucial factor for rubbish collection especially in the early hours of the morning in residential areas.

The Isuzu offered by Major Motors compared favourably with the Iveco offered by Skipper Trucks, however, the Iveco has superior engine capacity and torque, factory fitted dual control, better operator Ergonomics specifically designed for waste management collection such as low profile steps with easy access in and out of trucks and other features.

Recommendation

Therefore, based on the Weighting Evaluation Criteria, the combination of the Iveco Truck with the MacDonald Johnston rear compactor unit with a Kimax 11 weight system in the truck for driver safety, is recommended as submitted by Skipper Trucks.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Tender 359/07 for the Supply of One (1)22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck was advertised in accordance with the Local Government Act Tender Regulations.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$260,000 (excluding GST) has been allocated in the 2004/2005 budget for replacement of this item of plant funded from the Waste Management reserve. It is recommended that the existing Waste Management Truck be retained, and not traded as originally intended, to cater for the proposed new areas of Perth and Stirling come 1 July 2007.

As the recommended purchase price is \$300,200 (refer table below) this will subsequently require additional funds to be included in the 2007/2008 budget to cover the short fall of \$40,200 (excluding GST)

MacDonald Johnston Engineering Compactor Body	Skipper Trucks Iveco	Total
\$137,690	\$162,510	\$300,200

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.

COMMENTS:

The Town’s Coordinator Engineering Services carried out extensive research, investigation and liaison with other Waste practitioners and has recommended that the tender submitted by Skipper Trucks represents the best value and most suitable vehicle for the required function.

It is therefore recommended that the combination of the Iveco Truck with the MacDonald Johnston rear compactor unit as submitted by Skipper Trucks be approved at a total cost, excluding GST, of \$300,200 in accordance with the requirements of Tender 359/07.

10.3.1 Financial Statements as at 31 March 2007

Ward:	Both	Date:	16 April 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	C Liddelow/B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 31 March 2007 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 March 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 31 March 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 4.52% over the budget year to date as at the end of the month of March

General Purpose Funding (Page 1)

General Purpose Funding is showing 101 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100% of the budgeted amount for the rates income. In addition interest income has exceeded budgeted estimates.

Governance (Page 2)

Governance is showing 283 % of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is now showing a variance of 6 64% over budget to date, this is due to the receipt of the outstanding grant income.

Health (Page 4)

Health is showing 7 %, over budget this is due to 323 Health Licences being issued for Lodging Houses, Eating Houses and alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 3 % below budget, this is as a result of the adjustment of the budget to account for the increased operating surplus Leederville Garden Retirement Village.

Community Amenities (Page 6)

Community Amenities is 13 % above the year to date budget, this is the result of 453 planning applications being processed to date and the issue of non rateable and commercial properties for their refuse charges.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is on target at 9.84 % above their revenue budget. Beatty Park Leisure Centre revenue is 50 % of the total Recreation and Culture revenue budget and performing favourably with the centre year to date budget of 107%.

Economic Services (Page 12)

Economic Services is 31.6 % over budget which is due to the increase number of building licences issued

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 111.2% over the budget which is due the higher insurance claims for the last 9 months and lease on Tamala Park exceeded budget.

Operating Expenditure

Operating expenditure for the month of March is 2% under the year to date budget

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for March amount of \$5,309,254 which is 21% of the revised budget of \$24,892,725

	Budget	Actual to Date	%
Furniture & Equipment	96,800	36,251	37%
Plant & Equipment	905,925	410,328	45%
Land & Building	13,853,014	692,853	1%
Infrastructure	10,036,986	4,169,822	42%
Total	24,892,725	5,309,254	21%

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

The statement shows the current assets of \$22,051,529 and non current assets of \$116,916,168 for total assets of \$138,967,698.

The current liabilities amount to \$3,789,798 and non current liabilities of \$13,770,846 for the total liabilities of \$17,560,644. The net asset of the Town or Equity is \$121,407,054.

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 \$2,159,168.outstanding at the end of March. Of the total debt \$42,098 (11%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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 2006/07 were issued on the 1 August 2006.

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

First Instalment	5 September 2006
Second Instalment	6 November 2006
Third Instalment	4 January 2007
Fourth Instalment	6 March 2007

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

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

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

Rates outstanding are \$482,572 which represents 3.1% of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 31 March 2007 the operating deficit for the Centre was \$110,752 in comparison to the budgeted year to date deficit of \$488,270 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$246,125 in comparison to the year to date budget of cash deficit of \$60,804 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 31 March 2007 was \$8,060,869.

Net Current Asset Position (Page 32)

The net current asset position is \$18,428,902.

Variance comment Report (Pages 33 to 37)

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

10.3.2 Capital Works Programme 2006/2007 - Progress Report No 3 as at 31 March 2007

Ward:	Both	Date:	10 April 2007
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey / R Lotznicker / R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No 3 for the period 1 January - 31 March 2007, for the Capital Works Programme 2006/2007, as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Programme 2006/2007 for the period 1 January 2007 to 31 March 2007.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 8 August 2006. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the third Progress Report for this financial year covering the period ending 31 March 2007.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 March 2007.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2006/2007.

COMMENTS:

A number of major projects will not be undertaken in this financial year, these are as follows:

- Members Equity Stadium Stage 2 is awaiting outcome of Stadium Task Force Report
- Vincent Police Station - awaiting decision from WA Police Department of final site. The Leederville Child Care Centre and Margaret Kindergarten projects are dependent on the Vincent Police Station decision.

The following projects have been deferred for the 2007/08 Budget as they cannot be undertaken this year and the funds have been reallocated to fund the Loftus Recreation Centre Redevelopment.

- Leederville Oval Public Open Space
- Brookman/Moir Streetscape Works
- Newcastle Street Upgrade (Loftus to Charles Street)
- Lincoln Street - Embayed parking
- LCD Screen for Committee Room

In addition, adjustments have been made to the timing of a number of heritage related projects in accordance with the resolution of Council at the Ordinary Meeting of Council 10 April 2007, Item 10.1.6.

10.3.4 Report on Certified Practising Accountants (CPA) 2007 National Public Sector Convention - Brisbane, Queensland

Ward:	-	Date:	11 April 2007
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the report of the Executive Manager Corporate Services' attendance at the CPA National Public Sector Convention held in Brisbane, Queensland from 21 to 23 March 2007.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

To provide Council with information on the Executive Manager Corporate Services' attendance at the CPA National Public Sector Convention held in Brisbane, Queensland from 21 to 23 March 2007.

BACKGROUND:

At the Ordinary Meeting of Council of 5 December 2006 Council gave approval for the Executive Manager Corporate Services to attend the CPA National Public Sector Convention to be held in Brisbane, Queensland on 21-23 March 2007 at an estimated cost of \$3,655.

DETAILS:

The CPA National Public Sector Convention was held between 21-23 March 2007 at the Brisbane Convention and Exhibition Centre.

The theme for the convention was 'Be Part of the Evolving government Landscape'.

The conference was attended by over 800 delegates, both national and international.

There were a number of keynote addresses provided by prominent international and local speakers. These were as follows:

1. *The Future of the Public Sector 20 Years On*
- Dr Allan Hawke, Chancellor, The Australian National University

The public sector faces a range of opportunities and challenges over the coming years. Dr Allan Hawke addressed the various aspects and provided an overview on effective ways they can be addressed. These opportunities will contribute to the shape of the operating environment and also the effect on the sector's capacity to work effectively in this environment.

2. *The Frontline: How Perfect Planning, Risk Assessment and Quick Response Can Be the Difference Between Life and Death - Paul Featherstone*

Paul Featherstone spent the last 30 years perfecting skills in the recovery and care of people in life threatening situations.

Paul's experience positions him as a specialist in situations where lives may be at stake. Situations where perfect planning, quick assessment and responses are critical for the prevention of injury. In situations where injuries have occurred, Paul is skilled and equipped to access, treat, recover and transport injured individuals whether by foot, road, air or sea. Paul has developed unique training methods in high-risk areas based on 'real world' experiences, with emphasis on self-motivation and teamwork.

Paul has twice been the recipient of the Ambulance Service's highest award for bravery, the Distinguished Service Medal, the Australian Bravery Medal and the Humane Society's highest award. Paul shared his insights and provided inspiration to help tackle every day challenges.

The presentation emphasised the importance of training, together with experience and teamwork in difficult situations.

3. *Panel Discussion: Government Financial Reporting: Is it Meeting the Needs of Users?*

The panel discussion encouraged debate on the usefulness of Government financial reporting. The panel included members of public accounts committees, auditors-general, leading academics and reporting experts. One of Australia's most experienced radio and television current affairs journalists, Tony Jones, facilitated the panel discussion.

4. *The New Public Governance and Accountability Challenges in Public Sector Management: Lessons from the Recent Canadian Experience - Professor Peter Aucoin, Eric Dennis Memorial Professor of Government and Political Science and Professor of Public Administration, Department of Political Science, Dalhousie University, Halifax, Nova Scotia, Canada*

This presentation addressed the causes, consequences and implications of a major scandal of public administration that brought down the otherwise highly successful, popular, and decade-old Liberal Government in Canada in 2006. The mal-administration in question, which took place over a period of years and eventually ended in corruption, raises significant issues about the governance and accountability of the professional public service for the management and delivery of public services under the traditional Westminster system. The presentation outlined the inherent tensions between the New Public Governance and the New Public Management, and considers the requirements for a more independently staffed and managed public service in order to achieve both more effective public governance and more robust public accountability. It outlined the analysis and recommendations of the independent Commission of Inquiry into the scandal as well as the initiatives undertaken by the Conservative Government elected in the 2006 election.

6. *Outlook for the Australian and World Economies: Where Are We Going?*
- Professor Ian Harper, Sidney Myer Chair and Executive Director, Centre for Business and Public Policy, Melbourne Business School.

Until recently, Australia has enjoyed some of the most favourable economic conditions in living memory. But increased in oil prices and interest rates have many people fearing that the good times might finally be over. Are we living through the end of the long boom? Will a generation that has never experienced a recession soon learn what life is like when economies stall? Just how high will oil prices go? Can China continue to grow at breakneck speed without hitting a brick wall? Every business and every household in the land is affected by Australia's economic health. This session helped see through the maze of statistics and analysis published everyday in the press to make my own assessment of where our economy might be headed.

The presentation illustrated the huge impact that the Chinese and Indian economies will have in the future of the world economy.

7. *Globalisation: Australia and the Asia Pacific - The Honourable Paul Keating*

Globalisation is the intensifying of international linkages in trade and finance and increasingly in culture, which has been evolving apace since the mid 1980s.

In Australia, it is virtually impossible to think of an area of commerce which has not been affected by it and which has not had to adapt to its effects. Whether it be banking, agriculture, mining exploration or the provision of public services, education and infrastructure. The old compartmentalisation of business by work type or national boundary is a thing of the past.

Paul Keating, as Treasurer and Prime Minister, was the driving force in opening up Australia's economy and financial markets to position it to take best advantage of the globalisation phenomenon. His government reforms have underpinned the past fifteen years of economic growth and stability. Delegates heard from his personal experiences and observations of the situation so far and the outlook for the future.

He emphasised the importance of the South-East Asia region for Australia's future economic growth and considered there should be less focus on USA.

8. *Flying High: the Ultimate Challenge - Glenn Singleman and Heather Swan*

Husband and wife team - Glenn Singleman and Heather Swan jointly hold two astonishing World Records - one for the highest BASEjump and the other for the highest Wingsuit BASEjump, both set on 23 May 2006 from a 6660 metre Himalayan mountain.

Glenn is well known to Australian and International audiences both as a speaker and documentary film-maker. He is also a medical practitioner. He has made many successful films for National Geographic International including BASEClimb which continues to win awards as one of the best adventure documentaries of all time.

Heather is the only woman in the world to combine mountaineering and BASEjumping, let alone wingsuit BASEjumping. This is extraordinary given that just six years ago she was a corporate executive with no background in adventure. Heather is also a mother, award winning author and successful businesswoman.

Glenn and Heather are currently working on a documentary, BASEClimb 3, and Heather is finishing the sequel to her first book.

This was an exciting presentation which focused on removing inhibitions, trust, commitment and teamwork.

The Executive Manager Corporate Services attended the following Concurrent Sessions:

1. *The Case for Sustainability Reporting by the Public Sector - Robyn Leeson, Manager of City Sustainability, City of Melbourne and Phil Hughes, Director, The Centre for Public Agency Sustainability Reporting.*

Sustainability or stakeholder reporting is a common practice in the corporate sector. However, increasing stakeholder interest and the expectations of transparency and accountability are also pressures felt by the public sector. Although the very mission of a public agency may be to improve economic, social or environmental outcomes. The way in which that mission is achieved must also reflect those multiple and sometimes competing concerns. This session explored the value case of such reporting to the public sector, the elements of best practice emerging internationally and the practical challenges experienced by the City of Melbourne.

2. *Transforming Finance - How to Best Add Value to Organisational Strategy - John Blair CPA, Manager Corporate Finance, Gold Coast City Council.*

This presentation explored the role that the finance department has played in driving the change planning process within the Gold Coast City Council. It specifically addressed the approach taken by finance to support the development of the strategic plan, implement the change initiative and most importantly ensure that the desired outcomes are achieved.

A very interesting presentation, focusing on the tremendous growth in the area.

This has impacted on the provision of Financial Services within the Council; with a greater focus on Strategic Financial matters, removing data processing from the traditional Finance area.

Cost and management accountants placed in Operational Service areas to provide financial assistance in reporting and budgeting, improvement in the amount of capital work achieved.

3. *Workforce Planning from Strategy to Implementation - John Cairns, Executive Director, Workforce Planning and Development, State Services Authority.*

Given the growing significance of workforce planning challenges facing the Victorian Government, the State Services Authority undertook a major piece of work in 2006 to identify key workforce planning issues facing the Victorian Government. This involved the development of a risk model to analyse workforce planning risk across the Victorian Public Sector (VPS) and lead to identification of key directions to improve workforce management capacity in the VPS in a number of key areas including:

- Improvements in recruitment and attraction strategies
- Increasing labour supply
- Increasing investment in development
- Improving workforce agility
- Improving participation, retention and motivation
- Improving workforce planning, governance and capability

4. *Insights into Budgeting and Forecasting - Tim Youngberry FCPA, Chief Financial Officer, Defence Material Organisation.*

Budgeting and forecasting is a core requirement in the public sector. This session looked at these requirements and how the budget for a large and complex organisation is brought together. The session also explored the use of budgets and forecasts in managing the organisation and how this information is used to support line managers in their day to day management.

Interesting to note that a large organisation such as the Defence Department has the same issues as the Town. In regard to phasing of budgets and work being carried over to other financial years.

5. *Techniques and Insights for Better Website Content Management - Andrew Stevens, eBusiness Consultant*

Whether you are embarking on a whole new web project, selecting a Content Management System (CMS) or even considering the need to manage your online content, it's those practical tips and pitfalls that will be the telling difference for the success of your project. This session explored real world experiences and highlighted those compliance issues that the Public Sector need to address with their CMS.

Key topics included:

- The web CMS lifecycle and the questions you should ask
- Common CMS pitfalls and best practice to avoid them
- What features does your CMS really need
- Practical tips and things to look out for
- The effects of Web 2.0 on your content

6. *Simplifying Internal and External Reporting for All Levels of Government - David Spearritt FCPA, Director, ORION Consulting Network Pty Ltd.*

Despite massive development and investment in financial systems in all parts of the public sector, the users of internal and external financial reports are often still not satisfied. A common complaint is "our report readers are always complaining, but when we ask them what they want - they don't know".

This session addressed:

- The real purpose of financial reporting
- Beyond financial reporting
- Trends in reporting methods and presentation styles
- Check list of issues to consider when developing reports
- How to find out what reports readers need/want
- Why less is more

7. *Is Our System Failing Us? - A Focus on Infrastructure Assets - David Edgerton FCPA, Business Development Manager, Australia Pacific Valuers; Chair - CPA Australia Infrastructure Assets Discussion Group, Queensland.*

Despite repeated warnings and advice from a wide range of professional bodies, asset management experts and community groups over the past two decades, the general standard of infrastructure across the country continues to deteriorate and the occurrence of serious infrastructure failure continues to increase. These failures affect service delivery and are becoming key political issues.

Across Australia, all governments, whether they be Federal, State or Local are starting to experience the beginnings of serious and potentially catastrophic infrastructure failure. Whether it's the lack of water, congestion of roads, safety of dams, power failure, increasing health waiting lists, closure of freeways or the general sustainability of local governments - people are starting to ask questions about who is responsible and who is going to fix it.

This presentation explored the drivers behind major infrastructure decisions (or lack of) and provide suggestions on what we, as CPAs, can do to provide a better future for our communities and children. This included aspects of financial management, asset accounting and asset management.

8. *Turning Goals Into Reality - John Clarke, Managing Director, Business Development Systems.*

The best laid plans, business and personal, often get left aside when dealing with the daily pressures of work and life. John demonstrated how to navigate through the day-to-day jungle, set priorities and achieve the goals that we are striving for.

- Why do you need to set personal goals in today's hectic environment
- Why do goals get left on the "flip chart"
- Applying personal goal setting in the work place and life in general
- Steps and checks to manage the process along the way and turning goals into reality

9. *Seeking Financial Sustainability in Local Government - John Curran, Team Leader, Local Government and Regional Queensland Team, Queensland Treasury Corporation.*

Local governments are faced with numerous challenges; escalating costs and community expectations, changes in demographics and pressure to minimise costs and charges. Managing these challenges can result in questions being asked about a local government's financial sustainability. This session reviewed the Queensland Treasury Corporation's recent work in reviewing the financial sustainability of Queensland local governments participating in the Size, Shape and Sustainability (SSS) Review, an initiative of the Local Government Association of Queensland and its member councils.

This presentation outlined a different process to that which had been conducted in the other States. The Queensland Treasury Corporation (QTC) had conducted a book assessment and also visited the municipalities to assess localised factors with the officers. The local governments have then been classified into general categories. The QTC offered the Councils assistance to improve their financial position, as a result there was a feeling that relationships in the exercise were more positive than in the book audits that had been conducted in other States.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 - *"Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters" Clause 5 - Reports states:*

"5. Reports

5.1 Following attendance at State conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the attendees shall submit a report to the Council within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the Town and recommendation as to whether attendance at similar conferences is warranted.

5.2 All Conference Papers are the property of the Town and are also to be placed in the Town's Library so that they are accessible by the public."

The Town has not previously attended this Convention.

The Executive Manager Corporate Services Contract of Employment entitles the Executive Manager Corporate Services to attend one inter - state conference per annum.

STRATEGIC IMPLICATIONS:

In accordance with the Strategic Plan 2006 - 2011 - Objective 4.2.2 - *"Improve employee performance, recognition and reward."*

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

Attendance by the Executive Manager Corporate Services at the CPA National Public Sector Convention held in Brisbane, Queensland from 21-23 March 2007 provided an interesting insight to the current and future trends in Public Sector finance, together with valuable networking opportunities.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	18 April 2007
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of April 2007.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

BACKGROUND:

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the Town of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
11/04/07	Deed of Contract	2	Town of Vincent and Perkins Builders of 350 Hay Street, Subiaco WA 6008 re: Tender No. 354/06 - Loftus Centre Redevelopment.
12/04/07	Debenture	1	Town of Vincent and the Western Australian Treasury Corporation re: securing a loan for \$3 million at 6.35% p.a. repayable by 01 July 2027 (Loan 5).

Date	Document	No of copies	Details
12/04/07	Debenture	1	Town of Vincent and the Western Australian Treasury Corporation re: securing a loan for \$2.6 million at 6.52% p.a. repayable by 01 August 2012 (Loan 6).
18/04/07	Agreement	1	Town of Vincent and the Electricity Retail Corporation trading as "Synergy" of 363 Wellington Street, Perth re: StreetVision Streetlighting Agreement - Contract Price for the Financial Year 2007/2008 (\$411,982, <i>incl GST</i>).

10.4.5 Town Planning Scheme Review Committee - Unconfirmed Minutes of Meeting held 29 March 2007

Ward:	-	Date:	18 April 2007
Precinct:	-	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Unconfirmed Minutes of Town Planning Scheme Review Committee meeting held on 29 March 2007, as shown in Appendix 10.4.5; and*
- (ii) *ACCEPTS the recommendations of the Town Planning Scheme Review Committee.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Town Planning Scheme Review Committee Meeting held on 29 March 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 5 December 2006, the Council considered the matter of a Town Planning Scheme Review Committee (TPSR) and approved of the Committee's Terms of Reference (inter alia) as follows;

"5.0 Purposes and Functions of Committee

- 5.1 *To consider and provide comment on the content of the Local Planning Strategy, in particular the framework of the five community precincts and the congruency of the zonings and densities, town centre concept plans and design guidelines with respect to Vincent Vision 2024, the Economic Development Strategy, the Strategic Plan 2005 - 2010, and the Plan for the Future.*
- 5.2 *To consider and provide direction to the Town's Officers with respect to the format and wording of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2.*
- 5.3 *To consider and provide comment on the congruency of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2 with respect to Vincent Vision 2024, the Economic Development Strategy, the Strategic Plan 2005 - 2010 and the Plan for the Future.*

6.0 *Extent of Delegation*

6.1 *The Committee shall have Delegation of Authority from the Council with respect to advising the Town's Officers on the format and wording of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2.*

6.2 *The Committee may make comment on the content and congruency of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2 with respect to Vincent Vision 2024, the Economic Development Strategy, the Strategic Plan 2005 - 2010 and the Plan for the Future; however, approval will be determined by the Council."*

The Committee met on the following dates:

- 14 December 2006
- 1 February 2007
- 15 February 2007
- 1 March 2007
- 15 March 2007
- 29 March 2007.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act (Administration) Regulations 1996 requires that Committee Meeting Minutes be reported to the next Council/Committee Meeting.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations. No further TPSR Committee meetings will be held as the Council resolved to proceed with an Advisory/Forum on two separate occasions at dates to be determined.

10.4.6 Information Bulletin

Ward:	-	Date:	18 April 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 24 April 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

DETAILS:

The items included in the Information Bulletin dated 24 April 2007 are as follows:

ITEM	DESCRIPTION
IB01	Department of Local Government and Regional Development – Circular 9-2007 – Bulletin No 2 – Local Government Elections 2007
IB02	Letter from the State Administrative Tribunal attaching orders made on 1 February 2007. DR 452 of 2006 and 451 of 2006. (11 Moir Street, Perth).
IB03	Letter from the State Administrative Tribunal attaching orders made on 5 April 2007. CC 1722 of 2006. (51 Ruth Street, Perth).
IB04	Letter from the State Administrative Tribunal attaching orders made on 29 March 2007. DR 460 of 2006. (28-32 Carr Street, Leederville).
IB05	Progress Report No. 1 - Mainstreet and Heritage Business Premises Assistance Fund Initiative (All Precincts) PLA0162
IB06	Progress Report No. 1 - Proposed Design Guidelines / Outline Development Plans for Lots 10, 12, 13, 15 and 41 Cowle Street, Perth (Hyde Park Precinct) PRO1640
IB07	Tamala Park Regional Council – TPRC Enquiry by Design Workshop
IB08	Eight Report of the Standing Committee on Environment and Public Affairs in relation to the Local Government Amendment Bill (No. 2) 2006
IB09	Revised Schedule (as at 13 April 2007) - State Administrative Tribunal

13.1 URGENT BUSINESS: Training Seminar: Irrigation Control Systems

Ward:	-	Date:	21 April 2007
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Manager Parks Services to attend a one day Training Seminar on "Irrigation Control Systems" to be held in Adelaide, South Australia, on 25 May 2007, at an estimated cost of \$684.00.

COUNCIL DECISION ITEM 13.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Manager Parks Services, Jeremy van den Bok, to attend a one day Training Seminar on "Irrigation Control Systems" to be held in Adelaide.

BACKGROUND:

The Manager Parks Services (MPS) has been invited, along with 20 other Parks Managers/Supervisors from around Australia, to attend a one (1) day training seminar being conducted by Hunter Industries USA, in Adelaide. Hunter Industries have offered to pay for one night's accommodation and the return airfare for all attendees to the training seminar.

DETAILS:

The MPS has been invited to attend the training seminar. The invitee, Hunter Industries USA, has offered to pay for the MPS to attend the conference including the return air fare and one night's accommodation.

In accordance with the Town's Code of Conduct Clause 4.5(iv) *Gift of Hospitality*

"No company, organisation or individual with a proprietary or beneficial interest may pay or contribute to any expenses associated with the evaluation, inspection or trial of any goods or services of which the Town may or may not wish to acquire provided however that the Town may require the payment of those expenses as a standard condition applicable to all parties with an interest in providing the required goods or services to the Town".

However, as the Town will be considering irrigation control systems in the near future, and Hunter Industries USA will potentially be a supplier, it is considered more appropriate that the Town not accept their offer and pay for the MPS to attend. Information gained at this specialised training session will allow the MPS to make an informed decision on the matter, therefore, it is considered that if the MPS were to attend the Training Seminar, the Town should pay all the required costs.

Also in accordance with Policy No 4.1.15 *Conferences & Training - attendance, representation, travel and accommodation expenses and related matters*:

“authority is delegated to the Chief Executive Officer to authorise attendance at intrastate conferences and training”.

However, as this training course is defined as a "conference" and is out of the state (i.e. in Adelaide South Australia), the Council's approval is required.

The training seminar is designed to provide the latest information on central control systems for in-ground reticulation systems manufactured by Hunter Industries USA and will cover:

- ET based controllers
- The award winning ACC controller
- Central control communications etc

It will give an opportunity for the MPS to learn about the latest developments in this field.

On 27 March 2001, the Council considered a report on the completion of the Town's Automatic In-ground Reticulation System. The report also discussed the future introduction of a Central Control Irrigation System (CCIS). A brief extract from the report is outlined below:

In future years it is considered prudent for the Town to investigate and implement the installation of a CCIS to provide further savings in energy, labour and water. The System would allow centralised control and monitoring of the Town's 37 individual 'stand alone' controllers. Currently, with the number and physical spread of the individual systems, it takes staff nearly two days to attend all sites for monitoring, testing and reprogramming of the system if weather conditions change.

A CCIS would provide a daily report on the status of each park and each respective watering station at a particular site and staff could immediately identify pressure changes which indicate broken sprinklers, fractured mainlines or blocked valves. They could attend the site and undertake the necessary repairs without manually running through the system or waiting for dry patches to appear thus saving valuable labour hours.

Also, one of the most important features of a CCIS is that it would enable irrigation to be optimised according to the prevailing weather conditions, resulting in substantial energy savings. Weather conditions are monitored using a comprehensive weather station with information forwarded to the CCIS on a continuous basis. The weather station monitors temperature, wind speed, humidity and rainfall and then calculates the optimum irrigation requirements. In the event of rainfall exceeding the predetermined parameters, the system will automatically suspend watering.

It is estimated that by including all the parks, a total of \$16,575.00 could be saved per annum in energy alone.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

This matter is covered by the Town's Code of Conduct Clause 4.5(iv) *Gift of Hospitality* and by Policy No 4.1.15 *Conferences and Training - attendance, representation, travel and accommodation expenses and related matters* (as outlined in the report).

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:

Cost per person

Conference registration and Technical Tour:	\$ n/a
Economy Airfare/transfers (Including taxes)	\$ 355.00
Accommodation (1 night @ \$135):	\$ 135.00
Expense Allowance (2 days):	\$ 194.00

Total: \$684.00

COMMENTS:

That the Council approves for the Manager Parks Services to attend a one day Training Seminar on Next Generation Central Irrigation Control Systems to be held in Adelaide, South Australia, on 25 May 2007, at an estimated cost of \$684.00.

10.2.5 Street Verge Trees – Tennyson and Galwey Streets, Leederville

Ward:	North	Date:	13 April 2007
Precinct:	Leederville P3	File Ref:	TES0234
Attachments:	001		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

CEO'S RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to the street verge trees (*Eucalyptus grandis*-Rose Gum) in Tennyson and Galwey Streets, Leederville;
- (ii) **CONSIDERS** the trees should be removed as soon as practicable as they are a safety and public liability risk and are causing damage to adjoining private properties and public infrastructure;
- (iii) **APPROVES** the immediate removal of the Rose Gums located on the verge adjacent to Nos. 9, 11, 31, 43 and 50A Tennyson Street and 52 Galwey Street, Leederville due to safety and public liability risks and potential damage to private property;
- (iv) **CONSULTS** with residents in Tennyson Street regarding the replanting of a more suitable native tree species to the street; and
- (v) **ADVISES** residents in Tennyson Street and surrounding streets of the reasons for its decision regarding this matter.

COUNCIL DECISION ITEM 10.2.5

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

The Presiding Member advised that as this matter contains legal information, it should be considered “behind closed doors” at the conclusion of the meeting.

At 6.42pm **Moved Cr Doran-Wu, Seconded Cr Messina**

That this matter be dealt with “behind closed doors” at the conclusion of the meeting as it contains legal information.

CARRIED (4-2)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

(Refer to page 136 for Council Decision)

ADDITIONAL INFORMATION:

The Chief Executive Officer issued a copy of the CEO's letter to the Town's Insurers (dated 20 April 2007 - Appendix A) and the Town's Insurer's letter dated 23 April 2007 Appendix B). The Town's Insurer's letter is to remain confidential as it contains advice of a legal nature.

CEO'S COMMENTS:

The CEO has changed the Officer's Recommendation for the following reasons:

**** This information has been circulated to Elected Members and Executive Managers in a "Confidential Appendix" as it contains information of a legal nature.*

~~OFFICER RECOMMENDATION:~~

~~*That the Council;*~~

~~(i) — **RECEIVES** the report in relation to the street verge trees (*Eucalyptus grandis* Rose Gum) in Tennyson Street Leederville;~~

~~(ii) — **CONSIDERS** the trees should be removed as they are a safety and public liability risk and are causing damage to adjoining private properties and public infrastructure;~~

~~(iii) — **APPROVES:**~~

~~— (a) — the immediate removal of the Rose Gum located on the verge adjacent to Nos. 9 and 11 Tennyson Street, Leederville due to safety and public liability risks and potential damage to private property;~~

~~— (b) — the staged removal over the next four (4) financial years of the remaining Rose Gums (4) located in Tennyson Street, for the reasons outlined within the report and in accordance with Option 1 of the original Aboricultural report;~~

~~(iv) — **CONSULTS** with residents in Tennyson Street regarding the replanting of a more suitable native tree species in the street; and~~

~~(v) — **ADVISES** residents in Tennyson Street and surrounding streets of the reasons for its decision regarding this matter.~~

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the ongoing damage the Rose Gum trees are causing in Tennyson Street and seek approval for the removal of the trees immediately.

BACKGROUND:

Previous Information

Ordinary Meeting of Council held on 10 April 2001

In January 2000, a petition signed by three (3) residents was received requesting that Council consider the removal of the existing Rose Gums located on the southern side of Tennyson Street, Leederville and replacement with a more suitable species. The petitioners' reasons were that the trees were damaging the adjacent road and footpath.

At the time a letter drop was undertaken to gauge the feeling of other residents in the street regarding the removal and replacement of the trees in question. This resulted in another petition being received signed by twenty eight (28) persons strongly opposing the removal of the trees. Many of the people who signed the petition resided in Tennyson Street with others being concerned residents from neighbouring streets.

An Arboriculturist was subsequently engaged to report on the health, condition and safety aspects of the trees and make recommendations.

The Arboriculturist, Charles Aldous-Ball, made the following comments in relation to the trees.

"An inspection of the six Eucalyptus grandis situated within Tennyson Street, revealed that although these specimens do provide significant amenity and aesthetic value to the streetscape, the main purpose of the report was to assess the element of danger represented by the trees.

*As previously confirmed, predominantly most of the specimens have developed a broad lateral canopy, which extends excessively over the highway and property boundaries. An inspection of the encroaching lateral limbs revealed that although some lateral reduction has been previously implemented, the remaining limbs were displaying significant physical end loading, with the lower northern lateral limb upon **tree 1** displaying a stress fracture, confirming that significant internal tensile stresses and external pressure is being placed upon these limbs, rendering these limbs liable to future horizontal fracture and failure.*

It was evident that the pedestrian footpath and section of the highway have heaved and subsequently fractured resultant from direct physical root action. Due to the extent of structural heave upon sections of the footpath, a high level of risk exists to pedestrians.

The determination of the danger that is represented by a tree is not an absolute. It is based on the health and condition of the tree relative to its location.

This consultant confirms that all trees, which grow in amenity areas, represent a danger to some degree. However, when assessing a tree the most demanding task is to determine whether the element of danger that is perceived to exist is acceptable or unacceptable.

Therefore, based upon the physical loading displayed by the lateral canopy, the known characteristics of the species to shed major limbs and the extent of structural damage to the pedestrian footpath, this consultant is of the opinion that these trees represent an unacceptable level of danger to property and persons."

At the time (**12 February 2001**) the consultant recommended two options to alleviate the level of risk, with Option 2 being a short-term solution to a long-term problem. The consultant's preferred option was Option 1. The two options were as follows:

Option 1:

Implement a phased removal program of the six (6) trees **over a timeframe of three (3) years**, in conjunction with replanting to sustain the amenity and aesthetic quality of the streetscape.

This did not occur as the Council, at its meeting held on 10 April 2001, approved of Option 2

Option 2:

Implement an on-going maintenance program, which should include the following:

- Reduce back lateral limbs, which are displaying excessive physical end loading to sound growth points.
- Periodical removal of dead and dying material.
- Repairs to the footpath (where feasible) to reduce pedestrian injury.
- Undertake a detailed annual inspection of each street.

A report was presented to the Ordinary Meeting of Council held on 10 April 2001 where it was decided (in part):

"That;

- (ii) Option 2 of the consultant's report to retain the existing Street Verge Trees - Rose Gum (Eucalyptus grandis) in Tennyson Street, Leederville, as shown on Plan A, be adopted;*
- (iii) in accordance with Option 2 of the consultant's report, an annual inspection of the trees be carried out by the Parks Services personnel as part of the proposed Street Tree Management Programme to reduce the risk of any future branch failures;*
- (iv) alternative footpath and road reinstatements that do not affect the structural integrity of the existing trees be investigated and implemented by Technical Services personnel; and*
- (v) the petitioners be advised of the Council's resolution."*

Due to the number of petitioners objecting to the removal of the trees, the Council adopted Option 2 as outlined in the Arboricultural Report. This it must be noted, *was not the Consultant's preferred option.*

Ordinary Meeting of Council held on 26 March 2002

A further letter was subsequently received from the owners of 37 Tennyson Street and 1 Shakespeare Street (cnr Tennyson) who were directly affected by the tree concerned (Rose Gum) requesting removal of the tree. They expressed a genuine concern for the safety of their property and persons frequenting this location and outlined a number of reasons for their request to have the tree removed.

At the Ordinary Meeting of Council held on 26 March 2002 a further report was presented in regard to the removal of a Eucalyptus grandis – Rose Gum at No. 37 Tennyson Street, Leederville, where it was decided (in part):

"That the Council;

- (ii) APPROVES the removal of the Rose Gum (Eucalyptus grandis) located on the verge adjacent to 37 Tennyson Street, Leederville;*
- (iii) in accordance with Option 2 of the Arboricultural Consultants report (as laid on the table), continues with an annual inspection of the remaining trees (to be undertaken by Parks Services) to reduce the risk of any future branch failures as previously resolved at its ordinary meeting held on 10 April 2001; and*

- (iv) *advises residents in Tennyson Street and surrounding streets of the reasons for its decision on this matter."*

DETAILS:

Removal of Rose Gum at Nos. 9 & 11 Tennyson Street Leederville

Another letter was recently been received from the owner/occupiers of Nos. 9 and 11 Tennyson Street, Leederville, who are directly affected by the concerned (Rose Gum) and have indicated their desire to have this tree removed due to the damage being incurred to their properties.

It should also be noted Mr Saunders (No. 11 Tennyson Street) has been injured with cuts inflicted to his head whilst sweeping outside his property after a small branch fell from a considerable height.

There are numerous areas within 5 metres of the tree that appear to have been affected by root heave including the existing footpath and crossover. A large bulge in the brick paving of No. 9 Tennyson Street suggests that a large root is heading towards and potentially under the front wall of the dwelling.

In view of the precedent set in removing the tree at number 37 Tennyson Street in March 2002 for similar reasons, and the potential of future significant damage occurring, it would be prudent of the Council to approve the removal of this tree.

Staged Removal of Remaining Rose Gums in Tennyson Street, Leederville

In view of the ongoing problems that the trees (Rose Gum) inflict on the road infrastructure and private property, it would be prudent of the Council to implement a staged removal (*as preferred by the Aboricultural Consultant*) of the remaining four (4) trees over the next four (4) years.

Since 2002 the Town has received reports of two (2) trees causing significant damage and it is only a matter of time before the remaining trees are seriously affecting adjacent property owners given their size and habit.

There are various other large native trees existing within Tennyson Street, Leederville and the removal of one (1) Rose Gum each year over the next four (4) years and the replanting of a more suitable native tree species will maintain the amenity in the street.

CONSULTATION/ADVERTISING:

Should the removal of the tree located at Nos. 9 and 11 Tennyson Street and the staged removal of the remaining Rose Gums be approved, owner/occupiers will be notified and advised of the reasons for the removals prior to works commencing.

LEGAL/POLICY:

Nil.

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. *“(a) Implement infrastructure upgrade programs including streetscape enhancements, footpaths, Right of Ways and Roads.”*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of removing (and replanting) one (1) tree at Nos 9 and 11 Tennyson Street, Leederville is \$2,000 and would be charged against the Street Tree Enhancement budget.

The cost of removing the remaining four (4) trees is estimated at \$6,000 and replanting with semi mature trees will be in the vicinity of \$2,000

COMMENTS:

Based on sound aboricultural practice and safety grounds, the Aboricultural Consultant has previously recommended a staged removal and replacement of this tree species (Rose Gum) given its characteristics and location.

Therefore, given the potential risk element, it is again considered prudent for the Council to approve the removal of this tree adjacent to Nos 9 and 11 Tennyson Street. In addition, it is now considered worthwhile, given that only a few trees of this species remain, that a staged removal be undertaken.

Replanting may be appropriate with a more suitable native species in some areas along Tennyson Street and this will be further investigated and implemented following consultation with residents.

10.1.3 No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley- Proposed Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition)

Ward:	South	Date:	16 April 2007
Precinct:	Forrest; P14	File Ref:	PRO3677 5.2007.89.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K M Baker for Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition), at No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley, and as shown on plans stamp-dated 13 March 2007, subject to the following conditions:*
- (a) *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;*
 - (b) *the following works shall be completed within 28 days of the date of notification of this approval:*
 - (1) *the height of the wall being reduced to a maximum of 1.8 metres, in order to comply with the Town's Street Walls and Fences Policy;*
 - (2) *a minimum of two (2) significant appropriate design features being incorporated onto the southern Phelps Lane face of the wall 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 must be submitted to and approved by the Town; and*
 - (3) *a minimum 1.5 metres by 1.5 metres truncation being provided where the wall meets the driveway from Phelps Lane to the adjacent 'Steel Shed' (garage) OR the roller door to the steel shed adjacent to Phelps Lane being removed and filled in to ensure that vehicular access is not available from Phelps Lane; and*
- (ii) *the Council ADVISES the applicant that the works that form part of clauses (i)(b)(1), (i)(b)(2) and (i)(b)(3) above shall be completed within twenty-eight (28) days of approval notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the subject works not be completed within this twenty-eight (28) day period.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That clause (i)(b)(1) be deleted and the remaining clauses renumbered.

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Moved Cr Ker, Seconded Cr Messina

That clause (i)(b)(3) be deleted.

Debate ensued.

AMENDMENT LOST (2-4)

For
Cr Ker
Cr Lake

Against
Mayor Catania
Cr Doran-Wu
Cr Maier
Cr Messina

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Moved Cr Maier, Seconded Cr Ker

That renumbered clause (i)(b)(2) be deleted and a new clause (i)(b)(2) be added as follows:

"(i) (b) (2) a bollard shall be installed immediately in front of the roller door of the 'Steel Shed', which is located adjacent to the southern boundary of the property. The bollard shall meet the Town's specifications and all costs associated with its supply and installation shall be borne by the applicant/owner(s). The removal of the bollard, in the future will be required to be approved by the Town and may result in the requirement to provide a visual truncation; and"

Debate ensued.

AMENDMENT LOST (3-4)

ON THE CASTING VOTE OF THE PRESIDING MEMBER

For
Cr Ker
Cr Lake
Cr Maier

Against
Mayor Catania (2 votes - casting and deliberative)
Cr Doran-Wu
Cr Messina

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Moved Cr Ker, Seconded Cr Doran-Wu

That renumbered clause (i)(b)(2) be amended to read as follows:

- “(i) (b) (3) a minimum ~~1.5~~ 0.8 metre by ~~1.5~~ 0.8 metre truncation being provided where the wall meets the driveway from Phelps Lane to the adjacent 'Steel Shed' (garage) OR the roller door to the steel shed adjacent to Phelps Lane being removed and filled in to ensure that vehicular access is not available from Phelps Lane; and*

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

The Chief Executive Officer advised that due to the deletion of clause (i)(b)(1), clause (ii) would be changed to reflect the amendment.

COUNCIL DECISION ITEM 10.1.3

That;

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K M Baker for Boundary Wall Addition to Existing Single House (Application for Retrospective Approval and Reconsideration of Condition), at No. 35 (Lot 6 D/P: 2825) Harold Street, Mount Lawley, and as shown on plans stamp-dated 13 March 2007, subject to the following conditions:*
- (a) 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;*
- (b) the following works shall be completed within 28 days of the date of notification of this approval:*
- (1) a minimum of two (2) significant appropriate design features being incorporated onto the southern Phelps Lane face of the wall 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 must be submitted to and approved by the Town; and*
- (2) a minimum 0.8 metre by 0.8 metre truncation being provided where the wall meets the driveway from Phelps Lane to the adjacent 'Steel Shed' (garage) OR the roller door to the steel shed adjacent to Phelps Lane being removed and filled in to ensure that vehicular access is not available from Phelps Lane; and*

- (b) *a minimum of two (2) significant appropriate design features being incorporated onto the southern Phelps Lane face of the wall 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 must be submitted to and approved by the Town; and*
- (c) *a minimum 1.5 metres by 1.5 metres truncation being provided where the wall meets the driveway from Phelps Lane to the adjacent 'Steel Shed' (garage) OR the roller door to the steel shed adjacent to Phelps Lane being removed and filled in to ensure that vehicular access is not available from Phelps Lane."*

DETAILS:

The proposal involves the reconsideration of the above stated condition (ii) (a), (b) and (c) of the Planning Approval for boundary wall addition to existing single house (application for retrospective approval), which was issued under delegated authority from the Council on 12 January 2007. This matter is presented to the Council for consideration at the request of the Executive Manager Environmental and Development Services.

The applicant has provided a written submission in regard to the reconsideration of the above condition. The applicant's submission is "*Laid on the Table*" and key points are outlined below:

- The rear (southern) limestone boundary wall was constructed to maintain security and continued amenity in response to a Homeswest development , which is accessed by an underground garage located directly behind the subject place off the Phelps Lane;
- The rear (southern) boundary wall was constructed five years ago when Phelps Lane was an unsealed right of way. Therefore, the wall should be assessed in context with the Local Law Relating to Fences, Floodlights and Other External Lights, which stipulates a height limit of 2.4 metres as per the previous community consultation correspondence;
- Precedents exist where the approval has been granted for maximum boundary wall heights to be exceeded;
- The provision of a visual truncation is impractical as it would involve realignment of the boundary wall and would block access to an active sewerage drain;
- The removal of the roller door to the rear garage is impractical as it provides the only unrestricted access point for trades and maintenance purposes. The applicant does not own a car and uses the garage for storage and has off-street parking facilities along Harold Street; and
- The applicant has advised that in-lieu of the required truncation that they would be willing to install a pair of bollards or sign to indicate a potential vehicle access point.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Town's Street Walls and Fence Policy No. 3.2.5 - Height	Maximum height 1.8 metres	2.73 metres	Not supported – Refer to “Comments”.
Visual Truncation	Walls or fences to corners of street intersections, secondary streets, rights-of-way or communal streets, which do not provide frontage, so that adequate sightlines are provided at vehicle access points, to be provided with minimum truncations 1.5 metres by 1.5 metres	No truncation provided	Not supported – Refer to “Comments”.
Consultation Submissions			
At the request of the Executive Manager Environmental and Development Services the matter has not been re-advertised. The previous submissions received during the period of Community Consultation, which was undertaken between the period of 30 October 2006 to 13 November 2006 and again between 17 November 2006 to 2 December 2006, have been summarised below.			
Support (6)	<ul style="list-style-type: none"> • Recent development along lane is higher than the wall in question. • The wall provides protection from the Homeswest development. • The garage provides no greater threat than other garages along the Right of Way (Phelps Lane). • The wall is aesthetically pleasing. 		Noted.
Objection (2)	<ul style="list-style-type: none"> • No visual truncation has been provided. • The wall produces too much visual bulk to the Lane. • There are bollards in front of the wall, which is in conflict with the Town's policies. • There is a tree growing through the wall, which has the potential to push the wall over. 		Noted.

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

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

COMMENTS:

It is understood from correspondence with the applicant that the rear (southern) limestone boundary wall was constructed prior to the dedication of Phelps Lane. Should an application have been submitted for the wall prior to the dedication of Phelps Lane, it would have been assessed in accordance with the Town's Local Law Relating to Fences, Floodlights and Other External Lights which sets a maximum height for fences to be 2.4 metres. However, the Town's Technical Services have advised that the Council approved dedication of the right of way (ROW) as a road before the limestone wall was built. Notwithstanding this, since the rear access is dedicated as Phelps Lane, the application was required to be assessed in context with the Town's Street Walls and Fence Policy No. 3.2.5, which stipulates a height limit of 1.8 metres.

In accordance with the Town's Visual Sight Line Truncations-Driveways and Rights of Ways Policy No. 2.2.12 the acceptable sight line truncation for low to medium peak vehicle generation is 1.5 metres by 1.5 metres. This requirement is to ensure adequate visibility of pedestrians, cyclists or other vehicles by the driver of the vehicle exiting the parking space and also provide an opportunity for the exiting vehicle to be detected prior to entering the road or pathway. In the case of a ROW, this truncation area can be reduced to 1 metre by 1 metre. The narrower the access point into the road/ROW, the greater the necessity of a visual truncation.

The truncation can be achieved by either setting the wall or fence on the alignment resulting from the 1 metre by 1 metre offset, or by making the fence visually permeable.

Although the applicant claims that the metal shed with roller door is not a garage but a storage shed, it resembles a garage and is capable of serving as a garage and it is highly likely that it will be used as such by future owners should the property pass hands. Therefore, it has been recommended that the applicant either remove the roller door and replace it with a "personnel door" thereby retaining access from Phelps Lane, or retain the garage amenity and modify the boundary wall to comply with the Town's visual truncation Policy.

In light of the above, it is recommended that the Council approves the above application with conditions requiring the applicant to comply with the Town's Street Walls and Fence Policy No. 3.2.5 and Visual Sight Line Truncations-Driveways and Rights of Ways Policy No. 2.2.12 in accordance with the Officer Recommendation; and authorises the Chief Executive Officer to proceed with legal proceedings should the subject works not be complied with.

10.1.8 Nos. 30 & 32 (Lots 63 and 64 D/P: 96734) Knebworth Avenue, Perth - Change of Use from Two Single Houses to Unlisted Use - Short Term Accommodation (Application for Retrospective Approval)

Ward:	South	Date:	17 April 2007
Precinct:	Hyde Park; P12	File Ref:	PRO3846; 5.2006.621.1
Attachments:	001		
Reporting Officer(s):	O Hammond		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

(i) *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 the owners C J & M J Allen for Change of Use from Two Single Houses to Unlisted Use – Short Term Accommodation (Application for Retrospective Approval), at Nos. 30 and 32 (Lots 63 and 64 D/P: 96734) Knebworth Avenue, Perth, and as shown on plans stamp-dated 22 December 2006, for the following reasons:

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the Town's Policy relating to Short Term Accommodation; and*
- (c) *consideration of the objections received; and*

(ii) *the Council ADVISES the applicant and owners that the short term accommodation use shall cease within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above short term accommodation use remain after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the Chamber at 7.00pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.02pm.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

ADDITIONAL INFORMATION:

The assessing Planning Officer conducted an internal site visit on 24 April 2007, and identified that the actual floor plan of the 'dwellings' differ to that shown on the plans. The differences are indicatively demonstrated on the attached plans.

The total number of bedrooms per 'dwelling' has also increased to six (6), therefore resulting in a rise in the car parking requirement from three (3) on-site car bays per 'dwelling' to six (6) on-site car bays per 'dwelling'. Further investigations are also required to determine whether the current floor plan layout comply with the relevant planning, building and environmental health requirements.

Landowner:	C J & M J Allen
Applicant:	M J Allen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Two Single Houses – Short Term Accommodation
Use Class:	Unlisted Use – Short Term Accommodation
Use Classification:	"SA"
Lot Area:	214 square metres each
Access to Right of Way	East side, 3 metres wide, sealed, privately owned

BACKGROUND:

- 15 November 2006 Complaint received by the Town in regard to noise and irregular traffic movement generated from 2 short-term rentals being conducted in two (2) single houses.
- 11 December 2006 The Town responded to the compliant by requiring the owners to lodge an application for short term accommodation or lodging house within 14 days of the letter.
- 15 December 2006 Complaint received by the Town in regard to noise and disregard from tenants towards the residents who reside along the street. Concern at the fact that Knebworth Avenue is a residential street not otherwise.
- 19 December 2006 Due to second complaint the application was denied an extension of time period to lodge change of use application.
- 28 December 2006 Application for change of use lodged by the owners of Nos. 30 and 32 Knebworth Avenue."

DETAILS:

The proposal involves two (2) single houses being used as short-term accommodation dwellings. The applicant's submission and management plan are "*Laid on the Table*".

ASSESSMENT:

Note: The proposal involves each of the existing two (2) single houses being used for short-term accommodation, and the following Assessment Table reflects the non-compliant requirement situation for each dwelling's short-term accommodation.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Maximum Number of Persons	6 Persons	9 Persons	Not supported – undue impact on the area and not in keeping with the definition requirements for short-term accommodation.
Business Management Plan	Control of noise disturbances, compliant management procedure and elimination of anti-social behaviour.	Management Plan submitted with application.	Not supported – management action stated in the plan is the same process which has been underway since the commencement of short-term stay at the property. This process of action has proved not to work for noise disturbances, complaint management procedures, elimination of anti-social behavior and waste management.
Car Parking Management Plan	1 space per bedroom or 1 space per 3 beds provided, whichever is the greatest. 9 beds requires 3 on-site car bays	2 on-site car bays provided (one covered, one in the driveway).	Not supported – insufficient car bays provided creating undue impact on the streetscape and amenity of the area.
	A plan advising occupiers verbally and in writing of the negative impact that inappropriate car parking can have on long term residents. Details to include relevant car parking restrictions applicable to the area.	Advice in writing to tenants that cars parked in front of neighbours driveways will be towed by the Town and receive a fine of \$200.	Not supported – does not detail relevant car parking restrictions applicable to the area and negative impact with inappropriate car parking can have on long-term residents.

Consultation Submissions		
Support	Nil	Noted
Objection (8)	<ul style="list-style-type: none"> • Inadequate Management Plan – <ul style="list-style-type: none"> - Document’s content lacks substance regarding how the site will be managed and supervised. - Document has a series of inconsistent statements including 3 off-street parking facilities and then later stating 2 off-street facilities. - Document does not detail how ‘Zero Tolerance’ will be managed and supervised as the applicant does not reside in Perth. - Though the document states the premises is suitable for 6 to 9 people, there has been occasions where this number has been exceeded due to inadequate supervision by the manager. 	Supported – the steps proposed in the management plan has already proven not to work.
	<ul style="list-style-type: none"> • Inaccurate applicant/owner letter – <ul style="list-style-type: none"> - Contrary to cover letter, there is actually not ‘many rented residence’ in Knebworth Avenue. - Contrary to cover letter, there is not backpackers accommodation in Knebworth Street, rather there is one house rented to overseas students attending nearby international educational colleges. 	Supported – number of objections from adjacent owner-occupiers supports the statement.
	<ul style="list-style-type: none"> • Change of use to short term accommodation is inconsistent with the current use of the other premises in Knebworth Avenue. Majority of premises are owner-occupied. 	Supported – creates an undesirable precedence for the area.
	<ul style="list-style-type: none"> • Increased number of cars generated from the above address places considerable pressure on available on-street parking which is already limited, and places strain on the traffic flow of the narrow street. Tenants at the above property have been known to block residents of Knebworth Avenue’s driveways. 	Supported – increased car parking will create undue impact on the streetscape and amenity of the area.
	<ul style="list-style-type: none"> • Increased noise levels during night and day generated from short-term tenants who have disregard for the living amenity of permanent residents. Noise impacting heavily on residents and families with parties, late night coming and goings, and all-hour departure and arrival from the airport. 	Supported – number of objections raising this point indicate that the noise is impacting on local residents significantly.
	<ul style="list-style-type: none"> • If approved, would set an undesirable precedence in the street for short term accommodation, something which is not desired by the existing residents. 	Supported – undesirable precedence would be set in an already over-utilised street, which is predominantly owner-occupied.

	<ul style="list-style-type: none"> The street is already crowded and short-term accommodation will place unnecessary strain on an already heavily used street. 	Supported – parking on Knebworth Avenue has been an on-going issue for local residents.
	<ul style="list-style-type: none"> Previous usage as short-term accommodation has seen inadequate waste management from tenants, frequent noise disruptions at all hours, and a lack of help from the owner as they live far away and merely turn up to remove the mess at the end of each stay. 	Supported – Management Plan does not detail how this problem will be resolved.
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 proposed change of use is not supported on the basis that it is not considered to provide adequate amenities for existing and prospective residents and it proposes inappropriate variations outlined in the Town’s Policy relating to Short Term Accommodation. On this basis, the application is recommended for refusal.

10.1.5 No.54 (Lot 4 D/P: 3733) Bulwer Street, Perth - Proposed Two (2) Two-Storey with Loft Multiple Dwellings to Existing Single House

Ward:	South	Date:	16 April 2007
Precinct:	Forrest; P14	File Ref:	PRO3751; 5.2006.465.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 S Fitzpatrick on behalf of the owner The Proprietors of Strata Plan 51958 for proposed Two (2) Two-Storey Multiple Dwellings with Loft to Existing Single House, at No. 54 (Lot 4 D/P: 3733) Bulwer Street, Perth, and as shown on plans stamp-dated 29 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) any new street/front wall, fence and gate between the Bulwer 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;*
 - (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 Bulwer Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating all terraces being fully open on at least 2 sides. Where screening is required for privacy reasons, permanent obscure glazing at a height of 1.6 metres may be considered as an open side. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *first obtaining the consent of the owners of No. 48 Bulwer Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 48 Bulwer Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Landowner:	The Proprietors Of Strata Plan 51958
Applicant:	S Fitzpatrick
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	Existing Lot 4- 647 square metres, Proposed subject lot - 299 square metres
Access to Right of Way	North side, 3.0 metres wide, sealed, privately- owned

BACKGROUND:

The Western Australia Planning Commission conditionally approved the survey strata subdivision of the subject lot on 17 February 2007.

DETAILS:

The proposal involves two (2) two-storey multiple dwellings with loft to existing single house at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	Proposed subject lot: 2 dwellings R 80	2 dwellings R 80	Noted- no variation.
Plot Ratio	1.0 - 299 square metres	0.98 - 294 square metres -excludes terraces that have been conditioned to be open on two sides (privacy screens which are 1.6 metres high and of obscure glazing are considered to be open)	Noted- no variation.
Height	7.0 metres	5-8.7 metres	Supported - no undue impact, existing 4 storeys building at rear of property and similar bulk to compliant concealed or pitched roof design.
Privacy Setbacks	Outdoor habitable living areas- 7.5 metres	Terraces- 4.8 metres to northern boundary.	Supported- no undue impact as does not overlook habitable areas within the 7.5 metres cone of vision.
Building Setbacks: Ground Floor -East	1.5 metres	Nil-1.7 metres	Supported- no undue impact and no objections received by the affected neighbour.
First Floor -East	3.9 metres (or 1.9 metres if screened to full height)	1.7 metres	Supported- no undue impact and no objections received by the affected neighbour
-West	3.7 metres (or 1.9 metres if screened to full height)	1.7 metres	Supported- no undue impact on neighbouring property.
Loft Floor -West	2.0 metres	1.7 metres	Supported- no undue impact on neighbouring property.
- East	2.0 metres	1.7 metres	Supported- no undue impact and no objections received by the affected neighbour

Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> • Visual Impact 	Not supported- proposal not considered to have an undue impact visually.
	<ul style="list-style-type: none"> • Setbacks 	Not supported- refer to above.
	<ul style="list-style-type: none"> • Character of Streetscape 	Not supported - relevant locality plan generally supports contemporary design and proposal retains existing front house.
	<ul style="list-style-type: none"> • Setting a precedent 	Not supported- proposal not considered to be setting an undesirable precedent.
	<ul style="list-style-type: none"> • Wall height 	Not supported- refer to above.
	<ul style="list-style-type: none"> • Health risk - location of bins 	Not supported- to be addressed via Town Vincent Health Local Law 2004. Notwithstanding this, location of bins has been relocated.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

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

10.1.7 No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth – Change of Use from Single House to Consulting Rooms (Specialist Doctor)

Ward:	South	Date:	16 April 2007
Precinct:	Hyde Park; P12	File Ref:	PRO2470; 5.2007.133.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 REFUSES the application submitted by TPG – Town Planning and Urban Design on behalf of the owner M Duncan-Smith for proposed Change of Use from Single House to Consulting Rooms (Specialist Doctor), at No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth, and as shown on plans stamp-dated 10 April 2007, 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 Town's Policies relating to Robertson Locality, Consulting Rooms and Non-Residential/Residential Development Interface and the objectives of the Town's Town Planning Scheme No. 1;*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
- (iv) consideration of the objections received.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (0-6)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Reasons:

1. Appropriate buffer use between car park and residences.
2. Consideration of sensitivity and privacy of potential patients.
3. Confirmed access over the rear carriageway to Lawley Street.
4. Precedence exists in the area for car parking in the front setback.
5. Appropriate use of site.

ALTERNATIVE RECOMMENDATION:

Moved Cr Doran-Wu, Seconded Cr Ker

That the following alternative recommendation be adopted:

“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 TPG – Town Planning and Urban Design on behalf of the owner M Duncan-Smith for proposed Change of Use from Single House to Consulting Rooms (Specialist Doctor), at No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth, and as shown on plans stamp-dated 10 April 2007, subject to the following conditions:

- (i) this approval is for Consulting Rooms (Specialist Doctor) use only, and any change of use from Consulting Rooms (Specialist Doctor) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) the hours of operation shall be limited to the following times: 9:00am to 6:00pm Monday to Friday, and 9:00 am to 1:00 pm Saturday, inclusive;*
- (iii) the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (iv) a maximum of one (1) qualified practitioner/consultant shall operate at the premises at any one time;*
- (v) a maximum of one (1) room shall be used as a consulting room at any one time;*
- (vi) 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;*
- (vii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ix) the provision of a minimum of two (2) on-site car bays with access from Lawley Street, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (x) no car parking area shall be located within the front setback so to preserve the traditional front garden;*

- (xi) *prior to the first occupation of the development, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *prior to the first occupation of the development, where vehicular access to the property is via a right of carriageway to Lawley Street and the right of carriageway is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have legal right to use the right of carriageway, to the satisfaction of the Town; and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the first occupation of the development. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s)."*

Moved Cr Doran-Wu, Seconded Cr Messina

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

AMENDMENT CARRIED (4-2)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.7

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG – Town Planning and Urban Design on behalf of the owner M Duncan-Smith for proposed Change of Use from Single House to Consulting Rooms (Specialist Doctor), at No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth, and as shown on plans stamp-dated 10 April 2007, subject to the following conditions:

- (i) *this approval is for Consulting Rooms (Specialist Doctor) use only, and any change of use from Consulting Rooms (Specialist Doctor) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*

- (ii) *the hours of operation shall be limited to the following times: 9:00am to 6:00pm Monday to Friday, and 9:00 am to 1:00 pm Saturday, inclusive;*
- (iii) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (iv) *a maximum of one (1) qualified practitioner/consultant shall operate at the premises at any one time;*
- (v) *a maximum of one (1) room shall be used as a consulting room at any one time;*
- (vi) *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;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ix) *the provision of a minimum of two (2) on-site car bays with access from Lawley Street, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (x) *prior to the first occupation of the development, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xi) *prior to the first occupation of the development, where vehicular access to the property is via a right of carriageway to Lawley Street and the right of carriageway is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have legal right to use the right of carriageway, to the satisfaction of the Town; and*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the first occupation of the development. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

SUBSEQUENT MOTION

Moved Cr Lake, Seconded Cr Maier

That the Council AUTHORISES the Chief Executive Officer to review Policy No. 3.4.3 relating to 'Non-Residential/Residential Development Interface' with a view of amending the Policy to allow low impact commercial uses in a residential zone for the one property which is a buffer against a large public car park, and for this matter to be referred to an Ordinary Meeting of Council for consideration and determination by the Council.

Debate ensued.

Cr Lake spoke in right of reply and requested that the word "commercial" be deleted and the words "non-residential" be inserted in its place.

The Presiding Member ruled that he would not accept the proposed change, as he considered she had already closed debate and the right of reply is to be strictly confined to answering previous speakers and rebutting arguments raised by previous speakers and no new matter is to be introduced.

SUBSEQUENT MOTION LOST (2-4)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

ADDITIONAL INFORMATION:

The conditions contained in the 'Proposed Alternative Recommendation' are similar to the draft 'without prejudice' conditions resolved by the Council at its Ordinary Meeting held on 27 March 2007 in relation to the State Administrative Tribunal Review Matter No. DR 57 of 2007, with the following modified conditions:

Condition (ix) - Rear On-Site Car Parking

The Town's Technical Services has further assessed the rear car parking layout and advised that only two (2) car bays that comply with Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - 'Off Street Parking' can be provided at the rear of the site.

Notwithstanding the above, the provision of two (2) car bays on-site will create a resultant shortfall of 0.17 car bay, and the Town's Policy relating Parking and Access states that where such shortfall is less than or equal to 0.5 car bay, no car parking bays or cash-in-lieu of car parking is required.

Condition (ix) reflects the above.

Condition (xiii) - Landscaping

This condition has been added to encourage a traditional front garden and reduce the visual impact of a non-residential development on the streetscape in a Residential zoned area.

Landowner:	M Duncan-Smith
Applicant:	TPG – Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Consulting Room
Use Classification:	"SA"
Lot Area:	498 square metres
Access to Right of Way	N/A

BACKGROUND:

13 February 2007 An application for change of use from single house to consulting rooms (specialist doctor) at the subject property was refused by the Town under delegated authority from the Council 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 Town's Policies relating to Robertson Locality, Consulting Rooms and Non-Residential/Residential Development Interface and the objectives of the Town's Town Planning Scheme No.1;*
- (iii) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
- (iv) *consideration of the objections received."*

19 February 2007 An application for review was lodged with the State Administrative Tribunal (SAT).

7 March 2007 Directions Hearing held at SAT.

27 March 2007 The application for change of use from single house to consulting rooms (specialist doctor) was referred to the Ordinary Meeting of Council as a confidential item as part of the SAT review process.

DETAILS:

The proposal involves change of use from single house to consulting rooms (specialist doctor) at the subject property.

An application for change of use from single house to consulting rooms (specialist doctor) at the subject property was referred to the Council at its Ordinary Meeting held on 27 March 2007 as part of the SAT review where some Elected Members demonstrated general support for the application.

In light of the above, the application is being referred to the Council for its consideration and determination.

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.
Non-Residential/Residential Development Interface Policy	The preservation of a traditional front garden of a former dwelling.	Car bays in the front setback.	Not supported - considered to have an undue impact on the streetscape and surrounding amenity.
Town of Vincent - Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Non-residential use encroaching into a residential area.	Not supported - considered to have an undue impact on the streetscape and surrounding amenity and to undermine the Town's 'Economic Development Strategy'.
Objective of Town Planning Scheme No. 1	<i>'to promote and safeguard the economic well-being and functions of the Town'.</i>	Non-residential use encroaching into a residential area.	Not supported - as above.
Robertson Locality Plan Policy	Front setback areas are to be landscaped and, preferable, devoid of parking spaces.	Car bays in the front setback.	Not supported - considered to have an undue impact on the streetscape and surrounding amenity.
Consulting Rooms Policy	The use of a building for the sole purpose of consulting rooms is not permitted where located in a Residential zone. A minimum of 80 per cent of the total floor area of the building is to be dedicated for residential use. To provide sufficient car parking that is convenient, well designed and does not dominate the streetscape.	No residential component. Car parking in the front setback dominates the streetscape.	Not supported - considered to have an undue impact on the streetscape and surrounding amenity and to undermine the objectives of the Town's Town Planning Scheme No. 1 and 'Economic Development Strategy'. Not supported - considered to have an undue impact on the streetscape and surrounding amenity.

Consultation Submissions	
Support	<p>Nil (Please note that two support submissions were received on 16 March 2007 after the formal advertising period finished and the previous development application was refused under delegated authority).</p> <p>Noted.</p>
Objection (3)	<ul style="list-style-type: none"> • Increase in traffic in the area and adjacent to a residential property. <p>Supported - considered to have an undue impact on neighbouring properties.</p>
	<ul style="list-style-type: none"> • Not in keeping with the streetscape. <p>Supported - car parking in the front setback is considered to have an undue impact on the streetscape and surrounding amenity.</p>
	<ul style="list-style-type: none"> • Parking problems for residents. <p>Not supported - the proposal is compliant with the Town's Policy relating to Parking and Access and is considered to provide adequate car parking.</p>
	<ul style="list-style-type: none"> • Privacy. <p>Not supported - not considered to have an undue overlooking impact on neighbouring properties.</p>
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car Parking Requirement (nearest whole number) -Consulting Room: 3 car bays per consulting room (1 consulting room) - 3 car bays	3 car bays
Apply the adjustment factors	(0.7225)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of 75 car parking spaces) 	2.17 car bays
Minus car parking on-site	6 car bays
Resultant surplus	3.83 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 proposal is not supported as it is considered to have an undue impact on the streetscape and the surrounding amenity and is non-compliant with the Town's Policies relating to Non-Residential/Residential Development Interface, Robertson Locality Plan and Consulting Rooms and the Town of Vincent Economic Development Strategy.

The proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas.

In light of the above, the 3 objections received, and one of general objectives of the Town's Town Planning Scheme being *"to promote and safeguard the economic well-being and functions of the Town"*, it is recommended that the proposal be refused.

10.1.2 No. 38 (Lot: 1 D/P: 8285) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	17 April 2007
Precinct:	North Perth; P08	File Ref:	154-07; 7.2007.5.1
Attachments:	001		
Reporting Officer(s):	L Parker		
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 Residential Design Codes, the Council RECOMMENDS APPROVAL BY AN ABSOLUTE MAJORITY to the Western Australian Planning Commission for the application submitted by D Hayes on behalf of the owner D Novatscou for proposed Survey Strata Subdivision of No. 38 (Lot 1 D/P: 8285) Sydney Street, North Perth, and as shown on plans stamp-dated 25 April 2006, subject to the following conditions:

- (i) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iii) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (iv) the 'Communal Drive' being provided as common property, for proposed Lots 1, 2, and 3, in order to satisfy the requirements for Grouped Dwellings under the Residential Design Codes; and*
- (v) a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
 - (a) development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the grouped dwelling requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) amendment to or repeal of the above provision cannot be effected without the Commission's/Tenant's agreement.*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That clause (v)(b) be amended to read as follows:

“(v) (b) *amendment to or repeal of the above provision cannot be effected without the Commission’s/~~Tenant’s~~ agreement.*”

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (5-1)**

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL BY AN ABSOLUTE MAJORITY to the Western Australian Planning Commission for the application submitted by D Hayes on behalf of the owner D Novatscou for proposed Survey Strata Subdivision of No. 38 (Lot 1 D/P: 8285) Sydney Street, North Perth, and as shown on plans stamp-dated 25 April 2006, subject to the following conditions:

- (i) *the land being filled and/or drained at the subdivider’s cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ii) *all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*

- (iii) *the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (iv) *the ‘Communal Drive’ being provided as common property, for proposed Lots 1, 2, and 3, in order to satisfy the requirements for Grouped Dwellings under the Residential Design Codes; and*
- (v) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
 - (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the grouped dwelling requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission’s agreement.*

Landowner:	D Novatscou
Applicant:	D Hayes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Three Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1022 square metres
Access to Right of Way	N/A

BACKGROUND:

- 12 August 2003 The Council at its Ordinary Meeting recommended refusal of to the Western Australian Planning Commission for the proposed survey strata subdivision of the subject property.
- 12 September 2003 The Western Australian Planning Commission (WAPC) conditionally approved a survey strata subdivision (654-03) of the subject site to create three lots to accommodate the proposed development of three (3) two-storey grouped dwellings. One of the conditions imposed by the WAPC was that *“the applicant obtaining development approval for the development of a dwelling(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes”*.
- 23 September 2003 The Council at its Ordinary Meeting refused an application for the demolition of the original single house and the construction of three (3) two-storey grouped dwellings on the subject lot.

- 27 April 2004 The Council at its Ordinary Meeting approved an application for the demolition of the original single house and the construction of three (3) two-storey grouped dwellings on the subject lot.
- 28 October 2004 The Town issued a Building Licence for the construction of three (3) two-storey grouped dwellings on the subject lot.
- 25 April 2006 Town advice issued to WAPC advising that the Town's conditions of the original subdivision have been met.

DETAILS:

The proposal involves the approval for the subject site to be subdivided into three lots to accommodate the existing development of three (3) two-storey grouped dwellings, which were approved by the Council at its Ordinary Meeting held on 27 April 2004. All conditions of the original subdivision approval have been met, although the subdivision did not proceed and the three year period in which it is valid has since expired; a new approval for the subdivision is therefore necessary.

Clause 20(4)(c)(ii) of Town Planning Scheme No. 1 (TPS1) states that within the North Perth Precinct P8, "After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.04 dwellings/lots R20	3 dwellings/lots R29.35 46.77 per cent density bonus	Supported- <ul style="list-style-type: none"> • An approval (now expired) has previously been issued for the proposed subdivision and its conditions have been met (essentially a re-issue is proposed). • The three existing dwellings on the site were approved on the basis of the proposed subdivision layout.
Plot Ratio	N/A	N/A	Noted

Consultation Submissions	
The proposed subdivision did not require any community consultation.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

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

COMMENTS:

The proposal is similar to the initial subdivision approved by the WAPC in August 2003, despite the Town's recommendations for refusal at the time. This was approved prior to the gazettal of the previous and current scheme amendment to Clause 20(4)(c)(ii) of TPS1 in the Eton Locality. Approval of the development and construction of three dwellings on the subject site has previously been approved and the construction of the three (3) dwellings is completed. As such, the current proposal only seeks to rectify a technicality in terms of the expiration of the WAPC's original subdivision approval. The proposal has met all conditions from the Town for the previous approval and is therefore supported, subject to standard and appropriate conditions.

10.1.4 No. 140 (Lot 46 D/P: 2359) Chelmsford Road, North Perth - Proposed Two Storey Single House (Reconsideration of Condition)

Ward:	South	Date:	17 April 2007
Precinct:	Norfolk; P10	File Ref:	PRO3771; 5.2006.487 .1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 Sam Teoh Architects on behalf of the owner N R Whitehead for proposed Two Storey Single House (Reconsideration of Condition), at No. 140 (Lot 46 D/P: 2359) Chelmsford Road, North Perth, and as shown on plans stamp-dated 17 April 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) *first obtaining the consent of the owners of Nos. 138 and 142 Chelmsford Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 138 and 142 Chelmsford Road in a good and clean condition;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the total height of the western, southern and eastern walls to bedroom 4, TV room, garden roof, within 6 metres of Chelmsford Road, being a maximum of 4.0 metres above 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; and

- (iv) *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 Chelmsford Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

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

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

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Lake, Seconded Cr Maier

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

- "(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the total height of the western, southern and eastern walls to bedroom 4, TV room, garden roof, within 6 metres of Chelmsford Road, being a maximum of 4.0 metres above the natural ground level; or being setback a minimum of 6.0 metres from the Chelmsford Road boundary.*

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

Debate ensued.

AMENDMENT LOST
ON THE CASTING VOTE OF THE PRESIDING MEMBER (3-4)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania (2 votes - casting and deliberative)
Cr Lake	Cr Doran-Wu
Cr Maier	Cr Messina

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Moved Cr Ker, Seconded Cr Messina

That clause (v)(e) be amended to read as follows:

- "(v) (e) the provision of a minimum ~~1.5~~ 1.3 metres by ~~1.5~~ 1.3 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.4

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 Sam Teoh Architects on behalf of the owner N R Whitehead for proposed Two Storey Single House (Reconsideration of Condition), at No. 140 (Lot 46 D/P: 2359) Chelmsford Road, North Perth, and as shown on plans stamp-dated 17 April 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) first obtaining the consent of the owners of Nos. 138 and 142 Chelmsford Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 138 and 142 Chelmsford Road in a good and clean condition;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the total height of the western, southern and eastern walls to bedroom 4, TV room, garden roof, within 6 metres of Chelmsford Road, being a maximum of 4.0 metres above 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; and

- (iv) 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 Chelmsford Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.3 metres by 1.3 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

Landowner:	N R Whitehead
Applicant:	Sam Teoh Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	481 square metres
Access to Right of Way	North side, 4.0 metres wide, sealed, Town-owned

BACKGROUND:

The Town under delegated authority from the Council conditionally approved an application for the demolition of existing single house and construction of a two storey single house at the subject property on 11 January 2007.

DETAILS:

The proposal involves construction of a two storey single house. The applicant has requested that the following previous condition be reconsidered and deleted:

- "(v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the total height of the western, southern and eastern walls to bedroom 4, TV room, garden roof, within 6 metres of Chelmsford Road, being a maximum of 4.0 metres above the natural ground level;"*

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.
Locality Statement	First floor to be setback 6 metres from street. The R Codes state that the maximum height of a building wall for single storey with concealed roof is 4.0 metres. Therefore, building wall exceeding 4.0 metres is considered "two storey" and should be setback 6.0 metres.	Ground floor wall facing street is 4200 millimetres high.	Not supported - undue impact on streetscape and therefore, has been conditioned to comply with single storey concealed wall height as per the R Codes.

Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres	Two boundary walls proposed: Western boundary wall is 3400 millimetres high for 11980 millimetres Eastern boundary wall (garage) is 3146 millimetres high for 5500 millimetres	Supported - no undue impact and no objections received.
Consultation Submissions			
No submissions were received in the original community consultation period.			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

* The 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 planning application for the deletion of the subject condition is not supported and approval for the proposal is recommended with standard and appropriate conditions including the retention of previous condition (v) (now condition (iii)).

10.1.6 Nos. 204-212 (Lot 5545 D/P: Swan) Scarborough Beach Road, Corner Killarney and Matlock Streets, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment

Ward:	North	Date:	17 April 2007
Precinct:	Mount Hawthorn; P01	File Ref:	PRO1943; 5.2007.78.1
Attachments:	001		
Reporting Officer(s):	B McKean, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission (WAPC) for the application submitted by Finlay & Rumble Architects on behalf of the owner Minister for Education for proposed Partial Demolition of and Alterations and Additions to Existing Educational Establishment, at Nos. 204-212 (Lot 5545 D/P: Swan) Scarborough Beach Road, corner Killarney and Matlock Streets, Mount Hawthorn, 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) an archival documented record of the existing toilet blocks to be removed, including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) the proposed building works to be compatible with the existing buildings on site; and*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Landowner:	Minister for Education
Applicant:	Finlay & Rumble Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Public Purposes (Primary School)
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	21848 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 March 2002 Correspondence sent to the Western Australian Planning Commission (WAPC) advising of the Town's recommendation for conditional approval of proposed accessibility toilet addition to existing educational establishment.
- 18 March 2002 The Western Australian Planning Commission granted conditional approval for accessibility toilet addition to existing educational establishment.
- 13 July 2005 Correspondence sent to the Western Australian Planning Commission (WAPC) advising of the Town's recommendation for conditional no objection to library additions to existing educational establishment.
- 29 July 2005 The Western Australian Planning Commission granted conditional approval for library additions to existing educational establishment.
- 13 September 2005 The Council at its Ordinary Meeting resolved to recommend conditional approval for library addition to existing educational establishment.
- 26 October 2005 The Western Australian Planning Commission granted conditional approval for library addition to existing educational establishment.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing educational establishment.

The applicant's submission states that as part of the Department of Education and Training's current amalgamation of the existing Junior and Senior portions of the Mount Hawthorn Primary School Campus, the following works are proposed:

- New administration centre;
- Demolition of existing toilets; and
- New student toilets for the upper and lower campus.

The existing school has 16 classrooms, and with the amalgamation and refurbishment of both the junior and senior administrative areas, a further 3 classrooms will be created. Following the amalgamation, the school will have 19 classrooms.

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

There is a List 3 significant tree on site; however, the Town's Parks Services has advised that the subject tree will not be affected by this proposal.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Non-Residential/Residential Interface: Setback to Killarney Street: -Deck administration building.	to 6.0 metres	4.4 metres	Supported - variation is listed as building height is over 3.5 metres so the upper portion is considered under the provisions of the Locality Statement, which requires upper floor front setbacks to be 6.0 metres. In this instance, the incursion is considered minor and considered to have no undue impact on the streetscape.
Consultation Submissions			
The planning application was not advertised as is being referred to Council for consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -School: 1.25 car bays per classroom provided (19 classrooms) – 23.75 car bays			24 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)			(0.85) 20.4 car bays
Minus car parking on-site			31 car bays
Resultant surplus			10.6 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:

Heritage

The Mount Hawthorn Junior Primary School is listed on the Town's Municipal Heritage Inventory as a Category B – Conservation Recommended place. The Place Record form for the Mount Hawthorn Junior Primary School states that it is '*a good example of an Infants and Primary School in the Interwar Art Deco style, which before the Second World War was a model of its type. The history of the school mirrors the development of the area and the changes in primary education over the past seven decades.*'

The proposal involves the demolition of the two existing brick and tile toilet blocks, the addition of two new toilet facilities along the eastern side of the former Infants School building, a new toilet facility along the northern side of the East Wing building and a new administration building. It is not considered that the retention of the existing toilet blocks is integral to maintaining an understanding of the cultural heritage values associated with the site and, therefore, their removal is supported, subject to a quality archival record being prepared. The proposed new toilet facilities have been designed in a manner that reflect and compliment the form and style of the existing buildings to which they are attached.

It is further considered that the proposed new detached administration building will not have a negative impact on the significance or detract from the prominence of the main Inter-war Art Deco Infants and Primary School building.

In light of the above, it is considered that the new works are acceptable as they do not distort or obscure the cultural significance of the Mount Hawthorn Junior Primary School, or detract from its interpretation and appreciation.

Summary

The proposed development (administration building) is adjacent to the Residential zone along Killarney Street. It is noted that there are no privacy encroachments and the proposal does not unduly affect the amenity of the Residential zone to the north of the subject site.

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.9 Assessment of Development Applications in terms of Adopted Planning Policies

Ward:	Both Wards	Date:	18 April 2007
Precinct:	All Precincts	File Ref:	PLA 0044
Attachments:	-		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Assessment of Development Applications in terms of Adopted Planning Policies; ~~and~~*
- (ii) *REQUESTS that the current assessment practices (as detailed in this report) be included into the Draft Residential Design Elements Policy; and*
- (iii) *ADOPTS the current development assessment practices as detailed in this report in the interim until the formal adoption of the Town's draft Residential Design Elements Policy.*

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

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

“(iii) ADOPTS the current development assessment practices as detailed in this report in the interim until the formal adoption of the Town's draft Residential Design Elements Policy and the appropriate information be included on the Town's website.”

AMENDMENT CARRIED (5-1)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Cr Messina departed the Chamber at 7.45pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.46pm

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.9

That the Council;

- (i) RECEIVES the report relating to Assessment of Development Applications in terms of Adopted Planning Policies;*
- (ii) REQUESTS that the current assessment practices (as detailed in this report) be included into the Draft Residential Design Elements Policy; and*
- (iii) ADOPTS the current development assessment practices as detailed in this report in the interim until the formal adoption of the Town's draft Residential Design Elements Policy and the appropriate information be included on the Town's website.*

ADDITIONAL INFORMATION:

Councillor Maier has requested a 'Proposed Amendment' to modify the Town's Policy No. 3.5.16 - Non-Variation of Specific Development Standards and Requirements, and Policy Nos. 3.3.1 - 3.3.31 - Residential Design Guidelines Locality Statements to reflect the current development assessment practices as detailed in the Agenda Report. This request is considered unnecessary as the subject practices will be incorporated into the Residential Design Elements Policy, and modifying 32 existing Policies will be duplication of work at a time when there are more fundamental strategic priorities and there will be no real saving of time.

Given the limited staff resources in the Town's Strategic Planning Services, it is unlikely that the Residential Design Elements Policy will be completed within the next six months. It is therefore recommended, in the interim, that the Agenda Report acts as the mechanism for the subject practices to be formally adopted by the Council as outlined in the above '*Corrected Recommendation*'.

PURPOSE OF REPORT:

To provide a report to the Council, in response to a Notice of Motion, which requested that the Town's Officers provide a report identifying instances and requirements where the Town Officers' current practice of assessment of development applications is not specified in or not applied from the Town's Planning Policies.

BACKGROUND:

The Council at its Ordinary Meeting held on 13 March 2007, considered a Notice of Motion relating to the subject matter, and resolved as follows:

“That;

- (i) *the Council AUTHORISES the Chief Executive Officer to provide a report identifying any and all instances of;*
 - (a) *where any current practice used in the Officers' assessment of development applications is not contained in a formally adopted policy of the Town; and*
 - (b) *where the current practice of the Officers in the assessment of development applications is not to utilise or apply either any part of, or completely, a formally adopted policy of the Town; and*
- (ii) *the report to be provided to the Council no later than April 2007."*

DETAILS:

The Town Officers' current standard practice of assessment of development applications where instances and requirements are not specified in or not applied from the Town's formally adopted Planning Policies, can be summarised as follows:

Adopted Planning Policy	Policy Requirement	Officers' Standard Practice Assessment Requirement
Policy Nos. 3.3.1 - 3.3.31, inclusive: Residential Design Guidelines Locality Statements	<i>'A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk.'</i>	<i>Mid-block Property - Balconies/Terraces to the upper floors - a minimum of 5 metres to the primary street.</i> This is due to the open nature and limited bulk and scale of balconies/terraces. In addition, this complies with Policy No. 3.2.4 Street Setbacks - Performance Criteria P1, which states <i>'The setting back of building which: ... encourages social interaction and surveillance between dwellings and the street and vice versa'</i> .
		<i>Corner Property - Upper floor of new dwellings at the rear of corner lots with frontage to the secondary street - a minimum of 3 metres from balconies/terraces and 4 metres from the main building to the secondary street.</i> This is due to the above reasons; the narrow depth of most corner lots; the ground floor is permitted to be setback a minimum of 1.5

		metres to a verandah, porch, portico and the like and 2.5 metres to the main building, in accordance with Policy No. 3.2.4 Street Setbacks - Acceptable Development A1.3; and it provides a
		setback transition from the permitted corner dwelling upper floor setback of 1.5 metres to the mid-block dwelling upper floor setback of 6 metres.
Policy No. 3.5.16 - Non-Variation of Specific Development Standards and Requirements	<i>'Minimum total open space (provision - percentage of site area), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.1 Open Space Provision A1 of the Residential Design Codes, or in any applicable design guidelines/elements Policies.'</i>	<i>Alterations and/or additions to existing dwelling with heritage significance - Total open space can be varied, provided the outdoor living area (courtyard) complies with the Residential Design Codes, and the development does not unduly affect the amenity of the area.</i> This facilitates the retention of dwellings with heritage significance while meeting the current living amenity needs of occupiers.
	<i>'Maximum building height for the corresponding maximum permitted number of storeys (Category) for any new dwelling on a generally flat/level site, as stated in Clause 3.7.1 Building Height A1.1 of the Residential Design Codes, or in any applicable design guidelines/elements Policies.'</i>	<i>Second storey additions to existing dwelling - The building height can be varied provided the ground floor to ceiling height is not increased and the second storey floor to ceiling height is minimised, generally 2.4 metres and the overall design and balance of the dwelling is not unduly compromised.</i> This facilitates the retention of dwellings while meeting the current living amenity needs of occupiers.

	<p><i>'Maximum plot ratio as stated for the applicable R Code in Table 1 - General Site Requirements of the Residential Design Codes, or in any applicable design guidelines/elements Policies.'</i></p>	<p><i>Alterations and/or additions to existing dwelling with heritage significance - Plot ratio can be varied, provided the development does not unduly affect the amenity of the area.</i> This facilitates the retention of dwellings with heritage significance while meeting the current living amenity needs of occupiers.</p>
<p>No specific Policy</p>	<p>No specific Policy requirement.</p>	<p>In light of the current practice of the Council in the past several years, the following condition is applied on demolition Planning Approvals:</p> <p><i>'(i) a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence'.</i></p>

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011:

'Natural and Built Environment -

Objective 1.1 Improve and maintain environment and infrastructure -

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Notwithstanding the above, the Town's Officers assess each development application on its merit with a primary planning consideration being that the application of any of the above practices will not unduly affect the amenity of the area, and if the amenity of the area will be unduly affected, the Town's Officers will not apply the practice in that case.

If the Council wishes to formalise the above practices, these can be incorporated into the Draft Residential Design Elements Policy. The Draft Policy is approximately 70% completed, however, the Town does not have any Strategic Planning Officers (due to resignations) and to include the current practices at this point in time will further delay the completion of this project by at least six (6) months.

In light of the above, it is recommended that the Council receives this report.

10.2.1 Review of Road Reserves - Progress Report No. 1

Ward:	Both	Date:	18 April 207
Precinct:	All	File Ref:	TES0310
Attachments:	-		
Reporting Officer(s):	R Lotznicker, J Greenwood		
Checked/Endorsed by:	-	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 1 on the proposed Review of Road Reserves;*
- (ii) *NOTES that;*
 - (a) *the Town's officers wrote to the various Local and State government authorities on 21 November 2006;*
 - (b) *the Western Australian Planning Commission advised, in its letter of 21 February 2007, that a major review of road reserves in the Town of Vincent is simply not possible at this time (however, if the Town of Vincent has urgent need for specific work, and should discuss this with the Director of Urban Transport Systems);*
 - (c) *a meeting is to be arranged, as a matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss widening of road reservations on the Important Regional Roads within the Town but in particular Charles Street, as the Town is in the process of reviewing its Town Planning Scheme;*
- (iii) *ADVISES all respondents of its decision; and*
- (iv) *RECEIVES a further progress report advising the outcome of the meeting proposed in clause (ii) above.*

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Maier

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

- “(ii) (c) *a meeting is to be arranged, as a matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss road widening of ~~road~~ reservations on the Important Regional Roads within the Town ~~but in particular Charles Street~~, as the Town is in the process of reviewing its Town Planning Scheme;”*

Debate ensued.

AMENDMENT LOST
ON THE CASTING VOTE OF THE PRESIDING MEMBER (3-4)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania (2 votes - casting and deliberative)
Cr Lake	Cr Doran-Wu
Cr Maier	Cr Messina

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Moved Cr Messina, Seconded Cr Ker

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

“(ii) (c) *a meeting is to be arranged, as a matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss road widening of road reservations on the Important Regional Roads within the Town but in particular Charles Street, as the Town is in the process of reviewing its Town Planning Scheme;*”

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Moved Cr Lake, Seconded Cr Messina

“(ii) (c) *a meeting is to be arranged, as a matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss road widening reservations on the Important Regional Roads within the Town but in particular Charles Street, and the negative impact of road widening reserves on development within the Town particularly the Town Centres, as the Town is in the process of reviewing its Town Planning Scheme;*”

Debate ensued.

AMENDMENT CARRIED (4-2)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Debate ensued.

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) ***RECEIVES Progress Report No. 1 on the proposed Review of Road Reserves;***
- (ii) ***NOTES that;***
- (a) ***the Town's officers wrote to the various Local and State government authorities on 21 November 2006;***
- (b) ***the Western Australian Planning Commission advised, in its letter of 21 February 2007, that a major review of road reserves in the Town of Vincent is simply not possible at this time (however, if the Town of Vincent has urgent need for specific work, and should discuss this with the Director of Urban Transport Systems);***
- (c) ***a meeting is to be arranged, as a matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss road widening reservations on the Important Regional Roads within the Town but in particular Charles Street, and the negative impact of road widening reserves on development within the Town particularly the Town Centres, as the Town is in the process of reviewing its Town Planning Scheme;***
- (iii) ***ADVISES all respondents of its decision; and***
- (iv) ***RECEIVES a further progress report advising the outcome of the meeting proposed in clause (ii) above.***

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the response received from the Western Australian Planning Commission (WAPC) in reply to the Town's letter of 21 November 2006 requesting consideration be given to widening road reservations within the Town of Vincent.

BACKGROUND:

At the Ordinary Meeting of Council held on 10 October 2006, a Notice of Motion was approved requesting that the Town approach the WAPC, as a *matter of urgency*, to review the widening of road reservations on the following Important Regional Roads within the Town:

- Loftus Street;
- London Street;
- Vincent Street (Leederville Parade to Bulwer Street);
- Bulwer Street)properties adjacent to major intersections – Fitzgerald, William and Beaufort Streets);
- Fitzgerald Street;
- Walcott Street (boundary road with City of Stirling);
- Lord Street;
- Beaufort Street;
- William Street;
- Guildford Road (boundary road with City of Bayswater);
- East Parade (Main Roads WA road);
- Charles Street (Main Roads WA road).

Road reservations in the Metropolitan Region Scheme were last reviewed in 1991. Since this time, the State Government has developed and adopted targets and strategies for reducing reliance on the private car in Perth, including the Metropolitan Transport Strategy (1995) and Network City (September 2004). It was contended that it had become generally accepted that global production of oil would peak in the next ten years or so and then decline, with consequent increases in the price of fuel and the possible uncertainty of supply until possible alternative technologies were developed.

DETAILS:

In accordance with the Council's decision on 21 November 2006, a letter was sent to the WAPC requesting that consideration be given to reviewing the widening of road reservations on Important Regional Roads within the Town, as listed above.

On 21 November 2006, letters were also sent to the following advising them of our correspondence to WAPC and seeking their comments on the Town's suggestion.

- Main Roads WA (in respect to East Parade and Charles Street)
- City of Stirling (in respect to Walcott Street)
- City of Bayswater (in respect to Guildford Road),

Western Australian Planning Commission

An extract from reply received from WAPC dated 21 February 2007 is as follows:

"I note that some of the road reserves mentioned in your letter were reduced during the 1990s as part of the road reserves review implementation project. Modifications made at that time were based on future traffic demand, however, I recognise that thinking regarding land use and transportation is changing.

As you are aware, the Network city strategy seeks to achieve a more consolidated and integrated urban form and increased use of car alternatives such as public transport, walking and cycling. This strategy may require reduced pace for cars, but is likely to also require additional space for higher quality provision for public transport, walking and cycling.

The planning control area on Charles Street is on the priority list for review and finalisation. East Parade is being reviewed in conjunction with Main Roads WA. A major review of road reserves in the Town of Vincent is simply not possible at this time.

We have agreed with DPI to develop a strategy for addressing this issue in the context of Network city. If the Town of Vincent has urgent need for specific work, please discuss this the Director of Urban Transport Systems...."

Main Roads WA

An extract from reply received from MRWA dated 4 December 2006 is as follows:

"Charles Street is an important road under the jurisdiction of Main Roads. It is the southern continuation of Wanneroo Road and connects with Scarborough Beach Road to the west and the Perth CBD and Kwinana Freeway to the South. Main Roads understands that a Planning Control Area has recently been renewed by the Department for Planning and Infrastructure (DPI) for Charles Street.

East Parade is a main road which forms an important connection between the Graham Farmer Freeway to Guildford Road and surrounding areas. This road is currently undergoing an MRS amendment between Guildford Road and Westralia Street. The remaining section from Westralia Street to the Graham Farmer Freeway currently falls under the East Perth Power Station master planning process.

Under a Memorandum of Understanding, road reservation reviews for these two roads are a DPI responsibility.

A reservation review would therefore need to be directed to DPI.

In the meantime, Main Roads has forwarded a copy of your letter to Lindsay Broadhurst, the Director Urban Transport Systems at DPI for his information.

Note: At the time of the preparation of this report, no response had been received from DPI.

City of Stirling

An extract from reply received from City of Stirling dated 5 December 2006 is as follows:

"Thank you for your letter dated 21 November 2006 regarding Town of Vincent's request to the Western Australian Planning Commissioner for a review of important regional reserves in Vincent.

Your information regarding the proposed review has been noted. As Walcott Street is a boundary road between both local governments, the City of Stirling would be fully prepared to participate in the review process and provide any appropriate traffic data for the purpose.

City of Bayswater

An extract from reply received from City of Bayswater dated 4 January 2007 is as follows:

"In response to your letter dated 21 November 2006 regarding your Council's decision to request the Western Australian Planning Commission (WAPC) to undertake road reservation review on important regional roads within your area including Guildford Road.

Please be advised that Guildford Road is under the control of Main Roads WA and you may wish to seek their support. From our perspective, we support a review of the road widening reservation on all important regional roads.

Could you please keep us informed on the WAPC decision.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

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.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In accordance with the Council decision officers wrote to the various state and local authorities regarding a review of the widening of road reservations on Important Regional Roads within the Town. The responses received are included in the report.

WAPC advised that, that a major review of road reserves in the Town of Vincent is simply not possible at this time however if the Town of Vincent had urgent need for specific work, to discuss this the Director of Urban Transport Systems.

It is therefore recommended that officers arrange a meeting, matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss widening of road reservations on the Important Regional Roads within the Town but in particular Charles Street, as the Town is in the process of reviewing its Town Planning Scheme.

10.2.2 Possible Strategies to Reduce Speed Limits on Higher Order Roads within the Town - Progress Report No. 1

Ward:	Both	Date:	17 April 2007
Precinct:	All	File Ref:	TES0173
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** Progress Report No. 1 on Possible Strategies to Reduce Speed Limits on higher order roads within the Town;
- (ii) **NOTES:**
 - (a) *that MRWA are reluctant to support a wholesale reduction in the speed limit on metropolitan/urban District Distributor roads at this point in time; and*
 - (b) *the information contained in the report with regard to the recently held Metropolitan Local Government Safer Roads Forum and the proposal emanating from the forum to trial a 50 kph speed limit on undivided urban arterial roads with a corresponding reduction in the speed limit on access roads to 40 kph as a means of reducing the road toll;*
- (iii) **ENDORSES** the submission of an expression of interest to participate in the Office of Road Safety's proposed Safer Urban Speeds Trial;
- (iv) **ADVISES** the office of Road Safety of its decision and expresses its strong support for the Safer Urban Speeds Trial initiative;
- (v) **REQUESTS** that Main Roads WA review the posted speed limits on both Fitzgerald Street, through the North Perth Commercial Strip, and on Bulwer Street, between Fitzgerald and William Streets, as a matter of **URGENCY** given that the streetscape improvement works have been completed and the vegetation is now established; and
- (vi) **RECEIVES** further progress report/s as further information with regard to the proposed Safer Urban Speeds Trial is received.

Moved Cr Messina, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, **Seconded** Cr Messina

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

- “(v) **REQUESTS** that Main Roads WA review the posted speed limits on both Fitzgerald Street, through the North Perth Commercial Strip, ~~and~~ on Bulwer Street, between Fitzgerald and William Streets and on Beaufort Street in the Mount Lawley Precinct, as a matter of **URGENCY** given that the streetscape improvement works have been completed and the vegetation is now established; and

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) ***RECEIVES Progress Report No. 1 on Possible Strategies to Reduce Speed Limits on higher order roads within the Town;***
- (ii) ***NOTES:***
 - (a) ***that MRWA are reluctant to support a wholesale reduction in the speed limit on metropolitan/urban District Distributor roads at this point in time; and***
 - (b) ***the information contained in the report with regard to the recently held Metropolitan Local Government Safer Roads Forum and the proposal emanating from the forum to trial a 50 kph speed limit on undivided urban arterial roads with a corresponding reduction in the speed limit on access roads to 40 kph as a means of reducing the road toll;***
- (iii) ***ENDORSES the submission of an expression of interest to participate in the Office of Road Safety's proposed Safer Urban Speeds Trial;***
- (iv) ***ADVISES the office of Road Safety of its decision and expresses its strong support for the Safer Urban Speeds Trial initiative;***
- (v) ***REQUESTS that Main Roads WA review the posted speed limits on both Fitzgerald Street, through the North Perth Commercial Strip, on Bulwer Street, between Fitzgerald and William Streets and on Beaufort Street in the Mount Lawley Precinct, as a matter of URGENCY given that the streetscape improvement works have been completed and the vegetation is now established; and***
- (vi) ***RECEIVES further progress report/s as further information with regard to the proposed Safer Urban Speeds Trial is received.***

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of on-going discussions with Main Roads WA in respect of reducing the 60 kph speed limit on District Distributor Roads within the Town and the lodging of an expression of interest to participate in the Office of Road Safety's proposed trial of a 50 kph default speed limit on "undivided urban arterial roads".

BACKGROUND:

In August 2004 Council approved, in part, the following Notice of Motion:

"That the Council;

(i) SEEKS a review of;

(a) 60km/h speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools. In particular, but not to the exclusion of other roads, this review should include the following:

- Beaufort Street, between Walcott Street and Bulwer Street - including the retail strip, St Albans Church and Highgate Primary School and Sacred Heart Primary School (which no longer has a crossing guard at Mary Street);*
- Fitzgerald Street, between Angove Street and Raglan Road - the North Perth commercial centre;*
- Oxford Street, but particularly the sections; 1. between Richmond Street and Leederville Parade - the Oxford Centre and 2. between Anzac Road and Scarborough Beach Road;*
- Bulwer Street, between Beaufort Street and William Street - Highgate Primary School; and*

(b) the placement of 60 km/h signs in those locations, many of which appear to be at inappropriate locations in the heart of the activity centres;"

For the past 2½ years, and in accordance with the above decision, the Town's officers have been engaged in on-going discussions with Main Roads WA (MRWA) to facilitate a 10 kph reduction in the posted speed limit on District Distributor roads within the Town, from the current 60 kph to 50 kph.

In recognition of the little progress achieved to date, representatives from MRWA were invited to attend a meeting of the Local Area Traffic Management (LATM) Advisory Group held on 18 December 2006 in an endeavour to expedite the matter.

Separately to the above, in February 2007 the Town received, as did all Metropolitan Local Governments, an invitation from the Western Australian Local Government Association (WALGA) and the Road Safety Council to attend the Metropolitan Safer Urban Speeds Forum, held 1 March 2007 at the Perth Convention Exhibition Centre.

The purpose of the forum was to outline new road safety initiatives including a proposal to introduce a 50 kph default speed limit on Urban Arterial Roads in conjunction with a 40 kph speed limit of access roads/residential streets.

DETAILS:

Beaufort Street

In accordance with Council's decision of 24 August 2004, the first District Distributor A Road raised with MRWA was Beaufort Street, Mt Lawley, with specific reference to the section through the Mt Lawley Centre Precinct.

The matter first arose when several elected members voiced concerns about the placement of a 60 kph speed limit sign in Beaufort Street, near Barlee Street, south of city bound. The location of the sign is such that it almost encourages motorists to speed up at the very point where they are entering a commercial strip of high pedestrian activity.

The area south of Barlee Street is dominated by eating and drinking establishments with the propensity for pedestrians to make poor decisions when crossing the street.

MRWA's response was (in part):

"As you are aware, the most effective speed limits are those which reflect the driving conditions of a particular road. The imposition of unrealistically low speed limits has only minimal effect on the actual operating speeds chosen by the majority of motorists, unless constant Police enforcement is provided."

The above is essentially MRWA's standard response to all Local Government requests for a reduction in speed limits on District Distributor Roads.

However, in this instance the Town had also advised MRWA of Highgate East State Underground Power Project (SUPP) and the Town's Beaufort Street Streetscape Enhancement Proposal and the potential impact that both projects would have upon the 'road environment'.

As a concession to the Town's repeated requests, MRWA further advised that:

*"In this instance Beaufort Street is a secondary traffic road and the effect of the proposed streetscaping between Chelmsford Road and St Albans Avenue would be assessed after the event. **Therefore, it would be difficult to justify reducing the speed limit to 50 kph at this stage.**"*

Main Roads will undertake a post speed limit assessment six months after the completion of these enhancement works to determine the status of the existing limit of 60 kph in this section of Beaufort Street."

Since the original Notice of Motion in August 2004, the Town has on a number of occasions initiated discussions with MRWA seeking a commitment to reduce the speed limits on the Town's District Distributor Road network.

Note: Unlike a large number of Local Governments, the Town does not have any roads under its care control and management with a speed limit above 60 kph and therefore a 50 kph limit would be consistent across the Town's District Distributor Road network.

In each instance MRWA has declined the Town's requests. Their position is that they will not introduce a blanket speed limit reduction (on District Distributor Roads) as there may be an adverse impact upon the surrounding streets. They argue that there is little incentive for motorists to use the higher order roads if the same speed limit applies on access roads.

Scarborough Beach Road

Further, MRWA's preference is to assess roads segmentally and introduce lower speed limits in appropriate locations. They point to Scarborough Beach Road, through the Mt Hawthorn Centre Precinct, as a successful example. The changes introduced several years ago resulted in the 85% percentile speed dropping below 50 kph, enabling MRWA to reduce the speed limit accordingly.

However, the implications are that in order to justify a reduction in the speed limit on other District Distributor Roads, the Town has to make significant, and potentially costly, changes to the road environment to influence (change) the 'speed environment'. This perception has since been reinforced by MRWA who, when they provided 'in principal' approval to proposed changes in Oxford Street (Richmond Street to Scarborough Beach Road) and Scarborough Beach Road (Killarney Street to Federation Street), indicated that they would review the speed limit once the works were completed.

Therefore potentially Scarborough Beach Road could be:

- 60 kph from Main Street to Federation Street
- 50 kph from Federation Street to Oxford Street; and
- 60 kph from Oxford Street to Charles Street, the extension of which, Angove Street, is already sign posted 50 kph.

Further, there is also a 40 kph School Zone adjacent to the Mt Hawthorn Primary Schools.

Using the above scenario as an example, the Town has argued for reasons of continuity, and by association road safety, that the entire length of Scarborough Beach Road should be sign posted 50 kph, with the retention of the school zone.

Fitzgerald Street

Fitzgerald Street, North Perth, particularly through the North Perth Centre Precinct, and which has recently featured in the local media, is currently a 60 kph zone. The commercial / retail area is characterised by strip development on both sides of Fitzgerald Street, from Burt Street to Raglan Road, while a majority of the pedestrian activity is in the vicinity of the North Perth Plaza and Post Office.

Anecdotally, most people who shop, visit and work in the area would agree that the speed limit is inappropriately high and that existing pedestrian crossing facilities are inadequate. As a result, the Town has met with MRWA in an endeavour to address these concerns. While MRWA has given an undertaking to modify the existing "pedestrian activated traffic signals" so that drivers are more aware of the crossing, MRWA have not, at this time, given an undertaking to review the speed limit.

In fact, unlike Beaufort Street, the onus is on the Town to prove that the speed through the Precinct has dropped as a result of the streetscape enhancement works completed in 2005 before MRWA will consider a reduction. However, as per Scarborough Beach Road, it would only be the immediate commercial precinct and not the entire length of the road.

LATM Advisory Group

In an endeavour to progress the matter, representatives from MRWA were asked to attend an LATM Advisory Group meeting. The Traffic Services Manager – Central, whose area of responsibility includes the Town, duly attended the meeting of 18 December 2006.

While the meeting was very amicable, the outcomes were essentially as per the Beaufort Street and Scarborough Beach Road discussion above, that is, MRWA would assess individual applications only after significant changes had been made to the road environment.

However the Town's WALGA RoadWise representative, who also attended the meeting, advised that WALGA were actively pursuing lower speed limits on District Distributor Roads on behalf of all Local Governments and that MRWA had acknowledged (in correspondence to RoadWise) that if there was significant community support then MRWA would consider it.

It was also ventured at the meeting that as a majority of motorists tended to travel in a narrow 10 kph band either side of the posted speed limit, that sign posting District Distributor Roads at 50 kph would achieve immediate benefits. The argument being on a 60 kph District Distributor Road the 85% percentile speed is in the mid to high 60s, whereas on a 50 kph road it would be in the mid to high 50s. MRWA did not concede the point using the counter argument that unrealistically low speed limits tended to be ignored.

Officer Comment

The conclusion that can be drawn from the above is that MRWA are somewhat reluctant to support a wholesale reduction in the speed limit on metropolitan / urban District Distributor Roads at this time.

MRWA will, however, consider a reduction through precincts of high pedestrian activity where significant changes have been made to the road environment and thereby demonstrating a significant reduction in speed through the precinct.

Therefore, in the short to medium term, in order to achieve lower speed limits on District Distributor Roads, the Town will have to continue to develop and fund streetscape enhancement schemes with the emphasis on the Town Centres.

Metropolitan Local Government Safer Roads Forum.

On 1 March 2007, WALGA and the Road Safety Council, in conjunction with MRWA and the WA Police, conducted a *Metropolitan Local Government Safer Roads Forum* at the Perth Convention Exhibition Centre.

While the Forum discussed the rising road toll and road safety initiatives in general terms, the main item on the agenda was (ironically, given MRWA's involvement) a:

- Proposal to trial a 50 kph speed limit on *undivided urban arterial roads* with a corresponding reduction in the speed limit on access roads to 40 kph as a means of reducing the road toll.

The above agencies endeavoured to conduct a similar trial in the State's southwest in 2006, however, by their own admission they did not promote the concept very well and, as a consequence, no Local Governments took up the offer. They have now turned their attention to the metropolitan area and are seeking an expression of interest from Local Governments to participate.

While the details of the proposed trial are yet to be determined, the primary criteria in selecting a suitable area is that it has "easily defined and legible boundaries".

Further, all the Town's District Distributor Roads fall within the description of an undivided urban arterial road, other than sections of East Parade and sections of Charles Street, both of which come under the care, control and management of MRWA.

Comments

Therefore in light of the above and given that the proposed trial fulfils many of the aims of the LATM Advisory Group, and by extension the Council, the Town's representative (at the Forum), the Manager Engineering Design Services, nominated the Town as being interested in participating in a trial on the understanding that there would be no obligation until the Council had considered and endorsed the proposal.

The Office of Road Safety, in a letter of 30 March 2007, acknowledged the Town's interest and advised that during March and April 2007 they, in conjunction with the Monash University Accidents Research Centre, who will be overseeing the data collection, were assessing the nominated Local Governments for suitability.

It is expected that a decision will be made promptly as it is the Office of Road Safety's intention to make presentations to the successful Councils in April / May 2007 so that the trial(s) can be in place for the new financial year.

While the timeframes as indicated above are 'tight', if the Town is chosen and the Council approves participation in a trial, it is an exciting opportunity to achieve immediate and significant reductions in the speed limits across the Town's Road Network.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

MRWA are responsible for regulatory signing and line marking of all of the state's roads.

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.*

FINANCIAL/BUDGET IMPLICATIONS:

While it is yet to be advised, the trial would be on the understanding that it would be cost neutral to the participating local Government/s.

COMMENTS:

As mentioned in the report, the Town's Local Area Traffic Management Advisory Group, officers and individual Elected Members have for some considerable period of time been advocating lowering the posted speed limit of certain higher order roads within the Town.

While some progress has been made, e.g. Scarborough Beach Road, progress on other roads has been slow. Streetscape improvements have been carried out in sections of Fitzgerald Street and Bulwer Street and planned, however yet to be undertaken, in Beaufort Street. MRWA have previously advised that they will reassess the posted speeds on these roads once the streetscape works have been established.

The information contained in the report with regard to the recently held Metropolitan Local Government Safer Roads Forum and the proposal emanating from the forum to trial a 50 kph speed limit on undivided urban arterial roads, with a corresponding reduction in the speed limit on access roads to 40 kph as a means of reducing the road toll, is greatly supported.

It is therefore recommended that the Council endorses the submission of an expression of interest to participate in the Office of Road Safety's proposed Safer Urban Speeds Trial and advises the office of Road Safety of its decision and expresses its strong support for the Safer Urban Speeds Trial initiative

10.2.4 Investigation of Renewable Energy Use by the Town - Progress Report No. 1

Ward:	Both Wards	Date:	18 April 2007
Precinct:	All Precincts	File Ref:	ENS0119
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 1 on the Investigation of Renewable Energy Use by the Town;*
- (ii) *NOTES the costs involved with the use of “Natural Power” and “Earth Friendly Power” as outlined in the report;*
- (iii) *CONSIDERS feedback received on the use of renewable energy from other Local Governments in Western Australia;*
- (iv) *REQUESTS the Town’s Sustainability Advisory Group to consider the initiative’s relationship to and impact on the:*
 - (a) *Town of Vincent Draft Environment Plan; and*
 - (b) *Cities for Climate Protection Australia program; and*
- (v) *RECEIVES a further progress report/s once the matters have been further investigated.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for the matter to be presented at an Elected Member’s Forum.

**CARRIED ON THE CASTING VOTE
OF THE PRESIDING MEMBER (4-3)**

For
Mayor Catania (2 votes - casting and deliberative)
Cr Doran-wu
Cr Messina

Against
Cr Ker
Cr Lake
Cr Maier

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this Progress Report No. 1 is to provide the Council with an overview of the information associated with the purchase and supply of 'Green Power' to the Town's facilities.

BACKGROUND:

At its Ordinary Meeting of 24 October Council endorsed the following Notice of Motion:

"That the Council;

- (i) AUTHORISES the CEO to prepare a report investigating the implications of having up to 100% of the electricity supplied to Town of Vincent facilities being provided by renewable energy through a government accredited Green Power product and the report to be provided no later than April 2007. The report should:*
 - (a) provide a breakdown, by facility, of the annual electricity use of the Town together with the total annual use of all facilities;*
 - (b) assess the cost implications of a range of percentage commitments to renewable energy supply and identify the potential savings in CO2 emissions;*
 - (c) consider the initiative's relationship to and impact on the:*
 - (1) Town of Vincent Draft Environment Plan; and*
 - (2) Cities for Climate Protection Australia program;*
 - (d) consider feedback on the implementation of the program in other local governments in Western Australia; and*
- (ii) REQUESTS the Town's Sustainability Advisory Group to consider the matter and provide comments."*

The information provided in this report has been researched "in-house" as no funds were allocated to carryout this project (as it resulted from a Notice of Motion after the adoption of the Annual Budget). Accordingly, it has been carried out when times and priorities have allowed. Due to a lack of resources and funds, a breakdown of the annual electricity use for Town facilities has not been possible.

In 2006 Western Power Corporation was split into four (4) independent operating divisions. The respective business units are responsible for power generation, distribution and retailing.

Synergy Energy is the retail corporation responsible for the marketing and selling of 'Earth Friendly' and 'Natural Power' products on behalf of Verve Energy, who are the generating division.

In accordance with the aforementioned Notice of Motion, Synergy Energy has provided indicative information on the costs to the Town to use either 'Earth Friendly' or 'Natural Power'.

DETAILS:

Synergy Energy essentially has two products that it retails as being environmentally sustainable energy, 'Earth Friendly' and 'Natural Power'.

In respect of both products, Synergy* provides the following descriptions:

* Note: A majority of the following information has been sourced and edited from Synergy's website.

Earth Friendly

Earth Friendly (power) is generated in the traditional way, but all the emissions created in the production of the energy is offset by Synergy contributing to greenhouse gas reduction programs, making Earth Friendly (power) greenhouse gas emission neutral.

Earth Friendly (power) is the only certified Greenhouse Friendly energy product in Western Australia. To achieve and maintain certification, Earth Friendly can only invest in abatement projects that have been rigorously assessed and approved by the Greenhouse Friendly Program.

The energy generated, albeit coal-fuelled, solar, wind, hydro, etc, is fed into the South West power grid and it is a mix of these energy types that is delivered to the customer. However, by purchasing 'Earth Friendly' power you are balancing out the environmental impact of producing the energy by contributing to activities that reduce the greenhouse gases in the environment.

The cost of Earth Friendly power is an extra 1.98c per unit. Synergy also allows customers the option of purchasing a set proportion of their power usage as Earth Friendly, 10%, 25%, 50%, 75% or 100%.

Some of the greenhouse gas reduction projects, as certified by the Greenhouse Friendly Program, that Synergy contributes the surcharge to include:

- Sequestration - creating permanent tree plantations to absorb and store carbon dioxide
- Methane flaring - extracting and burning methane so that it does not reach the atmosphere
- Landfill diversion - reducing the amount of material in landfill that could produce methane
- Fuel substitution - converting coal or oil to gas, so fewer emissions are created

Currently Synergy are concentrating on Methane flaring projects as Methane is considered more damaging to the environment than carbon dioxide.

The purchase of Earth Friendly power entitles the customer, in this instance the Town, to Greenhouse Friendly logo below (conditions apply).



Natural Power

Natural Power is energy that is generated from renewable sources, sources that cannot be depleted or can be replaced, such as solar and wind. Generating renewable energy produces no greenhouse gas and therefore has minimal impact on the environment.

Natural Power is accredited by the National Green Power Accreditation Program and currently Synergy's Natural Power product is the only Western Australian sourced accredited Green Power.

When purchasing Natural Power, Synergy guarantee that the energy will be sourced from renewable sources and will increase the overall amount of renewable energy in the grid.

Essentially, the more Natural Power sold the greater the amount of renewable energy will go into the grid, and the less coal-fuelled energy will be required to meet future needs. Reducing the amount of coal-fuelled energy will in turn reduce the greenhouse gas emissions.

Synergy's Natural Power surcharge is an extra 3c per unit used. As with Earth Friendly power, the customer has a choice of a set proportion of their energy usage being sourced from renewable energy, 10, 25%, 50%, 75% or 100%.

Synergy invests the surcharge in purchasing 'certified' renewable energy, which in general is more expensive to produce. Further Natural Power is only purchased from 'new' sources of energy generation commissioned after 1 January 1997, to stimulate and support development of the renewable energy industry.

The purchase of Natural Power entitles the customer, in this instance the Town, to Green Power logo below (conditions apply).

**Cost Implications for the Town**

There are many options open to the Town if it were to consider purchasing either of the above products.

It can be purchased on a case by case basis, such as the Town's Administration and Civic Centre, or across the board, for the Town's total facilities power consumption.

The following table, as supplied by Synergy illustrates the cost of both products and the savings in CO2 emissions (Tonnes/CO2e) for the above.

Note: This excludes street lighting

Green Energy quote - All Town facilities

Annual consumption (kWh)	4,311,336				
Minimum Green Power Requirement	10%				
Additional cost/pa (inc gst)	10%	25%	50%	75%	100%
Natural Power at 3c/kwh	\$12,934	\$32,335	\$64,670	\$97,005	\$129,340
Earth friendly at 1.98c/kwh	\$8,536	\$21,341	\$42,682	\$64,023	\$85,364
Emissions prevented/avoided per annum (Tonnes/CO2)	428	1069	2138	3207	4277

Green Energy quote - 244 Vincent St, Leederville

Annual consumption (kWh)	52,644				
Minimum Green Power Requirement	75%				
Additional cost/pa (inc gst)	10%	25%	50%	75%	100%
Natural Power at 3c/kwh	NA	NA	NA	\$1,184	\$1,579
Earth friendly at 1.98c/kwh	\$104	\$261	\$521	\$782	\$1,042
Emissions prevented/avoided per annum (Tonnes/CO2)	5	13	26	39	52

Pricing as at November 2006. *subject to change.*

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives – 1. Natural and Built Environment;

1.1.4 Minimise negative impacts on the community and environment

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

FINANCIAL/BUDGET IMPLICATIONS:

If all of the Town's facilities were to be powered by natural Power the additional cost per annum would be about \$129,500. If only the Town's administration centre were to be powered by natural Power the additional cost per annum would be about \$1,600.

These costs would be reduced if the Council chose to use "earth friendly power" to about \$85,000 and \$1050 respectively.

No allowance has been made for this initiative in the draft 2007/2008 operating budget.

COMMENTS:

Due to current workload, this interim report includes some indicative costs of using Natural power and Earth Friendly power. Due to other priorities and a lack of qualified staff, further investigation, as requested, needs to be undertaken. Also, the Sustainability Advisory Group has not met to discuss this matter, due again to workload and lack of staff.

10.3.3 Hyde Park Stage Upgrade

Ward:	-	Date:	11 April 2007
Precinct:	-	File Ref:	ADM0014
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the revised design of the Hyde Park Stage Upgrade;*
- (ii) *NOTES that the Heritage Council of Western Australia supports in principle the revised plans for the new stage;*
- (iii) *APPROVES the amended design of the Hyde Park Stage as shown in Appendix 10.3.3; and*
- (iv) *AUTHORISES the Chief Executive Officer to call tenders for the construction of the stage.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.04pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.07p.

**CARRIED ON THE CASTING VOTE
OF THE PRESIDING MEMBER (4-3)**

For
Mayor Catania (2 votes - casting and deliberative)
Cr Doran-wu
Cr Messina

Against
Cr Ker
Cr Lake
Cr Maier

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

PURPOSE OF REPORT:

To present to Council a report on the outcome of the community consultation on the Hyde Park Stage design upgrade

BACKGROUND:

At the Ordinary Meeting of Council 24 October 2006, the following recommendation was adopted:

“That the Council;

- (i) RECEIVES the report on the outcome of the community consultation on the design of the Hyde Park Stage upgrade;*
- (ii) REVIEWS the design of the Hyde Park Stage in the light of the comments from the Heritage Council of WA;*
- (iii) NOTES that a further report will be reported to Council on the outcome of the review, in December 2006; and*
- (iv) AUTHORIZES the Chief Executive Officer and the Mayor to negotiate with the Heritage Council of Western Australia with a view to addressing the Heritage Council’s issues and report back to Council with a suggested design for the stage.”*

At the Ordinary Meeting of Council 25 July 2006, the following recommendation was adopted:

That the Council;

- “(i) RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.5 with universal access to back of house; and*
- (iii) ADVERTISES the design for community comment (including receiving comments from the Heritage Council of Western Australia) for a period of twenty one (21) days.”*

Furthermore included is a summary of the project to date.

In 2002 the Rotary Club of North Perth submitted a proposal to upgrade the existing stage area in Hyde Park to be co-funded with the Town of Vincent. The area has been the main entertainment area for the annual Hyde Park Community Fair held on the Labour Day long weekend. The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus. The current stage is a small raised concrete and bitumen platform framed by rails, which was constructed circa 1989.

The existing stage is recognised as an intrusive element in the Hyde Park Conservation Plan, which was prepared for the Town of Vincent by Kelsall Binet Architects in 2003. In its current form, the stage is in need of a major upgrade to provide a safe performing arts area within the park. Thus this proposal aims to upgrade and expand these facilities such as additional stage structures. The proposal includes an upgrade of the existing stage area incorporating a new stage floor, a back of house area and a visually lightweight roof structure.

In 2002, the Town established a working group comprising the Town's Executive Manager Corporate Services, Manager Community Development, and Manager Parks Services together with representatives of the rotary Club of North Perth to progress the project. TAFE representative Maxine Massey, a Central TAFE lecturer from the Centre for Architectural Technology and Building Studies, was later invited to attend the group meetings to provide professional advice on design and layout during the development of the brief and the selection process. In collaboration with the above people the project has developed and the final design has been prepared by Peter Hunt Architects.

At its Ordinary Meeting held on 27 April 2004, the Council adopted in principle the recommendations and guidelines contained within the Conservation Plan for Hyde Park, prepared by Kelsall Binet Architects in 2003, subject to consideration of other factors relating to economic, social and environmental matters. The Conservation Plan identifies the existing stage as an intrusive element in the landscape and provisions in Policy 26 of the Conservation Plan state that *'the opportunity exists for the removal or intrusive elements to reveal significant fabric'*. In direct relation to the stage the policy further states that *'the removal of the existing stage area and permanent pipe rail frame and replacement with a more unobtrusive, low-key element or temporary structure'*.

In regard to new structures, Policy 45 of the Conservation Plan states *'Where essential new structures or buildings need to be constructed in the park they should be limited in size and scale and when possible they should be of a light weight construction that could easily be removed when required with the least damage to the significant fabric'*. A copy of this Policy from the Conservation Plan is enclosed for your information.

As seen from above, the Town has been involved in the development of the Hyde Park Stage Upgrade for a number of years and has aimed to prepare a design for the stage, which is sympathetic to the significance and character of Hyde Park. The proposal whilst aiming to improve the amenities of the Park does not satisfy recommendations in the Conservation Plan.

As stated in the resolution of the 25 July 2006 the design of the Hyde Park Stage was advertised for a period of 21 days on the Town's website.

At the close of the advertising period there were eight submissions received. Six of these were received from the community, two Elected Members included additional comments on the design, one made a submission in regard to potential noise issues.

The Heritage Council of WA were asked for their approval as Hyde Park is listed on the State Register of Heritage Places. The permanent listing of this place on the Register occurred in October 1998.

In accordance with Section 78 of the Heritage of Western Australia Act 1990 all proposals for development of State listed properties are required to be referred to the Heritage Council for advice.

Approximately 700 letters, including a copy of the design, were distributed to surrounding residents. The concept design was also displayed in the foyer of the Town of Vincent Civic Centre and on the Town's website for a period of 21 days.

DETAILS:

Following the Council resolution the Town's staff contacted the Heritage Council to try and arrange a meeting to discuss Heritage Council issues. The Heritage Council advised that they had already outlined their concerns in their previous correspondence.

The relevant Town Staff held a meeting with the Architect on 15 February 2007 to address the comments from the Heritage Council on the stage.

Design issues:

- A sail type roof required for the area of the stage would need scaffolding and craneage, therefore the 'clip' system would not be suitable. The height and span of the sails and roof also have OHS implications. The span of the stage is not suitable for a sail because of wind factors.
- A retractable roof is extremely expensive, a mechanised roof structure poses ongoing costs and is not suitable in a park environment (e.g. with leaves and berries).
- A retractable blind option would not be suitable for anything wider than 2.5 to 3 metres in width and therefore not suited to the stage.
- Sail cloth/removable option would obscure more of the view and there would be issues of electricity and lighting needs of the user groups.
- Louvres are not possible as the mechanised span is too great.
- Preferred blade structure suits the brief in terms of minimum stage requirements, safety and preservation of sight/view. The blade roof could be adjusted to suit the requirements of the Heritage Council, colours of the roof blade can be specified according to their preference. The central avenue through to the stage, when not in use, maintains a vista through to the lake.

Landscape:

- Greater clearance from the significant trees (Juniper) to be provided.
- Ramp from the stage to be connected to existing path network and thus creating buffer to nearby tree roots as well as addressing universal access to/from the stage.
- An amended plan prepared - Option B Revision 23.02.07, which includes garden kerbing moved away from the significant tree by over a metre and the ramp and universal access installed.

The following letter dated 26 February 2007 was sent to the Heritage Council to address their concerns.

"1. *That the introduction of a sensitively designed stage facility would not be inconsistent with the cultural heritage significance of Hyde Park as a venue for fairs, festivals and public/private ceremonies.*"

The Town appreciates the Heritage Council's recognition of Hyde Park as a space for many activities and the needs of various users. The revised plans have attempted to respect the significance of the park as well as address the concerns raised through community consultation, Town of Vincent Council feedback and Heritage Council advice.

"2. *That, as a built element introduced into the landscape setting of Hyde Park, the current proposal requires further consideration for the following reasons:*

a. *That proposal is in conflict with several policies in the Hyde Park Conservation Plan (Kelsall Binet Architects, 2003) including Policies 18, 26, 28 and 45."*

The Town is aware that the proposed stage may be in conflict with some aspects of the above mentioned Policies. Responses to each are listed below:

"b. *The introduction of a permanent fixed roof canopy over the stage has the potential to distort and obscure the cultural significance of the place and detract from its interpretation and appreciation (Policy 18). The alternative option of a removable stage roof canopy arrangement should be explored to address this conflict.*"

and

"c. *The feasibility of limiting the stage structure to a temporary, lightweight facility that is easily erected and dismantled for specific events (Policy 45) should also be examined as the Development Committee remains unconvinced about the need for a permanent, roofed stage structure.*"

Policy 18 and 45: The introduction of additional structural work to the existing stage has attempted to minimise distraction or distortion of significant vistas and views through the park.

Removable and alternative roof structures have been investigated and discussed at length by the Town, including removable sails, louvers and blind-like designs. In addition to construction and maintenance costs, there are environmental concerns about the suitability of a mechanised roof structure in this location.

Occupational Health and Safety concerns regarding removable roof structures come into consideration when dealing with heights of more than 4.0 metres. Any structure of this height requires a qualified person to erect and dismantle the structure, which is beyond the resources of the Town or the pragmatics of the facility.

On-site storage and impact on surrounding landscaping when erecting and dismantling such a structure was also a consideration. For alternatives such as sails or louvers, the span of the stage makes it unsuitable without substantially increasing supporting structures, which would add bulk and scale to the overall design.

The introduction of the proposed new structure has been limited in size to reduce the impact on the park, despite requests from some users for a larger, more sophisticated facility. For instance, built change room facilities have been removed from the design and substituted by soft "natural" screening using vegetation more suitable for the park and reducing the need for built form, as well as cost.

"d. *The design and location of the proposed stage and canopy will interrupt the vista from the stage area of Hyde Park down to the Eastern Lake thus obscuring and [sic] important views to and from the site. (Policy 28)*"

Policy 26: the opportunity to remove the structures identified in the Conservation Plan as 'intrusive' is possible when these structures can be easily removed without impact on services or users. In the case of the stage, its location is predetermined and utilising the existing facility reduces impact on the park in addition to reducing costs. The Town does not believe there is a justifiable opportunity to relocate or remove the stage, despite it being identified as an 'intrusive' element in the Conservation Plan (Policy 26).

Views to and from the lake have been considered and although the roof structure is solid (for environmental, financial and social reasons outlined above) the design of the stage allows for through-views when not in use. This is achieved by not providing any permanent stage 'backdrop'. In this way, it is possible to stand on the stage platform with a backdrop of the lake.

Policy 28: Utilising the existing stage facility reduces the impact on the landscape elements and open spaces, both of which are identified in the Conservation Plan as significant elements. The current stage location is also a suitable location which minimises impact on nearby residents and views from major roads, such as Vincent Street and William Street.

In addition, the 'blade' design of the proposed roof structure may be angled to best suit the views considered to be most impacted on by the introduction of the structure.

However, as there are many views and vistas through the park at which point the stage may intersect, it would be appreciated if additional feedback from the Heritage Council could guide the Town in regards to which vistas are considered of primary importance.

To date, the Town has placed most consideration on the views from the north, near Vincent Street, down to the lakes, and from the stage centre point through to the lake 'backdrop'. Efforts have also been made to reduce the impact of views from the audience area in front of the stage to the 'wings' or periphery of the stage and vice versa.

- "e. *The opportunity to reveal significant elements presently obscured by the existing obtrusive stage will not be realised with the new design. (Policy 26)*"

The Town does not believe that there are any significant elements "presently obscured by the existing obtrusive stage" that could be realised with a new design. If the Heritage Council is able to specify what these significant elements are which are considered to currently be obscured by the existing stage that would be appreciated.

- "f. *The proposal may have an adverse impact on the rare and significant Juniperus Virginiana (Pencil Juniper). We recommend that specific arboricultural advice be sought on this aspect of the proposal*"

Protection of significant vegetation is a primary concern to the Town's Parks Services and the amended plans show an adjustment to the location of the stage so as to protect this particular vegetation.

The Town's Technical Services and Community Development Services have also requested adjustments to Universal Access, comprising of the ramp from the stage. The ramp previously led directly into grass and tree-roots, however this too has been amended to connect with existing paths. This provided added circulation and access for people, in addition to protection for the vegetation."

A letter dated 20 March 2007 was received by the Town from the Heritage Council stating:

"The Heritage Council's Development Committee considered the matter on Tuesday, 20 March 2007. The Committee resolved to advise the Town of Vincent that the development referral is supported.

The Development Committee supports in principle the revised plans for the new stage and considers it to be a significant improvement to the existing stage which is considered intrusive in the Conservation Plan (Kelsall Binet Architects. 2003).

The new design is considerate of the impact of the design on the landscape and it takes into consideration the significant Juniperus Virginia (Pencil Juniper)."

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan - 2005-2010 - Key Result Area 1 - Environment and Infrastructure

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

(h) Continue to design and implement infrastructure improvements for public open space."

FINANCIAL/BUDGET IMPLICATIONS:

Additional funds of \$90,000 have been included in the Draft 2006/07 Budget to match the \$50,000 to be carried forward. The total funds available therefore for this project is \$140,000.

COMMENTS:

The Community Consultation submissions on this matter have shown there are divergent views of the proposed design for the Hyde Park Stage. The letter from the Heritage Council requires that the proposed design needs amendment prior to the Heritage Council approval. The North Perth Rotary Club are still requesting a more significant feature with changerooms, this is unlikely to meet the Heritage Council and Conservation Plan requirements. It is recommended that the proposed design be reviewed to meet the Heritage Council and Conservation Plan requirements.

10.4.2 Statutory Review of Local Laws and Proposed New Dogs Local Law

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

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to Section 3.16 of the Local Government Act 1995 has advertised its intention to review its local laws and NOTES that no submissions were received at the close of the statutory six (6) week public consultation period of the proposed review of the Town's Local Laws; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 advertises on a Statewide basis:*
 - (a) *its intention to repeal its Local Law Relating to Dogs published in the Government Gazette on 23 May 2000 and amended from time to time;*
 - (b) *its intention to ADOPT a new Dogs Local Law as shown in Appendix 10.4.2 to provide for the regulation, control and management of dogs and kennel establishments in the district;*
 - (c) *advising that a copy of the proposed local law may be inspected or obtained from the Town's Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
 - (d) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iii) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

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

- "(ii) (b) *its intention to ADOPT a new Dogs Local Law as shown in Appendix 1.4.2 to provide for the regulation, control and management of dogs and kennel establishments in the district subject to clause 5.1 being amended to read as follows:*

"5.1 Places where dogs are prohibited absolutely

Subject to the provisions of the Commonwealth Disability Discrimination Act, 1992, and to the power of the WA Minister for Local Government to grant exemptions under Section 8 of the Dog Act 1976 for specified (assistance) dogs:

- (1) *Dogs are prohibited absolutely from entering or being in any of the following places –*
- (a) *public building, shop or business premises, with the exception of a shop or business premises where dogs are sold;*
 - (b) *a theatre or picture gardens;*
 - (c) *all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;*
 - (d) *a public swimming pool; and*
 - ~~(e) *a house of worship;*~~
 - ~~(f) *a building site where every part of the fence is not of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, that prevents the dog from passing over, under or through the fence; or*~~
 - ~~(g) *land which has been set apart by the local government as a children's playground." ...;*~~

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *pursuant to Section 3.16 of the Local Government Act 1995 has advertised its intention to review its local laws and NOTES that no submissions were received at the close of the statutory six (6) week public consultation period of the proposed review of the Town's Local Laws; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 advertises on a Statewide basis:*
 - (a) *its intention to repeal its Local Law Relating to Dogs published in the Government Gazette on 23 May 2000 and amended from time to time;*

- (b) *its intention to ADOPT a new Dogs Local Law as shown in Appendix 1.4.2 to provide for the regulation, control and management of dogs and kennel establishments in the district subject to clause 5.1 being amended to read as follows:*

“5.1 Places where dogs are prohibited absolutely

Subject to the provisions of the Commonwealth Disability Discrimination Act, 1992, and to the power of the WA Minister for Local Government to grant exemptions under Section 8 of the Dog Act 1976 for specified (assistance) dogs:

- (1) *Dogs are prohibited absolutely from entering or being in any of the following places –*
- (a) *public building, shop or business premises, with the exception of a shop or business premises where dogs are sold;*
 - (b) *a theatre or picture gardens;*
 - (c) *all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;*
 - (d) *a public swimming pool; and*
 - ~~(e) *a house of worship;*~~
 - ~~(f) *a building site where every part of the fence is not of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, that prevents the dog from passing over, under or through the fence; or*~~
 - ~~(g) *land which has been set apart by the local government as a children’s playground. ...”;*~~
- (c) *advising that a copy of the proposed local law may be inspected or obtained from the Town’s Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
- (d) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iii) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town’s Local Laws and for the Council to approve of the advertising on a Statewide basis its intention to adopt the revised Dogs Local Law.

BACKGROUND:

At the Ordinary Meeting of the Council held on 26 July 2005 the Council considered the matter and resolved as follows:

“That the Council;

- (i) *RECEIVES the report relating the Statutory Review of Local Laws;*
- (ii) *pursuant to Sections 3.16 of the Local Government Act 1995 the Council AUTHORISES the Chief Executive Officer to advertise, for a period of six (6) weeks, its intention to review the following Local Laws;*

• <i>Airconditioning Units</i>	• <i>Alfresco Dining</i>
• <i>Beatty Park Leisure Centre</i>	• <i>Display of Items on a Footpath</i>
• <i>Dogs</i>	• <i>Fences, Floodlights and Other External Lights</i>
• <i>Halls and Centres</i>	• <i>Parking Facilities</i>
• <i>Parks and Public Reserves</i>	• <i>Property Numbers</i>
• <i>Removal and Disposal of Obstructing Animals or Shopping Trolleys</i>	• <i>Removal of Refuse, Rubbish and Disused Materials</i>
• <i>Street Lawns and Gardens</i>	• <i>Street Trading</i>
• <i>Streets and Footpaths</i>	• <i>Verandahs and Awnings Over Streets</i>

- (iii) *GIVES Statewide public notice that:*
 - (a) *the local government proposes to review the local laws;*
 - (b) *a copy of the local laws may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local laws may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (iv) *RECEIVES a further report at the conclusion of the advertising period.”*

DETAILS:

A review of all the local laws has been carried out by the Town’s officers. The Town has used the Western Australian Local Government Association’s (WALGA’s) Model Local Laws and modified them to suit the Town’s requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government’s local laws.

The process has taken longer than anticipated due to the review being carried out “*in-house*” by the Town’s officers.

All local laws have now been reviewed and it is proposed to progressively submit these to Council for approval over the period April to June 2007 (to allow for an acceptable workload).

Dogs Local Law

The proposed Dogs Local Law is straight forward and is almost identical to the Town's previous local law (although the clause numbering is different). This local law is based on the WALGA Model Local Law.

The main changes in the reviewed local law are an increase in penalties for offences in respect of which modified penalties applies, as follows:

Offence	Nature of offence	Current Local Law Penalty \$	Proposed Modified Penalty \$	Proposed Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorised release of a dog from a pound	-	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	-	200	400
3.1	Failing to provide means for effectively confining a dog	100	100	200
4.9	Failing to comply with the conditions of a licence	50	100	200
5.1(2)	Dog in place from which prohibited absolutely	50	200	400
6.1(2)	Dog excreting in a prohibited place	50	100	100

The proposed fees are consistent with the Model Local Law and are considered acceptable, given that there has not been any increase since 2000.

There are no kennel establishments in the Town.

CONSULTATION/ADVERTISING:

The Town's intention to review its local laws was advertised on 10 August 2005 in The West Australian Newspaper and on 12 August 2005 in the Voice News and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week public consultation period on 5 October 2005, no submissions were received.

LEGAL/POLICY:

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*
- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –
 - (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

NCP Public Benefit Test

The provisions relating to the administration of dogs and dog kennels are contained in the model “Dogs” local law produced by WALGA. This has been assessed for any public benefit test ramifications.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 “*Manage the organisation in a responsible, efficient and accountable manner*”.

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

Now that the statutory review has been completed, it is recommended that the reviewed and revised Dogs Local Law be advertised for public comment.

10.4.3 Strategic Plan 2006-2011 – Progress Report for the Period 1 January 2007 – 31 March 2007

Ward:	Both	Date:	18 April 2007
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Executive Managers		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2006-2011 for the period 1 January 2007 – 31 March 2007 as shown in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Maier departed the Chamber at 8.17pm.

CARRIED (5-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies. Cr Maier was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January to 31 March 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 November 2006, the Council considered the matter of its Strategic Plan and resolved *inter alia* as follows:

“That the Council;

- (i) NOTES that no submissions were received concerning the Draft Plan for the Future; and*
- (ii) APPROVES BY AN ABSOLUTE MAJORITY to adopt the Plan for the Future as shown in Appendix 10.4.3 and as previously circulated to Elected Members and “Laid on the Table”, subject to the following amendments; ... ”*

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted a Plan for the Future at the Ordinary Meeting of Council held on 21 November 2006. The Town's Strategic Plan 2006-2011 forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to the Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2006 – 2011.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

10.4.4 Investigation of Small Business Initiatives – Progress Report No. 1

Ward:	Both Wards	Date:	16 April 2007
Precinct:	All Precincts	File Ref:	ADM0085
Attachments:	-		
Reporting Officer(s):	V Lee, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 1 – Investigation – Small Business Initiatives;*
- (ii) *NOTES that the Town's Administration has been unable to complete this project due to a lack of staff and resources; and*
- (iii) *CONSIDERS the funding and timeline of the project during the consideration of the Draft Budget 2007/08.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Cr Maier returned to the Chamber at 8.19pm.

Moved Cr Ker, Seconded Cr Messina

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

“(iv) INCLUDES in the scope of the project, investigation of the Town’s website as a portal for the Town’s Town Centres and for individual businesses operating within the Town.”

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) *RECEIVES Progress Report No. 1 – Investigation – Small Business Initiatives;*
- (ii) *NOTES that the Town's Administration has been unable to complete this project due to a lack of staff and resources;*

- (iii) *CONSIDERS the funding and timeline of the project during the consideration of the Draft Budget 2007/08; and*
 - (iv) *INCLUDES in the scope of the project, investigation of the Town's website as a portal for the Town's Town Centres and for individual businesses operating within the Town.*
-

PURPOSE OF REPORT:

To provide an interim/progress report to the Council, in response to a Notice of Motion, concerning initiatives to assist small business registration, investigate possible sources of funding from the federal government "Regulation Reduction Incentive Fund", and explore a partnership with other local governments.

BACKGROUND/DETAILS:

The Council at its Ordinary Meeting held on 7 November 2006 considered a Notice of Motion relating to the subject matter, and resolved as follows:

"That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate and prepare a report which includes;*
 - (a) *to investigate initiatives to help small business registration;*
 - (b) *possible funding through a grant from the federal government "Regulation Reduction Incentive Fund";*
 - (c) *exploring a partnership with other local governments (eg City of Stirling);*
- (ii) *REQUESTS the initiatives to consider and include (where practicable);*
 - (a) *ending the need for small business to apply for annual signage approval renewals;*
 - (b) *an online self assessment tool to help business owners determine the feasibility of a business within a particular locality;*
 - (c) *a "self assessment" enquiry tool into the Town's website;*
 - (d) *an assessment tool which will check the Town's zoning database to firstly establish any conflict in zoning and also other technical requirements (including parking details, disabled access, signage, or food establishment standards;*
 - (e) *information useful for business planning and marketing initiatives;*
 - (f) *a link into the Town's Administration and also a business directory;*
 - (g) *information concerning building approvals data, a commentary on trends, demographics and business mix; and*
- (iii) *CONSIDERS the report no later than April 2007."*

DETAILS:

This Notice of Motion was received after the adoption of the Town's Budget 2006/07 and as such, no funds were allocated for this project. It was intended to carry out this project "in-house" using the Town's existing staff and resources, however this has not been possible due to the chronic lack of Planning staff in the Town's Strategic Planning Section and the complexity and enormity of the project. Furthermore, the Town's Strategic Planners have been concentrating on the review of the Town Planning Scheme and finalisation of the Residential Design Elements, as Council has requested these be given a high priority.

As the Council is aware, the Chief Executive Officer reported to the Ordinary Meeting of Council held on 10 April 2007, the situation relating to the staffing levels and the lack of suitably experienced employees, particularly in the Planning, Building and Heritage Section. Furthermore, the Town's Administration has been under extreme pressure to maintain efficiency in the Statutory Planning Section to process development applications, within a reasonable timeframe and also, to complete the Town's Municipal Heritage Inventory. At present, the Town does not have any Strategic Planners and a recruitment drive is in place. Unfortunately, it will be some time before suitably qualified Planners will be employed and it is highly unlikely that this project can be completed "in-house" in the short term.

Accordingly, it is recommended that the Council consider the funding and timing for this project during the Budget 2007/08 process.

CONSULTATION/ADVERTISING:

Not required at this stage.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Strategic Objectives:

- "2.1 Progress economic development with adequate financial resources -*
- 2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.*
- 2.1.2 Develop and promote partnerships and alliances with key stakeholders.*
- 2.1.3 Promote business development.*
- 2.1.4 Identify the needs and expectations of the business community and facilitate outcomes in the Town.*
- 3.1 Enhance community development and well being -*
- 3.1.3 Determine the requirements of the community.*
- 3.1.5 Focus on community and customer needs, values, engagement and involvement."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil, at this stage.

COMMENTS:

The Town's relevant service areas have undertaken discussions to investigate the various issues contained in the subject Notice of Motion. It is disappointing that the Town's Administration has been unable to carry out work to progress this project due to a severe shortage of professional staff and a lack of "in-house" resources. However, the Chief Executive Officer believes it is highly unlikely that this project can be completed "in-house" without adequate resources being provided.

Accordingly, it is recommended that the matter be further considered during the draft Budget 2007/08.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Helen Doran-Wu – Request for Consideration of a Members Equity Stadium Precinct and Associated Policy and Guidelines as part of the Town Planning Scheme Review

That the Council AUTHORISES the Chief Executive Officer to:

- (i) *consider the development of a Stadium Precinct, as part of the Town Planning Scheme Review, in an area bordered by Stirling Street, Newcastle Street, East Perth/Midland Railway line, Summers Street, and Bulwer Street and Members Equity Stadium; and*
- (ii) *develop a separate Policy and Guidelines for a Stadium Precinct, with the aim of ensuring the development of a “Living Stadium” in an area that will enable appropriate and sustainable economic, environmental and social development of the Stadium and surrounding areas.*

COUNCIL DECISION ITEM 11.1

Moved Cr Doran-Wu, Seconded Cr Ker

That the motion be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ii) be deleted and a new clause (ii) added as follows:

- “(ii) *INVESTIGATE what is meant by the term “Living Stadium” and to provide a report to Council which defines what is understood by the term and the implications on the area around Perth Oval if Perth Oval was to become a “Living Stadium”.*

Debate ensued.

AMENDMENT LOST (1-5)

For

Cr Maier

Against

Mayor Catania

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Messina

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Debate ensued.

The Presiding Member advised that the motion would be considered in two parts.

Clause (i) was put.

Clause (i) CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Clause (ii) was put.

Clause (ii) CARRIED (5-1)

For

Mayor Catania

Cr Doran-Wu

Cr Ker

Cr Maier

Cr Messina

Against

Cr Lake

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.2 URGENT BUSINESS: Waste Management Operations – Purchase of One (1) second hand 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck
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Ward:	Both	Date:	20 April 2007
Precinct:	All	File Ref:	TES0222
Attachments:	-		
Reporting Officer(s):	R Lotznicker, C Economo		
Checked/Endorsed by:	J Giorgi, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Purchase of One (1) second hand 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck for the Waste Management Operations;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to purchase a Refuse Collection vehicle at a cost of less than \$100,000 and the purchase be funded from the Waste Management Reserve Fund;*
- (iii) *AUTHORISES the Chief Executive Officer and Executive Manager Technical Services to purchase a suitable second hand Refuse Truck for less than \$100,000; and*
- (iv) *RECEIVES a further report on the fleet requirements for the Waste management Service once the operations in the new areas of the Town have been in place for at least six (6) months*

COUNCIL DECISION ITEM 13.2

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.42pm.

Debate ensued.

Journalist Lindsay Mc Phee left the meeting at 8.44pm.

CARRIED BY AN ABSOLUTE MAJORITY (5-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE:

The purpose of this report is to provide information on the plant requirements to undertake waste management services in the new areas of the Town as from 1 July 2007, and to delegate to the Chief Executive Officer and Executive Manager Technical Services authority to purchase a truck.

BACKGROUND:

Since the announcement that the Town's boundaries will be extended to take in a portion of the Cities of Perth and Stirling, the Town's officers have been investigating the current waste management requirements in these new areas. Following the consideration of various options, it has been determined that as from 1 July 2007, to be able to effectively service the new areas without compromising the current service provision, the Town's Waste Management Operations will require an additional side loader rubbish compactor truck.

DETAILS

Current Putrescible Waste collection Service:

The Town's day labour force currently collects the Town's weekly putrescible waste with four (4) trucks which include; two (2) rear loader compactor rubbish trucks (rear loaders) and two (2) side loader compactor rubbish trucks (side loaders). The operation collects about 265 tonnes per week and each truck holds about 8.5 tonnes of putrescible waste. A round trip to Tamala Park can take up to one and a half hours.

Putrescible Waste collection Service - New Local Government Areas:

As from 1 July 2007, the Town's new areas will require servicing and it has been estimated that an additional six (6) loads per week will need to be collected. An additional side loader truck will be required to be purchased to undertake this operation. In addition, at present the Parks Tidy Bin truck is used more and more by the Waste Management Section to undertake the day to day collection in the various developments in the Town.

The current agenda includes a tender item for the purchase of a new side loader compactor rubbish truck to replace an existing truck (in accordance with the ongoing requirements of the Major Plant Replacement Program). The intention is to retain the existing rubbish truck as part of the tender process (when normally this truck would have been traded in).

However, preliminary discussions with suppliers have indicated from the time the tender is approved by the Council the Town is unlikely to receive the new truck until the first quarter of 2008 at the earliest.

Therefore, as an additional side loader compactor rubbish truck would be required for a period of at least eight (8) or nine (9) months, a hire versus buy option was examined.

Additional Side Loader Compactor Rubbish Truck:

A contractor, who the Town has previously hired a 'side arm' truck from, has advised that the hire rate (excluding driver) for a side loader would be in the vicinity \$145.00 per hour given the shortage of these types of vehicles for hire. Therefore, at say 7.5 hours per day, 5 days per week for 9 months the hire cost would be in the order of \$200,000. Even if the hire rate was discounted to say \$100/hour (due to the long term hire arrangement), the cost would still be in the order of \$130,000.

In addition, the waste collection rounds are taking longer due to increased 'in fill' development, and while the current tonnages have not increased dramatically, the 'effort' to collect the waste has markedly increased. There is currently no 'back up' rubbish truck and when there is a breakdown this severely compromises the level of service of the Waste Management operations. Hire vehicles are extremely hard to source at short notice (as previously mentioned) and once sourced they are very expensive to hire. Also, the hours worked on a daily basis by the Waste collection Operators, is increasing and an additional vehicle may also address this matter.

The following is therefore proposed with regard to plant and equipment for the Waste Collection Service.

- 2006/2006: Purchase an additional 'second hand' refuse truck ready for July 1 2007 operation.
- 2006/2007: Refuse Truck currently on budget to replace existing truck – Separate Report on current agenda. When new truck arrives, say in March 2008, officers can decide whether to keep the existing (trade in) vehicle or the second hand vehicle (whichever one is in better condition) as a spare.
- 2007/2008: Budget for new (additional truck). When this refuse truck is purchased officers will sell/trade the better of the two (2) trucks

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

As the proposed purchase amount is less than \$100,000, a tender will not be required. Written specifications and quotations will be used in this instance.

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. "*(g) Review the major plant and light vehicle fleet replacement programs.*"

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of this new refuse truck can be funded from the Waste Management Reserve which has significant funds to cover this purchase as at the end of March 2007 the value of the Reserve was \$1,137,586.

COMMENTS:

As mentioned in the report, as from 1 July 2007 the Town's new areas will require servicing and an additional side loader truck will be required to be purchased to undertake this operation.

It is therefore requested that the Chief Executive Officer and Executive Manager Technical Services be authorised to purchase a suitable second hand Refuse Truck for no more than \$100,000 and that the Council approves the allocation of a maximum of \$100,000 from the Waste Management Reserve for the purchase of the Refuse Collection Vehicle.

At 8.44pm **Moved** Cr Ker, **Seconded** Cr Doran-Wu

That the meeting proceed "behind closed doors" to discuss Confidential Item 14.1 and Item 10.2.5.

CARRIED (5-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 - 31 March 2007

Ward:	Both Wards	Date:	19 April 2007
Precinct:	All Precincts	File Ref:	PLA 0098
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 Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 to 31 March 2007;*
- (ii) *ADVERTISES for public comment in accordance with the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) the following proposed amendments to the Town's Municipal Heritage Inventory:*
 - (a) *DELETE No. 21 (Lot 2) Angove Street, North Perth from the MHI;*
 - (b) *DELETE Nos. 22 - 28 (Lot 24) Angove Street, North Perth from the MHI;*
 - (c) *DELETE No. 129 (Lot 50) Lake Street, Perth from the MHI; and*
 - (d) *ADD Nos. 104 - 106 (Lot 4) Parry Street, Perth onto the MHI as a Management Category B - Conservation Recommended; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the proposed amendments to the Town's Municipal Heritage Inventory having regard to any written submissions; and*
 - (b) *DETERMINES the proposed amendments to the Town's Municipal Heritage Inventory.*

COUNCIL DECISION ITEM 14.1

Moved Cr Doran-Wu, **Seconded** Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of this report is to seek authorisation to commence the advertising of the proposed amendments to the Town's Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI)*.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 January 2006 resolved to adopt the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending the Town's Municipal Heritage Inventory (MHI).

In accordance with section 45 of the Heritage of Western Australia Act 1990, a review was recently undertaken on the Town's Municipal Heritage Inventory (MHI). The review process involved a community consultation period being undertaken from 21 June to 31 August 2006. A series of Council Meetings were held over a six month period in 2006 and 2007 in which the proposed amendments were considered at Council, concluding with a Special Meeting of Council held on 3 April 2007.

At the conclusion of the review of the Town's Municipal Heritage Inventory all further proposed amendments to the Town's Municipal Heritage Inventory are to be considered in accordance with the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) on a quarterly basis.

DETAILS:

The key objectives of the Town's Policy relating to *Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI)* are to:

- 1) Provide a procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory.
- 2) Ensure places are added, deleted or amended from the Town of Vincent Municipal Heritage Inventory following due process.
- 3) Ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory are based on consideration of the cultural heritage significance of the place.

In accordance with the Town's Policy No. 3.6.5 summarised above, Heritage Assessments have been undertaken on the places at Nos. 104 - 106 Parry Street, Perth at the request of the owner to include the place onto the Town's Municipal Heritage Inventory and No. 21 Angove Street, North Perth; Nos. 22 - 28 Angove Street, North Perth and No. 129 Lake Street, Perth at the request of the owners to remove the places from the Town's Municipal Heritage Inventory. A summary of the five properties and the Town's Officer actions and recommendations are detailed below:

No. 21 Angove Street, North Perth

- Shop and attached house constructed c1921 in the Inter-war style of architecture.
- Place identified by consultants in the 2006 review of the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.
- During the consultation period of the review of the Town's Municipal Heritage Inventory no objection was received for the proposed listing of the subject place.
- Place entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 12 September 2006.
- Owner submitted an Application for Deletion Form on 9 February 2007.
- Site visit undertaken on 11 April 2007.
- Draft Heritage Assessment prepared and sent to owners for comment on 13 April 2007. A copy of the Heritage Assessment forms an attachment to this report.
- Recommendation - delete the place from the Town's Municipal Heritage Inventory.

Nos. 22 - 28 Angove Street, North Perth

- Row of shops constructed c1928 in the Inter-war style of architecture.
- Place identified by consultants in the 2006 review of the Town's Municipal Heritage Inventory as a Management Category C - Conservation Encouraged.
- At the request of an Elected Member, the Management Category for the shops was amended from Management Category C - Conservation Encouraged to Management Category B - Conservation Recommended prior to the commencement of the consultation period for the Town's draft Municipal Heritage Inventory undertaken in 2006.
- During the consultation period of the review of the Town's Municipal Heritage Inventory no objection was received for the proposed listing of the subject place.
- Place entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 12 September 2006.
- Owner submitted an Application for Deletion Form on 2 April 2007.
- Site visit undertaken on 11 April 2007.
- Draft Heritage Assessment prepared and sent to owners for comment on 12 April 2007.
- Owner submitted an updated Application for Deletion form on 19 April 2007.
- Recommendation - delete the place from the Town's Municipal Heritage Inventory.

No. 129 Lake Street, Perth

- Semi-detached dwelling constructed in the Late Colonial Georgian style.
- Place identified by consultants in the 2006 review of the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended as a group with the semi-detached dwelling at No. 131 Lake Street and the former shop and attached house and Nos. 133 - 135 Lake Street, Perth.

- During the consultation period of the review of the Town's Municipal Heritage Inventory no objection was received for the proposed listing of the subject property at No. 129 Lake Street. An objection was received for No. 131 Lake Street, which shares a common wall with the subject dwelling, however is on a separate title.
- No. 129 Lake Street, together with Nos. 133 - 135 Lake Street was entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 21 November 2006.
- Town received an email from the owner of No. 129 Lake Street on 1 March 2007 formally requesting that the property be considered for removal from the Town's Municipal Heritage Inventory.
- Owner was advised by the Town's Officers of the procedures available with regards to the consideration of the removal of a property from the Town's Municipal Heritage Inventory were in accordance with the Town's Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) and was forwarded a copy of the Application for Deletion Form.
- At the Special Meeting of Council held on 3 April 2007, Council resolved not to include the property at No. 131 Lake Street on the Town's Municipal Heritage Inventory 2007. As outlined above No. 131 Lake Street shares a common wall with the subject property at No. 129 Lake Street, which is detailed in the Heritage Assessment that forms an attachment to this report.
- Draft Heritage Assessment prepared and sent to owners for comment on 13 April 2007.
- Owner submitted Application for Deletion Form on 17 April 2007.
- Recommendation - delete the place from the Town's Municipal Heritage Inventory.

Nos. 104 - 106 Parry Street, Perth

- Semi-detached pair constructed c1894 in the Federation Style of architecture.
- Owner submitted Nomination Form on 27 December 2006 requesting subject place to be considered for entry onto the Town's Municipal Heritage Inventory.
- Site visit undertaken on 19 December 2006.
- Draft Heritage Assessment prepared and sent to owners for comment on 7 February 2006. No further comments were received from the owner. A copy of the Heritage Assessment forms an attachment to this report.
- Place has *some* cultural heritage significance in terms of its historic value and aesthetic value.
- Recommendation - add the place onto the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.

CONSULTATION/ADVERTISING:

Any proposed amendments to the Town's Municipal Heritage Inventory are to be advertised in accordance with Clause 3 of the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies".

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

At the Special Meeting of Council held on 3 April 2007, it was resolved that the properties at No. 137 Joel Terrace, East Perth; Nos. 102A and 102B Vincent Mount Lawley; and Nos. 1, 3, 7, 9, and 17 Baker Avenue, Perth were to be included on the Town's Municipal Heritage Inventory, against the wishes of the owners. In light of the discussions at the Special Meeting of Council held on 3 April 2007, the Town's Officers are currently in the process of contacting the owners of these properties to discuss the concerns to the listing in more detail and to provide further information on the various development options and financial incentives available for properties on the Town's Municipal Heritage Inventory.

Should the owners continue to object to the listing of their property onto the Town's Municipal Heritage Inventory, alternative approaches will be provided by the Town's Officers, one being the opportunity to submit an 'Application for Deletion' form in accordance the Town's Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI). This will initiate the process for these places to form part of the next quarterly report relating to amending the Town's Municipal Heritage Inventory to be presented to the Council in July 2007.

In light of the above, it is recommended that the Council receives and advertises the proposed amendments to the Town's Municipal Heritage Inventory, in line with the Officer Recommendation.

10.2.5 Street Verge Trees – Tennyson and Galwey Streets, Leederville

Ward:	North	Date:	13 April 2007
Precinct:	Leederville P3	File Ref:	TES0234
Attachments:	001		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

CEO'S RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the street verge trees (Eucalyptus grandis-Rose Gum) in Tennyson and Galwey Streets, Leederville;*
- (ii) *CONSIDERS the trees should be removed as soon as practicable as they are a safety and public liability risk and are causing damage to adjoining private properties and public infrastructure;*
- (iii) *APPROVES the immediate removal of the Rose Gums located on the verge adjacent to Nos. 9, 11, 31, 43 and 50A Tennyson Street and 52 Galwey Street, Leederville due to safety and public liability risks and potential damage to private property;*
- (iv) *CONSULTS with residents in Tennyson Street regarding the replanting of a more suitable native tree species to the street; and*
- (v) *ADVISES residents in Tennyson Street and surrounding streets of the reasons for its decision regarding this matter.*

(Refer to page 39)

At 8.46pm Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer provided comments regarding the Town's liability as outlined in the tabled letter (confidential) from the Town's Insurers.

Debated ensued.

Moved Cr Maier, Seconded Cr

That the recommendation be amended to read as follows:

- (i) *RECEIVES the report in relation to the street verge trees (Eucalyptus grandis-Rose Gum) in Tennyson and Galwey Streets, Leederville;*
- (ii) *CONSIDERS the trees should be removed as soon as practicable as they are a safety and public liability risk and are causing damage to adjoining private properties and public infrastructure;*

- ~~(iii)~~ APPROVES the immediate removal of the Rose Gums located on the verge adjacent to Nos. 9 and 11 31, 43 and 50A Tennyson Street and 52 Galwey Street, Leederville due to safety and public liability risks and potential damage to private property;
- ~~(iv)~~ CONSULTS with the owners of Nos 31, 43 and 50A Tennyson Street and No. 52 Galwey Street seeking their preference for an immediate removal or a phased removal;
- ~~(iv)~~ (v) *CONSULTS with residents in Tennyson Street regarding the replanting of a more suitable native tree species in the street; and*
- ~~(v)~~ (vi) *ADVISES residents in Tennyson Street and surrounding streets of the reasons for its decision regarding this matter.*

The Presiding Member would not accept the amendment as it negates the original motion.

MOTION CARRIED (5-1)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

At 8.55pm **Moved Cr Ker, Seconded Cr Doran-Wu**

That an "open" meeting be resumed.

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 8.55pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
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
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 April 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007