



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 FEBRUARY 2009

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INDEX (24 FEBRUARY 2009)

ITEM	REPORT DESCRIPTION	PAGE
9.1 DEVELOPMENT SERVICES		
9.1.1	Further Report – No. 57 (Lot: 38 D/P: 1577) View Street, Corner Vine Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses (PRO4527; 5.2008.410.1)	96
9.1.2	No. 50 (Lot: 63 D/P: 2334) Sydney Street, North Perth - Proposed Survey Strata Subdivision (66-09; 7.2009.4.1)	19
9.1.3	No. 124 (Lot: 2 D/P: 1777) Loftus Street, North Perth - Proposed Change of Use from Single House to Consulting Rooms and Associated Signage (Application for Retrospective Approval) (PRO2996; 5.2008.582.1)	91
9.1.4	No. 3 (Lot: 13 D/P: 2411) Throssell Street, Perth – Proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Application for Retrospective Approval) (PRO1438; 5.2008.449.1)	22
9.1.5	No. 145 (Lot: 349 D/P: 2355) Walcott Street, Corner William Street, Mount Lawley - Proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Four (4) Offices and Nine (9) Single Bedroom Multiple Dwellings – Amendment to Planning Approval (PRO3807; 5.2007.392.1)	136
9.1.6	No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth - Proposed Demolition of Existing Shop and House (PRO4074; 5.2009.16.1)	150
9.1.7	Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and 123) Broome Street, Highgate - Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings (PRO1307; 5.2008.401.1)	106
9.1.8	No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth - Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 519 of 2008 (PRO0718; 5.2008.490.1)	116
9.1.9	No. 22/663 (Lot: 16 and 17, STR: 10630) Newcastle Street, Leederville - Alterations and Additions to Existing Night Club (PRO0617; 5.2008.555.1)	25
9.1.10	No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/ Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008 (PRO3344; 5.2008.452.1)	155
9.1.11	No. 12 (Lot: 355 D/P: 1939) Milton Street, Mount Hawthorn - Proposed Single-Storey House and Garage – Request from the State Administrative Tribunal (SAT) to Reconsider Decision – Review Matter No. DR 500 of 2008 (PRO3095; 5.2008.448.1)	142
9.1.12	No. 165 (Lot 37 D/P: 3642) Scarborough Beach Road, Mount Hawthorn-Proposed Change of Use from Warehouse to Recreational Facility (Dance Studio) and Associated Alterations in the Anvil Lane Lower Level Floor - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 478 of 2008 (PRO0281; 5.2008.164.1)	84

9.1.13	Draft Affordable Housing Strategy for the Town of Vincent – Progress Report (PLA0178)	160
9.1.14	Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) – No. 290 (Lot 10) Beaufort Street, Perth (PLA0098)	28
9.1.15	Nominations for Community Representative on the Heritage Council of Western Australia (PLA0088)	30
9.1.16	Late Item - Nos. 331-367 (Lot: 21 D/P: 42361, Lot: 100 D/P: 66966) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel)- State Administrative Tribunal (SAT) Review Matter No. DR 28 of 2009	127
9.2 TECHNICAL SERVICES		
9.2.1	Further Report No. 4 - Beaufort Streetscape Improvements – Further Review of Proposed Tree Species (TES0234) Forrest & Mt Lawley Centre Precincts	166
9.2.2	Progress Report No. 1. – Current and future possible Access Improvements between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Centre (TES0015/TES0077) Mt Hawthorn Precinct	172
9.2.3	Tender No 390/08 - Refurbishment of Forrest Park Pavilion, Harold Street, Mt Lawley (TEN0390) Forrest Precinct	32
9.2.4	Tender No 389/08 – Hyde Park Stage Refurbishment (TEN0389) Hyde Park Precinct	178
9.2.5	Progress Report No 2 - Investigation of Schemes for the Provision of Energy and Water Audits for Residents and Business Proprietors in the Town (ENS0106/PLA0175) All Precincts	182
9.3 CORPORATE SERVICES		
9.3.1	Financial Statements as at 31 January 2009 (FIN0026)	40
9.3.2	Investment Report as at 31 January 2009 (FIN0033)	189
9.3.3	Authorisation of Expenditure For The Period 1 – 31 January 2009 (FIN0009)	44
9.3.4	Review of the 2008/2009 Annual Budget (FIN0025)	191
9.3.5	Underground Power: Highgate SUPP Program – Surplus Funds Report (TES 0313)	75
9.3.6	Community and Welfare Grants and Donations 2008/2009 (FIN0182)	47
9.4 CHIEF EXECUTIVE OFFICER		
9.4.1	Town of Vincent Election – 2009 (ADM0030)	202
9.4.2	Matters Approved under Delegated Authority 2008-2009 - Receiving of Reports (ADM0018)	66

9.4.3	Strategic Plan 2006-2011 – Progress Report for the Period 1 October 2008 - 31 December 2008 (ADM0038)	70
9.4.4	Members Equity Stadium Upgrade - Progress Report	205
9.4.5	Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 16 February 2009 (RES0082)	72
9.4.6	Conference: 2009 National Local Government Asset Management and Public Works Engineering Conference (ADM0031)	210
9.4.7	Information Bulletin	74
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	Nil	212
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
11.1	Councillors Ker, Lake, Maier, Youngman – Relating to Members Equity Stadium	212
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
12.1	WALGA Nomination - Seniors Ministerial Advisory Group (ORG0045)	214
13.	URGENT BUSINESS	
	Nil	214
14.	CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("<i>Behind Closed Doors</i>")	
14.1	CONFIDENTIAL REPORT - Parking Issues – Bream Cove, Mount Lawley (PKG0074) Banks Precinct	215
14.2	CONFIDENTIAL REPORT – No. 41 (Lot: 541 D/P: 2177) Federation Street, Mount Hawthorn – Carport Addition to Existing Single House – State Administrative Tribunal (SAT) Review Matter No. DR 514 of 2008 (PRO4539; 5.2008.529.1)	217
15.	CLOSURE	222

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 February 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Izzi Messina – apologies – arriving late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.19pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (from 6.10pm until approximately 10.11pm)

Approximately 36 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

Cr Farrell departed the Chamber at 6.09pm.

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

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

Cr Farrell returned to the Chamber at 6.10pm.

1. John Hockley of 3 Leslie Street, Mt Lawley – Item 9.3.5. Stated he is the co-chairman of the Banks Precinct Group and the circular was not a product of their group. Requested Council reject the Officer’s Report and to return the surplus of the funds to the property owners or at their election, credit the amount to the rates. Stated residents found it hard to pay. Believes it is a levy not a rate and any surplus should be returned. Stated if there was a shortfall in the amount the Residents were quite prepared, and they knew they would have to meet any

shortfall. Advised references to the levy charges were made in the first of the three newsletters which escaped the notice of residents as time went on. Stated Residents need more notice in regard to proposals to take any surplus. Advised he is not aware of any notice sent to rate payers or the Precinct Groups by Council. Stated Residents became confused and upset and he submits better can and should be done in this regard.

The Presiding Member, Mayor Nick Catania stated that he had two points to answer to that, first, we cannot deal with rates, it has to be completely separate as this question has been asked and we have received information in respect to that and secondly, there is an Alternative Recommendation this evening which may alleviate some fears.

2. Shirley Benton of 41 Smith Street, Highgate – Item 9.3.5. Stated she was not responsible for the flier and will not go over what the previous speaker stated however, agreed the money be refunded to the residents. Believed that after her calculations, her block in Smith Street (which has 127 households on property that would normally hold approx. 14 houses) would be around \$381,000 contribution to that one block based on the \$200 that was purported in the flier, which would be a refund of approx. \$25,000. Believes Option 1 (to use the money in public works) from the \$25,000 it would be approx. \$3,500 worth of footpath. Advised she did not included the Homeswest units that are in that block (approx. 110 units) as she is not aware if they were exempt from paying in the first place as she knows the Church was. Stated if they were not exempt, that would make it another \$110,000.
3. Denae Watkins of 9 Barlee Street, Mt Lawley – Item 9.3.5. Believed as a property owner and rate payer, they deserve to have their money returned back to them from the Town. Stated they were overcharged for the underground power project and asked why should rate payers have to pay for the Town's mistake? Stated they paid the money in good faith and on principal they would like the money to be returned as in these hard economic times, every bit of money helps to pay the bills and mortgage. Stated she knows for a fact that there are many elderly people that live on her street, that paid the entire amount upfront and she believes they can do with that little bit of extra money to help pay for their bills etc. Stated she would like the money returned rightfully to the property owner.

The Presiding Member, Mayor Nick Catania advised that, firstly, in relation to the statement of the mistake made by the Town of Vincent; stated the quote was by Western Power and not the Town therefore, it was not a mistake of the Town of Vincent. Western Power assessed the cost, gave it to the Town and that is what was collected. Stated if it has been overcharged and there is some refund due, it was only found out a few months ago. Stated the Town does not quote on those sorts of things, it is Western Power that makes those quotes.

4. Barry Jones of 63 Hobbs Avenue, Dalkeith – Item 9.1.12. Stated this item is on the Agenda from an order by the SAT and the order reads that the Council is invited to reconsider its decision in regard to an application that the applicants of 165 Scarborough Beach Road, Mt Hawthorn, made last year. Stated SAT invites Councillors to reconsider the decision, particularly in the light of the terms of the most recent formal development approval which were issued by Council for the premises in November 2007. Stated originally the application was for a change of use to the property for a dance studio. Referred to an email he sent to the Town that explained that it is no longer a use sought by the applicant and the primary purpose of the application of the SAT is to address the calculation of the parking shortfall for the property. Stated it is on that basis that the SAT has recommended that the Council reconsider its decision and he would urge Council to do so.

Cr Messina entered the Chamber 6.19pm.

5. Sonia Belle of 124 Loftus Street, North Perth – Item 9.1.3. Wanted to highlight to Council the benefits MTM Physiotherapy (MTM) has had, operating at 124 Loftus Street, North Perth for both for the Town’s community and their patients, since commencement in February 2006. Referred to the Consulting Room Policy as a guide:
- (i) To facilitate consulting rooms in an appropriate location; without compromising the amenity of the surrounding areas. Stated 124 Loftus Street is positioned diagonally across from the Loftus Recreation Centre and Library, on the corner of Richmond Street, within 500m of TAFE and various commercial premises, including the Police, hairdresser and Pizzeria.
 - (ii) To maintain the amenity and character of the existing residential area; MTM enhanced 124 Loftus Street, through extensive refurbishment of the existing house in 2005, in order to improve the aesthetics of the character of the dwelling, as well as the appeal of the area for local residents and passer-byes. Stated a large number of their clients and the neighbours comment on the quality fit-out and renovation.
 - (iii) To provide sufficient car parking that is convenient, well designed and does not dominate the streetscape; their parking requirements meet the Town Planning and Access Policy and Australian Standards. Advised car parking is at the rear of the premise, accessed via a right of way and MTM sealed that at their own expense, in turn, improving the streetscape and surrounding areas for both their clients and local residents.
 - (iv) To minimise impact of unreasonable noise on the surrounding neighbourhood; MTM personally contacted all neighbours by registered post in 2005 and spoke to them personally regarding their initial proposal for the change of use to medical consulting rooms and no objections were raised. Advised they maintain contact with their neighbours on a regular basis and have adopted an open communication system encouraging any feedback regarding the possible impact the practice may have on their home and no complaints have been made in the 3 years of operation.
- Stated the retrospective submission was on the owner’s presumption the rooms were granted approval unless objection was received and the error was brought to their attention courtesy of a recent evaluation and acted upon immediately by the owners.

Cr Messina departed the Chamber at 6.21m.

6. Richard Palmer of 7 Vine Street, North Perth – Item 9.1.9. Believed the proposed development is abhorrent and has not changed. Advised he takes issue with the Officers’ who said that the building meets a range of styles which he believe is nonsense and the building does nothing of the sort. Stated it is a commercial style building in a very staid and serene area. Believed it is ridiculous to make that claim and believes the two Councillors who have gone out would probably agree. Advised he had taken photos of another development of 53 View Street and asked who permitted this? Believed it is trashing their area and that he was not made aware of its emerging development. Believed the proposal for No. 57 is more suited to West Perth. Stated that if he had enough money he would approach Mr MacCormac and others associated with the development and offer them 10% more for the property that they have already paid out, but he doesn’t have that sort of money and stated that is how abhorrent he finds the development and stated that if Councillors vote on the other development it will continue the destruction of the area. Photographs were submitted and circulated to Council Members.

Cr Messina returned to the Chamber at 6.22pm.

7. Ian Merker of 106 Broome Street, Highgate – Item 9.1.7. Stated that the item was last discussed on 8 July 2008 and the application was rejected with 5 reasons, non-compliance, no community dividend, no incorporation of heritage issues, objections received and the questionable aesthetics. Does not believe much has changed since then, in the new slightly changed application. Believed Councillors were absolutely correct last time when they said this sort of low quality rental development is not something that enhances the character and unique area of Highgate. Perplexed by the responses i.e. non-compliance has not been resolved at the new development. Believed one of the important items is the aesthetics and it looks dreadful and a minor change in the roof shape does not help, possibly changing exterior circumstances to reflect the colour and building style of many of the character properties in the Street will significantly improve such a development. Believed the use of cream bricks and characterless walls and windows are totally unattractive and in his view degrade the area. Took issue with the comment that there are reduced objections to previous applications. Advised he spoke to Daniella Pirone and the Town was expecting new plans to be developed, and nothing else has happened since however, they should have been submitted, they knew nothing of it. Stated together, with previous objectors, they have had no plans and no request for comment from the Town except a notice sent 2 days ago about tonight's Meeting being on. Believed significant people have put effort into lodging submissions and they don't think it is an acceptable proposal. Believed Council's by-laws gave residents the right to look at proposed plans and either support or reject them in a forum, such as today. Stated he and others have not been notified of the new plans. Asked that the decision on the development be delayed to simply give them time to look at the latest plans and submit proposals and comments as they have done in the past.
8. Maureen Palmer of 7 Vine Street, North Perth – Item 9.1.9. Stated they conducted a survey of people in View and Vine Streets and most had not seen photos of the proposed development and were absolutely appalled. Stated she does not understand very much about architectural details, however claims it is very out of character with the rest of the street. Advised that she noticed with interest that the term "amenities" was given with two definitions in the recommendations, but there is a third definition and it is "*public toilet*" and a public toilet is not needed. Believed with the building there, it would be very easy to find, unlike most public toilets as it sticks out like a "*sore thumb*".
9. Mike Burke of 5 Warreen Place, City Beach – Item 14.2. Advised his friend approached him to help her build a carport – a very simple structure. Stated they drew up plans and submitted them to the Planning Department for approval however, they refused it. Stated there were some reasons to refuse it, so they went back with a revised proposal which was again refused point blank. Advised they are now going to SAT to seek a decision, which he believes they will win. Stated he runs a company called Brain Burke Homes and they build between \$2,000,000 to \$6,000,000 homes and he deals with Council's often to get his designs through and such complicated structures require a lot of time and negotiation. Stated he has never come across planners such as at the Town where there is no negotiation. Stated that Councillors are stewards of the Town and he strongly recommends that they have a look at the way these people perform, as the way they treat rate payers is dismal. Advised he is here to ask that common sense prevail. Stated that they are discussing a carport and as far as he is concerned it complies with all the rules and regulations and reiterated that he has some knowledge about planning issues. Stated that he had come in to ask for some common sense so that maybe Councillors can look at the item and speak to the planners and get the item approved, otherwise it will go to SAT which will waste his and his clients' time, the time of the Council and planners and rate payers money. Believes there is a simple solution and would appreciate the Council look at it.

10. Peter Webb, Planning Consultant on behalf of the owners of 36 Paddington Street, North Perth – Item 9.1.8. Advised that Councillors would have received an email from him introducing himself and running through some of the issues of concern. Stated Councillors would also be aware from the agenda that this matter is before SAT for a second time and SAT have indicated to them and Council's representatives at the mediation conference that, as nothing has changed in this application from the previous decision SAT upheld for them, the reason it was not built was because they ran out of time, however it is now before SAT again and it has been indicated that it will be required to uphold the appeal if it has to go down that route. Requested Council to review its decision. Urged Councillors to look at this closely as the report before them is very comprehensive and they have had a very good relationship with some of the planning staff and they have been working consistently on this. Respectfully seeks endorsement of the Recommendation to approve the development, subject to the reasonable conditions the Officers have imposed which were similar to the conditions imposed by SAT in the earlier matter. Noticed that at the end of the staffs' report to Councillors that there was discussion where SAT had discussed costs and they do not want to go down that route, if they can avoid it. Stated they would prefer to handle this properly, appropriately and professionally. Requested Council to approve the application.

Cr Youngman departed the Chamber at 6.25pm.

11. Peter Goff of MGA Town Planners, 26 Mayfair Street, North Perth – Item 9.1.16. Stated Council may recall this proposal was rejected 16 December 2008 and is now back for reconsideration. Advised that amongst the reasons given for its rejection was the excessive area devoted to the sale of alcohol, a significant change in the culture of the premises, an increase parking shortfall and concern about complaints from neighbours and the effect of the development on the amenity of the area. Stated since the previous Council Meeting, Executives from the Owner, Australian Hospitality and Leisure Group, have met with the Mayor and Senior Officers and some modifications have been made to the plans, which to be considered this evening. Advised as follows:
- (i) excessive area that is devoted to the sale of alcohol – over recent years there has been a major shift in the making of wines, there are a lot of boutique suppliers from Australia – therefore there is a significantly larger range of product on the market. Stated the trend is not only restricted to wine, probably 30 years ago you could only buy Swan products, now you can buy beer from all corners of the globe at liquor outlets and that is the reason for the increased floor space;
 - (ii) the culture of the premises – the proposition is to relocate the pub function back into the heritage premises and to give them a new lease of life. Advised there will be a new bistro for dinning, new court yards and provision for entertainment etc provided in the traditional hotel building of the development. Feels the culture is being retained in that regard and there will, however, be a reduced floor area and therefore a reduced maximum patronage, which should go a long way to improving the situation in terms of complaints from local residents and impacts on amenities;
 - (iii) increase in parking shortfall – the amended plans have been assessed by Council Staff who still come to the conclusion that they are approx. 1/3 of a parking bay short and they are happy to either pay cash-in-lieu or have a condition applied that they take off another 1.5m of floor space, whichever is deemed appropriate.

Cr Youngman returned to the Chamber at 6.36pm.

12. Lisa Grozdanovska of 30/500 Beaufort Street, Highgate – Item 9.1.7. Concurs with a previous speaker that they were not supplied with any plans. Believes since the last time this was on the Agenda nothing much has changed as there are a lot of non-compliance issues that are not supported. Stated that once it all goes through there is no retracting. Advised she lives in a property that has 30 units with not one visitor car bay, therefore if someone wants to visit there is no where to park unless they find street parking or pay for parking. Advised that her parents are pensioners and can never visit her. Believes there are long term ramifications for the decisions, which affect the residents' everyday. Asked Council to bare in mind that the decisions are long standing and referred to the loss of privacy and many other issues with that property. Requested Council ensure they give it serious consideration.
13. Frank Iemma of Oldfield Knott Architects, 567 Hay Street, Daglish – Item 9.1.5. Stated this application is a revisit of a previous development approval that was granted by Council in December 2007. Believes it is the same development bar a few changes, the details of which are contained in the report. Believes the predominant change is a relook at the façade aesthetic in reference to positions of opening on the facades and also treatments to balconies on street frontages. Advised they are happy with the conditions that are contained in the report as they are basically the same as what was granted last time and they thanked Council Officer's for that. Stated the site has probably been seen on the corner of William and Walcott Streets, the old service station has since been demolished and the land has been vacant for sometime. Advised his clients, Match Group as the developers, have signed a contract with a builder and they reached the stage of doing four working drawings for the last development approval therefore, there is a builder in essence ready to go on the project and they are just waiting to sign off on the current amendments before Council and requested the application be endorsed accordingly.
14. Richard Sandle of 34 Paddington Street, North Perth – Item 9.1.8. Thanked Councillors who went to visit the site and requested the Officer's Recommendation be rejected. Believes Council was correct to reject the application on two previous occasions, despite the fact that SAT recommended approval which was conditional. Believes the re-submittal of plans do not show the full conditions and orders that were conditional on that approval and, if they are identical, do not meet SAT recommendations and orders. Stated that several issues have changed; the Design Elements Policy has been issued, which secedes the residential Knutsford Policy. Stated the five adjoining surrounding neighbours of the property, are all very against the development and on both occasions have submitted their objections and are particularly concerned about the loss of amenity which has obviously been taken into consideration in the previous rejections by the Council. Stated that in mediation with SAT with the Town Planner noticed that there has been detailed weight that has been given to the applicants submission. Believes the statements of the neighbouring properties have been brushed over. Asked Council to give consideration to their strong objections. Believes that because of the strange shape of the lot, as it has previously been subdivided before, is the reason why this property must now be on two boundaries and infringe on their privacy.
15. Chris Earls of 156 Loftus Street, North Perth – Petition 5.1. Advised there is a big sign stating that the lots are for sale and the real estate agent is offering developers two options:
 - (i) vehicle access via Loftus Street; and
 - (ii) all vehicle access along the right of way behind 150-164 Loftus Street.Stated the petition addresses concerns about that second option which they believe are serious issues on the right of way for increasing traffic volume, traffic management, pedestrian safety and access rights to the right of way and the current planning guidelines for right of way – they have a residence with no street frontage in that lane. Noted that in 1997 the City of Perth rejected a previous development option which would have increased traffic in that right of way, which is well documented in the petition. Accept that redevelopment can and will happen in their

area, however believe an acceptable and viable development can be made on this site with all vehicle access in Loftus Street as other similar developments further up the road. Believes this will also preserve the current amenity of residents who use the right of way. Urged Council Officers to encourage any potential developers to this option, rather than using the right of way. Understands no formal development application has yet been submitted and they are presenting the petition as the first step in what they hope is an ongoing engagement with Council on these issues. Asked, as rate payers, to be part of the process as they do not want to be part of a newspaper article in six months time about lack of communication and missed opportunity. Stated they are encouraged by the Mayor's words, as quoted in the Perth Voice, and hope other Council Members agree: "*While the proposal appeared to meet all relevant planning rules, they weren't the only consideration. Generally you go by regulation...*". Believes the effect on surrounding neighbours definitely has to be taken into consideration, so discretion is paramount.

16. Domenic Gonsalves of 5 Bream Cove, Mt Lawley – Item 4.1. Asked the Town to formalise parking restrictions at the head of their cul-de-sac. Since 2006 residents of the street have been complaining to the Town about vehicles being parked obstructively at the head of Bream Cove, which is causing inconvenience to all of them. Advised Bream Cove is narrow and an unusual shape, currently being used by three houses, with two more yet to be occupied. Stated parking increases the possibility for collision, as has already been the case, with one resident who was reversing straight out of the garage, collided with a vehicle parked in the head. Advised that in November 2007, following a letter, the Town verbally informed all residents not to park in the head, however it continues. Stated in November 2008, all residents received a letter from the Town stating that in accordance with the Road Traffic Code, it is an offence to park a vehicle in the head of Bream Cove and that parking there is prohibited, however visitors and residents continue to park there. Stated that asking an obstructing vehicle parked in that prohibited area has resulted in Police being called out and has been taken to Court on two occasions, followed by an assault on himself and his wife on 15 February 2009, for having called out the Ranger. Stated that following previous discussions with other residents they are reasonably certain that everyone would be happy to have formalised parking bays on the straight section of Bream Cove and asked the Town to give serious consideration to this request. As suggested previously, this could be achieved by discontinuing the footpath which would be made redundant, following the development of Lot 3, which is now vacant. Advised as for previously stated reasons it is definitely necessary for the head to be designated a no parking area by stencilling or use of minimally obtrusive signage. Believes introduction of a parking amenity on the straight section combined with no parking in the head will satisfy the interests of all residents.
17. Chris Parry – 154 Loftus Street, North Perth – Petition 5.1. Advised that he comes from a small town in the south east, works and shops locally and lives with his wife and daughter, who is schooled locally. Stated he has worked in road safety, crash investigation, community safety and community engagement for over 15 years. Stated he does not know his neighbours well enough to tell their life stories, but trusts and respects them, seeks their advice, asks for their assistance, enjoys their company and their children play and learnt to ride bikes together and get babysat by the eldest – more than just a wave and nod when the notice each other. Stated their dogs play together and they meet for a Jon Pericles fry up and chat about the death of an old tree and marvel at the setting sun on a balmy evening. Stated there is comictivity, spirit and a sense of place in their lane. Believes the technical points addressed in the petition are sound and well reasoned, but he does not know if that is enough. Stated what he knows is that they should be heralded for the way they interact and gravitate. Believes they need protection by the guardians of this municipality. Stated that for any proposed development option, irrespective of unit, townhouse or visitor numbers, he asks to conservatively assume an increase of

20 vehicles. Asked what traffic increase percentage will 20 vehicles add to Loftus Street, with two lane traffic? Stated the nearest intersection for the existing driveway for 166 Loftus Street, home of the proposed development, is more than 130m away. Asked would this traffic increase be noticed if you commuted or lived on Loftus Street and what traffic increase 20 vehicles a day adds to their lane way traffic? Would an increase of more than 200% be noticeable in your street? Stated that this is the call he makes to Council, for development can make and break the biggest and smallest of communities. Requested the lane continue to be a conduit for their safe and harmonious community and let them continue to demonstrate their co-op citizenship and continue to be what other urban dwellers strive to be.

18. Carl Austen of 43 Richmond Street, North Perth – Item 9.1.3. Advised he had not been contacted or consulted by the proponent for the motion in terms of what they do and there is no objection to what they want to do, as long as they do it nicely. Advised that his comments relate to specific aspects of the consultants submissions and the actions that are noted. Regarding the change to the nature of the lane way, requested they make an effort to look after it and maintain it in a reasonable fashion so that it is an addition to the amenity and community rather than an eye-sore as is at the moment. Stated photographs were submitted to Planning Officers to indicate that thus far nothing has been done to maintain the rear of the property. Suggested the language added in terms of the submission, the condition about performing landscaping on the nature strip is that the owners of the business and property maintain it, as they have made no effort to do so in the past four years. Stated maintaining amenity of the area would be appreciated. Believes the plan that was proposed and put to Council was not what was finally built in terms of parking. Stated there was a minor point that the plans were originally proposed might have mitigated the noise and visual pollution from Loftus Street back through the property to the houses behind, in the lane way however, that was not done and how much effect it would have is mute, but no effort has been made to do that. Requested Council consider those comments.
19. Kym MacCormac of 6 Carlton Street, West Leederville – Item 9.1.1. Advised this project was considered and deferred at the last Council Meeting in order to determine the height of the buildings which now show it 7m to the highest point. Stated there was a query on the height of the wall on the western boundary which now shows at 3m above natural ground and both dimensions conform to the maximum permitted heights for each element. Stated there were three main points raised by objector last time.
- (i) Wall on the boundary which is permitted to be 3m high.
 - (ii) Overshadowing of the vegie patch at the rear of the adjoining site however, they are only required to illustrate shadows at noon on 22 June, which is a day unlikely to have any sun. Stated many other jurisdictions elsewhere use the equinox angle of 57 degrees rather than the winter solstice of 33, because at 33 degrees shadows from a cubby-house will cast a shadow. Believes the equinox produces a much more equitable indication of shadowing. Stated the noon diagram shows no overshadowing with a building aligned north-south, they were requested by staff to also illustrate 10am on the same day and the diagram shows that the shadow on the vegie patch is actually produced by the adjoining garage and carport.
 - (iii) Believes the area of glass reveals the real concern, whilst everyone is entitled to their opinion, to suggest that there is too much glass, makes a mockery of the Planners demand for extensive passive surveillance of the street.
- Believes that the proposed building is a contemporary response to the corner site and an appropriate expression of current construction methods and materials reflecting their preferred lifestyle. Advised they have pushed this building around on site for six months, until the staff were finally happy with the outcome and have produced a positive recommendation.

20. Rob Merrey of 34A Bourke Street, North Perth – Petition 5.1. Advised he and his wife moved here from Collie approx. 18 months ago, live in the lane and are the only house in the lane without access to a road. Stated they cannot get to Loftus Street, except through the lane. Advised he only has a one car garage, so any visitors have to park and walk down the lane. Advised he has to go out the front to the letterbox everyday and has two grandchildren that also use the laneway. Advised he signed a petition in favour of not letting anymore cars in there as they have enough traffic in there and it will be a danger of himself, his wife and his children walking in the lane. Requested Council take that into consideration.
21. Justin Anning of 35 Dunedin Street, Mt Hawthorn – Item 9.1.1. Advised all the factual points have been covered and he will try to approach it from a different direction. Advised he lives with his wife and two children and previously owned in Haynes Street, Hardy Street and now in Dunedin Street. Stated the houses being built in View Street are amongst families whose intentions are to live there. Stated whilst peoples preference for design may vary, he feels family values carry on throughout the community. Believes they have always got on well with their neighbours, particularly the elderly, and they try to be an asset to the street community. Stated as for the “public toilet” comment, he would happily open his door to any member of the community who wished to “relieve themselves” verbally or otherwise – *“drop in and make a splash”*.
22. Jordan Ennis of Greg Rowe & Associates, Level 3, 369 Newcastle Street, Northbridge – Item 9.1.11. Stated subsequent to SAT inviting the Town to reconsider the recommendations he notes it is still for refusal. Seeks the recommendation be modified to a more favourable recommendation based on the following; the proposed primary street setback is consistent with general setbacks of single houses within Milton Street. Stated whilst the acceptable to elements under Town’s Local Planning Policy 3.2.1, Residential Design Elements Policy, require dwelling setbacks be based on five adjoining properties and it has been requested that the application be reconsidered based on the performance criteria which is not bound by the existing setbacks of the five adjoining dwellings, but is required to be based on the streetscape as a whole. Advised that the assessment has precluded the dwelling located immediately to the west, which is setback 2m from Milton Street. Stated this assessment has also precluded a number of carports, fences and gatehouses, which must all be included in determining the average setback, based on Residential Design Elements Policy. Stated based on a comprehensive assessment of street setback within Milton Street, a number of group housing developments are under construction which substantially protrude forward of the adjoining dwellings. Stated these variations are much more prominent than the variation their client is seeking and demonstrate that discretion has been exercised. Stated streetscape is not considered to be homogenous, as a number of properties are permitted to be subdivided. Stated there are no dwellings within Milton Street registered on the Municipal Heritage Inventory, on this basis there will be a continuous need to consider the broader context when determining street setbacks. Stated based on modelling provided by the landowner it is considered the setback is consistent with adjoining setbacks and not out of character. Stated the application was advertised and supported by two adjoining landowners suggesting the development meets landowners expectations with streetscape.
23. M Stojavljevic of 12 Milton Street, Mt Hawthorn – Item 9.1.11. Stated they originally had a planning approval and building license for a two story residence in early 2006 and during the next six months landscaping and pool plans were completed and they submitted the pool for approval, dug the hole, poured the concrete pool and had that covered in mesh in late 2006. Advised they then submitted plans to have all the boundary fences removed as they were asbestos and installed brick fences. Advised 3-4 months later they received a letter from Council saying the left hand side wall needed to be cut down to a certain height to allow for a

screen they could view through and the last paragraph of the letter stated that their planning approval had lapsed and that they had to resubmit. Advised he then visited Council to be told that the two story house they had originally had approval for did not comply with new regulations and they could no longer build it. Stated they then appointed a draftsman to look at the different options for the two story house and the plan they have now is the smallest possible house he could build to suit their family needs. Advised he met with Council as he met with them originally and was told the garage could no longer be in front of the door, they have pushed it back. Stated they originally had 3.5m and was told that was not enough and pushed it back to 4.5m. Stated he was advised by Planners to resubmit and 3-4 months later it has now been rejected. Stated the pool was in place in late 2006 (page 62 of the notes) and the second last Officers' comment actually points him out visiting the site on 25 November 2008 and stating the pool was not there. Believes he clearly did not get out of his car because it was there. Stated there has been a temporary fence there for two years and he has cut the grass and cleared the block numerous times, it is a sore point with his direct neighbours, and they are having issues with prowlers getting through the temporary fence to their side of the block. Stated the option from the Planners was to build a carport which he does not feel is secure enough and he would like a roller door so he can secure his house and his small child as he does not want them running around in a carport. Requested Council look at the points he and Jordan have presented and approve the current setback.

24. Craig Ginbey of 34 Joseph Street, West Leederville on behalf of the owners – Item 9.1.7. Believes this has been a long drawn out application that they have been putting forward and they have been speaking closely to the Planning Department. Stated in the five points raised, non-compliances with the state of the assessment tables, these were mainly minor points at the last application and they amended these minor points which is why there has not been a huge amendment in the plans, however the main issue seems to be the façade which they have articulated and changed the roof and also the colour schemes in relation to Crawshore house. Believes it is better development than anything else present in the street and also across the road. Regarding items 2 and 3, he believes these have already been considered and does not feel he needs to elaborate on those any further.
25. Mark Bonini of 61 View Street, North Perth – Item 9.1.1. Stated, quoting from the report, that dwellings along View and Vine Streets are inconsistent in architectural style and both streetscapes contain a mix of developments that vary in height, style and building materials – whilst this is true, they have somethings in common, one being that you can look at any building in View or Vine Streets and say it is a house, however, the proposed building looks like a commercial property to most people who look at it. Stated they all have pitched rooves and this does not, it has a box shaped roof and they do not dominate their neighbours property and streetscape to the extent that this does. Further down the report, it says the proposal is appropriate for View and Vine Streets, particularly as a number of dwellings are screened by the large ficus trees with dense foliage that line the street, these trees have been in the area for 20 years now, and those trees have been disappearing slowly over that time. Stated in discussion with Council Officers, he has been told they are no longer considered appropriate for streets and will in time go away and if the only redeeming feature of this place is that it is screened by trees then he feels it should be rejected.
26. Alessandra Vujasin of 330 Charles Street, North Perth – Item 9.1.6. Approached the microphone and stated she had received a letter from the Town – but was confused and did not understand it. Stated she cannot speak English well.

The Chief Executive Officer read the letter and spoke with Ms Vujasin. He explained that she should call the Town tomorrow and the Town's Officers would assist her. She was satisfied with this.

There being no further speakers, public question time was closed at approx. 7.14pm.

(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 A petition was received from Mr C. Earls of 156 Loftus Street, North Perth together with 12 signatories opposing the proposed use of right of way at rear of 150-164 Loftus Street for sole vehicle access.

Cr Messina departed from the Chamber at 7.14pm.

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

Moved Cr Youngman, Seconded Cr Farrell

That the Petition be received, as recommended.

CARRIED (8-0)

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

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 10 February 2009.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held 10 February 2009 be confirmed as a true and correct record.

CARRIED (8-0)

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

Cr Messina returned to the Chamber at 7.15pm.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Annual Employee Awards – 2008

As you may be aware, the Annual Employee Awards have been introduced as part of the Town's commitment to its Employees which are incorporated in the Town's Guiding Values:

These Guiding Values describe what values are important both individually and as an organisation and are as follows:

- Excellence and Service
- Honesty and Integrity
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment.

The Awards contain a number of categories for both individuals and teams and also recognise that internal customer service is as important as external customer service.

The Awards were presented by the Chief Executive Officer at the Annual Employee Function in late December 2008.

The number of submissions in each category made it extremely difficult to select a winner however, the persons nominated and the recipients were of a high standard and met the criteria.

All Employee of the Month recipients were also automatically eligible to be considered for this Award.

Category 1

Excellence in Customer Service for an Individual to the Residents/Ratepayers/ Members of the Public

Since commencing with the Town this person has demonstrated a willingness to learn and become an integral part of the Team.

This person, on a daily basis, cheerfully ensured that visitors to the Town received a professional and efficient service which reflected positively on the Town. This service is not only reserved for visitors - this person has demonstrated excellent customer service to fellow employees on many occasions.

This Award was presented to Clodagh Burke, Senior Customer Service Officer.

Congratulations Clodagh!

Received with Acclamation!

Category 2

Excellence in Customer Service for an Individual Providing Services within the Organisation

This person has proven themselves to be a diligent employee and provided a high level of customer service, not only within their Directorate but to all employees within the organisation.

This person has willingly taken on many additional duties and carried them out to a very high standard, taken the time to explain processes, follow up on matters and did it all with a smile.

This Award was presented to Kylie Bardon, Executive Secretary Development Services.

Congratulations Kylie!

Received with Acclamation!

Category 3

Excellence in Customer Service for a Section or Group Providing Services to the Residents/Ratepayers/ Members of the Public

This team worked tirelessly in establishing enhancing networks and to provide invaluable resources to the community.

The service they gave provided excellent customer service to the community and is well organised and professionally managed. They have achieved many accomplishments throughout the year.

This Award was presented to the Local History Services Team of Julie Davidson and Maxine Laurie.

Congratulations Julie and Maxine!

Received with Acclamation!

Category 4

Excellence in Customer Service for a Section or Group within the organisation

This Team provided customer service every day to many employees. They have been extremely helpful and efficient when dealing with all enquiries and have gone “above and beyond” normal service to ensure timely responses to requests. This Team was extremely positive with its objectives and reflected the commitment and direction of the Town.

This Award was presented to Property Officer (Projects) – Kon Bilyk and Property Maintenance Officer – Keith Steicke.

Congratulations Kon and Keith!

Received with Acclamation!

Category 5

Best Innovation/Business Improvement by an Employee (non-managerial)

This person has been responsible for a number improvements to the general “*day to day administration*” operating practices and was continually looking at new ways to improve processes and systems resulting in a more efficient and effective facility.

In addition, this person provided a high level of customer service to all internal and external customers and took on many additional duties such as Fire Warden, OSH Rep, First Aid Officer and Grievance Officer.

This Award was presented to George Dennison – Depot Purchasing Officer.

Congratulations George!

Received with Acclamation!

Category 6

Best Innovation/Business Improvement by an Employee (managerial)

This person was constantly striving to find new ways to improve systems and procedures.

A number of new systems and processes had already been implemented which have proven to be successful and resulted in considerable and cost savings for the Town.

This Manager provided clear direction to the Section's employees and ensured that the organisation's documentation was of an extremely high standard.

Since commencing in their role the Section has provided a high level of transparency and accountability – which has received high praise from the Town's Auditors and more importantly, an unqualified Audit Report.

This Award was presented to Bee Choo Tan – Manager Financial Services.

Congratulations Bee Choo!

Received with Acclamation!

Employee of the Year Award 2008

This recipient received a Bank Account for \$500 proudly sponsored by the North Perth Community Bank.

The Employee of the Year Award is open to ALL employees including the "Employee of the Month" who are automatic entries for this Award. It was awarded to the person who was deemed to provide outstanding customer service (both to the community and also within the organisation) and demonstrated the personal qualities in the Town's Guiding Values.

This person demonstrated outstanding customer service at all times and often had to deal with unhappy residents/ratepayers on many different issues. This person is always respectful, kind, professional and assisted above and beyond what is normally required. This person is "*a quiet achiever*".

This person received the Employee of the Month Award recently for their assistance to a ratepayer.

This Award was won by Michael Wood – Co-ordinator Safer Vincent.

Congratulations Michael!

Received with Acclamation!

Special Award

Recognition of Service – David Hoy

As you all would be aware, David Hoy sadly lost his battle with Cancer in November last year.

The Town of Vincent would like to formally recognise David's 32 years of service with the Town of Vincent and prior to its creation, the City of Perth.

David was a gentleman in the true sense of the word and was extremely well respected amongst his colleagues. The Town's Parks and Gardens are of an extremely high standard and this can be attributed in part to the dedicated Park's team led by David. It was evident that David loved his job.

David's widow, Terry, received the Award on his behalf.

Received with Acclamation!

7.2 Subiaco Football Club

As you are no doubt aware, the Subiaco Football Club has a long history and has made a huge contribution to the traditions of the West Australian Football League and to the community in general. I am proud to have been a Vice Patron of the Club for many years and have again been invited to take up this position in 2009.

Subiaco are currently enjoying an extraordinary period of success, having won a hat trick of premierships (2006, 2007, 2008) after contesting the finals for the past 12 years consecutively.

To ensure this part of their history was captured and shared, the Club commissioned Dr Ken Spillman to author the third edition of "*Diehards - the Story of the Subiaco Football Club - The Glory Years 2001 - 2010*", to be launched when they name the next induction of "Diehards" in 2010.

I am pleased to announce that Subiaco Football Club have donated to the Town, a copy of the first two editions of these books.

The books will be on display at the Town's Library and Local History Centre and make for some very interesting reading.

7.3 Victorian Local Government Association

I today received a letter of thanks from the President of the Victorian Local Governance Association - Councillor Rose Iser - for the support the Town has given to the Victorian Bushfires, as follows:

"Many thanks for your letter of support and message of condolences for the condolences for the victims of the recent Victorian Bushfires.

Your compassion and generous donation of \$10,000 to the Red Cross Bushfires Appeal is greatly appreciated and it is heartwarming to receive your encouragement and support in this very tangible manner.

The toll that the numerous bushfires inflicted is inconceivable, with several small towns in rural Victoria destroyed, over 200 people dead, 2,000+ homes and businesses destroyed and a significant loss of crops, livestock and community infrastructure.

It has been inspiring to see the amazing community response to these tragic circumstances, and whilst the reconstruction task is enormous, the assistance such as that offered by the Town of Vincent provides confidence for those communities, Local Government and Victoria for the future.

Again, thank you for your generous donation, compassion and offer of assistance."

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.2 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.2 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Messina declared a Financial interest in Item 9.3.2 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has investment shares.
- 8.4 Cr Burns declared an interest affecting Impartiality in 9.1.4 – No. 3 (Lot: 13 D/P: 2411) Throssell Street, Perth – Proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Application for Retrospective Approval). The extent of her interest being that her mother is the registered proprietor of 7 Throssell Street, Perth.
- 8.5 Cr Youngman declared an interest affecting Impartiality in 9.3.4 – Review of the 2008/2009 Annual Budget. The extent of his interest being that he is a member and user of the facilities at Beatty Park.
- 8.6 The Chief Executive Officer, John Giorgi declared an interest affecting Impartiality in 9.1.3 – No. 124 (Lot: 2 D/P: 1777) Loftus Street, North Perth - Proposed Change of Use from Single House to Consulting Rooms and Associated Signage (Application for Retrospective Approval). The extent of his interest being that he is an infrequent client however, he has no involvement with the preparation in the report.
- 8.7 Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 9.2.3 – Tender No 390/08 - Refurbishment of Forrest Park Pavilion, Harold Street, Mt Lawley. The extent of his interest being that he is a referee, accredited by Football West, which is the state body governing football/soccer in W.A. For information he has been allocated to referee games at Forrest Park on three occasions, out of a possible 70-80 weekends, during the soccer seasons over the last three years. As a referee, he is required to have no involvement with any Club to ensure that his refereeing is objective and in accordance with the Referees' Code of Ethics. Advised:
1. he is not a member of Perth Soccer Club, Perth Junior Soccer Club or any other Club and have never been a member of such Clubs.
 2. he is not a member of a Cricket Club or a Croquet Club.

Has had considerable input into Report 9.2.3.

As a consequence of my declaration, there may be a public perception that his impartiality on the matter may be affected, however, he declared that he has dealt with this matter on its merit and will continue to provide advice to the Council in an objective, unbiased manner and for the betterment of the whole of the Vincent community and to the best of his ability.

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

Nil.

10. REPORTS

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

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

Items 9.3.5, 9.1.12, 9.1.3, 9.1.1, 9.1.7, 14.2, 9.1.8, 9.1.16, 9.1.5, 9.1.11 and 9.1.6.

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 9.2.1, 9.3.4, 9.3.5 and 9.4.1.

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

Item 9.3.2.

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

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

Cr Farrell	Nil.
Cr Messina	Items 9.2.1, 9.2.4 and 9.4.4.
Cr Youngman	Nil.
Cr Ker	Item 9.1.10.
Cr Doran-Wu	Item 9.2.2.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.13 and 9.2.5.
Mayor Catania	Nil.

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

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

Items 9.1.2, 9.1.4, 9.1.9, 9.1.14, 9.1.15, 9.2.3, 9.3.1, 9.3.3, 9.3.6, 9.4.2, 9.4.3 and 9.4.7.

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

Items 14.1 and 14.2.

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

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

Items 9.1.2, 9.1.4, 9.1.9, 9.1.14, 9.1.15, 9.2.3, 9.3.1, 9.3.3, 9.3.6, 9.4.2, 9.4.3 and 9.4.7.

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

Items 9.3.5, 9.1.12, 9.1.3, 9.1.1, 9.1.7, 14.2, 9.1.8, 9.1.16, 9.1.5, 9.1.11 and 9.1.6.

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

Moved Cr Farrell, Seconded Cr Burns

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

Items 9.1.2, 9.1.4, 9.1.9, 9.1.14, 9.1.15, 9.2.3, 9.3.1, 9.3.3, 9.3.6, 9.4.2, 9.4.3 and 9.4.7.

CARRIED (9-0)

Cr Doran-Wu departed the Chamber at 7.31pm.

9.1.2 No. 50 (Lot: 63 D/P: 2334) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	16 February 2009
Precinct:	North Perth; P8	File Ref:	66-09; 7.2009.4.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, 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 RECOMMENDS APPROVAL TO THE WESTERN AUSTRALIAN PLANNING COMMISSION for the application submitted by Survey 21 on behalf of the owner T S Lim & H Yu for proposed Survey Strata Subdivision, at No. 50 (Lot: 63 D/P: 2334) Sydney Street, North Perth, and as shown on plans stamped 19 January 2009, subject to the following conditions:

- (i) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (ii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iii) all buildings and structures that have been granted a Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (iv) 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;*
- (v) 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;*
- (vi) prior to the clearance of the diagram of survey, the proposed Lot 1 being increased to a minimum of 270 square metres;*
- (vii) vehicular access to the proposed lots is to be shared as common property and a maximum of one crossover is permitted per subdivision; and*

(viii) *in accordance with the Town's Residential Subdivisions Policy, prior to the clearance of the diagram of survey for the proposed rear Lot 2, which, in the event has an area less than 300 square metres, the following criteria shall be met to the satisfaction of the Town of Vincent:*

- (a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of dwelling(s) on the lot; and*
- (b) *the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, have been constructed to plate height.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	T S Lim & H Yu
Applicant:	Survey 21
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	680 square metres
Access to Right of Way	Not Applicable.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The above site falls within the Eton Locality; all planning and subdivision applications are required to be referred to the Council for determination. The proposal involves the survey-strata subdivision of the subject property into two (2) lots as follows:

- Proposed front Lot 1 being 257 square metres;
- Proposed rear battleaxe Lot 2 being 317 square metres; and
- Common property driveway of 106 square metres.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.26 lots at R30	2 lots at R30	Noted – no variation.

Minimum Site Area: Proposed Lot 1	270 square metres	257 square metres (4.8 per cent bonus)	Not supported – condition applied for the exclusive site area for proposed lot 1 being increased to 270 square metres.
Proposed Lot 2	270 square metres	317 square metres	Noted – no variation.
Consultation Submissions			
Consultation for subdivision applications is not required as the initial application is made to the Western Australian Planning Commission.			
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:

The subdivision proposal illustrates an intention to demolish the existing dwelling; therefore, the proposed density for the subject application is R30. The total Lot area is 680 square metres and therefore is compliant with density. However, the proposed lot 1 is proposed to be 257 square metres, which is 13 square metres below the required minimum. Whilst this figure demonstrates a minimum site area bonus of 4.8 per cent, which can be supported by the Town, the rear lot is significantly larger and compliance with the minimum site area can be met by simply shifting the internal boundary back. Therefore, a condition has been applied to increase the exclusive site area of Lot 1 to 270 square metres.

In light of the above, it is recommended that the Council approve the subject subdivision application, subject to the conditions stated in the Officer Recommendation.

9.1.4 No. 3 (Lot: 13 D/P: 2411) Throssell Street, Perth – Proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Application for Retrospective Approval)

Ward:	South	Date:	16 February 2009
Precinct:	Hyde Park; P12	File Ref:	PRO1438; 5.2008.449.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	H Smith, 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 J Hall on behalf of the owner S S & S J Hall for proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Application for Retrospective Approval) at No. 3 (Lot: 13 D/P: 2411) Throssell Street, Perth, and as shown on plans stamp-dated 28 October 2008, subject to the following conditions:

- (i) *prior to the first occupation of the development, the following shall be submitted to and approved by the Town:*
 - (a) *Business Management Plan addressing the following issues:*
 - (1) *agreement arrangements between the owner of the property and the tenants;*
 - (2) *control of noise and other disturbances;*
 - (3) *complaint management procedure;*
 - (4) *security of guests, residents and visitors;*
 - (5) *elimination of anti-social behaviour and the potential conflict between short term residents and long term residents of the area;*
 - (6) *compliance with the Town's waste management requirements; and*
 - (7) *an on-going maintenance and servicing strategy to ensure an adequate standard of health and sanitary facilities, and visual amenity, while minimising comings and goings from the property;*
 - (b) *Car Parking Management Plan including:*
 - (1) *a commitment to advising occupiers of the premise, verbally and in writing, of the negative impact that inappropriate car parking can have on long term residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets, and instructions that parking of vehicles on the verge is not permitted; and*
 - (c) *architectural drawings and building assessment report (BCA), which are prepared by a qualified Practising Building Consultant, demonstrating the building complying with the Building Code of Australia (BCA) requirements for a class 1B Building;*

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;and*
- (iii) *the maximum number of people being accommodated shall be limited to six persons at any one time.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	S S & S J Hall
Applicant:	S J Hall
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Unlisted (Short Term Accommodation)
Use Classification:	"SA"
Lot Area:	490 square metres
Access to Right of Way	Privately owned, 6 metres wide, sealed, drained.

BACKGROUND:

23 May 2000

The Council at its Ordinary Meeting approved an application for change of use from residential (single house) to lodging house and associated alterations and additions at the subject property. Condition (i) of this approval stated the following:

“in accordance with clause 44(b) of Town Planning Scheme No. 1 this approval is valid for a period of 12 months only. Continuation of the lodging house use thereafter will require the submission and approval of a further Application for Approval to Commence Development prior to the continuation of this use”.

1 September 2008

It was brought to the Town’s attention that the subject premises was operating without approval.

19 September 2008

The Town received an application for change of use from residential (single house) to short term accommodation (application for retrospective approval).

DETAILS:

The proposal involves the change of use from single house to short term accommodation 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
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability 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:

The continued use of the premises known as Pension of Perth for short term accommodation purposes is considered acceptable given its limited scale, nature and impact on the amenity of the surrounding area. It is also noted that no objections were received by the Town in relation to the proposal during the community consultation period. The facility will operate similar to a home occupation, as the applicants own and reside at the property at No. 5 Throssell Street, resulting in a high level of supervision of the short term accommodation facility. The proposal complies with the car parking requirements for a short term accommodation facility with 3 bays provided for guests on-site, with an additional space available at No. 5 Throssell Street, in addition to the two bays provided for the owners (applicant).

Planning Approval was granted in May 2000 for use as a Lodging House for a period of 12 months only and continuation of its use thereafter required the submission and approval of a new planning application. Ownership of the property changed in 2004 and the new (current) owners were not advised of any outstanding planning issues relating to the property. The business remained up to date with the Town's Health Services requirements although the premises had no valid planning approval.

As there have been no complaints since May 2000, the condition allowing the business to only operate for one year has not been applied. In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and nature of the proposal.

9.1.9 No. 22/663 (Lot: 16 and 17, STR: 10630) Newcastle Street, Leederville - Alterations and Additions to Existing Night Club

Ward:	South	Date:	16 February 2009
Precinct:	Oxford Centre; P4	File Ref:	PRO0617; 5.2008.555.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, 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 C Belcher on behalf of the owner E Carriera for Alterations and Additions to Existing Night Club, at No. 22/663 (Lot: 16 and 17, STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 21 January 2009, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the total public floor area shall be limited to 374 square metres;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) prior to the first occupation of the development, bin compounds are required under the Town's Health Local Laws 2004:*

Commercial Properties

- General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
 - Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly); and*
- (v) the maximum number of persons to occupy the proposed outdoor courtyard at any one time shall be 21 persons. The applicant must ensure that all exit pathways remain unobstructed at all times in accordance with the Health (Public Building) Regulations 1992.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	E Carriera
Applicant:	C Belcher
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Night Club
Use Class:	Night Club
Use Classification:	"SA"
Lot Area:	395 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

13 November 1989	The City of Perth Council refused an application for a cabaret.
19 April 1990	The Minister for Planning upheld an appeal against the Council's refusal of the cabaret application.
18 March 1991	The City of Perth Council approved a courtyard adjoining the night club.
6 September 1993	The City of Perth Council refused an application for the relocation of the entry to the night club.
21 February 1994	The City of Perth Council approved an application for the relocation of the entry to the night club.
14 March 1995	The Council at its Ordinary Meeting approved the extension of the night club into an adjoining tenancy.
26 August 1996	The Council at its Ordinary Meeting approved the relocation of the courtyard bar and an additional balcony and cool room on the first floor.
11 August 1997	The Council at its Ordinary Meeting approved an application for alterations and additions to an existing night club.

DETAILS:

The proposal involves a courtyard addition of 35 square metres to the existing nightclub. The courtyard is located to the east of the building in the common area of the strata property; the Applicant has secured approval from the owner of the property to use this area for a 'smokers break-out area'. This application proposes a change of use of this area to allow any patron to use it.

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 – no variation.

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Night Club - 1 space per 3.8 square metres of public floor area or 4.5 persons of maximum number of persons approved for the site. • Total public floor area = 374 square metres • Total persons approved for the site = 441 persons • Requires 98.42 car bays 	= 98 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.80 (within 400 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) • 0.90 (the proposed development is within a District Centre Zone) 	(0.4896) = 47.98 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall. 11 August 1997 – the Council at its Ordinary Meeting approved an application for alterations and additions to existing night club.	67.32 car bays
Resultant surplus	19.34 car bays
Consultation Submissions	
Support	Nil. Noted.
Objection	Nil. Noted.
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability 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:

The proposal is minor in nature and essentially formalises the use of an area for all patrons of the night club. There are no planning objections to the proposal and it is recommended that Council approve the application subject to standard and appropriate conditions.

9.1.14 Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) – No. 290 (Lot 10) Beaufort Street, Perth

Ward:	South	Date:	13 February 2009
Precinct:	Beaufort; P13	File Ref:	PLA0098
Attachments:	001 , 002		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI); and*
- (ii) *AMENDS the assigned MHI Management Category of No. 290 (Lot 10) Beaufort Street, Perth from Management Category A - Conservation Essential to Management Category B - Conservation Recommended.*

COUNCIL DECISION ITEM 9.1.14

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to consider amending the assigned Management Category of No. 290 (Lot 10) Beaufort Street from Management Category A - Conservation Essential to Management Category B - Conservation Recommended, in accordance with the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)*.

BACKGROUND:

On 13 November 1995, the subject place at No. 290 Beaufort Street, Perth (also know as Meade House and previously known as No. 83 Brisbane Street, Perth) was first entered on the Town's Municipal Heritage Inventory. At this time, no management categories were provided to properties on the Inventory.

In 2006, a review of the Town's Municipal Heritage Inventory (MHI) was undertaken. As part of this review process, management categories were assigned to all places on the existing inventory and proposed new entries to the Inventory. The Management Category assigned to the subject place was Management Category B - Conservation Recommended. This information was detailed in the Place Record Form prepared for the subject place and forwarded to the owners of the subject place during the community consultation period undertaken as part of the review of the Town's MHI.

At the Ordinary Meeting of Council held on 12 September 2006, the subject property was re-entered onto the Municipal Heritage Inventory inadvertently as a Management Category A - Conservation Essential, which did not reflect the information contained within the Place Record Form. A copy of the MHI List adopted on 12 September 2006 showing the Management Category of the subject place forms an attachment to this report.

DETAILS:

Meade House at No. 290 Beaufort Street is a representative example of the Federation Free Classical style, which complements the Brisbane Hotel opposite. Its construction in 1915 reinforced the commercial node which has developed around the Brisbane Street/Beaufort Street intersection since the 1980s. The building reflects the changes in this district since World War One.

The Town's Heritage Officers recommend that the Management Category of the subject place be formerly amended to Management Category B - *Conservation Recommended*, to reflect the information contained within the Place Record Form as shown on the Municipal Heritage Inventory Database located on the Town's dedicated heritage website. A copy of the Place Record Form forms an attachment to this report.

CONSULTATION/ADVERTISING:

As the subject property was re-entered onto the Municipal Heritage Inventory inadvertently as an inconsistent Management Category, it is recommended that the proposed amendment not be advertised in this circumstance.

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:

Nil.

COMMENTS:

In light of the above, it is recommended that the Council receives and supports the proposed amendment to the Town's Municipal Heritage Inventory, in line with the Officer Recommendation.

9.1.15 Nominations for Community Representative on the Heritage Council of Western Australia

Ward:	Both	Date:	17 February 2009
Precinct:	All	File Ref:	PLA0088
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to nominations for a community representative on the Heritage Council of Western Australia;*
- (ii) *ADVERTISES the invitation for nominations for a community representative on the Heritage Council of Western Australia to members of the Heritage Advisory Group and on the Town's website, the Town's Administration and Civic Centre and the Library and Local History Centre; and*
- (iii) *INVITES nominees from the Town's Council Members, staff and community to be considered as a representative on the Heritage Council of Western Australia.*

COUNCIL DECISION ITEM 9.1.15

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to publicise the formal request from the Heritage Council of Western Australia to promote nominations for the community representative on the Heritage Council of Western Australia.

BACKGROUND:

On 10 February 2009, a letter was received from the Heritage Council of Western Australia advising that the Minister for Heritage, Hon. G.M (John) Castrilli MLA is inviting nominations from people interested in becoming a Council member.

The Heritage Council have requested that the Town of Vincent assist in promoting the opportunity to nominate a community representative from within the organisation and the wider community.

DETAILS:

The Heritage Council of Western Australia is the State's advisory body on cultural heritage matters and focuses on places that are significant to the Western Australian community.

The Heritage Council consists of nine persons and is supported by professional staff. A nominee is currently being sought to satisfy membership requirements of the Council as a community representative.

Applicants for the community representative should be prepared to make a substantive commitment in terms of time and expertise to help conserve the State's heritage and should demonstrate having qualifications particularly relevant to, or expertise or a practical interest in, matters within the functions of the Heritage Council. Of particular interest are persons who have knowledge and/or experience in development processes.

Nominations are available from the Heritage Council of Western Australia, 108 Adelaide Terrace, East Perth WA 6004 by telephone 9221 4177, via email heritage@hc.wa.gov.au or website www.heritage.wa.gov.au. A copy of the nomination form is attached to this report.

Nominations close at 5pm on Monday, 2 March 2009.

CONSULTATION/ADVERTISING:

Advertising inviting nominations for a community representative on the Heritage Council of Western Australia will be publicised on the Town's website, and at the Town's Administration and Civic Centre, Beatty Park Leisure Centre and the Town's Library and Local History Centre from Wednesday, 25 February to Monday, 2 March 2009.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Heritage Strategic Plan 2007-2012: Key Result Area - 5. Heritage Expertise in Council "*..Professional expertise and awareness of employees, Council Members and volunteer community representatives*".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is recommended that the Council receives and supports the publicity and invitation for the nomination of a community representative to the Heritage Council of Western Australia.

9.2.3 Tender No 390/08 - Refurbishment of Forrest Park Pavilion, Harold Street, Mt Lawley

Ward:	South	Date:	9 February 2009
Precinct:	Forrest Precinct	File Ref:	TEN0390
Attachments:	-		
Reporting Officer(s):	K Bilyk, J van den Bok, R Lotznicker		
Checked/Endorsed by:	M Rootsey, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Refurbishment of Forrest Park Pavilion Tender No. 390/08, Harold Street, Mt Lawley;*
- (ii) *ACCEPTS the tender submitted by Palace Homes & Construction Pty Ltd as being the most acceptable to the Town for the Refurbishment of Forrest Park Pavilion Tender No. 390/08 at a total revised cost of \$546,422.47 (excluding GST);*
- (iii) *NOTES that the Chief Executive Officer has identified a source of the additional funds of \$381,832.47 for the project as indicated in a separate report to the Council dealing with the mid year budget review (Item 9.3.4); and*
- (iv) *LISTS for consideration in the 2009/2010 draft budget an amount of \$64,000 for the completion of additional works in Forrest Park as outlined in the report.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF THE REPORT:

To obtain Council approval for the tender submitted by Palace Homes & Construction Pty Ltd, as being the most acceptable to the Town for the Refurbishment of Forrest Park Pavilion Tender No 390/08 – 66 Harold Street, Mt Lawley.

BACKGROUND:

At its Ordinary Meeting held on 26 August 2008, the Council approved the refurbishment and building extension of the Forrest Park Pavilion and the ‘in-kind’ contribution from Perth Junior Soccer Club for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building.

On 8 November 2008, tenders were invited from approved registered builders for the Refurbishment of Forrest Park Pavilion and at the tender close, at 2.00pm on 3 December 2008, nine (9) tenders were received.

Present at the opening were Purchasing/Contracts Officer – Mary Hopper, Director Corporate Services – Mike Rootsey and Property Officer -Projects, Kon Bilyk.

DETAILS:

Tender Details:

The following is a summary of the Tenders received (Note: All prices exclude GST):

NO.	TENDERERS	AMOUNT
1.	Palace Homes & Construction Pty Ltd	\$679,643.71
2.	George Rydell Constructions Pty Ltd	\$698,092.00
3.	Niche Construction WA Pty Ltd	\$744,400.00
4.	Luca Construct Pty Ltd	\$754,974.27
5.	Devco Builders	\$794,852.30
6.	KMC Group	\$795,186.00
7.	CPD Group Pty Ltd	\$820,970.90
8.	Robinson Buildtech	\$922,584.12
9.	Classic Contractors	\$936,738.00

Tender Evaluation:

Selection Criteria

The following evaluation criteria were applied in the assessment of this tender:

Criteria	%	Weighting
<p>1. Financial Offer/Fee Proposal:</p> <ul style="list-style-type: none"> This contract is offered on a lump sum (fixed price) fee basis. Included in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST). Represents the "<i>best value</i>" for money. 	60	60
<p>2. History and Viability of Company</p> <ul style="list-style-type: none"> Detail your history, viability and experience. Include any comments received from referees. Demonstrate your capacity to effectively address the range of requirements of the Town. 	15	15
<p>3. Relevant experience, expertise and project team Demonstrate your:</p> <ul style="list-style-type: none"> Experience, expertise and project team. Role and credentials of the key persons in the provision of the service (i.e. qualifications and experience). Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards. Understanding of the requirements associated with delivering the services to the Town. Experience and success in the sphere of recent similar facilities. 	15	15

Criteria	%	Weighting
<p>4. Methodology, Key Issues and Risk Demonstrate your:</p> <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget. • Evidence of successful results. • Ability to provide a high level of: <ul style="list-style-type: none"> - Site management - Finish - Practices regarding industrial relations - Practices regarding environmental protection - Practices providing a safe working environment. • Understanding of the required service by identifying the key issues and risk associated with delivering the project. 	10	10
		100

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Chief Executive Officer - John Giorgi, Director Corporate Services – Mike Rootsey, Manager Parks Services – Jeremy van den Bok and the Property Officer (Projects) - Kon Bilyk. The objective of the Evaluation Panel is to establish the conformity of the submitted tenders against the Town's Tender specification and select the most suitable tender. Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Assessment

Nine (9) tenders were received, however, only two (2) were under \$700, 000 (excl GST). Of the two (2) lowest tenders, Palace Homes & Construction Pty Ltd submitted the lowest and most detailed tender.

Criteria	Palace Homes & Construction Pty Ltd	George Rydell Constructions Pty Ltd	Niche Construction WA Pty Ltd	Luca Construct Pty Ltd	Devco Builders	KMC Group	CPD Group Pty Ltd	Robinson Buildtech	Classic Contractors
1. Financial Offer/Fee Proposal	60.00	58.80	55.79	55.10	52.51	52.49	50.51	44.20	43.28
2. History and Viability of Company	15	15	15	15	15	15	15	15	15
3. Relevant experience, expertise and project team	15	15	15	15	15	15	15	15	15
4. Methodology, Key Issues and Risk	10	10	10	10	10	10	10	10	10
Total	100	98.8	95.79	95.1	92.51	92.5	90.51	84.2	83.28
Ranking	1st	2nd	3rd	4th	5th	6th	7th	8th	9th

Contract Negotiations

The Tender specified that various components of the project could be negotiated with the respondent(s) whose proposal was assessed as the best overall offer.

Therefore, in accordance with the tender requirements, after the closing of tenders a meeting was held with the Town's Chief Executive Officer, Manager Parks Services and the Property Officer (Projects) to discuss the submissions received. It was decided that due to budgetary constraints, further details and negotiations were to be made between the two (2) preferred tenderers, Palace Homes & Construction Pty Ltd and George Rydell Construction Pty Ltd.

Note: The tender submitted by George Rydell Construction Pty Ltd excluded the following:

- Allowance for testing of asbestos or other hazardous materials
- For the removal of contaminated materials
- Allowance for any local authority fees or charges

The Town's Property Officer (Projects) requested further tender pricing breakdowns from both tenderers to also include the deletion of the Pavilion Veranda and the Parks lunchroom/storeroom. It was also requested that any cost savings be identified across the various trades to provide cost savings over the entire scope of the project. The requested information was received during the prescribed timeframe from both Palace Homes & Construction Pty Ltd and George Rydell Construction Pty Ltd.

The requested further information was carefully evaluated and assessed and the overall submission received from Palace Homes & Construction Pty Ltd was assessed as the best overall offer, with a cost savings of \$132,000.

The following tables outline the original offer and the negotiated savings, from the preferred tenderer Palace Homes & Construction Pty Ltd.

Tender Evaluation Panel Comments

Palace Homes & Construction Pty Ltd have previous experience with a wide range of building projects. Their clientele has ranged from the Private Sector to Public Sector inclusive of local government. They have advised they have ample resources to undertake this project and complete the work. They have indicated they are available to commence on-site in February 2009 and their referees have provided the following details on projects completed by the company, which provides an indication of their capabilities:

Original Offer

Item	Description	Price (Excl GST)
A	Construction of pavilion change rooms, kiosk, veranda and storage area and public toilets as per specifications and architectural drawings. (Excluding internal fixtures and fittings)	\$458, 511.20
B	Playgroup refurbishment as per specifications & architectural drawings. (Excluding internal fixtures and fittings)	\$83, 405.20
C	Town Parks Services storage room and staff area as per specifications and architectural drawings. (Excluding internal fixtures and fittings)	\$41, 235.95
D	Pavilion veranda as per specification and architectural drawings	\$64, 581.53

Item	Description	Price (Excl GST)
E	Schedule of fixtures and fittings. Refer to Item K of Tender Breakdown (i) Clubroom change rooms, kiosk, veranda, storage area and public toilets <ul style="list-style-type: none"> • Benches in kiosk • Bench seating in referee's room • Bench seating in change rooms (ii) Playgroup refurbishment <ul style="list-style-type: none"> • Bench with open shelving under • Overhead cupboards • Free standing bench with shelves under • Shelves in play area • Shelves in laundry/store • Shelves in store ii) Town Parks Services storage room and staff area. <ul style="list-style-type: none"> • Bench in Parks lunch room including cupboard under (iv) Hardware Provisional Sum	 \$9, 732.27 \$223.36 \$4, 243.91 \$7, 633.97 \$ incl in above \$ incl in above \$ incl in above \$ incl in above \$ incl in above \$1, 576.31 \$8,500.00
Original Price (A)		<u>\$679, 643.70</u>

Identified Savings Tender Building Costs:

The following table identifies possible savings for items A, C, D and E as a result of these works being undertaken by the Perth Junior Soccer Club in volunteer and/or "in-kind" services and/or by the Town of Vincent at a later date.

Note: * Denotes the items to be undertaken by the Perth Soccer Club either now or at a later date.
** Denotes the items to be undertaken by the Town at a later date.

Item	Description	Cost Component to be deducted (excl GST)
A	Cost savings in construction of pavilion change rooms, kiosk, and storage area and public toilets as per specifications and architectural drawings. PJSC to carry out all works & fit-out in the Clubroom (Excluding internal fixtures and fittings)	\$41,473.50
C	Town Parks Services storage room and staff area as per specifications and architectural drawings. (Excluding internal fixtures and fittings)	-\$8,559.00**
D	Pavilion Veranda as per specifications and architectural drawings.	-\$55,683.74*
E	Schedule of fixtures and fittings. Refer to Item K of Tender Breakdown (i) Clubroom change rooms, kiosk, veranda, storage area and public toilets <ul style="list-style-type: none"> • Benches in kiosk • Bench seating in referee's room • Bench seating in change rooms (ii) Playgroup refurbishment <ul style="list-style-type: none"> • Bench with open shelving under • Overhead cupboards 	 -\$9, 732.27* -\$223.36* -\$4, 243.91* -\$7, 633.97** \$ _incl in above

Item	Description	Cost Component to be deducted (excl GST)
	<ul style="list-style-type: none"> • Free standing bench with shelves under • Shelves in play area • Shelves in laundry/store • Shelves in store 	\$ _incl in above \$ _incl in above \$ _incl in above \$ _incl in above
	(iii) Town Parks Services storage room and staff area.	
	<ul style="list-style-type: none"> • Bench in Parks lunch room including cupboard under 	-\$1, 576.31**
	(iv) Hardware Provisional Sum	-\$ 3,500.00**
	Total (B)	-\$132,626.06

Revised Tender Price(A-B)	<u>\$546,422.47</u>
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Officer Comments:

As outlined in the above table, of the \$132,626.06 deducted from the contract price, about \$55,700 (\$55,673) will be undertaken by the Perth Soccer Club at the conclusion of the building works as part of their "in-kind contribution". About a further \$55,700 (\$55,683.74 - *estimated cost of the veranda*) will need to be undertaken by the Club at a future date.

Therefore the total "in-kind" works to be undertaken by the club will be in the order of \$111,500 (\$111,356.77).

The Town will need to provide a temporary change room/ablution facility while the works are in progress. This is estimated to cost about \$7,000.

In addition, the Town will need to list additional funds for the Council's consideration in the 2009/2010 draft budget to complete the Parks Services Store and staff area. (*refer table, financial implications*).

Reasons for Building Costs:

A report was submitted to the Ordinary Council Meeting of 2 July 2008 which provided a number of options and indicative prices. The Advertised Tender was similar to Option 5A, which had an indicative cost of \$710,000 (\$507,000 for building and \$203,000 for internal works – contribution). A number of matters have occurred which resulted in the submitted Tender price of \$679,643 as follows:

No.	Item	Original Estimate	Actual Tender Price
1.	Highgate Playgroup Area – scope of works	\$47,000	\$95,000.00
2.	Town's Parks Services Storage/Store	\$0	\$41, 235.95
3.	Fire Hydrant/Services	\$0	\$10,000.00

Indicative Timeline:

The following Indicative Timeline reveals that the project will not be completed in time for the start of the 2009 Junior Soccer Season, which commences in April 2009. However, the project could be completed by July 2009 if the builder commences in February 2009.

Item	Date	Status
Preparation of Architect Plans/Drawings	26 Aug - 30 Sept 08	<i>Completed</i>
Advertising of Tender (14 days)	8 Nov - 3 Dec 08	<i>Completed</i>
Tender Closes	3 December 08	<i>Completed</i>
Assessment of Tender	3 Dec 08- 31 Jan 2009	<i>Completed</i>
Council Decision to approve Tender	Feb 09	-
Builder Mobilisation	Feb/Mar 2009	-
Building Construction	Mar 2009 – July 2009	-

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Code of Tendering Policy 1.2.2 and Purchasing Policy 1.2.3.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.16 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, rights of way and roads.*

SUSTAINABILITY IMPLICATIONS:

This proposal will ensure that the Town's physical asset is refurbished and maintained at an acceptable level.

FINANCIAL/BUDGET IMPLICATIONS:

Building Costs:

The 2008/2009 budget includes an amount of \$255,000 for the project, of which \$246,590 remains after deducting preliminary consultant fees. The renegotiated cost submitted by Palace Homes & Construction Pty Ltd is \$546,422.47.

Perth Junior Soccer Club previously advised they were prepared to provide "in-kind" contribution for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building. While this report relates mainly to the tender for the Tender No 390/08 - Refurbishment of Forrest Park Pavilion, other costs associated with the proposal are outlined below. Therefore, the funding shortfall for the building component of the project including the temporary change facility and ablution is \$381,832.47 as outlined in the following table:

Revised tender price	\$546,422.47
Architect Fees	\$60,000.00
Consultant Fees	\$12,500.00
Temporary Relocation of Playgroup	\$2,500.00
Temporary change facility and ablution	\$7,000.00
Total cost	\$628,422.47
Funds available	\$246,590.00
Funding shortfall 2008/2009 budget	-\$381,832.47

Additional works required 2009/2010 Draft Budget

Fit out of fixtures and fittings to play group (09/10 Budget) (<i>Note*</i>)	\$10,000.00
Fixtures and fitting fit out parks lunchroom (09/10 Budget)	\$2,000.00
Vinyl floor coverings for the play group (09/10 Budget)	\$7,000.00
Bitumen access driveway	\$45,000.00
Additional funds required (2009/2010)	\$64,000.00

Note*: Original cost \$7, 633.97** however increased to \$10,000 to accommodate additional items.

COMMENTS:

It was pleasing to receive nine (9) tenders for this project, which has been under consideration since it was originally proposed in 2004. The project scope has expanded considerably since it was originally considered several years ago, hence the shortfall in funds.

The recommended tender is slightly under the pre-tender estimate and is the lowest tender.

As the matter has been under consideration for several years it is recommended that the Council accepts the tender submitted by Palace Homes & Construction Pty Ltd in accordance with the specifications as detailed in tender No. 390/08.

It is considered that the refurbishment and upgrade of the facility will be a major improvement to Forrest Park and hopefully will provide short and long term benefits to the Vincent Community.

9.3.1 Financial Statements as at 31 January 2009

Ward:	Both	Date:	6 February 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001 ; 002		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 January 2009 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 January 2009.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 January 2009:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Capital Works Schedule (pages 18-24);
- Balance Sheet and Statement of Changes in Equity (pages 25-26);
- Reserve Schedule (page 27);
- Debtor Report (page 28);
- Rate Report (page 29);
- Statement of Financial Activity (page 30);
- Net Current Asset Position (page 31);
- Beatty Park Report – Financial Position (page 32);
- Variance Comment Report (page 33-36).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	\$9.7 million
YTD Budget	-	\$8.0 million
Variance	-	\$1.7 million
Full Year Budget	-	\$4.9 million

Summary Comments:

The current favourable variance is due to increase revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$27.9 million
YTD Budget	-	\$27.2 million
YTD Variance	-	\$0.7 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is currently 2% over the year to date budget.

Major variances are to be found in the following programmes.

Governance - 28% over budget

Law Order & Public Safety – 58% over budget

Education and Welfare - 42% under budget

Community Amenities – 12% over budget

Transport - 14% over budget

Other Property & Services - 17% over budget

More details variance comments are included on the page 33 – 36 of this report.

Operating Expenditure

YTD Actual	-	\$19.2 million
YTD Budget	-	\$19.8 million
YTD Variance	-	-\$0.6 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently operating at 3% under the year to date budget.

The major under expenditure is located in the following programmes.

Education & Welfare – 17% below budget

Community Amenities – 12% below budget

Other Property & Services – 16% over budget

Detailed variance comments are included on the page 33 – 36 of this report.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2008/09 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 January 2009 of \$4,390,537 which represents 31 % of the revised budget of \$14,099,686.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	163,850	198,207	100,181	51%
Plant & Equipment	1,520,700	1,232,450	126,296	10%
Land & Building	3,952,834	4,435,917	1,358,960	31%
Infrastructure	8,502,612	8,233,112	2,805,100	34%
Total	14,139,996	14,099,686	4,390,537	31%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$22,881,138 and non current assets of \$141,341,674 for total assets of \$164,222,812.

The current liabilities amount to \$7,113,121 and non current liabilities of \$13,923,387 for the total liabilities of \$21,036,508. The net asset of the Town or Equity is \$143,186,304.

Restricted Cash Reserves

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

The balance as at 31 January 2009 is \$7.7m. The balance as at 30 June 2008 was \$6.8m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$481,846 is outstanding at the end of January 2009.

Of the total debt \$198,269 (41.1%) relates to debts outstanding for over 60 days, of which \$141,383 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

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

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

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

Instalment Administration Charge	\$5.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 January 2009 was \$2,420,754 which represents 13% of the outstanding collectable income compared to 16% at the same time last year.

Summary Comments:

The reduced percentage amount of outstanding rates in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year and a more efficient debt collection process.

The minimum rates are under budget due to increased valuations following the revaluation which has reduced the number of minimum rates assessments and resulted in the increased number of general rates.

The Interim rates are under budget due to significant refunds of contested valuation with the Valuer General Office.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 January 2009 was \$8,970,110.

Net Current Asset Position

The net current asset position \$8,970,110.

Beatty Park – Financial Position Report

As at 31 January 2009 the operating deficit for the Centre was \$39,895 in comparison to the annual budgeted deficit of \$532,109.

The cash position showed a current cash surplus of \$212,213 in comparison annual budget estimate of a cash deficit of \$73,080. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.3.3 Authorisation of Expenditure For The Period 1 – 31 January 2009

Ward:	Both	Date:	4 February 2009
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	K Ball		
Checked/Endorsed by:	B Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 December – 31 January 2009 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.3

COUNCIL DECISION ITEM 9.3.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 January 2009.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$ 493,065.23
Total Municipal Account		\$ 493,065.23
Advance Account		
Automatic Cheques	64656-64764	\$ 210,767.01
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	876-880,882-883	\$1,337,065.92
Transfer of PAYG Tax by EFT	January 2009	\$214,162.95
Transfer of GST by EFT	January 2009	\$0.00
Transfer of Child Support by EFT	January 2009	\$751.42
Transfer of Superannuation by EFT:		
• City of Perth	January 2009	\$34,812.96
• Local Government	January 2009	\$107,447.44
Total		\$1,905,007.70
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,486.28
Lease Fees		\$17,824.51
Corporate Master Cards		\$8,362.95
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$12.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$90,894.52
Less GST effect on Advance Account		-\$72,909.01
Total Payments		\$2,416,058.44

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

9.3.6 Community and Welfare Grants and Donations 2008/2009

Ward:	Both	Date:	4 February 2009
Precinct:	All	File Ref:	FIN0182
Attachments:			
Reporting Officer(s):	D.Retsas		
Checked/Endorsed by:	J.Anthony	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES payment of the following grants and donations to the organisations listed as part of the funding for donations;

<i>Western Australian AIDS Council</i>	<i>\$2,000</i>
<i>Volunteer Task Force</i>	<i>\$5,000</i>
<i>Contenance Advisory Service of WA Inc</i>	<i>\$2,300</i>
<i>Enasco Australia Inc</i>	<i>\$2,500</i>
<i>Incest Survivors Association</i>	<i>\$1,500</i>
<i>Australian Red Cross</i>	<i>\$4,745</i>
<i>Womens Health Services</i>	<i>\$3,330</i>
<i>Carers WA</i>	<i>\$5,000</i>
<i>Multicultural Services Centre of Western Australia</i>	<i>\$4,600</i>
<i>Passages Resource Centre</i>	<i>\$3,000</i>
<i>St Vincent de Paul Society</i>	<i>\$5,000</i>
<i>Toy Libraries</i>	<i>\$3,000</i>
<i>Sundry Donations</i>	<i>\$6,000</i>
TOTAL	\$47,975

COUNCIL DECISION ITEM 9.3.6

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To obtain Council approval for the Community and Welfare Grants and donations for the 2008/2009 financial year.

BACKGROUND:

The Town of Vincent established the Community and Welfare Grants and Donations Scheme to provide financial assistance to individuals who are disadvantaged and/or in crisis and non-profit community groups and organisations providing community and welfare services to Town of Vincent residents.

Since the 2006/2007 financial year, the grants have been advertised biannually. Not for profit organisations are entitled to apply for grants of up to \$5000 to assist with providing community services and programmes to Town of Vincent residents.

Funds are also set aside under "Sundry Donations" to enable the Town to provide small donations, on an ad hoc basis, to not-for-profit community service providers, not in receipt of an annual grant. Provision has also been made, with funds set aside under "Sundry Donations", to assist individual residents who are disadvantaged and in financial crisis. In all cases, applications are thoroughly assessed in accordance with determined criteria and guidelines.

In accordance with the Community and Welfare Grants and Donations Guidelines, the scheme was advertised in two local papers during the month of November inviting applications for funding which resulted in eleven applications.

Each application has been rated on a standard scale against a standard set of criteria. The ratings scale is shown below:

Criteria	Weighting
Adherence to policy guidelines	30%
Benefit to Town of Vincent residents	20%
Financial viability of the project or programme	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or programme	10%
	100%

DETAILS:

A summary of the applications and their ratings is shown on the following pages:

Applications recommended for funding:

Organisation	Western Australian AIDS Council
Purpose of Funding	Funding towards the HIV Emergency Relief Fund which provides emergency financial assistance to clients experiencing financial hardship and who are finding it difficult to meet the most basic costs of daily living. The assistance is granted under strict criteria and the funds provided are limited to utilities and food, in order to maintain basic living standards. Clients are given coaching in financial management and/or referral to other services.
Target Group	People living with HIV/AIDS.
Services Provided by the Organisation	The Western Australian AIDS Council is a community-based organisation which provides a diverse range of services to people living with HIV/AIDS and to the broader community. Services include; <ul style="list-style-type: none"> • Education; • Advocacy; • Support services; and • Health enhancement services.
Incorporated	Yes
Number of Vincent Residents Served	The Western Australian AIDS Council provides welfare services to 126 people in total and of those 28 live in the Town of Vincent.

Comments	<p>During the last financial year this particular program distributed 170 food parcels. It should be noted though that whilst the number of people accessing food parcels has remained constant over the last few years, more requests are from families and thus larger food parcels are being distributed. There were 198 occasions of service for financial assistance which shows an increase of 18 on the previous year.</p> <p>Many clients are single and, therefore, not eligible for emergency relief through Family and Children's Services and many other welfare providers. Fear of discrimination regarding their HIV status, limits the services that many people living with HIV/AIDS can access.</p> <p>The HIV emergency relief fund is an ongoing program which also receives support from the Department of Family and Children Services, Lotterywest and City of Perth to the value of \$9,000 and in kind support of \$2,500.</p> <p>Total cost of the programme is \$13,500.</p>
Amount Requested	\$2000
Amount Recommended	\$2000

W.A AIDS Council	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	650	92

Organisation	Volunteer Task Force (VTF)
Purpose of Funding	<p>To increase the volunteer base, due to increased demand for services provided by VTF, through funding of the Volunteer Recruitment and Retention Program.</p> <p>Recruitment and retainment of volunteers will be conducted through advertising and marketing via community networks, forums and newspapers, whilst a rewards and recognition program for volunteers will occur as bi-monthly events.</p> <p>Volunteers have a direct effect on the level of services that can be provided and it is necessary to direct funding to recruitment and retainment of volunteers to provide the level of service which is achieved by VTF.</p>
Target Group	People of all ages and abilities living in the Town of Vincent who are able to volunteer their time and services.

Services Provided by the Organisation	<ul style="list-style-type: none"> • Early intervention service for the frail elderly and disabled. • Transport is provided to take clients shopping, to medical appointments, social outings, etc. • Gardening, both one off clean ups and regular services. • Domestic assistance. • Home Maintenance. • Social support, which involves matching up a volunteer with a client to take them shopping, on social outings and to medical appointments etc.
Incorporated	Yes
Proportion of Vincent Residents Served	<p>The VTF provided services for 4378 people during the last financial year.</p> <p>There are 209 Town of Vincent residents currently receiving services from Volunteer Taskforce, with another 52 on the waiting lists.</p> <p>There are 33 volunteers who are residents of the Town of Vincent.</p>
Comments	<p>Volunteer Taskforce is an organisation who has been based in the Town of Vincent for many years.</p> <p>These valuable services enable clients to remain living independently and safely in their own homes and as part of their community. This is due to the assistance to maintain client's homes, gardens and social structures and delay or prevent a move into assisted care for many clients.</p> <p>These services have been identified in our ongoing seniors report as services which are essential, but greatly lacking in the Town of Vincent.</p> <p>Organisations like VTF are inundated with requests for assistance, but are finding it a continual struggle to find enough volunteers, and even paid workers to meet the constant demand.</p> <p>VTF have indicated that this is largely due to a lack time and funds spent on marketing and advertising.</p> <p>The funds provided for in this grant would be used to improve and increase marketing and advertising and therefore assist in the long term future and success of the services offered by Volunteer Taskforce.</p> <p>VTF has been granted \$5,000 from the Town in the 2008/2009 budget.</p> <p>The total cost of the service is \$22,000, whilst VTF receives support from HACC funding and donations.</p>
Amount Requested	\$5000
Amount Recommended	\$5000

Volunteer Taskforce	Raw Score	Weighted Score %
Adherence to policy guidelines	100	30
Benefit to Town of Vincent residents	100	20
Financial viability of the project or program	100	10
Previous grants acquitted satisfactorily	90	9
Targets vulnerable and disadvantaged groups in the community	100	10
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	680	98

Organisation	Continance Advisory Service of WA (CAS)
Purpose of Funding	<p>To deliver an education session called “Simply Busting” that provides participants with relevant and accurate information on bladder and health issues. The sessions are delivered in a humorous manner by professional continence advisors.</p> <p>Topics covered include understanding bladder and bowel health problems, good bladder and bowel health habits and hints to keep healthy.</p> <p>The funds will be used for running the program, venue hire, catering, travel, costs, salaries and presenters fees, marketing and advertising.</p>
Target Group	Men and woman of all ages particularly seniors, people with disabilities and their carers’ and parents.
Services Provided by the Organisation	<p>The CAS provides expert advise and management of bladder/and or bowel control problems.</p> <p>They provide education services, resource material and conduct health promotion campaigns.</p>
Incorporated	Yes
Number of Vincent Residents Served	<p>Last financial year (ending June 2008) CAS provided information, education and advice to 9,000 individuals.</p> <p>100 of these people where residents from the Town of Vincent, however the actual number may be higher as the service is confidential and people do not always provide their locality. Numbers usually increase after the delivery of the “Simply Busting” program.</p>
Comments	<p>Nearly one in five Australians experience bladder and or bowel problems which equates to approximately 5000 people within the TOV. Bladder and bowel control problems are more common among seniors who make up 23.3% of the Town of Vincent population.</p> <p>Simply Busting education sessions have previously been held in 12 local government areas including the Town of Vincent.</p> <p>The education session will be held on the 28 May 2009 at the Royal Park Hall.</p> <p>Money from private organisations \$300 and in kind support \$450.</p> <p>The total cost of the program is \$3,689.00.</p>
Amount Requested	\$2300
Amount Recommended	\$2300

Continenence Advisory Service of WA Inc.	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	100	10
Demonstrated experience in delivering the service or program	90	9
TOTAL	650	92

Organisation	Enasco Australia Inc.
Purpose of Funding	<p>To provide funding for the ENASCO/GOLD AGE Senior In-House Mobile programme.</p> <p>In recent years the ENASCO organisation has recorded a decline in the number of seniors visiting the office in North Perth and an increase in the request for home visits. The service is often a first point of contact for seniors who are frail and have mobility problems, and provides the opportunity for ENASCO consultants to discuss services available for the seniors needs.</p> <p>The mobile service provides assistance with Centrelink ,the Taxation Office, Italian Pension System, translation of documents, preparation with Power of Attorney documents and Wills; assistance with travel arrangements interstate and overseas; promotion of language and cultural issues and the provision of social and welfare information and assistance.</p>
Target Group	Housebound senior citizens of Italian origin from middle to lower socio-economic status living within the Town who are members of ENASCO. The majority of these seniors are widows, widowers, have a spouse in nursing home care, are carers or have a physical/mental disability.
Services Provided by the Organisation	<p>ENASCO delivers the following services;</p> <ul style="list-style-type: none"> • Social security and taxation issues; • Translation of documents; • Consultancy and interpreting services; • Preparation of Power of Attorney documents and Wills; • Assistance with travel arrangements interstate and overseas; • Promotion of language and cultural issues; • The provision of social and welfare information and assistance; and • A weekly radio program on Multicultural Radio 6EBA FM to promote social welfare within the Italo-Australian community.
Incorporated	Yes
Number of Vincent Residents Served	<p>Last financial year ENASCO provided information and advice to approximately 3800 clients, and it is estimated that 80% of these clients reside in the Town.</p> <p>Records kept at the ENASCO North Perth office indicate approximately 500 residents from the Town have had one home visit, whilst the majority of this number will have required two home visits and in some instances three home visits have been required.</p>
Comments	The service will encourage senior citizens to maintain an active quality of life by promoting a sense of achievement through their personal participation and the opportunity to experience a level of independence by not having to rely on family and friends.

	<p>The In House Mobile program was previously funded by a grant of \$3,800 from the Town, private organisations, membership fees and the Italian government during 2007.</p> <p>ENASCO is currently funded by the Italian Government, annual membership fees of \$20, in kind support of \$5,000, and ENASCO contribution of \$27,000. The total cost of the program is \$37,000.</p> <p>It is envisaged that the service will run between Jan and Dec 09.</p>
Amount Requested	\$5000
Amount Recommended	\$2500

ENASCO	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	80	8
Previous grants acquitted satisfactorily	90	9
Targets vulnerable and disadvantaged groups in the community	80	8
A unique service that meets the needs of the community	80	8
Demonstrated experience in delivering the service or program	80	8
TOTAL	590	86

Organisation	Incest Survivors Association (ISA)
Purpose of Funding	<p>The funding will be used to advertise and promote the service offered by Incest Survivors Association Counselling Service, which provides counselling to children, adolescents and adults with a history of childhood sexual abuse and their families, either individually or in groups.</p> <p>The service aims to support survivors of incest by increasing their relationship skills and improving their quality of life through counselling sessions.</p> <p>Brochures will be produced to promote and inform the community about the counselling services offered by ISA. ISA will promote their services through the production of brochures, and through the local media such as the newspapers and radio.</p>
Target Group	All Town of Vincent residents from primary school aged children, adolescents and adults that have been affected by childhood sexual abuse.
Services Provided by the Organisation	<p>Incest Survivors Association provides the following services;</p> <ul style="list-style-type: none"> • Psychological counselling on site or via phone • Information, referral and support to individuals or groups, on site or via phone.
Incorporated	Yes
Number of Vincent Residents Served	Last financial year ISA provided services to 125 clients of which 4 lived in the Town of Vincent. However, through local promotion and advertising of the services ISA offers, it is believed that the number of clients from the Town will increase.

Comments	<p>The ISA services have been operating in the community since 1984.</p> <p>Funding for the counselling services previously and currently has been obtained from the Department of Child Protection, membership subscriptions and charitable donations. However funding has not been inclusive of advertising, which is why this grant application to promote and advertise the ISA services to the local community has been submitted.</p> <p>Grant to be provided for advertising specifically targeting Town of Vincent residents. Funds to be used for community paper adverts.</p>
Amount Requested	\$5000
Amount Recommended	\$1500

Incest Survivors Association	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	80	16
Financial viability of the project or program	80	8
Previous grants acquitted satisfactorily	N/A	N/A
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	90	9
TOTAL	520	78

Organisation	Australian Red Cross
Purpose of Funding	<p>The Australian Red Cross is the world's largest provider of First Aid training, with 90 years experience in delivering training in Australia. Red Cross offers innovative and complete First Aid Health & Safety solutions tailored to community and organisational needs.</p> <p>The purpose of this funding is to deliver the Australian Red Cross SPOT Talk program. The program will run a maximum of 10 sessions, which consist of two and a half hour information and demonstration session designed to provide skills and knowledge to save lives, and minimise the severity of injuries and sudden illness.</p> <p>Funding will cover 10 SPOT talks sessions to 200 participants and will include take home packs, presenter's fees, administration, marketing and promotion for the provision of SPOT Talk program.</p>
Target Group	SPOT Talk will be aimed at new parents, carers of seniors and people with disabilities in the Town of Vincent.
Services Provided by the Organisation	<p>Australian Red Cross services seek to build capacity and resilience in individuals and communities to reduce vulnerability. Services range from;</p> <ul style="list-style-type: none"> • Educational support services for Indigenous youth; • Family support for parents experiencing post natal depression; and • Emergency relief services for homeless people and refugees.

Proportion of Vincent Residents Serviced by the Program	<p>Many Red Cross services operate across the metropolitan region and as such provide valuable services to the Town of Vincent residents.</p> <p>Specific statistics on the number of residents with the Town who access these services are not attainable at this stage. However, SPOT Talk will concentrate on capacity building for carers and new parents who reside in the Town of Vincent.</p>
Incorporated	Yes
Comments	<p>Town of Vincent carers and parents will have the opportunity to gain life saving information and query specific areas of First Aid related to the well-being of their children, care recipients or clients.</p> <p>The participants will each receive take home packs which include a First Aid Manual, CPR card and tri bandage.</p> <p>The total cost of the program is \$5,995. In kind support totals \$1250.</p>
Amount Requested	\$4745
Amount Recommended	\$4745

Australian Red Cross	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	N/A	N/A
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	100	10
Demonstrated experience in delivering the service or program	100	10
TOTAL	560	83

Organisation	Womens Health Services
Purpose of Funding	<p>Womens Health Services run a program called Adjusting to Baby and Change Program (ABC), which offers individual and group support, education and therapy to new mothers with, or at risk of perinatal mood disorders (post natal depression and/or anxiety).</p> <p>Women attending the program learn new skills to improve their confidence as mothers, reduce symptoms of depression and anxiety and provide the opportunity for new mothers to interact and access services and resources offered by the Womens Health Services.</p> <p>The funding will be used to cover the venue hire and childcare costs for four ABC groups each running for nine weeks at the Loftus Recreation Centre, to assist with providing a low cost accessible service for all women in the community.</p>
Target Group	New mothers, their partners, children, infants and young families.
Services Provided by the Organisation	Womens Health Services provides clinical services as well as specific programs addressing particular womens health issues
Proportion of Vincent Residents Serviced by the Program	This program has provided services for 184 clients during the last financial year, 60 of these clients resided in the Town of Vincent
Incorporated	Yes

Comments	<p>The ABC program is the only program of its kind funded by the DOH to provide services to the inner and lower north metro area. \$108,243 is currently funded by DOH for the ABC program, which includes administration, salaries, superannuation, rents etc.</p> <p>The ABC program has run for the last 8 years at the Loftus Recreation Centre, and has previously been funded by the Department of Health (DOH).</p> <p>The program will start in February 2009 and run through till December 2009.</p>
Amount Requested	\$3330
Amount Recommended	\$3330

	Raw Score	Weighted Score %
Womens Health Services		
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	100	10
Demonstrated experience in delivering the service or program	100	10
TOTAL	660	93

Organisation	CARERS WA
Purpose of Funding	<p>Over the past four years, Carers WA has developed a Social Support Program to aid carers living in and around the Town of Vincent.</p> <p>The program helps to support carers by providing opportunities for carers to meet. Carers WA endeavours to reduce the social isolation experienced by carers, empower carers to focus on their own health and wellbeing, and enable carers to establish their own social network. Social activities provide the opportunity for Carers WA to provide carers with information and resources available to them.</p> <p>There has been a noticeable decline in carers attending events due to the difficulty in finding respite for their care recipient. Therefore funding this year will be to provide the opportunity for the carer and care recipient to attend an event together.</p> <p>The funds will be used to support our Social Support Program and provide approximately 250 carers and their care recipients the opportunity to attend a movie and morning tea at Luna Theatre in Leederville. The program offers time out and the opportunity for peer support and the sharing of information in regard to local support services and promotes social interaction.</p>
Target Group	Carers and care recipients of all ages who reside in the Town of Vincent and clients who are listed on the Carers WA data base will benefit from the planned program.

Services Provided by the Organisation	<p>Carers WA is carer focused and carer driven and provide the following services;</p> <ul style="list-style-type: none"> • Advocacy; • Social support; • Training and education; and • Representation and counselling. <p>Carers WA encourage carers to be more proactive in their lives by promoting friendship, laughter, and connection with other carers through the use of their centre, facilities and attending events.</p>
Proportion of Vincent Residents Serviced by the Program	47,352 clients used the full range of services provided by Carers WA last year. Approximately 350 of these clients live within the Town of Vincent.
Incorporated	Yes
Comments	<p>This program will aim to specifically benefit carers and their carer recipients living in the Town of Vincent.</p> <p>The Town has been providing funding for The Social Support Program for the last four (4) years.</p> <p>The total cost of the program is \$5,000.</p>
Amount Requested	\$5000
Amount Recommended	\$5000

Carers WA	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	650	92

Organisation	Multicultural Services Centre of Western Australia (MCSWA)
Purpose of Funding	<p>To provide English conversational classes in a community setting to people from culturally and linguistically diverse (CaLD) backgrounds who experience isolation due to language barriers.</p> <p>In particular, the classes aim to meet the needs of migrants who are intimidated by the formal system, but who will be able to integrate into the community once they have an adequate grasp of English.</p> <p>Classes will run for 40 weeks, twice a week for two hours a session and focus on helping migrants understand English language and Australian culture.</p> <p>MSCWA has provided conversational English classes in partnership with St Hilda's Anglican Church for the previous five years and the program has been previously funded by the Town of Vincent.</p> <p>Funding will cover venue hire, presenter's fees, administration requirements, marketing and promotion and some catering for the participants.</p>

Target Group	Local senior residents, people with disabilities and migrant groups within the Town.
Services Provided by the Organisation	The MSCWA provides; <ul style="list-style-type: none"> • Home and aged care; • Emergency relief; • Accommodation program; • Education and employment training; • Personal Support Program; • Legal Program; and • Community Settlement Services Program.
Incorporated	Yes
Number of Vincent Residents Served	In the last financial year more than 80 people attended English Conversational classes at the Multicultural Services Centre and approximately 60 of these people lived within the Town of Vincent.
Comments	<p>Feedback obtained by MSCWA suggests clients who have previously participated in the English classes have found it easier to integrate and find employment in their local community.</p> <p>By gaining proficiency in English, people from CaLD backgrounds are able to participate in everyday activities with increased confidence. The classes also create a great sense of multicultural community.</p> <p>The classes will be held in a Town of Vincent venue provided by the grant funding.</p> <p>The total cost of program is \$5,800, with in kind support of \$1,200.</p> <p>MSCWA currently has a revised Legal Information Program running, from a grant approved in November 2007, with an acquittal due by the end of March 2009.</p>
Amount Requested	\$4600
Amount Recommended	\$4600

Multicultural Services Centre WA	Raw Score	Weighted Score %
Adherence to policy guidelines	70	21
Benefit to Town of Vincent residents	80	16
Financial viability of the project or program	70	7
Previous grants acquitted satisfactorily	90	9
Targets vulnerable and disadvantaged groups in the community	80	8
A unique service that meets the needs of the community	80	8
Demonstrated experience in delivering the service or program	90	9
TOTAL	560	78

Organisation	Passages Resource Centre
Purpose of Funding	<p>The grant would be used to continue to run a Healthy Cooking Group. This will involve clients learning how to budget, shop and prepare healthy, low cost meals. Clients are shown the importance of hygiene in food preparation as well as basic cooking techniques.</p> <p>This program will incorporate a Healthy Breakfast option during the colder months. The clients will prepare a variety of breakfast menus and purchase the ingredients the day before.</p> <p>Funds will be used to purchase fresh and packaged food, hygiene and cleaning products.</p>

Target Group	Marginalised young people aged between 12-25 years who are experiencing severe disadvantage such as homelessness, poverty, mental illness, abuse and trauma.
Services Provided by the Organisation	<p>Services provided by Passages include:</p> <ul style="list-style-type: none"> • Advocacy and referrals; • Informal counselling; • Non-judgmental hospitality within a safe environment; • Laundry, bathroom and kitchen facilities; • Telephone, postal and computer access; • Clothing vouchers; • Medical and personal hygiene products; • Information and Life skills programs; • Positive leisure and recreation activities; • Medium term supported accommodation; and • Education scholarships.
Number of Vincent Residents Served	<p>In 2005, Passages provided services to 1,251 clients a total of 4,112 times.</p> <p>In 2006, Passages provided services for 1,079 individuals a total of 3,669 times.</p> <p>In 2007, Passages provided services for 1,031 individuals a total of 3,389 times.</p> <p>Due to the transient nature of the clients who use the service, it is difficult to determine the exact number of Town of Vincent residents who use the service. However it is estimated that a significant proportion of clients live within the Town of Vincent boundaries or adjoining suburbs.</p> <p>The Healthy Cooking Group involves up to 12 young people.</p>
Incorporated	Yes
Comments	<p>Passages provide services to young people who are most disadvantaged, particularly those living on the street. The assistance offered meets very basic and concrete needs.</p> <p>The Healthy Cooking Program was initiated in 1999 with the support of the Town of Vincent, and due to the Town's support it has been running successfully ever since. It was established at the request of the young people accessing the centre.</p> <p>Passages has expanded to provide supported accommodation, whilst the Healthy Cooking Group has been assimilated into this venture, which provides education and training creating a pathway into independent living.</p> <p>Funding for Town of Vincent young people to access the program.</p> <p>The total cost of the program is \$4,200, with other funding coming from the organisation.</p>
Amount Requested	\$3000
Amount Recommended	\$3000

Passages Resource Centre	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	650	92

Organisation	St Vincent de Paul Society WA Inc.
Purpose of Funding	The grant would be used to assist with the cost of running the Emergency Relief Assistance. Funds would be used to provide emergency relief assistance for things such as food, clothing, and utility bills.
Target Group	Individuals, families and seniors who are experiencing difficulties due to unemployment, poverty and family breakdown.
Services Provided by the Organisation	Services provided by St Vincent include; <ul style="list-style-type: none"> • Emergency relief and support; • Home visits; • Food parcels; • Clothing; • Essential household items; • Assistance with utility bills; and • Advocacy, friendship and referrals to other services within the Society.
Number of Vincent Residents Served	The organisation provided support for 175,000 during the last financial year and of those 859 lived in the Town of Vincent.
Incorporated	Yes
Comments	The total cost of the program is \$15,018 with Lotterywest contributing \$6,000, and \$4,018 contributed by businesses and individuals. The funding will provide emergency relief assistance for Town of Vincent residents.
Amount Requested	\$5000
Amount Recommended	\$5000

St Vincent de Paul Society WA Inc.	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	100	10
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	660	93

Applications not recommended for funding:

Organisation	REmida.
Purpose of Funding	The grant would be used to promote the message of zero waste in the community, business education and art sectors within the Town of Vincent.
Target Group	Membership is made up of schools, children's services, individuals, families, artists and community groups
Services Provided by the Organisation	Services provided by REmida include; <ul style="list-style-type: none"> • Collection, storage, display and supply of reusable materials available to REmida members; • Educational workshops addressing issues of sustainability for primary and high school students, PDs for teachers and children's services workers and introductory workshops for the general public; • Participation in community events and festivals to promote an understanding of reuse in the community; and • Information dissemination for arts, cultural and community organisations.
Number of Vincent Residents Served	800 people received services from REmida in 2007/2008, however it is estimated that a further 12,000 people received an indirect benefit from the services. It is estimated that between 1,800 – 2,400 people from the Town of Vincent benefited from the services offered by REmida.
Incorporated	Yes
Comments	Grant funding would be used to contract a Project Manager to research, develop, and promote the REmida Creative Reuse Centre. Lotterywest Organisational Development Grant has provided \$1,000 in funding, whilst an additional \$300 has been provided by a private organisation. Funding cannot be provided under the Community and Welfare Grants Guidelines for funding a reuse and recycling program.
Amount Requested	\$5000
Amount Recommended	\$Nil

REmida	Raw Score	Weighted Score %
Adherence to policy guidelines	0	0
Benefit to Town of Vincent residents	50	10
Financial viability of the project or program	50	5
Previous grants acquitted satisfactorily	N/A	N/A
Targets vulnerable and disadvantaged groups in the community	0	0
A unique service that meets the needs of the community	50	5
Demonstrated experience in delivering the service or program	0	0
TOTAL	150	20

Organisation	124 Sat Club.
Purpose of Funding	The 124 Sat Club is a social club for young people with disabilities. The members meet weekly in a safe environment to interact and learn life skills.
Target Group	Membership is made up young people with disabilities.
Services Provided by the Organisation	Services provided by 124 Sat Club include; <ul style="list-style-type: none"> • Teaching life skills through social interaction; • Preparation of meals; • Handling finances; • Public behaviour; • Development of relationships; • Exercise; and • Provide fun and friendship.
Number of Vincent Residents Served	124 Sat Club provided services for 12 people during 2007/2008 financial year. There is one Town of Vincent resident who attends the 124 Sat Club.
Incorporated	No
Comments	Grant funding would be used to cover transport costs to social events for the young people with disabilities. Funding would be used to provide staff to assist with activities for the young people at the 124 Sat Club. Funding cannot be provided under the Community and Welfare Grants Guidelines for funding this program.
Amount Requested	\$5000
Amount Recommended	\$Nil

124 Sat Club	Raw Score	Weighted Score %
Adherence to policy guidelines	10	3
Benefit to Town of Vincent residents	10	2
Financial viability of the project or program	50	5
Previous grants acquitted satisfactorily	N/A	N/A
Targets vulnerable and disadvantaged groups in the community	50	5
A unique service that meets the needs of the community	50	5
Demonstrated experience in delivering the service or program	50	5
TOTAL	210	25

SUMMARY OF RATINGS:

Summary of ratings for applications recommended for funding:

Organisation	Raw Score	Weighted Score %
<i>Western Australian AIDS Council</i>	650	92
<i>Volunteer Task Force</i>	680	98
<i>Continence Advisory Service of WA Inc</i>	650	92
<i>Enasco Australia Inc</i>	590	86
<i>Incest Survivors Association</i>	520	78

Organisation	Raw Score	Weighted Score %
<i>Australian Red Cross</i>	560	83
<i>Womens Health Services</i>	660	93
<i>Carers WA</i>	650	92
<i>Multicultural Services Centre of Western Australia</i>	560	78
<i>Passages Resource Centre</i>	650	92
<i>St Vincent de Paul Society</i>	660	93

CONSULTATION/ADVERTISING:

The scheme was advertised in two (2) local papers during the month of November 2008.

LEGAL/POLICY:

Policy number: 1.1.5 “*Donations, sponsorships and waiving of fees and charges.*”

STRATEGIC IMPLICATIONS:

Strategic Plan –2006 – 2011

3.1.1 “*Celebrate and acknowledge the Town’s cultural and social diversity.*”

3.1.2 “*Determine the requirements of the community.*”

FINANCIAL/BUDGET IMPLICATIONS:

Community & Welfare Grants and Donations

The table below details the financial implications of the welfare donations scheme over the past financial year 2007/2008 and this financial year 2008/2009. It lists the amount requested and the funding which was approved at the October 2007 and April 2008 round of grants last financial year. It lists the funding requested and the funding recommended for the November 2008/2009 round of grants for the organisations that have applied for the donations this financial year.

Organisation	Funding Requested (07/08-October)	Funding Recommended (07/08-October)	Funding Requested (07/08-April)	Funding Recommended (07/08- April)	Funding Requested (08/09 November)	Funding Recommended (08/09 November)
Carers WA	3,300	3,300			5,000	5,000
Ethnic Communities Council	4,950	2,000				
Multicultural Services Centre	5,000	2,500			4,600	4,600
Passages Resource Centre	3,000	3,000			3,000	3,000
W.A AIDS Council	2,000	2,000			2,000	2,000
ENASCO Australia	5,000	1,000			5,000	2,500
ENASCO (Gold Age Seniors Inc)	3,500	3,000				
The Salvation Army			5,000	5,000		
People Who Care			5,000	5,000		

Organisation	Funding Requested (07/08-October)	Funding Recommended (07/08-October)	Funding Requested (07/08-April)	Funding Recommended (07/08- April)	Funding Requested (08/09 November)	Funding Recommended (08/09 November)
Ruah Community Services			1,500	1,500		
Greek Welfare Centre			5,000	5,000		
Volunteer Taskforce			5,000	5,000	5,000	5,000
Continenence Advisory Service of WA					2,300	2,300
Incest Survivors Association					5,000	1,500
Australian Red Cross					4,745	4,745
Womens Health Services					3,330	3,330
St Vincent de Paul Society					5,000	5,000
Toy Libraries	3,000	3,000			3,000	3,000
Sundry Donations	6,000	6,000			6,000	6,000
TOTAL	\$35,750	\$25,800	\$21,500	\$21,500	\$53,975	\$47,975

Ad Hoc/Sundry Donations

In the 2008/2009 Budget, \$6,000 is allocated to cover sundry donations.

2008/2009 Budget

An amount of \$53,500 has been allocated for Community and Welfare Grants and Donations in the Budget for 2008/2009. \$5,000 was also allocated for Volunteer Task Force in the 2008/2009 Budget.

Since the introduction of the Community and Welfare Grants and Donations the total amount of funding requested has increased as shown in the table below:

FINANCIAL YEAR	AMOUNT REQUESTED	AMOUNT GRANTED
1996/1997	\$43,000.00	\$40,110.00
1997/1998	\$72,500.00	\$45,300.00
1998/1999	\$129,000.00	\$51,740.00
1999/2000	\$95,940.00	\$55,500.00
2000/2001	\$139,507.00	\$55,000.00
2001/2002	\$128,133.20	\$59,368.00
2002/2003	\$167,172.00	\$63,700.00
2003/2004	\$120,786.00	\$63,300.00
2004/2005	\$137,065.00	\$67,585.00
2005/2006	\$90,555.00*	\$49,000.00*
2006/2007	\$69,750.00*	\$54,450.00*
2007/2008	\$55,750.00*	\$46,800.00*
2008/2009	Round 1 – \$53,975*	Round 1 - \$47,975

* These figures do not include funding for the Loftus Community Centre and Rosewood Care Group.

Regular Annual Grants to Playgroups and Toy Libraries Located in the Town

An amount of \$20,000 has been allocated in the 2007/2008 and 2008/2009 budget to Playgroups. Each of the five Playgroups that operate within the Town of Vincent is eligible for funds totalling \$4,000 to use for capital works.

This 2008/2009 financial year, grants of \$1,000 will be offered to each Toy Library located in the Town of Vincent to assist with the costs of advertising, promotion and purchase of toys.

COMMENTS:

This is the first round of applications for the 2008/2009 financial year, to provide community groups and agencies an opportunity to apply for funding for programmes and services targeting the residents in the Town of Vincent.

The Town recognises the valid requests for funding from all applicants, however in some cases the amount recommended is less than that requested due to the merit of the application. Priority has been given to funding those organisations to which the Town regularly makes referrals, and whose services directly or indirectly benefit a large number of the Town's residents and best reflect the needs of the local community.

Due to the overwhelming response from applicants during the first round of the 2008/2009 Community and Welfare Grants, this will be the only funding round for the financial year 2008/2009. The remainder of funds will be recommended for allocation to targeted community groups that service residents prior to the end of the 2008/2009 financial year. A report will be forwarded to Council for approval to allocate the remainder of funds.

9.4.2 Matters Approved under Delegated Authority 2007-2008 - Receiving of Reports

Ward:	-	Date:	17 February 2009
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the items approved under Delegated Authority over the period 17 December 2008 to 9 February 2009.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 17 December 2008 to 9 February 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 2 December 2008, this matter was considered and Council resolved as follows;

“That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 17 December 2008 to 9 February 2009, subject to:

- (i) *the action taken being in accordance with the Officer’s recommendation;*
- (ii) *the Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;*
- (iii) *reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;*
- (iv) *items being displayed in the Town of Vincent Administration Centre, the Library and on the Town’s website for a period of three (3) days prior to approval;*
- (v) *a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2009; and*
- (vi) *a delegation register of items being kept and made available for public inspection during the period that the delegation applies.”*

The following items were dealt with under Delegated Authority:

Item	Report Description	<u>Voting</u>	Status
9.1.1	Nos. 505-509 Charles Street, North Perth – Proposed Perth Blues Club Mardi Gras Event at the Charles Hotel on 24 January 2009 (ENS0053; PRO0904)	<u>5-0</u>	APPROVED 23.12.08
14.1	CONFIDENTIAL REPORT - Nos. 79-81 (Lots: 11 and 12 D/P: 59211) Brisbane Street, Perth - Proposed Demolition of Two (2) Existing Single Houses and Construction of Three-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Three (3) Offices and Associated Car Parking - State Administrative Tribunal (SAT) Review Matter No. DR 446 of 2008	<u>5-0</u>	APPROVED AS AMENDED 29.12.08
9.1.2	Finalisation of Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Previously Coded Residential R20 in the Mount Hawthorn and North Perth Precincts - Precinct Plans 1 and 8 (PLA0202)	<u>7-0</u>	APPROVED 12.01.09
9.1.3	Town of Vincent Library and Local History Centre – Subscription to Ancestry Library Edition (CMS0002)	<u>7-0</u>	APPROVED 12.01.09
9.2.1	Proposed Partial Closure of Unmade Dedicated Road 17449 (TES0064)	<u>7-0</u>	APPROVED 12.01.09
9.1.4	Western Australian Planning Commission – Proposed Amendment to Residential Design Codes – R20 Provisions (PLA0110)	<u>8-0</u>	APPROVED 19.01.09
9.1.5	East Perth Redevelopment Authority – Draft East Perth Redevelopment Scheme No. 2 - Stakeholder Consultation (PLA0022)	<u>5-3</u> <i>(Against: Cr Lake Cr Maier Cr Youngman)</i>	NOT APPROVED 19.01.09
9.1.6	Amendment No. 56 to Planning and Building Policies – Draft Policy Relating to Encroachments Over Crown Lands (PLA0206)	<u>6-2</u> <i>(Against: Cr Lake Cr Maier)</i>	APPROVED 19.01.09
9.1.7	No. 518A (Lot: 4 D/P: 3830) Fitzgerald Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Two Grouped Dwellings (PRO2807; 5.2007.473.1)	<u>8-0</u>	APPROVED 19.01.09
9.1.8	Amendment No. 55 to Planning and Building Policies – Draft Policy relating to Car Stacking Systems (PLA0189)	<u>6-2</u> <i>(Against: Cr Lake Cr Maier)</i>	APPROVED 19.01.09

Item	Report Description	<u>Voting</u>	Status
9.1.9	Proposed Amendments to Building Regulations 1989 by Fire & Emergency Services Authority of Western Australia (FESA) to Exempt Commercial Buildings under 500 square metres from Referral to FESA by Local Governments (ADM0006)	<u>6-2</u> (Against: <i>Cr Maier</i> <i>Cr Messina</i>)	APPROVED 19.01.09
9.1.10	No. 86 (Lot 228) Grosvenor Road, Mount Lawley – Take Down and Remove Notice (PRO1839)	<u>8-0</u>	APPROVED 19.01.09
9.1.11	No. 8 (Lot: 64 D/P: 2848) Kalgoorlie Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House (PRO4606; 5.2008.530.1)	<u>7-1</u> (Against: <i>Cr Lake</i>)	APPROVED 19.01.09
9.1.12	Further Report - No. 666 (Lot: 1 D/P: 541) Newcastle Street, Leederville – Proposed Change of Use from Eating House to Eating House and Unlisted Use – Small Bar (PRO0984; 5.2008.358.1)	<u>6-0</u>	APPROVED 27.01.09
9.1.13	Nos. 427- 429 (Lots 16 and 17 D/P: 1114 and Lots 90-93 D/P: 28614) and Nos. 433 - 437 (Lots 12 and 15 D/P: 1114) William Street, Perth and Nos. 4 and 4A (Lots 13 and 14 D/P: 1114) Brisbane Place, Perth - Proposed Amalgamation (138998; PRO0795; PRO0495; 7.2008.81.1)	<u>2-4</u> (Against: <i>Cr Ker</i> <i>Cr Lake</i> <i>Cr Maier</i> <i>Cr Youngman</i>)	NOT APPROVED 27.01.09
9.1.14	Winter Air Quality Improvement Initiative - Smart Burn Block Subsidy Programme (ENS0027)	<u>6-0</u>	APPROVED 27.01.09
14.2	CONFIDENTIAL REPORT - Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Walls and Fill Addition to Three (3) Existing Single Houses- State Administrative Tribunal Review Matter No. DR 256 of 2007 and D/R 475 of 2008 (PRO3938; PRO3939; PRO3073; 5.2007.128.1 and 5.2008.229.1)	<u>6-0</u>	APPROVED 27.01.09
9.1.15	East Perth Redevelopment Authority – The Link Project: Scheme Amendment No. 22 and the Draft Design Guidelines; Riverside Project: Scheme Amendment No. 23 and the Waterbank Draft Design Guidelines (PLA0022)	<u>6-1</u> (Against: <i>Cr Youngman</i>)	APPROVED 02.02.09
9.2.2	Local Plant Sales and Associated Projects (CMS0096)	<u>5-2</u> (Against: <i>Cr Lake</i> <i>Cr Maier</i>)	APPROVED 02.02.09

Item	Report Description	<u>Voting</u>	Status
14.3	CONFIDENTIAL REPORT - No. 40 (Lot: 2 D/P: 1346) Melrose Street, Leederville - Proposed Two (2) Three-Storey Grouped Dwellings – State Administrative Tribunal (SAT) Review Matter No. DR 523 of 2008 (PRO2661; 5.2008.421.1)	<u>5-0</u>	APPROVED 10.02.09

The reports are "Laid on the Table", but will be included in the Council Minutes.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town’s Strategic Plan 2006-2011 - Objective 4 – “*Leadership, Governance & Management*” – 4.1.1 – Provide good strategic decision-making, governance, leadership and professional management.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority was in keeping with the Council’s practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority will be included in the Council Minutes.

9.4.3 Strategic Plan 2006-2011 – Progress Report for the Period 1 October 2008 – 31 December 2008

Ward:	Both	Date:	17 February 2009
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Directors		
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 October 2008 – 31 December 2008 as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 October 2008 – 31 December 2008.

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 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 both the Principal Activities Plan and 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. The reporting on a quarterly basis is in accordance with the Strategic Plan 2006-2011 Key Result Area.

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 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.

9.4.5 Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 16 February 2009

Ward:	South	Date:	17 February 2009
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 16 February 2009, as shown in Appendix 9.4.5.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 16 February 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) to delegate the following functions to the Committee;*
 - (a) to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) to receive and consider Performance Reports;*
 - (e) to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*

- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

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*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

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.

9.4.7 Information Bulletin

Ward:	-	Date:	17 February 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 24 February 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 24 February 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter of Appreciation from Margeaux Lamborn regarding Youth Development Grant
IB02	Letter from City of Perth Superannuation Fund regarding City of Perth Superannuation Fund Wind Up
IB03	Letter from City of South Perth regarding Infrastructure Australia Submission
IB04	Letter from Department of Planning and Infrastructure regarding Scarborough Beach Road Activity Corridor Project.
IB05	Progress Report on Local History Collection: July to December 2008 (CMS0002)

9.3.5 Underground Power: Highgate SUPP Program – Surplus Funds Report

Ward:	Both	Date:	11 February 2009
Precinct:	Banks; P15, Forrest; P14, Mt Lawley Centre; P11	File Ref:	TES 0313
Attachments:	001 , 002 , 003		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report on the determination of the project surplus for the Highgate State Underground Power Project (SUPP);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY that the Highgate East Underground Program surplus funds of \$254,016.09 be transferred to the Capital Reserve Fund, to be used only for infrastructure works in the Highgate SUPP Program area; and*
- (iii) *LISTS for consideration in the Draft Budget 2009/10 the projects in Option A, as follows;*

<u>Item</u>	<u>Amount</u>
Footpath Upgrade:	
• <i>Smith to Wright Streets</i>	<i>\$15,000</i>
• <i>Lord to West Parade</i>	<i>\$15,000</i>
• <i>Guildford to Chertsey Street</i>	<i>\$25,000</i>
• <i>Gardiner to East Parade</i>	<i>\$25,000</i>
• <i>Pakenham to Mitchell Street</i>	<i>\$10,000</i>
Road:	
• <i>West Parade to Lord Street</i>	<i>\$45,000</i>
• <i>East parade to Joel Terrace</i>	<i>\$20,000</i>
Traffic Management:	
• <i>Joel Terrace</i>	<i>\$30,000</i>
Playground Upgrade:	
• <i>Brigatti Gardens</i>	<i>\$65,000</i>
Total	\$250,000

Moved Cr Messina, **Seconded** Cr Burns

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 7.32pm.

Debate ensued.

The Presiding Member, Mayor Nick Catania stated he would “put the motion”.

Cr Lake stated that she wished to ask a question.

The Presiding Member, Mayor Nick Catania stated that as he had already “put the motion”, she could not ask a question, as this was contrary to the Standing Orders.

Cr Lake stated as a point of order she believed she had a right to ask a question.

The Presiding Member, Mayor Nick Catania asked the Chief Executive Officer to check the Standing Orders, to see if this was correct.

The Chief Executive Officer stated he believed the Presiding Member's ruling to be correct, further to Clause 4.10, which was read out.

Cr Lake moved dissent with the ruling.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the ruling of the Presiding Member be disagreed with.

PROCEDURAL MOTION PUT AND LOST (4-5)

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

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

Cr Maier stated a reason for refusal to be "for moral, equitable and legal reasons".

The Presiding Member, Mayor Nick Catania advised that he wasn't sure if he could accept that reason and asked the Chief Executive Officer to comment.

The Chief Executive Officer advised that Local Government Act and Regulations require that where an Officer's recommendation is significantly changed, lost or overturned, that the Council should give reasons for that decision. In giving the reasons for the decision, it is to provide people who are not present at the Meeting or in the future, some clear logical explanation as to why the Officer recommendation was changed. In his view, Cr Maier's reason did not provide sufficient clarity for the change of recommendation and he advised the Council to give clear reasons for doing so.

Reasons:

1. Consideration of the community responses received as to the surplus funds.
2. Such a surplus could not have been anticipated at the time of approving the project and it was not reasonable at that time to consider a refund as it was unlikely at that time to receive such an amount in surplus.
3. Information highlighted in the Additional Information, particularly that Clause (e) of the Ordinary Meeting of Council of 2 August 2006 (Item 10.3.7) which stated the matter of distribution of any surplus funding etc. would be determined by the Council once the final costing had been established.

ALTERNATIVE RECOMMENDATION

Moved Cr Messina, Seconded Cr Farrell

That the Council:

- (i) *RECEIVES the report on the determination of the project surplus for the Highgate State Underground Power Project (SUPP);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY that the Highgate East Underground Program surplus funds of \$254,016.09 be returned to the affected ratepayers on a pro rata basis of the amount they were charged;*
- (iii) *in order to provide clarity for future underground power projects, AMENDS Policy No. 2.2.2 – Undergrounding of Power, by inserting a new clause 2.5 as follows:*

“2.5 In the event that upon completion of the project, the costs of the underground power;

- (a) exceeds the Western Power quotation, the additional amount will be recouped from all the affected property owners on a pro-rata basis; or*
- (b) results in a surplus of funds, any surplus monies will be returned to the affected property owners, on a pro-rata basis;”*

Debate ensued.

Cr Messina departed the Chamber at 7.59pm.

Debate ensued.

Cr Messina returned to the Chamber at 8.00pm.

Debate ensued.

PROPOSED AMENDMENT

Cr Maier proposed an amendment to Clause (ii) on the basis of rather than specify the amount, it should read that all surplus be returned.

The Presiding Member, Mayor Nick Catania asked the Chief Executive Officer for advice and guidance.

The Chief Executive Officer stated that the new Standing Orders of 14 October 2008 included a new Clause 5.18. The reason this clause was introduced was that Council got itself into problems previously when amendments were made without giving the Town's administration the opportunity to provide advice to Council. At that time there was an amendment made to a Development Application which at the time seemed insignificant but in reality the Applicant went to SAT and Council was advised that it was ultra vires its powers. Accordingly, Clause 5.18 was drafted and included in the Standing Orders and he believes this significantly alters the Officer's Recommendation and time is needed to actually research it. The Chief Executive Officer stated he believed it was the Presiding Member's prerogative to accept or reject the amendment.

The Presiding Member, Mayor Nick Catania ruled that he would not accept the amendment.

Cr Maier stated that he disagreed with the Presiding Member's ruling and moved dissent of the ruling.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That the ruling of the Presiding Member be disagreed with.

PROCEDURAL MOTION PUT AND LOST (2-7)

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

Debate ensued.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Ker

That clause (iii) be DEFERRED for further consideration and rewording.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

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

Cr Burns departed the Chamber at 8.19pm.

COUNCIL DECISION ITEM 9.3.5

That the Council:

- (i) *RECEIVES the report on the determination of the project surplus for the Highgate State Underground Power Project (SUPP);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY that the Highgate East Underground Program surplus funds of \$254,016.09 be returned to the affected ratepayers on a pro rata basis of the amount they were charged; and*
- (iii) *DEFERS Clause (iii) (of the Alternative Recommendation) for further consideration and rewording.*

ADDITIONAL INFORMATION:

The Officer Recommendation to use any surplus monies from the Highgate East Underground Power Program project was prepared on the basis of Clause (ii)(e) of the Council Decision made at the Ordinary Meeting of Council held on 2 August 2006 (Item 10.3.7) which stated:

“(e) the matter of distribution of any surplus or funding of any deficit arising from the Highgate Underground Power Project be considered and determined by the Council once the final costings have been established;”

The statement in the Underground Power Newsletter No. 1 which stated:

“Upon completion (when final costs are known), any cost savings will be used to upgrade the existing infrastructure of the area.” – Refer to Appendix 9.3.5 (b).

As stated in the Officer Report on page 127 several amendments were raised and lost relating to the distribution of any surplus. It appears that the amendments were lost as there was differing views as to how the surplus (if any) would be dealt with – that is one amendment suggested a refund or a reduced charge and one amendment suggested using any surplus in the Underground Power Project Area.

In hindsight it would have been better for the Council to have determined a position by formal decision at the time, as this would have provided clarity to the ratepayers, Council and Town’s Administration. If the Council determines to return any surplus funds concerning the Highgate East Underground Program project to the ratepayers, this would provide a precedent and accordingly the proposed amendment to the Town’s Underground Power Policy is appropriate, as it will provide clear direction to the Council and Administration for any underground power projects in the future.

As previously reported, the State Underground Power Project (SUPP) is a State Government initiative whereby Local Governments are invited to participate, financially.

The Highgate East SUPP project was the first of its kind undertaken in the Town and involved a considerable amount of work by the Town’s officers from the initial design stage through to determining makeup of the properties in the area, the individual costs, fitting of transformers etc.

The implementation of the project was undertaken by Western Power and their contractors whereby they undertook all the works including all reinstatements etc. and not the Town.

A copy of the leaflet issued by a Mr Jake Schapper and other residents to properties in the affected area on the weekend of 21-22 February 2009, is attached.

The Town’s officers are still liaising with Western Power as and when outstanding issues (e.g. poor reinstatement etc) are brought to the Town’s attention by residents in the area

PURPOSE OF REPORT:

To provide a report to Council on the determination of the surplus from the Highgate State Underground Power Project.

BACKGROUND:

As part of the Highgate East SUPP Program, the Town issued three newsletters to the affected ratepayers on the underground project. In the first newsletter in the paragraph titled “Levy Charges”, reference was made as to how any cost savings may be handled. This stated;

“Upon completion (when final costs are known), any cost savings will be used to upgrade the existing infrastructure of the area.”

At the Ordinary Meeting of Council on 22 August 2006, Item 10.3.7, clause (ii) of the following recommendation was adopted:

“That the Council:

(ii) *APPROVES of:*

(a) *its participation in the Highgate East State Underground Power Program at an estimated cost of \$3,842,929 (excl GST);*

- (b) *the Western Power final quotation of \$7,516,759 (excl GST); noting that this quotation is only valid until the end of August 2006 and if not accepted by the Town a revised quotation will need to be obtained by Western Power which may result in a further substantial cost increase;*
- (c) *the Financial Model as shown in Appendix 10.3.7 which will fund the Town's contribution towards the project; and*
- (d) *the borrowing of an additional \$843,000 to pre-fund the project and amendment to the 2006/2007 budget accordingly;*
- (e) *the matter of distribution of any surplus or funding of any deficit arising from the Highgate Underground Power Project be considered and determined by the Council once the final costings have been established;*

During the debate on this item, the follow amendments were raised and lost relating to the distribution of any surplus. These are listed below:

“That a new clause (ii) (e) be added as follows:

“(ii) (e) in principle, any surplus greater than \$30,000 from the project be distributed to all properties on a pro-rata basis as either a refund or a reduced charge;”

“That the recommendation be adopted subject a new clause (ii) (f) be added as follows:

(ii) (f) strong consideration be given to the use of such surplus in the area of the Underground Power Project.”

DETAILS:

The Highgate East State Underground Power Project (SUPP) commenced in October 2006 and was completed in September 2008.

Financial Report attached for Period Ending September 2008, is the final report for the project. (Attachment 9.3.5).

The report shows the budgeted cost for the project was \$7,516,759.00, with the actual cost for the project being \$7,008,726.82.

The Town of Vincent's share of the expenditure was 50%, which is equal to \$3,504,363.41.

The Town made cash calls to the value of \$3,758,379.50 to Western Power. The surplus refunded to the Council is \$254,016.09.

The Town of Vincent raised an invoice for the amount of \$254,016.09 plus GST for Western Power as requested in their letter dated 10 October 2008. The money was received from Western Power on the 20 November 2008.

In accordance with clause (e) of the resolution of the Ordinary Meeting of Council held on the 22 August 2006, Item 10.3.7, the matter of the distribution of the surplus can now be determined.

There are a number of options in which the surplus could be treated and these are listed for consideration below:

It is important to note that in the Town of Vincent Newsletter No 1 on the Underground Power Project distributed to effected ratepayers stated:

“Upon completion (when final costs are known), any cost savings will be used to upgrade the existing infrastructure of the area.” – Refer to Appendix 9.3.5 (b)

Option 1:

The surplus to be retained and transferred in the Capital Reserve for use on future infrastructure work in the Highgate SUPP Area.

The benefits of this options is that the ratepayers in the area will get the benefit of any work undertaken in the area and given the amount of the money, a reasonable amount of work could be expected to be undertaken with the surplus. A list of potential projects has been included in the report.

Option 2:

Refund to be distributed to all effected properties pro-rata of the basis of the account balance raised.

There are a number of administrative issues involved in this option and these are outlined below:

- A number of the properties have been sold since the underground power has been installed. Contacting the original owners maybe problematic. The debt for the outstanding service charge was with the owner at the time of installation and any balance for the Underground Power was paid on settlement.
- Should cognisance be taken of the payment option in returning the money, that is should preference be given to these ratepayers that have paid in full, as opposed to those who have chosen the instalment or deferment option.
- There are a small number of ratepayers who have not made any payments, are they to receive a refund?
- The amount of the refund in dollar value for the majority is likely to be relatively small. There will also be administrative costs incurred in the preparation and processing of cheques and associated postage for 1400 accounts.

The benefit of this option is that the refund will be returned to the ratepayers who have contributed. It has been calculated that if the refund was to be based pro rata on the account balance raised, the effected ratepayers who were charged the standard charge of would be entitled to receive a refund of approximately \$145 - \$170 for a residential property.

Option 3:

The surplus to be retained and transferred to the Underground Power Reserve to be used to subsidise any future SUPP programs or any Local Area Underground Projects.

The concern with this option is the surplus has been generated from contribution from the ratepayers of the Highgate SUPP area and they would not receive a specific benefit for their area from their contributions. If Option 1 is adopted, the following projects options could be undertaken with the refund.

Projects for Consideration to be undertaken with the Surplus Funds:

If Option 1 was approved by Council, a number of options for potential projects to be undertaken in the Highgate SUPP area are listed below:

Option A:

The following items have been identified for consideration:

Footpath Upgrade:

- Smith to Wright Streets \$15,000
- Lord to West Parade \$15,000
- Guildford to Chertsey Street \$25,000
- Gardiner to East Parade \$25,000
- Pakenham to Mitchell Street \$10,000

Road:

- West Parade to Lord Street \$45,000
- East Parade to Joel Terrace \$20,000

Traffic Management:

- Joel Terrace \$30,000

Playground Upgrade:

- Brigatti Gardens \$65,000
- Total \$250,000**

Option B:

The following project is listed for consideration:

Banks Reserve – Foreshore Restoration Stage 1B:

- Part Funding to Complete \$250,000
- Total \$250,000**

Option C:

The following projects have been listed for consideration:

Brigatti Gardens:

- Playground Upgrade \$65,000

Jack Marks Reserve:

- Playground Upgrade \$65,000

Forrest Park Pavilion:

- Additional Funds Required \$100,000
- Total \$230,000**

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

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

(f) Determine a long-term implementation strategy for undergrounding of power throughout the Town...”

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

If the surplus is refunded by the Town as recommended it will enable the specific area to have work undertaken in that effected area.

COMMENTS:

The surplus would provide the opportunity for some significant capital or operational maintenance work to be undertaken in this area, which would be of benefit to the community in the affected area. This would be in accordance with the information provided to the ratepayers in the initial newsletter on the SUPP Project.

9.1.12 No. 165 (Lot 37 D/P: 3642) Scarborough Beach Road, Mount Hawthorn-Proposed Change of Use from Warehouse to Recreational Facility (Dance Studio) and Associated Alterations in the Anvil Lane Lower Level Floor - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 478 of 2008

Ward:	North	Date:	17 February 2009
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO0281; 5.2008.164.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith , 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 as part of - State Administrative Tribunal (SAT) - Review Matter No. DR 478 of 2008 the application submitted by C Ash on behalf of the owner J Jones, Argyle Holdings and Tegra Pty Ltd for proposed Change of Use from Warehouse to Recreational Facility (Dance Studio) and Associated Alterations in the Anvil Lane lower level floor at No. 165 (Lot: 37; D/P: 3642) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 10 April 2008, for the following reasons:

- (i) the development, which is unable to meet any of its parking obligations on-site, is not consistent with the orderly and proper planning and the preservation of the amenities of the locality and would generate excessive demand on presently available public car parking spaces;*
- (ii) the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber 8.21pm.

Debate ensued.

Cr Burns returned and Cr Youngman departed the Chamber at 8.22pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.23pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.24pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

Landowner:	J L Jones and Argyle Holdings Pty Ltd & Tegra Pty Ltd
Applicant:	C Ash
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop and Warehouse
Use Class:	Recreational Facilities
Use Classification:	"AA"
Lot Area:	572 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 19 October 1987 The City of Perth Council at its Ordinary Meeting approved an application to convert an existing shop to a shop and warehouse.
- 15 June 1992 The City of Perth Council at its Ordinary Meeting approved an application for a caretakers unit in an existing shop.
- 28 June 1994 The City of Perth Council at its Ordinary Meeting refused an application for the proposed establishment of a place of public worship within an existing building.
- 13 September 1994 The Council at its Ordinary Meeting refused an application for change of use from shops (retail use) to an eating house and storage space.
- 6 November 2007 The Council at its Ordinary Meeting approved an application for change of use from shops and warehouse to eating house, shop and warehouse.
- 23 May 2008 The Town under Delegated Authority conditionally approved proposed change of use from shops and warehouse to consulting rooms (non-medical) (beauty salon) and shop (hairdressing salon) and associated alterations.
- 23 May 2008 The Town under Delegated Authority conditionally approved signage addition to approved consulting rooms (non-medical) (beauty salon) and shop (hairdressing salon).
- 18 July 2008 The Town issued a Building Licence for an internal fit-out of the above non-medical consulting rooms (beauty salon) and shop (hairdressing salon).
- 9 September 2008 The Council at its Ordinary Meeting refused an application for proposed Change of Use from Warehouse to Recreational Facilities (Dance Studio) and Associated Alterations, in the Anvil Lane lower level floor, at the subject place 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 Policy No. 3.7.1 relating to Parking and Access ; and*
- (iii) *consideration of the objections received."*

- 9 December 2008 The applicant lodged a review application with the SAT in relation to the refusal issued by the Council at its Ordinary Meeting held on 9 September 2008.
- 24 December 2008 Directions Hearing held at the SAT.
- 10 February 2009 Mediation held at the SAT.

DETAILS:

The application involves a proposed change of use from warehouse to recreational facility (dance studio) and associated alterations in the Anvil Lane lower level floor of the subject two storey building. The upper floor of the building contains two tenancies (a women’s clothing store and non-medical consulting rooms (beauty salon) and shop (hairdressing salon), which both have ground level frontages to Scarborough Beach Road. The building has a nil setback to all boundaries with the exception of the rear southern boundary, where a 3.04 metre right of carriageway exists, benefitting the proprietor of No. 163 (Lot 36 D/P: 3642) Scarborough Beach Road. No car parking is able to be accommodated on-site.

As a result of the Mediation at the SAT held on 10 February 2009, the Town has been invited to reconsider the subject application under Section 31 of the *State Administrative Tribunal Act 2004*.

The details of the application remain unchanged as follows:

- The dance studio will be offering classes in pole dancing, burlesque, latin dance, belly dancing and pilates.
- The opening hours will be:
 - Monday-Friday: 10 am-12 pm; 5 pm- 9 pm
 - Saturday: 9 am to 9 pm.
- Number of employees: 2 full-time, 5 casual/part-time.
- Number of clients at any given time: 40.
- Equipment: 2 small hi-fi systems (no amplifiers).

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

The applicant’s main point of contention is that facts of the subject application, originally considered at the Ordinary Meeting of Council held on 9 September 2008 should have been consistent with the facts presented to the Council at its Ordinary Meeting held on 6 November 2007, in relation to the previously approved car parking shortfall (refer to the below table, which has been copied verbatim from the Minutes of the Ordinary Meeting held on 6 November 2007).

<i>Car Parking</i>	
<p><i>"Car Parking Requirement (nearest whole number)</i></p> <p><i>- Retail Premises - Shop: 1 space per 15 square metres of gross floor area (existing 120 square metres) - 8.0 car bays</i></p> <p><i>-Storage/Warehouse: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area (existing 460 square metres) - 5.6 bays</i></p> <p><i>- Café/Restaurant/Eating House: 1 space per 4.5 square metres of public floor area (proposed 160 square metres) - 35.55 car bays</i></p>	<p><i>Total = 49 car bays</i></p>

<i>Apply the adjustment factors</i>	(0.65025)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of one or more existing public car parking places with excess of 25 car parking spaces) • 0.85 (within 400 meters of a bus stop) • 0.90 (the development is within a District Centre zone) 	31.86 car bays
<i>Minus the car parking on-site</i>	Nil
<i>Minus existing car parking shortfall after applying adjustment factors (=45 bays x 0.65025)</i>	29.26 car bays
<i>Resultant Shortfall</i>	2.6 car bays"

At the Ordinary Meeting of Council held on 6 November 2007, the previously approved shortfall was noted in the Agenda Report and Minutes as being 45 car bays, which was then multiplied by the relevant adjustment factors to determine the previously approved car parking shortfall (29.26). Contrary to this, the Agenda Report which was considered by the Council at its Ordinary Meeting held on 9 September 2008, was amended prior to the Council Meeting to state that the previously approved shortfall was 30 car bays; which was then multiplied by the relevant adjustment factors to determine the previously approved car parking shortfall (19.51). Such changes resulted in the subject application initially being considered to have a shortfall of 1.3 car bays to a much larger and significant shortfall of 11.05 car bays.

The amendment to the previously approved car parking shortfall was instigated prior to the Council Meeting via a query submitted by a Council Member seeking clarification on the car parking assessment of the application considered by the Council at its Ordinary Meeting held on 6 November 2007. After reviewing the Town's archives, no evidence was located to substantiate the previous assessment, in which a previously approved car parking bay shortfall of 45 car bays was noted. The archival records indicated that the last identified car parking shortfall was 30 car bays. Hence the previously approved car parking shortfall noted in the Car Parking Assessment Table of the subject application, was changed to reflect consistency with the Town's records.

The applicant contends that as per the Town's Policy No. 3.7.1 relating to Parking and Access, the overall car parking requirement is determined by the deduction of 'the most recently approved on site car parking shortfall' and in this instance, the most recently approved on-site car parking shortfall was determined to be 45 car bays. The applicant contends that the Town is bound by the previous stated car parking shortfall and that the applicant should not be prejudiced, regardless if this decision was flawed on the basis that evidence cannot be located by the Town in relation to a decision/approval made previously.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (1)	Nil		Noted.

<p>Objections (6)</p>	<p>The primary focus of the Mount Hawthorn Precinct Plan is for retail activities and not a dance studio. The proposal is against all good planning principles and not in accordance with the existing retail precinct strategy and existing zoning.</p> <p>The use class recreational facility could permit other activities such as “entertainment” other than dance studio.</p> <p>There has been a revitalization of the streetscape by Town of Vincent and new retail shops are being attracted to the area.</p> <p>Concerns about parking. The proposal does not have parking space and it is unfair for other shops to provide parking for this proposed use.</p>	<p>Not supported - the proposed dance studio could be considered as it is an “AA” use in District Centre, which means the use is not permitted unless the Council has exercised its discretion by granting planning approval. One of the objectives of the Town’s Scheme is to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities. In this instance, it is considered that the proposed dance studio contributes to provide a diversity of leisure.</p> <p>Not supported- if this application is supported, then the applicant will have to comply with the definition of recreational facilities in the Town Planning Scheme No. 1. If the applicant does not comply with this requirement, the Town can take legal action.</p> <p>Noted.</p> <p>Supported- refer to comments below.</p>
Other Implications		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	
<p>Financial/Budget Implications</p>	<p>Nil</p>	

Car Parking	
Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) -Retail Premises- Shop: 1 space per 15 square metres of gross floor area (existing 120 square metres)- 8.0 car bays -Hairdresser Salon- Shop: 1 space per 15 square metres of gross floor area (approved floor area - of 245.25 square metres)- 16.35 car bays -Beauty Salon- Shop: 1 space per 15 square metres of gross floor area (approved floor area of 161.6 square metres)- 10.77 car bays -Recreational facility (dance studio)- 1 space per 30 square metres of gross floor area (proposed 362.88 square metres)- 12.096 Total= 47.216 car bays	47 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of one or more existing public car parking places with excess of 75 car parking spaces) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (the development is within a District Centre zone) 	(0.65025) 30.56 car bays
Car parking provided on-site for commercial component	Nil
Minus the most recently approved parking shortfall after applying adjustment factors (30 bays x 0.65025)	19.51 car bays
Resultant Shortfall	11.05 car bays

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

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 24 February 2009, the Town’s Officers and the Applicant are to attend a further Directions Hearing at the SAT on 26 February 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 24 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Previously Approved Car Parking Short Fall

The Town's Officers have undertaken further archival searches to try and identify at what point in time the subject property had a car parking shortfall of 45 car parking bays. Unfortunately, no further evidence was located to substantiate this. Rather, evidence was located which documented that the previously approved '*historical*' car parking shortfall was 30 car parking bays.

In light of this, it is considered pertinent to correct this entrenched anomaly in relation to the previously approved car parking bay shortfall, as such an unsubstantiated, shortfall in car parking provides the property with an unrealistic advantage and effectively an unwarranted windfall to the owner. Such an advantage is counterproductive to the overall intent of the Town's Policy 3.7.1 relating to Parking and Access, and will have an undue impact on the amenity of the immediate and surrounding area. Furthermore, the applicant has not provided any evidence in relation to the 45 car parking bay shortfall.

In light of the above, it considered that the Town should calculate the overall car parking requirement based on the previously imposed '*historically*' approved car parking shortfall of 30 car bays, with the relevant adjustment factors applied.

Resultant Overall Car Parking Shortfall

In determining whether a proposed development should be refused on car parking grounds, the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution.

The subject application has a total car parking requirement of 30.56 car bays after adjustment factors. If the above clause of the Parking and Access Policy is applied to the subject application, a total of 4.58 car bays are required to be provided on-site and the balance should be provided as a cash-in-lieu contribution. This requirement has not been satisfied as there are no car bays provided on-site.

It is to be noted that it is not appropriate to justify an approval of the subject application on the basis that the Town has approved other uses on the site in the past with a car parking shortfall. The incremental increase of uses on the subject site without sufficient car parking will have a direct undue impact on the preservation of the amenities of the locality through car parking spillover. There is concern also that the lack of any on-site car parking will unduly impact on the amenity of the surrounding residential area, as it is very likely that at least some cars generated by the proposal will be parked in the surrounding residential streets.

In the pursuit of orderly and proper planning, it is important that the Town manage future land uses in a manner that ensures the amenity of the nearby commercial/residential areas are protected and not unduly impacted upon by car parking spillover. Further, visitors to the area should not be in-convenienced by reduced levels of available parking. In this instance, it is considered that the shortfall in parking will impact on the amenity of the area.

Conclusion

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

9.1.3 No. 124 (Lot: 2 D/P: 1777) Loftus Street, North Perth - Proposed Change of Use from Single House to Consulting Rooms and Associated Signage (Application for Retrospective Approval)

Ward:	South	Date:	13 February 2009
Precinct:	Smith's Lake: P6	File Ref:	PRO2996; 5.2008.582.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, 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 M Wood on behalf of the owner S E & A W Belle & M Wood for proposed Change of Use from Single House to Consulting Rooms and Associated Signage (Application for Retrospective Approval), at No. 124 (Lot: 2 D/P: 1777) Loftus Street, North Perth, and as shown on plans stamp-dated 15 December 2008 and 9 February 2009, subject to the following conditions:

- (i) *a maximum of two (2) consulting rooms and two (2) practitioners is permitted to operate at the property at any one time;*
- (ii) *this approval is for Medical Consulting Rooms use only. Any change of use from Medical Consulting Rooms shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (iii) *the hours of operation of the Medical Consulting Rooms shall be limited to the following times: 8.00am to 7:00pm Monday to Friday and 8:00am to 12:00pm on Saturday, and closed on Sundays and Public Holidays. The Town is prepared to consider extended hours provided a new application is submitted to and approved by the Town;*
- (iv) *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;*
- (v) *within 28 days of the date of this approval, one class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facilities;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) *the signage shall not have flashing or intermittent lighting;*
- (viii) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (ix) *all signage shall not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;*

- (x) *within 28 days of the date of this approval, landscaping shall be provided along the 0.75 metre wide nature strip that exists along the northern and southern boundaries of the car park;*
- (xi) *any new street/front wall, fence and gate within the Loftus Street setback area including along the side boundaries within this street setback areas, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *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*
 - (g) *the solid portion adjacent to the Loftus Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, 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; and*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.26pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.27pm.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

For
Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against
Cr Messina

Landowner:	S & A Belle & M Wood
Applicant:	M Wood
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	354 square metres
Access to Right of Way	East side, 3 metres wide, sealed, Town owned

BACKGROUND:

8 February 2005

The Council at its Ordinary Meeting refused an application for change of use from single house to consulting rooms (physiotherapy practice) and associated alterations and signage and alterations to front/street fence, and demolition of the existing outbuilding.

10 May 2005

The Council at its Ordinary Meeting conditionally approved an application for change of use from single house to consulting rooms (physiotherapy practice) and associated alterations and signage and alterations to front/street fence, and demolition of the existing outbuilding subject to the following condition:

“(x) this approval for a consulting room is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council.”

13 July 2006

The Town under delegated authority from the Council conditionally approved the renewal of the change of use from single house to consulting rooms (physiotherapy practice) subject to the following condition:

“(iv) this approval for a consulting room is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council;”

DETAILS:

The proposal involves the change of use from single house to medical consulting rooms. This is an application for retrospective approval as the consulting room use expired on 13 July 2007. The applicant was advised by the Town’s Officers that the subject application will be advertised for 14 days and if no objections were received, the application will be determined under delegated authority. In this instance, one objection was received.

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 – no variation.
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.	Commercial use in a residential zone.	Supported – see “Comments”.
Non-Residential/ Residential Development Interface Policy:	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.	Supported – see “Comments”.
Car Parking			
Car parking requirement (nearest whole number) - Consulting Rooms – 3 bays per Consulting Rooms – requires 6 bays			= 6 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)			(0.7225) = 4.335 car bays
Minus the car parking provided on-site			4 car bays
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant shortfall Cash-in-lieu is not required in this instance, as the proposed shortfall is less than 0.5 car bay.			0.335 car bays

Bicycle Parking		
Consulting Room – 2 practitioners Class 2 – 1 space per 8 practitioners = 0.25 space Class 3 – 1 space per 4 practitioners = 0.5 space = 1 x Class 3 space required		
Consultation Submissions		
Support	Nil.	Noted.
Objection (1)	<ul style="list-style-type: none"> • The car parking area on-site does not reflect the plans submitted to the Town. • Landscaping should be provided in the car park. 	<ul style="list-style-type: none"> • Supported – the applicant submitted amended plans illustrating what is on-site. • Supported – a condition has been applied stating that landscaping be provided along the 0.75 metre nature strips along the northern and southern boundaries of the car park.
General Comments	<ul style="list-style-type: none"> • An adjoining landowner questioned whether or not the Town will be replacing a street tree on Richmond Street that was removed when the right of way was sealed. 	<ul style="list-style-type: none"> • Noted – this comment does not effect the subject planning application; however, the Town’s Officers will request that a replacement verge tree be provided on Richmond Street as part of the Town’s street tree planting program.
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:

The subject application for the change of use from single house to consulting rooms has been approved once in 2005 and again in 2006. In 2005, the owners conducted significant alterations to the dwelling to formulate the physiotherapy practice.

The Town’s Consulting Rooms Policy, which was adopted after the previous planning applications were approved, states that the 12 month operating time limit should only be placed on Non-Medical Consulting Rooms. Given that the subject application is for a Medical Consulting Room, the business is considered legitimate, and no complaints regarding the use of the practice has been received, the 12 month operating time limit is no longer considered appropriate for the physiotherapy practice.

With the above in mind, the proposal is recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal for the following reasons:

- the proposal in this instance is considered to be compatible with the uses of the surrounding area and not to unduly intrude on the amenity of the neighbouring properties;
- the adaptive reuse retains the existing original building stock and promotes a sustainable approach for building stock;
- works required to satisfy conditions of the previous planning approval relating to the front fence and the sealing of the right of way have been completed, which enhances and improves the streetscape and surrounding area;
- adequate parking is provided on-site; and
- the proposal in this instance promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance of the area.

9.1.1 Further Report – No. 57 (Lot: 38 D/P: 1577) View Street, Corner Vine Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	16 February 2009
Precinct:	Smith's Lake; P 06	File Ref:	PRO4527; 5.2008.410.1
Attachments:	001		
Reporting Officer(s):	E Storm, B McKean		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MacCormac Architects on behalf of the owner A J & J M Anning & A P MacCormac for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 57 (Lot: 38 D/P: 1577) View Street, corner Vine Street, North Perth, and as shown on plans stamp-dated 13 February 2009, subject to the following conditions:

- (i) *the front fence to View Street and Vine Street does not form part of this approval;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *first obtaining the consent of the owners of No. 59 View 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. 59 View Street in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Service. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *any new street/front wall, fence and gate within the View Street and Vine Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *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;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper building wall height on the southern and western elevations of the northern and southern dwellings being reduced to a maximum height of 7 metres, and the boundary wall on the western elevation not exceeding 3 metres from natural ground level to the top of the wall. The revised plans shall not result in any further variations to the Residential Design Codes of Western Australia and the Town's Policies.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 10 February 2009 and resolved as follows:

"That the item be DEFERRED for further consideration and to confirm actual measurements."

Council Members and adjoining landowners have asked for clarification of the following aspects of the proposal.

Overshadowing

Clause 6.9.1 of the Residential Design Codes of Western Australia 2008 (R Codes) allows for development to overshadow adjoining properties to a maximum of 35 per cent of the site area, in areas coded R40. The proposal does not overshadow the adjoining property to the west (No. 59 View Street). The R Codes state that the measurement of overshadowing should be calculated at midday on 21 June, and the Town's Officers do not have the discretion to assess overshadowing using any other method. The overshadowing is calculated in accordance with the provisions and explanatory guidelines of the R Codes. The amended plans stamp dated 13 February 2009 indicate that the proposed development overshadows approximately 10 per cent of the strata lot to the south of the subject property and is, therefore, compliant with the overshadowing requirements of the R Codes. The proposal is not considered to overshadow the property at No. 59 View Street on the above basis.

The applicant has provided additional overshadowing diagrams that are not required to be provided by the Town to further demonstrate that the proposal will not create any additional overshadowing than what is already created by the garage and carport structures on the eastern side of No. 59 View Street.

Amenity

Clause 7.4.1 of the Residential Design Elements Policy states that any new development is to consider preserving the amenity of adjoining neighbours and the surrounding areas. Such impacts include overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm. The proposal is considered by the Town’s Officers to be compliant with these requirements and, therefore, the proposal will not impact on the amenity of the adjoining landowners.

The word ‘amenity’ in a planning context is a flexible concept which generally relates to the ‘pleasantness’ of the environment in question. It has a physical component, which includes the character and appearance of buildings and works, or provision of facilities such as open space or proximity to shopping centres, or the quality of infrastructure and absence of noise and offensive odours. When assessing the impact on ‘amenity’, all the features, benefits, advantages and disadvantages inherit in any proposed development, as well as the impact of this proposed development on the surrounding existing development/environment, is taken into consideration.

Height

Amended plans clarifying discrepancy with the building wall height and boundary wall height were received by the Town on 13 February 2009. Walls heights calculated from existing ground levels are indicated on the elevation plans. The variations to building wall heights are detailed in the further Assessment Table below.

Site Works

The finished floor levels on the ground floor of the proposed dwellings are indicated on the amended plans stamp dated 13 February 2009 as follows:

- Kitchen, dining and living – FFL 27.5;
- Courtyard and drying court – FFL 27.480; and
- Double garage – FFL 27.844.

The applicants are proposing to excavate and fill the site to make the site level to construct the dwellings. To level the site, the applicant proposes approximately 290 millimetres of fill in the North West corner, 310 millimetres of fill in the North East corner, 110 millimetres of cut in the South East corner and 370 millimetres of filling in the South West corner of the site respectively.

Further Assessment Table

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Height Upper Floor: South Dwelling South Elevation	7 metres	7.28 metres – 6.94 metres	Not supported – additional wall height is considered to have an undue impact on affected neighbour and has been addressed in new condition (viii) of the ‘Further Officer Recommendation.’

West Elevation	7 metres	7.28 metres – 7.21 metres	Not supported – as above.
North Dwelling West Elevation	7 metres	7.27 metres – 6.63 metres	Not supported – as above.
Units 1 & 2 Building on Boundary	Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the balance of the boundary behind the front setback (34.5 metres), to one side boundary.	One boundary wall proposed (West) Length of wall = 18 metres (52 per cent of the balance of the boundary behind the front setback) Height = 3.21 metres - 2.88 metres (average height of 3.045 metres)	Not supported – the proposed wall is considered to have an undue impact on the affected landowner. Condition (viii) has been applied to ensure the wall does not exceed 3 metres from natural ground level to the top of the wall.

In light of the above, the previous Officer Recommendation has been amended to reflect the amended plans stamp dated 13 February 2009 and the above Further Report and Further Assessment Table.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 February 2009.

“OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MacCormac Architects on behalf of the owner A J & J M Anning & A P MacCormac for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 57 (Lot: 38 D/P: 1577) View Street, corner Vine Street, North Perth, and as shown on plans stamp-dated 18 December 2008, subject to the following conditions:

- (i) the front fence to View Street and Vine Street does not form part of this approval;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) first obtaining the consent of the owners of No. 59 View 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. 59 View Street in a good and clean condition;*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town’s Parks Service. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (v) *any new street/front wall, fence and gate within the View Street and Vine Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *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;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the building boundary wall on the western boundary being reduced to a maximum average height of 3 metres. The revised plans shall not result in any further variations to the Residential Design Codes of Western Australia and the Town's Policies.*

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

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 8.24pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.28pm.

Debate ensued.

Cr Farrell departed the Chamber at 8.29pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.30pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.31pm.

Debate ensued.

Cr Ker foreshadowed an amendment concerning the height of the boundary wall. The Chief Executive Officer advised the Council to defer the matter to confirm actual measurements.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Youngman

That the item be DEFERRED for further consideration and to confirm actual measurements.

MOTION PUT AND CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Farrell was absent from the Chamber.)

ADDITIONAL INFORMATION:

The western boundary wall has been re-calculated using the existing ground levels on the western boundary on the Site Survey Plan of the existing dwelling. The revised calculations indicate the boundary wall has a wall height ranging from 3.18 metres (minimum) to 3.42 metres (maximum) with an average wall height of 3.3 metres for 66 per cent of the length of the boundary behind the front setback. The site survey plan and elevations demonstrating the correct level of the western boundary wall have been attached to the report.

The subject boundary wall height is not compliant with the Building on Boundary requirements of the Residential Design Codes and is considered to have an undue impact on the affected neighbour. In light of the above, it is recommended that a condition be applied to limit the boundary wall height to a maximum average height of 3 metres to comply with the Building on Boundary requirements of the Residential Design Codes.

<i>Landowner:</i>	<i>A J & J M Anning & A P MacCormac</i>
<i>Applicant:</i>	<i>MacCormac Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>449 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of an existing single house and construction of two (2) two (2) storey dwellings at the subject property.

ASSESSMENT:

**Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Boundary Setbacks Unit 1 (North) Ground Floor -Front (North)</i>	<i>4.5 metres</i>	<i>3.3 – 4.5 metres</i>	<i>Supported – amended plans received showing the bbq area and bin enclosure setback to 3.5 metres, and the main building line at 4.5 metres. This complies with the minor incursion provisions and front setback requirements.</i>
<i>Upper Floor -North</i>	<i>Balcony 1 metre behind main building line</i>	<i>Terrace 0 metre behind main building line</i>	<i>Supported – see ‘Comments’ section. Amended plans received showing glass balustrade, which is of clear glass, has been located on the edge of the balcony.</i>
<i>- West</i>	<i>2.1 metres</i>	<i>1.5 metres</i>	<i>Supported – not considered to have an undue impact on the amenity of the adjoining property or amenity of the street.</i>
<i>Unit 2 (South) Ground Floor -Front (East)</i>	<i>Porch at 1.5 metres and main building at 2.5 metres</i>	<i>Porch at 0.5 metre and main building line at 1.5 metres</i>	<i>Supported – amended plans received demonstrating compliance with the street setback requirement.</i>

<p><i>Upper Floor</i> <i>-East</i></p> <p><i>-West</i></p>	<p><i>Balcony at 3 metres and main building line at 4 metres</i> <i>2.1 metres</i></p>	<p><i>Terrace at 1.5 metres and main building line at 2.5 metres</i> <i>1.5 metres</i></p>	<p><i>Supported – see ‘Comments’ section.</i></p> <p><i>Supported – not considered to have an undue impact on the amenity of the adjoining property or amenity of the street.</i></p>
<p><i>Units 1 & 2</i> <i>Building on</i> <i>Boundary</i></p>	<p><i>Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length (24.8 27.4 metres) of the balance of the boundary behind the front setback, to one side boundary.</i></p>	<p><i>One boundary wall proposed (West)</i></p> <p><i>Length = 37 18 metres</i> <i>Height = 3.65 3.2 metres (maximum) – 3.42 metres (maximum)</i></p>	<p><i>Supported</i> <i>plans</i> <i>received demonstrating boundary wall reduced in height and length to comply. The boundary fence complies with the Fencing Local Law.</i></p> <p><i>Not supported – additional average wall height is considered to have an undue impact on the affected neighbour and has been addressed in condition (viii) of the ‘Corrected Officer Recommendation.’</i></p>
<p><i>Open Space</i></p>	<p><i>0.45 per cent of the site</i></p>	<p><i>0.43 per cent of the site</i></p>	<p><i>Supported – amended plans received demonstrating compliance with the open space requirements.</i></p>
<p><i>Consultation Submissions</i></p>			
<p><i>Support</i></p>	<p><i>Nil</i></p>		<p><i>Noted.</i></p>
<p><i>Objection (3)</i></p>	<ul style="list-style-type: none"> <i>• Privacy</i> <ul style="list-style-type: none"> <i>• Density</i> <ul style="list-style-type: none"> <i>• Overshadowing</i> 		<p><i>Not supported – the proposal is compliant with the privacy requirements of the Residential Design Codes.</i></p> <p><i>Not supported – the property is zoned R40 and has a total lot area of 449 square metres. The minimum lot area required under the R40 standards is 200 square metres, with an average of 220 square metres. The density is therefore compliant.</i></p> <p><i>Not supported – the proposal is compliant with the design for climate requirements of the Residential Design Codes.</i></p>

	<ul style="list-style-type: none"> • <i>Open Space</i> 	<i>Not supported – amended plans have been received demonstrating compliance with the open space requirements.</i>
	<ul style="list-style-type: none"> • <i>Need for two car spaces</i> 	<i>Not supported – the Residential Design Codes and Town’s Policies require new developments to provide two on-site car parking bays.</i>
	<ul style="list-style-type: none"> • <i>Three bedroom houses implying family with children, negligible yard-space for children. Creating ‘battery kids’.</i> 	<i>Not supported – no evidence to substantiate this claim. Not a planning related consideration. Furthermore, the proposal complies with the open space and outdoor living area requirements of the Residential Design Codes.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Sustainability Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

** The 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:

Streetscape and Character

The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. Dwellings along View Street and Vine Street are inconsistent in architectural style and both streetscapes contain a mix of developments that vary in height, style and building materials. View Street and Vine Street are both dynamic and emerging contemporary streetscapes, with a pattern of new two storey grouped dwellings being constructed. It is noted that distinctive character homes are also being retained and upgraded in the immediate vicinity of the site. Both Units 1 and 2 allow for high levels of passive surveillance of the street due to the use of glass on the elevations fronting View Street and Vine Street, while achieving highly interactive front elevations. Neither View Street nor Vine Street are considered recognised streetscapes.

Unit 2 Street Setbacks

The upper floor street setbacks for Unit 2 are non-compliant with SADC.10 (Dual Street Frontages and Corner Sites). The applicant proposes upper floor setbacks to Vine Street of 2.5 metres in lieu of 4 metres in order to facilitate the effective use of the site and to ensure consistency with the style and form of the dwelling. The applicant has opted for greater setbacks to the southern boundary (R.O.W) than required in order to locate an outdoor living area on the ground floor within this space; this effectively means that the setback to Vine Street will be less to allow for this design.

Roof Forms and Design

The Residential Design Elements Policy states that the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for View Street and Vine Street, particularly as a number of the dwellings are screened by the large Ficus trees with dense foliage that line the street, and in the instance of this development, are to be retained. There is no consistent pattern of roof forms on either View Street or Vine Street.

Heritage

The subject place at No. 57 View Street, North Perth was built circa 1909 and is an example of the Federation Bungalow style of architecture constructed in weatherboard. The subject dwelling has a hipped roof form and features two identical street facing protruding gables in filled with white painted timber battens.

The Wise's Post Office Directories reveal that the earliest resident who lived at the subject dwelling was John A Wood in 1909. Since then the subject dwelling has been transferred several times to new owners and occupiers.

Summary

Although the application proposes variations to the acceptable development standards of the Residential Design Elements Policy, the proposal clearly satisfies the Performance Criteria for each of these variations and should therefore be supported. The development is not considered to compromise the streetscape but rather contribute to its emerging range of styles and built form and in light of the above, it is recommended that the Council approve the subject application, subject to standard and appropriate conditions to address the above matters."

9.1.7 Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and 123) Broome Street, Highgate - Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings

Ward:	South	Date:	16 February 2009
Precinct:	Forrest; P14	File Ref:	PRO1307; 5.2008.401.1
Attachments:	001		
Reporting Officer(s):	D Pirone, T Woodhouse		
Checked/Endorsed by:	H Smith, 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 Perth Residential Developments on behalf of the owner Benjamin & Co Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings, at Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and Lot 123) Broome Street, Highgate and as shown on plans stamp-dated 15 January 2009, subject to the following conditions:

- (i) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site and shall have the approval of the Heritage Council of Western Australia;*
- (ii) an interpretative plaque or another appropriate form of interpretation that recognises the history and significance of Crawshaw's House, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Heritage Council of Western Australia and the Town prior to the issue of a Demolition Licence;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) 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;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (vii) *any new street/front wall, fence and gate within the Broome Street setback area (except for the solid portion that incorporates the interpretive plaque) including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *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;*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue an owner or visitor residential car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Broome Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the living/meals of Unit 5 on the eastern and northern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 110 Broome Street, Nos. 369-375 Stirling Street and No. 500 Beaufort 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;

- (xii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xiii) *prior to the first occupation of the development, the existing crossover at Nos. 112 and 116 Broome Street being removed and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossover and reinstatement of the street verge is to be borne by the applicant/owner(s);*
- (xiv) *the proposed 1.5 metre pedestrian access way being a shared driveway for vehicles and pedestrians, with a clear distinguishing detail illustrating the pedestrian area from the driveway;*
- (xv) *any proposed boundary fencing along Unit 8 shall allow for a 1.5 metre by 1.5 metre truncation to the west of the porch; and*
- (xvi) *prior to the issue of a Building Licence all vehicular access to the subject sites at Nos. 112-120 Broome Street, Highgate and Nos. 476, 484 and 488-492 Beaufort Street, Highgate, shall be legally and continually secured, to the satisfaction of the Town.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-6)

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

Reasons:

1. Lack of visitor car bays.
2. Non-compliance as stated in the Assessment Table.
3. Consideration of objections received.

Landowner:	Benjamin & Co Pty Ltd
Applicant:	Perth Residential Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Nos. 112 – 114 and Nos. 118 – 120 Broome Street , Highgate – Vacant Land No. 116 Broome Street, Highgate – Vacant House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1480 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

8 February 2000	The Council refused the proposed demolition of the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate and commissioned the services of an approved Heritage Consultant to complete a full documentary of the place and to refer the place to the Heritage Council of Western Australia (HCWA). This followed various public submissions and some preliminary independent historical research commissioned by the Town, which highlighted that the Officer's original report dated 22 November 1999 that indicated the place had no cultural heritage significance, was incorrect.
18 April 2000	New planning application received for the redevelopment of the site and retaining the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate.
26 September 2000	Council granted conditional approval for proposed alterations and addition to the existing building and 14 additional dwellings, subject to various heritage requirements outlined by the HCWA and the Town.

- 15 December 2000 The Town received notification from HCWA that the place has been entered on the Register of Heritage Places on an Interim basis.
- 7 February 2005 An application for demolition received by the Town.
- 11 October 2005 After much liaison with the Heritage Council, the Council at its Ordinary Meeting approved the demolition of the subject place, subject to standard and appropriate conditions, including the requirement for an interpretative proposal that recognises the history and significance of Crawshaw's House being installed in a place that is visible to the public along the Broome Street frontage.
- 8 July 2008 Council at its Ordinary Meeting resolved to refuse a planning application for demolition of existing single house and construction of eight grouped dwellings for the following reasons:
1. Non compliances as stated in the Assessment Table.
 2. No community dividend for the loss of Crawshaw's Cottage.
 3. Ability to incorporate the Cottage into the proposed redevelopment.
 4. Consideration of the objections received.
 5. Questionable aesthetics.

DETAILS:

The proposal involves the demolition of No. 116 Broome Street, Highgate and the construction of eight two-storey grouped dwellings.

The subject application is similar to the proposal that was refused by the Council at its Ordinary Meeting held on 8 July 2008; however, the amendments reflect incorporation of the bricks of the existing house into a portion of the front fence.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	8.22 dwellings at R60	8 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: South Block Ground Floor -East	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.

-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Upper Floor -East	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
North Block Ground Floor -East	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Upper Floor -East	1.6 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-North (rear)	6 metres	4.1 metres – 5.07 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Outdoor Living Area: Units 1-4	An outdoor living area is to be provided behind the street setback area.	Provided with the street setback area.	Supported – as not considered to have an undue impact on the amenity of the area.
Car Parking:	Visitor spaces at the rate of one space for each four dwellings.	No visitor bays provided.	Supported – see “Comments.”

Privacy Setbacks: Unit 5 (Living/Meals)	6 metres	4 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for major openings to habitable rooms to be screened.
		4.1 metres to the northern boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for major openings to habitable rooms to be screened.
Street Walls and Fences:	The maximum width of the piers being 355 millimetres.	The pier with the proposed plaque is 1430 millimetres.	Supported – the proposal demonstrates the incorporation of the existing bricks from the existing house in a panel of the front fence. Whilst this involves a variation, it is not considered to have an undue impact on the amenity of the streetscape.

Consultation Submissions

Support	Nil	Noted
Objection (7)	<ul style="list-style-type: none"> • Building setbacks. • Articulation. • Outdoor living area being provided in the front setback. • Lack of visitor car parking. • Building height. • Solid fencing. 	<ul style="list-style-type: none"> • Not supported – the proposed variations to the building setback requirements are minor and are not considered to have an undue impact on the neighbouring properties. • Supported – the applicant has submitted amended plans to comply with this requirement. • Not supported – a courtyard within the front setback area will not result in an undue impact on the amenity of the area as it will provide interaction between the street and the proposed dwellings. • Supported – see “Comments”. • Supported – the applicant has submitted amended plans to comply with this requirement. • Not supported – the proposed fencing is compliant with the requirements, apart from a section that incorporates the bricks of the existing house and an interpretive plaque that outlines the history of Crawshaw’s House.

	<ul style="list-style-type: none"> • The development will result in a loss of light and sunshine. • The development will result in a loss of privacy. • Loss of open space. 	<ul style="list-style-type: none"> • Not supported – as the proposal complies with the overshadowing requirements of the R Codes. • Supported – considered to have an undue impact on the neighbouring properties. Condition applied for all major openings to habitable rooms to be screened. • Not supported – as the proposal complies with the open space requirements of the R Codes.
	<ul style="list-style-type: none"> • Loss of views to the city. • Bulk and scale 	<ul style="list-style-type: none"> • Not supported – two-storey developments are permitted in this area and a condition has been applied to comply with the building height requirements of the R Codes. • Not supported in part – the plot ratio requirements of the R Codes are not applicable in this instance and a condition has been applied to comply with the building height requirements of the R Codes.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

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

COMMENTS:

Demolition

The planning approval for the demolition of Crashaw's House expired on 11 October 2007. A new application has been advertised and conditions included in the Officer Recommendation regarding the requirement for an interpretation proposal to be incorporated into the overall development.

Whilst the Town's Heritage Officers recognise that the place has considerable historic value as one the first houses built in Highgate in 1886 in the domestic Late Colonial Gothic style, it is considered that given the poor structural condition of the place and the exhaustive meetings held with the Heritage Council of Western Australia, the consequential removal of the place from the State Register of Heritage Places and the Town of Vincent Municipal Heritage Inventory, it is considered that well designed interpretation that strongly reflects the historic value of the place incorporated into the overall development of the site is an appropriate outcome.

Parking and Access

The existing right of carriage way easement which allows for all vehicular access to the proposed development runs along the rear of Nos. 476 and 484 Beaufort Street, Highgate. The owners of this proposal also own Nos. 484 and 488-492 Beaufort Street; however, the corner property at No. 476 Beaufort Street is owned by a different party. To ensure that access to the subject site and the properties facing Beaufort Street (Nos. 476, 484 and 488-492) is maintained, a condition has been applied to the Officer Recommendation stating that all vehicular access to the above subject sites and Nos. 476, 484 and 488-492 Beaufort Street shall be legally secured perpetually, to the satisfaction of the Town. This will then require the applicant to either appoint their own solicitor or use the Town's solicitors to prepare the necessary legal documents, which will ensure owners having vehicles access rights to the subject sites. This will also allow the vehicles that park in the parking areas of Nos. 476, 484 and Nos. 488-492 Beaufort Street to access and manoeuvre into part of the common driveway of the above subject site. These access arrangements are to be to the satisfaction of the Town, prior to the issue of a Building Licence.

Vehicular access via the right of carriageway, minimises the number of crossovers onto Broome Street and thus keeps the streetscape clear of garages and crossovers, as well as allowing for the planting of verge trees and on-site car bays. The development requires 1 visitor car bay to be provided and by reinstating the existing crossover, an additional on-street car bay is provided along Broome Street.

Refusal of Previous Planning Application

The Council at its Ordinary Meeting held on 8 July 2008 resolved to refuse a planning application for demolition of existing single house and construction of eight grouped dwellings for the following reasons:

“1. Non compliances as stated in the Assessment Table.”

The applicant has submitted amended plans that result in a number of variations now being compliant with the requirements of the Town's Policies and the Residential Design Codes. These include reducing the building height, screening appropriate windows and balconies and articulating walls. Where appropriate, conditions have been applied to comply with those requirements.

2. No community dividend for the loss of Crawshaw's Cottage.

As stated in the background information, the Council at its Ordinary Meeting held on 11 October 2005 approved the demolition of Crawshaw's House, subsequent to much liaison with the Heritage Council. Since that time, the house has become completely non-habitable and the Town's Heritage and Health Officers are supportive of the demolition of the house, as it has become a danger to the community.

3. Ability to incorporate the Cottage into the proposed redevelopment.

The applicant has provided amended plans that incorporate the bricks of the cottage into a portion of the front fence. This has resulted in a slight variation to the fencing requirements of the Residential Design Elements and are supported by the Town's Planning and Heritage Officer's. Further to this, the applicant has proposed the addition of an interpretive plaque within the subject proportion of the front fence. The applicant has also utilised the Officer's advice and submitted amended plans that indicate a broken up façade. This was achieved by the creation of separate roofs for each dwelling to give a more separated effect, as a major concern from the previous proposal was that it looked too much like a “block of flats”.

4. *Consideration of the objections received.*

The subject application received less objections than the previous application and all objections have been addressed in the above table.

5. *Questionable aesthetics.*

This is considered an opinion and is not a planning related reason for refusal. Further to this however, the front elevation of the proposed development reflects compliant setbacks and a significant amount of articulation to provide interest has been incorporated.

Summary

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

9.1.8 No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth - Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 519 of 2008

Ward:	North	Date:	17 February 2009
Precinct:	North Perth; P08	File Ref:	PRO0718; 5.2008.490.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth - Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 519 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 519 of 2008, the application submitted by Peter D Webb and Associates on behalf of the owners T T Tran & H T Nguyen for Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth and as shown on plans stamp-dated 10 October 2008, subject to the following conditions:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *first obtaining the consent of the owners of Nos. 34 and 38 Paddington Street and No. 19 Clieveden 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. 34 and 38 Paddington Street and No. 19 Clieveden Street in a good and clean condition;*
 - (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *stores for both the existing and proposed dwellings having a minimum internal area of 4 square metres with a minimum dimension of 1.5 metres;*
 - (2) *the height of the boundary fence being reduced to no greater than 1.8 metres above the natural ground level at any point; and*

- (3) *the window to bedroom 2 on the eastern elevation on the upper floor being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 34 Paddington Street ~~37 Anzac Road~~ 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;

- (d) *any new street/front wall, fence and gate within the Paddington Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (6) *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;*
- (e) *the carport for the existing dwelling shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels with a minimum visual permeability of eighty (80) per cent are permitted);*

- (f) *a detailed landscaping plan, including a list of plants and the landscaping of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (g) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town for the conservation of the existing dwelling located on the proposed southern lot/site. All costs associated with this condition shall be borne by the applicant/owner(s).*

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.49pm.

Debate ensued.

Cr Messina returned to the Chamber at 8.50pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.53pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.54pm.

Debate ensued.

MOTION PUT AND LOST (1-8)

For

Cr Maier

Against

Mayor Catania

Cr Burns

Cr Doran-Wu

Cr Farrell

Cr Ker

Cr Lake

Cr Messina

Cr Youngman

Reasons:

1. **Building bulk is considered excessive;**
2. **Loss of privacy;**
3. **Impact on amenity of neighbours;**
4. **Feeling of confinement;**
5. **Loss of sunlight and wind; and**
6. **Consideration of objections received.**

ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.8

Moved Cr Lake, Seconded Cr Ker

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 519 of 2008, the application submitted by Peter D Webb and Associates on behalf of the owners T T Tran & H T Nguyen for Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth and as shown on plans stamped 10 October 2008, for the following reasons:

- (i) *Building bulk is considered excessive;*
- (ii) *Loss of privacy;*
- (iii) *Impact on amenity of neighbours;*
- (iv) *Feeling of confinement;*
- (v) *Loss of sunlight and wind; and*
- (vi) *Consideration of objections received.*

MOTION PUT AND CARRIED (8-1)

For
Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Messina
Cr Youngman

Against
Cr Maier

The Presiding Member, Mayor Nick Catania queried whether a Motion to refuse the item was specifically required and requested this be researched and Council Members advised.

Landowner:	T T Tran & H T Nguyen
Applicant:	Peter D Webb & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Vacant Land
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	559 square metres
Access to Right of Way	N/A

BACKGROUND:

12 July 2005

The Council at its Ordinary Meeting resolved to constructively refuse an application for alterations, additions and two-storey grouped dwelling addition to existing single house at the subject property for the following reasons:

- "1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*

2. *The non-compliance with the Setbacks, Outdoor Living Area, Privacy, Buildings on Boundary and Essential Facilities requirements of the Residential Design Codes, and the Town's Policy relating to the Knutsford Locality, respectively.*
3. *Consideration of the objections received.*
4. *The proposed subdivision does not comply with the requirements of either grouped dwelling or battleaxe subdivision."*

The Council also resolved as follows:

"That;

- (i) *the Council ADVISES the Western Australian Planning Commission (WAPC) that the proposal does not meet the requirements for grouped dwellings as the proposed common property is not considered "necessary or functional", therefore resulting in the proposed survey strata subdivision being a battleaxe subdivision, that does not comply the minimum site area requirements for a battleaxe subdivision; and*
- (ii) *the Council ADVISES the applicant that it is prepared to consider an application for a second dwelling on the site only when it can be demonstrated to meet the minimum requirements for a grouped dwelling."*

- 9 August 2005 The applicant lodged an application for review with the State Administrative Tribunal (SAT) in response to the above refusal.
- 28 February 2006 The SAT allowed the application for review with the approval valid for a period of two (2) years only, this expiration date being 28 February 2008.
- 22 May 2006 The Western Australian Planning Commission (WAPC) conditionally approved the survey strata subdivision of the subject property.
- 10 October 2008 The Town received an application for partial demolition of, and alterations, additions and additional two-storey grouped dwelling to existing single house. The application had an identical format to that approved by the SAT on 28 February 2006.
- 2 December 2008 The Council at its Ordinary Meeting refused the application for partial demolition of, and alterations, additions and additional two-storey grouped dwelling to existing single house for the following reasons:
1. *Building bulk is considered excessive.*
 2. *Loss of privacy.*
 3. *Impact on amenity of neighbours.*
 4. *Feeling of confinement.*
 5. *Loss of sunlight and wind.*
 6. *Consideration of objections received."*

- 20 December 2008 The applicant lodged an application for review with the State Administrative Tribunal (SAT) in relation to the refusal issued by the Council on 2 December 2008.
- 21 January 2009 The Town's Officers attended a Directions Hearing at the SAT.
- 30 January 2009 The Town's Officers attended a Mediation at the SAT.
- 7 April 2009 Final Hearing at the SAT.

DETAILS:

The proposal involves the construction of an additional grouped dwelling at the subject property and alterations and additions to the existing dwelling. The development is identical to the development that was refused by the Council at its Ordinary Meeting held on 12 July 2005, a decision which was subsequently approved by the SAT on 28 February 2006.

As a result of the Mediation at the SAT held on 30 January 2009, the Town has been invited to determine the application for No. 36 Paddington Street, North Perth under Section 31 of the State Administrative Tribunal Act 2004; hence, the Agenda Report is not prepared as a "Confidential Report".

The planning consultant acting on behalf of the applicant has provided a submission for consideration by the Council, which is partially summarised below and "Laid on the Table", relating to Council's decision to refuse an application that has previously been approved by the SAT:

- The matter is identical to a matter which has previously been determined by the Tribunal.
- As there has been no material change in circumstances associated with this proposal and unless the Town seeks to challenge the Tribunal on a matter of Law, then the Tribunal will be bound to issue an identical decision to that previously issued in this matter.

The following is an extract from the applicant's extensive justification in response to the objections received by the Town during the period of community consultation for the proposal.

"Objections to this proposal also quoted the Town's Residential Design Elements Policy, suggesting that this proposal doesn't comply with that Policy. We disagree, absolutely:

In reviewing clause 6.3 Objectives, of the Policy we note the requirements:

- *To ensure that development is sensitive to the streetscape and established character of the locality.*

Applicant's response: The applicant confirms that this objective is achieved by the retention (and substantial upgrading including landscaping, fencing and outdoor living area) of the existing (single storey) residence on this property. Further, the proposed new, two storey residence is in a similar location to an existing two storey residence on a neighbouring property, in that it enjoys a similar setback from the street.

- *To promote development that reinforces the dominant streetscape rhythm and considers issues such as spacing and proportion of built form:*

Applicant's response: The dominant streetscape rhythm is protected by the retention of the character home at the front of the block (unlike its neighbour – which includes an extensive vehicle parking area) and the spacing and proportion of built form of the proposed new home are consistent with that of the (two storey) neighbour.

The housing density associated with this proposal is entirely consistent with the provisions of TPS 1 and should not be the subject of inferior and irrelevant debate by individuals who have achieved a particular outcome and seek to ensure that their neighbours do not enjoy similar benefits allowable under the Scheme".

The applicant acknowledges the very minor non-compliances which form part of this application, but also confirms that those non-compliances are not so significant as to impact upon the amenity of adjoining properties. This point has been supported in the SAT's previous determination on the matter.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 30 – 1.86 dwellings R 40 – 2.54 dwellings (the subject site has a dual coding and the R40 is applied due to the retention of the existing dwelling)	2 dwellings at R 35.78	Supported – no variation.
Plot Ratio	N/A	N/A	Noted.
Boundary Setbacks: - Upper Floor - East	1.2 metres	1.2 – 1.9 metres	Supported – a further review of the considerations of the State Administrative Tribunal in relation to the previous application and the Residential Design Codes (R Codes) demonstrates that the eastern setbacks are compliant.
- West	1.2 metres	1.2 – 2 metres	Supported – a further review of the considerations of the State Administrative Tribunal in relation to the previous application and the Residential Design Codes (R Codes) demonstrates that the western setbacks are compliant.

Building on Boundary	Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed – North wall - height and length compliant. East wall - height and length compliant.	Supported – see “Comments” section.
Fencing Local Law - Western Boundary Wall	1.8 metres	1.6 – 2.1 metres	Not supported – condition applied for the height of the wall to be no greater than 1.8 metres at any point.
Outdoor Living Area (Lot 2)	An outdoor living area to be provided behind the street setback area.	27.5 square metre screened yard area provided within the front setback area.	Supported – not considered to have any undue impact on the amenity of the streetscape. The provision of the courtyard area within the front setback allows for greater levels of active and passive surveillance of the street and is a consistent feature along Paddington Street.
Essential Facilities	An enclosed, lockable storage area constructed with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.	Lot 1 – two storage areas with the dimensions 1.1 metre by 1 metre and 0.5 metre by 3.5 metres (a total of 2.85 square metres). Lot 2 – one storage area with the dimensions 1.0 metre by 3.6 metres (a total of 3.6 square metres).	Not supported – considered to have an undue impact on the amenity of the occupiers of the dwellings, and condition applied for the store areas to meet the requirements specified in Clause 6.10.3 of the R Codes.
Privacy Setbacks - Bedroom 2 (East)	4.5 metres to eastern boundary	3.5 metres to eastern boundary	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the window to be screened.

Consultation Submissions		
Support	Nil.	Noted.
Objection (5)	<ul style="list-style-type: none"> • Boundary Setbacks 	Noted – a further review of the considerations of the State Administrative Tribunal in relation to the previous application and the Residential Design Codes (R Codes) demonstrates that the boundary setbacks are compliant.
	<ul style="list-style-type: none"> • Boundary Walls 	Noted – see above.
	<ul style="list-style-type: none"> • Fencing Local Law 	Supported – see above.
	<ul style="list-style-type: none"> • Plans are for a grouped dwelling however, this appears to be a battleaxe arrangement 	Not supported – the proposal involves the retention of the existing dwelling and is compliant with the R 40 minimum and average site area requirements of the R Codes in relation to grouped dwelling sites, including such sites being in a ‘battleaxe arrangement’. The survey strata subdivision of the site has been approved by the WAPC; therefore, regardless of the outcome of this current application, the land could still be considered on different titles subsequent to the creation of the lots.
	<ul style="list-style-type: none"> • Streetscape 	Not supported –the proposal will have no undue impact on the amenity of the streetscape given that the dwelling is at the rear of the property and will not be directly visible from the street.
	<ul style="list-style-type: none"> • Locality characteristics (setbacks, height, landscaping and fence design) 	Noted – see ‘Comments’ section.
	<ul style="list-style-type: none"> • Affect on amenity of adjoining properties 	Noted – see ‘Comments’ section.
	<ul style="list-style-type: none"> • Housing Density 	Not supported – the proposal involves the retention of the existing dwelling and is compliant with the R 40 minimum and average site area requirements of the R Codes.

	<ul style="list-style-type: none"> Privacy Encroachments 	Not supported – the proposal is compliant with the privacy requirements of the R Codes.
	<ul style="list-style-type: none"> Overshadowing 	Not supported – the proposal is compliant with the overshadowing requirements of the R Codes.
	<ul style="list-style-type: none"> Accumulation of variations 	Noted – see ‘Comments’ section.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 24 February 2009, the Town’s Officers and the Applicant are to attend a further Directions Hearing at the SAT on 7 April 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 24 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Planning Services' Comments

The objections received were extensive and comprehensive. However, some of the objections received related to aspects of the development which were compliant with the R Codes and Town's Policies (that is, privacy, overshadowing, height) and therefore, cannot be considered as reasons for refusal. The variations listed in the Non-Compliance Table are however, matters in which the Town's Planning Services have the discretion to support should they be considered reasonable under the provisions of the Town's Policies and the R Codes. To this end, Clause 2.5.4 of the R-Codes states that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provisions and the relevant provisions of the Council's planning scheme or a local planning policy. In this instance, building bulk, privacy, loss of sunlight and wind which were listed as reasons for refusal, were compliant with the acceptable development standards.

Furthermore, it is to be noted that the WAPC have conditionally approved the survey strata subdivision of the property on 22 May 2006 and regardless of the outcome of the subject application, the property can still be divided into two titles. Clause 3.5.2 of the WAPC Development Control Policy No. 1.1 states "*lots which cannot be developed in accordance with relevant statutory requirements will not be approved. The WAPC will also ensure that, by creating a new lot, it does not render an existing lot or development upon that lot illegal in terms of statutory requirements. Such matters may include lot sizes, car parking, setbacks or the provision of service*". Given the dimensions and location of the site, the Town's Officers are of the opinion that the proposal does not seek to over-develop the site and is consistent with the provisions of the R Codes and Town's Policies.

Conclusion

The application was refused by the Council at its Ordinary Meeting held on 2 December 2008, against the Officer's Recommendation for approval. The Town's Officers consider that there are limited options for redesign to address the Council's reasons for refusal, as the reasons for refusal are largely compliant with the Acceptable Development requirements of the R-Codes and Residential Design Elements Policy. The Town's Officers still maintain that the application is worthy of conditional support.

At the Mediation held on 30 January 2009, the SAT Member took the opportunity to advise parties to the Matter that unless flawed at law, the Tribunal is bound to ensure consistency of its decision making. The SAT Member referred to a number of previous cases, in order to highlight the importance of consistency of decision making. In the case of *Di Latte v Town of East Fremantle (WASCA 2002 100)*, the following was stated:

"inconsistency has the potential of bringing the decision making process into disrepute because it suggests that the decision is arbitrary, rather than one made in accordance with a disciplined approach reflecting the application of sound town planning principles and consistent with commonly accepted notions of justice".

The Tribunal has therefore formed the view that as there has been no material change in the circumstances associated with this proposal, and unless the Town seeks to challenge the Tribunal on a matter of Law, then the Tribunal will be bound to issue an identical decision to that issued previously in this Matter (2006 WASAT 28 February 24, 2006). The applicant has outlined that should the Town not conform with the Tribunal's former decision, the applicant will seek an order as to costs from the Tribunal for all the actions required of the Applicant and its Consultants/Lawyers from the Directions to the time of the Tribunal's decision.

In light of the above and the Tribunal's comments, the Town's Officers or any representative of the Town at the State Administrative Tribunal will find it difficult to defend the Council's refusal and the application should be approved, subject to the aforementioned conditions.

9.1.16 LATE ITEM - Nos. 331-367 (Lot: 21 D/P: 42361, Lot: 100 D/P: 66966) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel)- State Administrative Tribunal (SAT) Review Matter No. DR 28 of 2009

Ward:	South	Date:	19 February 2009
Precinct:	Hyde Park, P12	File Ref:	PRO0539; 5.2008.106.1
Attachments:	001 002		
Reporting Officer(s):	R Rasiah; T Woodhouse		
Checked/Endorsed by:	H Smith; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 331-367 (Lot: 21 D/P: 42361, Lot: 100 D/P: 66966) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth - Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel), - State Administrative Tribunal (SAT) Review Matter No. DR 28 of 2009; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 28 of 2009, the application submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner Australian Leisure and Hospitality Group Limited for Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel), at Nos. 331-367 (Lot: 21 D/P: 42361, Lot: 100 D/P: 66966) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth, and as shown on plans stamp-dated 18 February 2009, subject to the following conditions:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (1) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$30,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 3,000,000); and*

- (2) *in conjunction with the above chosen option;*
- (aa) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (bb) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (c) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the bin compound being redesigned to accommodate the following bins:*
- General Waste: One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (d) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (1) *pay a cash-in-lieu contribution of \$896 for the equivalent value of 0.32 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
- (2) *lodge an appropriate assurance bond/ bank guarantee of a value of \$896 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
- (aa) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (bb) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,;' or*

(cc) *to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

- (e) *doors and windows and adjacent floor areas fronting Bulwer Street, Fitzgerald Street and Lawler Street shall maintain an active and interactive relationship with these streets;*
- (f) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (g) *the uses of the existing first floor shall be strictly as per the approved plans stamp dated 27 December 2006 (Project No. 06099, Issue No. P.02 Rev A) and access shall not be available to the public at any time;*
- (h) *the public floor area of the tavern shall be limited to 548 square metres;*
- (i) *a maximum of 589 people, inclusive of staff, are permitted to be at the premises at any one time;*
- (j) *the gross floor area of the bottleshop shall be limited to 1094 square metres;*
- (k) *compliance with the Environmental Protection (Noise) Regulations 1997 at all times;*
- (l) *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;*
- (m) *prior to the issue of the Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the tavern, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the tavern certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (n) *a detailed management plan that addresses the control of noise, traffic, car parking, disposal of rubbish and its collection, littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, shall be submitted to and approved by the Town prior to the first occupation of the tavern, and thereafter implemented, maintained and adhered to;*

- (o) *the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the Town not to seek from either the Town or the WAPC compensation for any loss, damage or expense to remove the approved works which encroach the Other Regional Road reservation/ road widening requirement when the road reservation/ road widening/ road upgrade is required. This Agreement is to be registered as a Caveat on the Certificate of Title of the subject land. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation shall be borne by the applicant/owner(s);*
- (p) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive collection shall be submitted and approved prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first;*
- (q) *no street verge tree(s) shall be removed /pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (r) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Newcastle Street and Charles Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (s) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (t) *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;*
- (u) *awnings to be in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Fitzgerald and Bulwer Streets; and*
- (v) *lighting for the car parking area shall be compliant with AS1158.3.1 and design plans shall be submitted and approved prior to the issue of a Building Licence.*

COUNCIL DECISION ITEM 9.1.16

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-2)

For
Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Against
Cr Ker
Cr Youngman

Landowner:	Australian Leisure and Hospitality Group Limited
Applicant:	Oldfield Knott Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Tavern
Use Class:	Tavern
Use Classification:	"SA"
Lot Area:	3991 square metres
Access to Right of Way	Not applicable

BACKGROUND:

- 22 November 1999 The Council at its Ordinary Meeting conditionally approved additions and alterations to existing hotel.
- 23 March 2004 The Council at its Ordinary Meeting deferred its decision as requested by the applicant for proposed development of Beer Garden for the Hyde Park Hotel.
- 25 May 2004 The Council at its Ordinary Meeting conditionally approved development of beer garden for the Hyde Park Hotel.
- 27 December 2006 The Town under delegated authority conditionally approved change of use from hotel to tavern.
- 16 December 2008 The Council at its Ordinary Meeting conditionally refused the proposed Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel), for the following reasons:
1. *Excessive area devoted to the sale of alcohol.*
 2. *Significant change in use, resulting in the loss of entertainment and change in culture of the premises.*
 3. *Increased parking shortfall.*
 4. *Substantial complaints received from businesses and residents in the area.*
 5. *Affect on amenity of residents and businesses in the area."*
- 9 January 2009 The applicant lodged an application for review with the State Administrative Tribunal (SAT) in relation to the refusal issued by the Council on 16 December 2008.
- 30 January 2009 The Town's Officers attended Directions at the SAT.
- 13 March 2009 A further Directions Hearing is scheduled at the SAT.

DETAILS:

The proposal involves the partial demolition of, and alterations and additions to the existing tavern including the following:

- The existing TAB, sports bar and games lounge ground floor areas to form an entertainment lounge.
- A new bistro dining and courtyard area within the existing service area.
- The demolition of the existing lounge bar, bistro, bottle shop and drive-thru and construction of a new bottle shop facility.
- Construction of new kitchen, storage and toilet facilities.

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

As a result of the Direction Hearing at the SAT held on 30 January 2009, the Town has been invited to determine the application for Nos. 331-367 (Lot: 21 D/P: 42361, Lot: 100 D/P: 66966) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth under Section 31 of the State Administrative Tribunal Act 2004; hence, the Agenda Report is not prepared as a "*Confidential Report*".

The Applicant's Planning Consultant has provided a submission dated 19 February 2009 (attached), addressing the previous reasons for refusal and also justifying the current proposal. A summary of the changes made in the revised plans dated 18 February 2009 are as follows:

- New windows have been shown to the Liquor Outlet facades.
- Lighting has been indicated within the car park.
- Additional design features have been incorporated into the Bulwer Street frontage and the top portion of the building. The length of awning has been increased to provide further protection for pedestrians.
- Rear courtyard area has been reduced by 5 square metres as required to reduce the car parking shortfall.

The revised plans dated 18 February 2009 have also been forwarded to the Department for Planning and Infrastructure (DPI) for comments. The DPI had previously accepted the previous proposal considered at the Ordinary Meeting of Council held on 16 December 2008. The above revised plans are minor and considered unlikely to affect the decision of the DPI in this regard.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Street Setback	Buildings are to be setback from the street alignment as is generally consistent with the building setback on the adjoining land and in the immediate locality.	Nil	Supported- the existing building including the tavern has a nil setback. Therefore, the additions including the bottle shop will not unduly impact on the streetscape.
Parking	156.89 car bays	115 car bays	Supported in part- refer to Parking Assessment Table. The overall shortfall is 0.32 car bay and cash-in-lieu should be paid for this shortfall.

Consultation Submissions		
Support	Nil.	Noted
Objection(1)	There should not be a reduction in parking. Parking is already at a premium in this area.	Not supported- refer to Parking Assessment Table.
Department for Planning and Infrastructure	The Department supports the development and has also reviewed the Transport Assessment submitted by the applicant and found that the report addresses its requirements.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Sustainability 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.

Car Parking

Requirements as per Parking and Access Policy	Required
Tavern (1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater) Public floor area= 548 square metres Parking required= 144.21 car bays or Maximum number of persons as per the Town's Health Services= 589 Parking required=130.89 car bays Retail Premises-bottleshop (1 space per 15 square metres of gross floor area) Area of shop= 1094 square metres Parking required= 72.93 car bays Total Parking required= 217.14 car bays	217 car bays (nearest whole number)
Apply the parking adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.723) 156.89 car bays
Car parking provided on-site	115 car bays
Minus the most recently approved on-site parking shortfall	12.93 car bays
Resultant shortfall	28.96 bays

The hotel rooms have not been taken into account in the parking calculation in view of the previous Planning Approval dated 27 December 2006 for the tavern, whereby the applicant confirmed that the rooms would be converted to stores; this was reflected in the approved plans.

The above parking requirements are compared with the existing parking situation on-site as follows:

***Note: The following Car Parking Table was corrected at the meeting. Changes are indicated by strike through and underline.**

Requirements	Existing	Proposed
Car Parking	Public floor area= 810 square metres Parking required= 213.16 bays Area of Drive Through (Retail)= 227 square metres Parking required= 15.13 car bays Total parking requirement= 229 car bays (nearest whole number) Total parking requirements (after applying adjustment factors)=229 x 0.723= 165.57 car bays Parking provided on site= 124 car bays Minus the most recently approved on-site parking shortfall= 12.93 car bays Existing shortfall= 28.64 car bays	As per above parking calculation – resultant parking shortfall= 29.68 <u>28.96</u> car bays

As shown in the table, the overall resultant shortfall for the proposed development is 0.32 car bays (28.96 car bays minus 28.64 car bays), which is supported subject to the relevant cash-in-lieu contribution being made.

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 24 February 2009, the Town's Officers and the Applicant are to attend a further Directions Hearing at the SAT on 13 March 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 24 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Partial Demolition

The revised plans are supportable on heritage grounds and do not warrant further heritage assessment. As such, the previously provided Heritage comments as below are still applicable.

"The Heritage Impact Statement is attached to the report. The new proposal does not involve extensive works or alterations to the existing heritage building. Based on the plans and elevations provided, the new addition has been designed with consideration to the existing heritage building's form, bulk, height and scale.

The proposed metal framed cantilevered awning has been designed in a sympathetic manner and the signage is discrete and not intrusive. The proposed new paint finishes to the external walls of the existing heritage building and the new addition are natural paint colours which are appropriate to the architectural style.

In light of the above, it is considered that approval should be granted subject to the standard archival record condition."

Building Services Comments

The Town's Building Services have discussed the non-compliant matters relating to the Building Code of Australia requirements with the Project Architect, and have advised that the non-compliant BCA issues can be addressed at the Building Licence assessment stage.

Technical Services Comments

The Town's Technical Services have advised that the proposed awning within the site on the western side of the building needs to be designed to ensure that there is sufficient height clearance for vehicles utilising the loading bays. Furthermore, the lighting bases would have to be designed so as not to impact on the manoeuvring of the cars within the car park area. Both the above matters can be addressed at the building licence stage.

Health Services Comments

Town's Health Services have no objection to the revised proposal.

Planning Services Comments

The provision of additional clear windows along the Fitzgerald Street frontage provides for greater interaction at street level. In addition, design features have been incorporated into the Bulwer Street frontage and the top portion of the building. The extent of awning has also been increased to provide further weather protection for pedestrians and the car parking shortfall has been further reduced as a result of a reduction in the courtyard area.

Accordingly, it is considered that the changes address the reasons for refusal stated by the Council at its Ordinary Meeting held on 16 December 2008.

Conclusion

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

9.1.5 No. 145 (Lot: 349 D/P: 2355) Walcott Street, Corner William Street, Mount Lawley - Proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Four (4) Offices and Nine (9) Single Bedroom Multiple Dwellings – Amendment to Planning Approval

Ward:	South	Date:	13 February 2009
Precinct:	Norfolk, P10	File Ref:	PRO3807; 5.2007.392.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, 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 Oldfield Knott Architects Pty Ltd on behalf of the owner S B & M T Dey , D L Beetson , A G Tighe and others for proposed ~~Demolition of Existing Building and~~ Construction of a Three (3) Storey Mixed Use Development Comprising Four (4) Offices and Nine (9) Single Bedroom Multiple Dwellings – Amendment to Planning Approval, at No. 145 (Lot: 349 D/P: 2355) Walcott Street, corner William Street, Mount Lawley, and as shown on plans stamp-dated 23 December 2008 and 5 February 2009 , subject to the following conditions:

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$13,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$19,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,900,000); and*

- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR*
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *first obtaining the consent of the owners of No. 147 Walcott Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 147 Walcott Street in a good and clean condition;*
- ~~(vii) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*~~
- (vii-~~i~~) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *any proposed vehicular gate adjacent to the William Street being a minimum 50 percent visually permeable when viewed from William Street;*
- (b) *the awnings being a minimum height of 2.75 metres from the Walcott Street and William Street footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Walcott Street and William Street;*
- (c) *the residential car parking for each unit being clearly marked for the exclusive use of the respective residential unit; and*
- (d) *the corridor on the first and second floors on the south west elevation with cone of vision setback less than 7.5 metres from the north-west boundary shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owner of No. 147 Walcott Street stating no objections to the proposed privacy encroachment.*

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

- ~~(viii-x)~~ *prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x-†) *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;*
- ~~(xii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;~~
- (xi-‡) *doors, windows and adjacent floor areas on the ground floor fronting Walcott and William Streets shall maintain an active and interactive relationship with these streets;*
- (xii-‡) *the maximum total gross floor area of the offices shall be limited to 253 square metres;*
- (xiii-‡) *prior to the first occupation of the development, nine (9) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xiv-‡) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xv-‡) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xvi-‡) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- ~~(xix) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;~~
- (xvii-x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*

- (b) *the Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
- (c) *the land owners shall not seek from either the Town or the Western Australian Planning Commission compensation for any loss, damage or expense to remove the approved works (awning, landscaping and paving) which encroaches the Other Regional Road reservation/road widening requirement when the road reservation/road widening/road upgrade is required.*

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

(~~xviii~~) any new street/front wall, fence and gate between the Walcott Street boundary and William 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;*

(~~xix-ii~~) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the William Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(~~xx-iii~~) any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and

(xxi-) prior to the commencement of any construction works on site, investigation for soil and groundwater contamination and completion of any remediation, including validation of remediation, shall be carried out to the satisfaction of the Town and the Department of Environment and Conservation to ensure that the subject lot can accommodate the proposed development. The investigation, remediation and validation of remediation, shall be carried out in accordance with the guidelines adopted by the Department of Environment and Conservation (DEC), as detailed in the DEC's Contaminated Sites Management Series.*

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

The existing building on site has been demolished. Accordingly, conditions relating to the building's demolition have been removed from the Officer Recommendation.

Landowner:	S B & M T Dey & D L Beetson & A G Tighe & others
Applicant:	Oldfield Knott Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Roads Town Planning Scheme No. 1 (TPS 1): Local Centre and Other Regional Roads
Existing Land Use:	Service Station
Use Class:	Office Building and Multiple Dwellings
Use Classification:	"P" and "AA"
Lot Area:	999 square metres
Access to Right of Way	Not applicable

BACKGROUND:

13 February 2007 The Council at its Ordinary Meeting deferred its decision on an application for proposed demolition of existing building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings on the subject property to allow for heights to be checked.

27 February 2007 The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings on the subject property.

18 December 2007 The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings on the subject property.

DETAILS:

The application proposes amendments to the Planning Approval granted by the Council at its Ordinary Meeting held on 18 December 2007 and include:

- Amendments to the type of external fixtures used on the Walcott Street and William Street elevations;
- Amendments to the position and size of the windows/openings on the Walcott Street elevation;
- Amendments to the position of the disabled car bay;
- Amendments to the bin store layout; and
- Amendments to the internal floor layout of the single bedroom dwellings.

COMMENTS:

The amendments do not result in any further variations to the R Codes or the Town's Policies and therefore advertising was not required.

The amendments to the size and the position of the windows/openings on the Walcott Street elevation, however, result in a reduction of 5.7 square metres from 54.2 square metres (previous Planning Approval) to 48.5 square metres of windows/openings. Further consideration of changes to the building's façade is necessary to ensure an interactive frontage is maintained to both street frontages given the site's prominence. Notwithstanding the above, it is considered that an interactive relationship between the building and the street is maintained with these amendments. In addition, the changes to the type of external fixtures are considered acceptable.

The amendments to the internal floor layout of the single bedroom dwellings does not result in any change of plot ratio floor area and therefore do not result in a further variation to the R Codes or the Town's Policies.

The Town's Technical Services Officers have assessed the amendments to the position of the disabled car bay and the bin store layout and have found that the amendments are compliant with the Australian Standards and the Town's Policies.

In light of the above it is recommended that Council support the proposed amendments to the Planning Approval granted on 18 December 2007, subject to the same standard and appropriate conditions placed on the original Planning Approval granted on 18 December 2007.

9.1.11 No. 12 (Lot: 355 D/P: 1939) Milton Street, Mount Hawthorn - Proposed Single-Storey House and Garage – Request from the State Administrative Tribunal (SAT) to Reconsider Decision – Review Matter No. DR 500 of 2008

Ward:	North	Date:	17 February 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3095; 5.2008.448.1
Attachments:	001		
Reporting Officer(s):	C Roszak		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 12 (Lot: 355 D/P: 1939) Milton Street, Mount Hawthorn - Proposed Single-Storey House and Garage - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 500 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by C Yik on behalf of the owner C J Yik for proposed Single-Storey House and Garage, at No. 12 (Lot: 355 D/P: 1939) Milton Street, Mount Hawthorn and as shown on plans stamp-dated 19 September 2008, 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; and*
 - (b) *the non-compliance with clause SADC 5 (a) of the Town's Policy No. 6.4.2 relating to Residential Design Elements, which requires the primary street setback to reflect the predominant streetscape pattern for the immediate locality, which is defined as being within 5 adjoining properties on each side of the development (calculated average 7.15 metres).*

Moved Cr Youngman, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (4-5)

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

Reasons:

1. **Proposed front setback is reasonable in terms of neighbouring dwellings.**

ALTERNATIVE RECOMMENDATION

Moved Cr Youngman, Seconded Cr Ker

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by C Yik on behalf of the owner C J Yik for proposed Single-Storey House and Garage, at No. 12 (Lot: 355 D/P: 1939) Milton Street, Mount Hawthorn, and as shown on plans stamp-dated 19 September 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 within the Milton Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of Nos. 16 and 10 Milton 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. 16 and 10 Milton Street in a good and clean condition;*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (v) the proposed garage structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only.*

Debate ensued.

Cr Farrell departed the Chamber at 9.15pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.17pm.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Messina

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

“(vi) the proposed garage door shall have a minimum 50 per cent visual permeability.”

Debate ensued.

AMENDMENT PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED (6-3)

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

COUNCIL DECISION ITEM 9.1.11

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by C Yik on behalf of the owner C J Yik for proposed Single-Storey House and Garage, at No. 12 (Lot: 355 D/P: 1939) Milton Street, Mount Hawthorn, and as shown on plans stamp-dated 19 September 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 within the Milton Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*

- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of Nos. 16 and 10 Milton 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. 16 and 10 Milton Street in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *the proposed garage structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vi) *the proposed garage door shall have a minimum 50 per cent visual permeability.*

Landowner:	C J Yik
Applicant:	C Yik
Zoning:	Metropolitan Region Scheme: Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	465 square metres
Access to Right of Way	N/A

BACKGROUND:

23 August 2005 The Town under delegated authority from the Council conditionally approved the demolition of existing single house and construction of a two (2) storey single house.

1 December 2008 The Town under delegated authority refused a new development application for a proposed single-storey house and garage for the following reasons:

- "1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*

2. *The non-compliance with clause SADC 5 (a) of the Town's Residential Design Elements Policy as the proposed street setback does not reflect the predominant streetscape pattern for the immediate locality which is defined as being within five (5) adjoining properties on each side of the development, whereas the average street setback pattern is considered to be 7.15 metres."*

18 December 2008 The applicant lodged an application for review with the State Administrative Tribunal (SAT) in response to the above refusal dated 1 December 2008.

29 January 2009 The Town's Officers attended a Directions Hearing at the SAT.

DETAILS:

The proposal involves the construction of a single-storey house, including garage. The development was refused by the Town under delegated authority on 1 December 2008.

As a result of the Mediation at the SAT held on 29 January 2009, the Town has been invited to determine the application for No. 12 Milton Street, Mount Hawthorn under Section 31 of the State Administrative Tribunal Act 2004; hence, the Agenda Report is not prepared as a "Confidential Report".

The Planning Consultant acting on behalf of the applicant has submitted a comprehensive submission which is partially summarised below with associated Officer Comment. The applicant's full submission is "*Laid on the Table*".

- "*Local Planning Policy 3.2.1 "Residential Design Elements Policy" is a discretionary guidance policy which permits a development of this nature to be constructed*".

Officer Comments:

The Residential Design Elements Policy is not a discretionary guidance policy as clause 5.1 of the Policy clearly states "*the Town may approve a development proposal which does not fully comply with the Acceptable Development Criteria, if the Town is satisfied that the development proposal meets the relevant Performance Criteria*". In this instance, the proposed development does not fulfil the objectives of the Performance Criteria, nor does it endeavour to meet the Acceptable Development Criteria.

SPC1 (ii) of the Residential Design Element Policy states "*development is to both preserve and enhance the visual character of the adjacent dwellings and streetscape by considering... building setbacks...*". Within the immediate street block, the development does not achieve this as the predominant primary street setback is approximately 8.0 metres, ranging from 6.79 – 8.96 metres.

In addition to the above, SPC 5. (i) states that "*development is to be approximately located on site to maintain street character and ensure the amenity of neighbouring properties is maintained...*". In this instance, it is considered that the development does not maintain the street character for the reasons outlined above. The Assessment Table included within the report illustrates how the development does not meet the Acceptable Development Criteria in this regard.

- "*The Milton Street streetscape is not homogenous and will not benefit from increasing the street setback of a building on the subject site given the diversity of existing setbacks, scale and design of dwellings within the surrounding context*".

Officer Comments:

It is considered that the subject streetscape (for the purpose of assessment defined as being the immediate street block, as outlined in the Policy) is homogenous with regard to primary street setbacks. This is evident by the fact that the existing dwellings orientated towards Milton Street are setback at consistent intervals, contributing to a harmonious streetscape. The proposed reduced street setback interrupts the current predominant street setback pattern and detracts from the aesthetics of the area.

6.4.1 of The Residential Design Elements Policy states that *“residential development, including alterations and additions, should complement and enhance the existing streetscape. New development should be designed to harmonise with the streetscape and adjoining properties”*. Further sections of the Policy clearly stipulate that setbacks contribute to streetscape character, as has been outlined previously.

- *“A number of lots are subject to infill development and therefore the Milton Streetscape will be subject to further transformation”*.

Officer Comments:

Whilst it is noted that the subject street will be subject to further infill development, the intent of the Residential Design Elements Policy is to control and manage current and future residential development through a number of mechanisms, including ensuring development complements and enhances the existing streetscape, and is designed to harmonise with the streetscape and adjoining properties. It is considered that the subject development does not achieve this for reasons outlined above.

- *“There is limited capacity to setback the building further given the location of the existing pool”*.

Officer Comments:

A site visit conducted on 25 November 2008 revealed that the approved swimming pool had not yet been built, which therefore provided leeway for moving the entire pool proposal north, towards the rear of the lot.

- *“The proposed Primary Street setback is considered more appropriate and consistent with the existing streetscape character than setting back the dwelling further with a carport located forward of the main dwelling”*.

Officer Comments:

For reasons outlined above, the proposed reduced primary street setback will interrupt the predominant street setback pattern and set a precedent for uncharacteristic development. An increased setback and open style carport would enhance the street setback pattern and the amenity of the area.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Building Setbacks (Side): -East -West	1.5 metres 1.5 metres	Nil – 1.6 metres Nil – 1.72 metres	Supported – not considered to have an undue impact on adjoining properties, neighbours consent received during the community consultation period.

Street Setback:	The primary street setback is to reflect the predominant streetscape pattern for the immediate locality, which is defined as being within 5 adjoining properties on each side of the development (calculated average 7.15 metres)	Front main building line proposed at 4.52 metres	Not supported – considered to have an undue impact on the streetscape and the amenity of the area through the interruption of the predominant setback pattern. The lesser setback is considered to aesthetically detract from the streetscape, and set precedent for uncharacteristic development.
Building on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (17.82) the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed. -West Wall Wall Height = 2.9 metres (average 2.9 metres) Wall length = 8.910 metres -East Wall Wall Height = 2.9 metres (average 2.9 metres) Wall length = 4.25 metres	Supported – not considered to have an undue impact of the amenity of the area or adjoining landowners; the effected neighbours support was received during the community consultation period.
Consultation Submissions			
Support (2)	No comments provided.		Noted.
Objection (0)	Nil.		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Sustainability Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.

- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
- (a) *affirm the decision;*
 - (b) *vary the decision; or*
 - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 24 February 2009, the Town's Officers and the Applicant are to attend a further Directions Hearing at the SAT on 25 February 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 24 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Conclusion

In light of the above, it is recommended that the Council refuse the proposed single-storey house and garage for the above mentioned reasons.

9.1.6 No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth - Proposed Demolition of Existing Shop and House

Ward:	North	Date:	16 February 2009
Precinct:	Charles Centre; P07	File Ref:	PRO4074; 5.2009.16.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall, M Fallows		
Checked/Endorsed by:	H Smith, A Giles, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council DELETES the property at No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth from the Town's Municipal Heritage Inventory, in line with the Management Statement of the attached Heritage Assessment 001;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by A Vujasin for proposed Demolition of Existing Shop and House, at No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth, and as shown on plans stamp-dated 12 February 2009, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies;*
- (iii) *the Council NOTES that the owner of No. 332 (Lot: Y105, D/P: 1823) Charles Street, North Perth was issued a 'House Unfit for Human Habitation' Notice, in accordance with the provisions of Sections 135, 137 and 138 of the Health Act 1911 (as amended) on 9 January 2009 requiring the take down and removal of the dwelling and clean-up of the property within 30 days of a Demolition Licence being obtained; and*

- (iv) *the Council ADVISES the applicant/owner that details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth shall be submitted to and approved by the Town before the issue of a Building Licence for the future redevelopment of the site. The approved interpretation proposal shall be installed prior to the first occupation of the new development.*

Cr Burns departed the Chamber at 9.17pm.

COUNCIL DECISION ITEM 9.1.6

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Ker

That the item be DEFERRED to give advice to the applicant.

MOTION PUT AND CARRIED (8-0)

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

Landowner:	A Vujasin
Applicant:	A Vujasin
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant building
Use Class:	Single House
Use Classification:	"P"
Lot Area:	389 square metres
Access to Right of Way	N/A

BACKGROUND:

12 September 2006 The subject place was entered onto the Town's Municipal Heritage Inventory (MHI) as a Category B - Conservation recommended place as part of the Town's comprehensive MHI review.

9 January 2009 The Town issued a notice declaring the subject place '*Unfit for Human Habitation*'. In addition, the premises is in such a state of disrepair that Section 137 - '*Condemned Building to be Amended or Removed*' and Section 138 - '*Land to be Cleaned up After Removal of House or Building Therefrom*', of the *Health Act 1911* (as amended), were invoked.

DETAILS:

The purpose of this report is to seek approval of the Council for the removal of the existing house and shop at No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth from the Town's Municipal Heritage Inventory (MHI) and to consider the demolition of the place. The Town's Health, Building and Heritage Services have been liaising with the owner of the above property since 2007 regarding the advanced state of disrepair and the general unsanitary state of the property.

In light of recent discussions with the owner and a Structural Engineer's Report prepared by Struc Consulting Group, the Town has declared the premises unfit for human habitation in accordance with Section 135 - '*Dwellings Unfit for Habitation*'. In addition, the premises is in such a state of disrepair that Section 137 - '*Condemned Building to be Amended or Removed*' and Section 138 - '*Land to be Cleaned up After Removal of House or Building Therefrom*', of the *Health Act 1911* (as amended), have been invoked.

To initiate the full demolition of the subject place, the Town requires a planning application to be submitted and approved for the demolition of the building and for the redevelopment of the site. Furthermore, the subject property is on the Town's MHI. In light of this, the Town's Officers have been encouraging the applicant to submit a planning application for demolition approval for a significant period. However, the applicant, who is elderly, has considerable sentimental attachment to the place and has strongly objected to pursuing its demolition.

In order to expedite the demolition, legal advice was sought to ascertain whether in situations whereby a building is considered to be in a ruinous state, section 140 of the *Health Act 1911* takes precedence over section 162 of the *Planning & Development Act 2005* and Clause 32 of the Town's Town Planning Scheme No. 1, in turn repealing the requirement for standard planning approval. The legal advice obtained by the Town, dated 9 February 2009 has revealed "*it is not necessary for the Town to obtain planning approval in order to act under section 140 of the Health Act - ie any apparent inconsistency between the Planning and Development Act and the Health Act in relation to this particular issue, is resolved in favour of section 140*".

To complicate the situation, the owner of the subject place submitted a planning application for demolition on 23 January 2009. Whilst it has since been clarified that the *Health Act 1911* (as amended) in this instance removes the requirement under the *Planning and Development Act 2005* for planning approval for the demolition of the subject place, it was considered appropriate to still present the matter to the Council.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
In light of the legal advice obtained by the Town and the need to expedite the demolition of the subject place, the application was not advertised.			
Support	N/A		Noted
Objection	N/A		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability 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.

Heritage

As outlined in the background section of this report, the subject property was listed on the Town's MHI in 2006. In considering whether to pursue the demolition of the place, the Town's Heritage Officers undertook an updated Heritage Assessment in accordance with the Town's Heritage Management Policy No. 3.6.2. The Heritage Assessment is contained in the attachment to this report with the Statement of Significance summarised below:

- The place has *some historic value* for representing a way of life indicative of the 20th century through demonstrating the construction of a shop/local business. However, it has insufficient original detail, functionality, structural references nor relates clearly to its historic associations as a result of its low integrity and low authenticity.
- The place has *some representative value* demonstrating the construction of a shop/local business, which serviced the community that was built in conjunction with a residential dwelling.

As seen from the above, the place is considered to have some cultural heritage value. However, the updated assessment also revealed its poor condition and the changes and deterioration to internal spaces and detailing, which have served to diminish its authenticity.

As per the Town's Policy relating to Adding/Deleting/Amended Places listed on the Town's MHI, *'the poor state of a place listed on the MHI should not in itself be a reason for removal from the Inventory. However if structural failure is cited as a justification for removal of the place from the MHI, evidence should be provided that states that the structural integrity of the place has failed, to the point where it cannot be rectified without the removal of a majority of its significant fabric.'* To this end, the applicant has submitted a Structural Engineer's report.

The report on the structural integrity of the place, which was prepared by Struc Consulting Group, is included as an attachment to this report. The findings on the structural integrity of the dwelling can be summarised as follows:

- Given the fact that the building has not been occupied since 1984, and to a large degree, has been allowed to deteriorate, it is currently considered unsafe to enter.
- At some stage, termites have entered the building and have inflicted considerable damage on the building.
- The bakery walls are in a dangerous state resultant from large cracks.
- With the roof framing in its current state, during periods of strong winds, there is a very real possibility that the metal sheets could be dislodged from the roof and fly around the neighbourhood.
- It is likely to be more cost effective to demolish the entire building.

As illustrated in Struc Consulting Group's report, the condition of the place has deteriorated to the point where it cannot be restored without the removal of a majority of its significant fabric and at prohibitive cost. In light of this, it is recommended that the place be demolished as soon as practicably possible and the place be removed from the Town's MHI.

To recognise the place's historic and representative value, it is recommended that a plaque or an alternative form of interpretation be created and be displayed on the site of the existing building.

Health Services Comments

Health Services have received a number of complaints in relation to the dilapidated state of No. 332 Charles Street, North Perth. An investigation of this property was carried out by Officers of the Town's Health Services and Planning, Building and Heritage Services resulting in the determination that the dwelling does not comply with the *Health Act 1911* (as amended) due to the advanced state of disrepair of the dwelling and pest infestation including termite harbourage.

The Town's findings were confirmed by a Structural Engineer's Report by Struc Consulting Group dated 27 August 2008, which stated the following: The author of the report stated that *'this is a dangerous situation, and prompt action warrants being taken...'*. Further, it has been observed by the Town and by Struc Consulting Group that the costs associated with rendering the dwelling to be habitable will exceed the cost of the demolition, with Struc Consulting Group's comments being that *'it is far more cost effective to demolish the entire building'*.

Due to the immediate safety concerns to anyone entering this dwelling and to those who could potentially be on the adjacent footpath, the *'House Unfit For Human Habitation'* Notice issued by the Town on 9 January 2009 has resulted in the following requirements being placed on the owner:

1. The Town of Vincent now requires that the Dwelling House be taken down/demolished and removed in accordance with this Notice.
2. Within 30 days after receiving this Notice, the owner must submit an application to the Town's Planning, Building and Heritage Services to take down/demolish and remove the dwelling in accordance with section 137 of the *Health Act 1911* (as amended).
3. The owner must, take down/demolish and remove the dwelling in accordance with section 137 of the *Health Act 1911* (as amended), within 30 days after receiving a Demolition Licence from the Town's Planning, Building and Heritage Services.

With consideration to the Legal Advice that has been obtained by the Town, it is essential that immediate safety concerns that are covered by the *Health Act 1911 (as amended)* be dealt with as expediently as possible.

Conclusion

To ensure the expedition of the demolition, it is recommended that the standard condition, which requires a redevelopment proposal to be submitted and approved prior to the issue of a Demolition Licence, not be imposed. The application of this standard condition is intended to minimise parcels of land being left vacant over a lengthy period and enables opportunity for buildings to be retained in the event that the ownership changes. Whilst the request not to apply the condition is not generally granted, it is considered that the expeditious demolition of the subject place will provide an effective means of mitigating the safety, security and amenity concerns created by the building.

Further to this, it is not considered prudent in this instance to require the owner to enter into a legal agreement for the beautification of this site after the demolition works. To ensure the property remains in a clean and tidy state, the Town can invoke the relevant requirements of the Local Government Act 1995, section 3.25, Schedule 3.1.

In light of the above, it is recommended that the Council delete the subject place from the Town's Municipal Heritage Inventory and approves the demolition, in line with the Officer Recommendation.

9.1.10 No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008

Ward:	South	Date:	16 February 2009
Precinct:	Beaufort ; P13	File Ref:	PRO3344; 5.2008.452.1
Attachments:	001		
Reporting Officer(s):	S Kendall, T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 442 of 2008, the application submitted by the owner C M Hobbs for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), at No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth and as shown on plans stamp-dated 19 September 2008, 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 clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the maximum height of the street wall to be 1.8 metres above the adjacent footpath level;*
 - (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
 - (d) *the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management.*

COUNCIL DECISION ITEM 9.1.10

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Ker

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

Cr Burns returned to the Chamber at 9.20pm.

MOTION PUT AND CARRIED (8-1)

For
Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against
Cr Messina

Landowner:	C M Hobbs
Applicant:	C M Hobbs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	302 square metres
Access to Right of Way	N/A

BACKGROUND:

28 July 2008

The Town received a complaint regarding the unauthorised erection of lattice to the existing front fence at the subject property, which after further investigation was found to be non-compliant with the Town's requirements.

4 November 2008

The Council at its Ordinary Meeting resolved to refuse the application for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), at the subject property 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 clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the maximum height of the street wall to be 1.8 metres above the adjacent footpath level;*
- (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (d) *the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management."*

At this Meeting the Council also resolved the following in relation to the matter:

"ii) *the Council ADVISES the applicant and owner that the unauthorised lattice addition to the street front fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the lattice addition remain after this twenty eight (28) days period.*"

19 November 2008 The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 4 November 2008.

10 December 2008 Direction Hearing at the SAT.

12 January 2009 The Town's Officers attended an on-site mediation as per the SAT Orders dated 16 December 2008.

14 January 2009 The Town received Orders inviting the Town under Section 31 of the SAT Act 2004, to determine the subject application.

DETAILS:

The application involves the erection of lattice above the existing masonry wall (application for retrospective approval) at the subject property. Under section 252 (1) of the *Planning and Development Act 2005*, the owner of the subject property submitted an application for review to the SAT regarding the decision of the Council to refuse the application for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval) at the Ordinary Meeting of Council held on 4 November 2008.

The applicant has submitted a comprehensive submission in support of the proposed lattice addition as part of the SAT review, which is partially summarised below with associated Officer Comment. The applicant's full submission is "*Laid on the Table*".

- *"The construction of a lattice fence to this building is not inconsistent with the planning of the surrounding area, which is intensely commercial. It would be nonsensical to require the dwelling to meet planning requirements for fences on houses in normal suburban low-density residential streets."*

Officer Comment:

As previously outlined, the Town's Residential Design Elements Policy requires that street walls and fences are to have a maximum height of 1.8 metres above the adjacent footpath level. The current overall height of the front fence at the subject property is 2.7 metres and is 0.9 metre higher than what is permitted. Whilst the subject property is zoned 'Commercial' and is surrounded by commercial properties of varying forms and sizes, the Town's Beaufort Precinct Policy No. 3.1.13 requires residential development to be in accordance with the R80 standards and subsequently it is to comply with all the provisions of the relevant policies relating to residential development. Furthermore, the Town's Local Law 2.1 relating to fencing stipulates that a '*sufficient fence*' is 1.8 metres. In this context, the additional height is considered excessive and a significant inappropriate deviation from the planning requirements.

Furthermore, it is considered that the cumulative impact of both the existing solid wall and lattice is excessive and reduces any potential for the interaction and visual surveillance between the dwelling and the street. Such a high, solid, uniform and bulky street wall/fence is not compatible with the surrounding commercial properties, which are required to provide street level articulation through visually permeable window and door openings, displays or art, or by rich architectural design and detailing.

- *"The proposed lattice is compatible with the heritage values of the dwelling."*

Officer Comment:

The subject property is listed on the Town's Municipal Heritage Inventory as part of a group with Nos. 235-239 Beaufort Street. A Heritage Impact Statement, which is summarised below and is included as an attachment to this report, has concluded that the lattice addition is inconsistent with the Town's Policy No. 3.6.1 relating to Heritage Management:

- The lattice addition is considered to obscure the existing visual setting, continuity and character of the heritage place as a group.
 - The lattice addition is not considered good heritage conservation practice as it does not retain its relationship to the setting within the whole group of terrace houses.
- *"The proposed lattice extension is not a solid wall but is designed to support very vigorous-growing roses to help reduce noise and glare as well as for security."*

Officer Comment:

The Town's Parks Services attended the mediation and offered numerous alternative solutions for plantings that would not require the lattice screening and still provide a soft landscaping barrier. For example, the applicant was advised that privacy screening can be easily achieved by planting a hedge of Plumbago within the front garden bed of the property; this form of screening would be more aesthetically acceptable than the lattice screening. Furthermore, no evidence has been submitted demonstrating that the subject lattice will have an impact in terms of reducing noise and glare.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Policy No. 3.2.1 relating to Residential Design Elements	Maximum height of 1.8 metres above adjacent footpath level.	2.7 metres above the adjacent footpath level	Not supported – see "Comments" section.
Consultation Submissions			
The application was not advertised as the Officer Recommendation is for refusal.			
Support	N/A		Noted.
Objection	N/A		Noted.

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

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 24 February 2009, the Town’s Officers and the Applicant are to attend a further Directions Hearing at the SAT on 4 March 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 24 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Conclusion

As can be seen in the above background, the Town’s Officers have attended an on-site mediation. However, no shared position or compromise could be agreed at the mediation to enable the resolution of the matter. In light of this, and the above discussion, it is recommended that the Council refuse the front/street fence additions to the subject place as per the Officer Recommendation.

9.1.13 Draft Affordable Housing Strategy for the Town of Vincent – Progress Report

Ward:	Both Wards	Date:	16 February 2009
Precinct:	All Precincts	File Ref:	PLA0178
Attachments:	001		
Reporting Officer(s):	A Fox, T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report relating to the Draft Affordable Housing Strategy;*
- (ii) *CONSIDERS the four (4) written submissions in relation to the Draft Affordable Housing Strategy forwarded to the Town during the Community Consultation Period, as shown in Appendix 9.1.13; and*
- (iii) *AUTHORISES the Chief Executive Officer to endorse the Draft Affordable Housing Strategy and associated briefs and recommendations, as ‘Laid on the Table’, as working documents to assist in the preparation of the Local Planning Strategy, Town Planning Scheme review and in the development of the Town’s Policies.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That an additional clause (iv) be added to read as follows:

“(iv) AUTHORISES the Chief Executive Officer to initiate an amendment to Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation to allow non-familial accommodation, and that a report and a draft amended Policy be referred to the Council no later than April 2009.”

It was requested that the words “to investigate the possibility” be inserted before the words “to initiate”.

The Mover and Seconder agreed to the changes to the wording.

The revised Amendment now reads as follows;

“(iv) AUTHORISES the Chief Executive Officer to investigate the possibility to initiate an amendment to the Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation to allow non-familial accommodation, and that a report and a draft amended Policy be referred to the Council no later than April 2009.”

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.13

That the Council;

- (i) *RECEIVES the progress report relating to the Draft Affordable Housing Strategy;*
- (ii) *CONSIDERS the four (4) written submissions in relation to the Draft Affordable Housing Strategy forwarded to the Town during the Community Consultation Period, as shown in Appendix 9.1.13;*
- (iii) *AUTHORISES the Chief Executive Officer to endorse the Draft Affordable Housing Strategy and associated briefs and recommendations, as 'Laid on the Table', as working documents to assist in the preparation of the Local Planning Strategy, Town Planning Scheme review and in the development of the Town's Policies; and*
- (iv) *AUTHORISES the Chief Executive Officer to investigate the possibility to initiate an amendment to the Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation to allow non-familial accommodation, and that a report and a draft amended Policy be referred to the Council no later than April 2009.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the Community Consultation in relation to the Draft Affordable Housing Strategy. Additionally, this report advises how the Town can progress the recommendations outlined in Draft Affordable Housing Strategy.

BACKGROUND:

- | | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 March 2007 | The Council at its Ordinary Meeting resolved to authorise the Chief Executive Officer to proceed with an Affordable Housing Strategy Project, to approve a Project Brief and to re-allocate \$12,000 to finance an Affordable Housing Strategy. |
| 4 December 2007 | The Council approved a quotation submitted by HURIWA for the preparation of an Affordable Housing Strategy for the Town of Vincent, for the sum of \$54,633.72. |
| 2 January 2008 | A Contract between the Town of Vincent and HURIWA for the preparation of an Affordable Housing Strategy was accepted and signed by the Consultants. |
| 24 June 2008 | The Council at its Ordinary Meeting resolved the following in respect of the Draft Affordable Strategy:

<i>"That the Council;</i> <ul style="list-style-type: none">(i) <i>RECEIVES the Draft Affordable Housing Strategy prepared by the Housing and Urban Research Institute of Western Australia (HURIWA), Curtin University dated June 2008, as "Laid on the Table" and circulated separately to Council Members;</i>(ii) <i>ACKNOWLEDGES the dimensions of the affordability crisis being experienced in the housing market both regionally and locally;</i>(iii) <i>LISTS the matter for further consideration and discussion at a Council Member Forum scheduled for 15 July 2008;</i> |

- (iv) *NOTES that the Town's Administration will be providing additional information and comment in a further report on the timeline, financial/budget implications and implementation of the Recommendations which is to be submitted to a Council Meeting in September 2008; and*
- (vi) *FORWARDS the Draft 'Analysis and Prospects Discussion Paper' prepared by the Housing and Urban Research Institute of Western Australia (HURIWA), Curtin University to the Department for Planning and Infrastructure for use in their Affordable Housing Project."*
- 15 July 2008 The Consultants presented their findings and outcomes to a Council Member Forum.
- 22 July 2008 The Council at its Ordinary Meeting resolved the following in respect of the Federal Government's Housing Affordability Fund:
"That the Council;
- (i) *RECEIVES the consultation paper relating to the Housing Affordability Fund released by the Australian Government attached as 'Laid on the Table' and circulated separately to Council Members; and*
- (ii) *AUTHORISES the Chief Executive Officer to consider preparing and lodging funding applications to the Housing Affordability Fund in relation to the Leederville Masterplan and the West Perth Regeneration Area."*
- 25 September 2008 The Town received correspondence from the Department of Families, Housing, Community Services and Indigenous Affairs with respect to the release of the first round of Expressions of Interest for the Housing Affordability Fund. The Town's Officers considered preparing separate funding applications for the Leederville and West Perth Regeneration Masterplans; however, it was not known at that stage, whether either of the projects were at appropriate stages to receive funding grants from the Federal Government.
- 14 October 2008 The Council at its Ordinary Meeting resolved the following in relation to the Draft Affordable Housing Strategy:
- "(i) RECEIVES the Draft Town of Vincent Affordable Housing Strategy dated October 2008 prepared by Housing and Urban Research Institute, Western Australia (HURIWA), Curtin University, as "Laid on the Table" and circulated separately to Council Members;*
- (ii) NOTES the recommendations outlined in the Affordable Housing Strategy;*
- (iii) NOTES that the Town's Administration does not have the current employee resources to carry out the full recommendations of the Affordable Housing Strategy and therefore DOES NOT SUPPORT the diversion of existing resources at this stage, to:*
- (a) create an inter-departmental team (task group) to advance the Affordable Housing Strategy through to implementation; and*

- (b) *investigate strategies to meet the need for an expanded role in leading and coordinating locally appropriate housing reform, and with a strong focus on housing affordability;*

for the following reasons:

- (1) *the reallocation of existing resources will cause a delay in the finalisation of other Council projects, which are deemed a "higher" priority (for example, the Town Planning Scheme Review, Local Planning Strategy, and associated Policies);*
- (2) *it is not deemed a high priority at this stage given the above context; and*
- (3) *the financial and cost implications require further investigation and consideration;*
- (iv) *FURTHER CONSIDERS 'affordable housing' options relating to non-familial ancillary housing and 'strategic development sites' in the Town Planning Scheme Review and the Local Planning Strategy;*
- (v) *SUPPORTS the Town entering into discussions with Local Service Providers and Institutions to define mutually beneficial partnership arrangements, where appropriate, on strategic development sites; and*
- (vi) *ADVERTISES the Affordable Housing Strategy (including the four detailed briefs) for a period of twenty-eight (28) days, and considers the submissions received at the end of the Community Consultation period.'*

DETAILS:

In accordance with clause (vi) of the Council's resolution, the Draft Affordable Housing Strategy (including the four detailed briefs relating to i) Affordable Housing Policy; ii) Inclusionary Zoning; iii) Affordable Housing Partnerships; and iv) Ancillary Housing) were advertised for a period of twenty-eight (28) days.

CONSULTATION/ADVERTISING:

As the Strategy proposed long term and far reaching implication to landowners, developers and other stakeholders in the project area, the draft strategy was advertised for a period of twenty-eight (28) days.

Four (4) submissions were received by the Town regarding the Draft Affordable Housing Strategy; two (2) of these submissions were received after the formal consultation period. Two (2) of the submissions were no objection and two (2) were comments only. Full details of the submissions can be viewed as per Appendix 9.1.13. The Draft Affordable Housing Strategy was advertised simultaneously with a number of other projects. As such, respondents made general observations on all the advertised projects and did not make specific reference to the Draft Affordable Housing Strategy.

One (1) submission received from the City of Subiaco, provided comments relating specifically to the Draft Strategy. The main points raised were as follows:

- Document provides a good overview of the issues;
- Describing how desired outcomes will be achieved more specifically, would strengthen the policy commitments;
- The effectiveness of creating development incentives and mechanisms to achieve affordable housing options will be dependent on robust and transparent policy; and
- Consideration should be given to the location and appropriateness of land for affordable housing in relation to access to transport and access to other services and infrastructure.

The above comments from the City of Subiaco are noted and supported.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011– Strategic Objectives: 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 community vision

(d) implement and promote a policy to encourage a proportion of affordable housing, in partnership with the State Government.”

SUSTAINABILITY IMPLICATIONS:

An Affordable Housing Strategy addresses the issue of housing availability and aims to provide a range of affordable housing options for the Town. The Strategy also considers and ensures that the diversity in the community is adequately provided for.

FINANCIAL/BUDGET IMPLICATIONS:

The preparation of an Affordable Housing Strategy has been funded from the 2007/2008 Budget.

COMMENTS:

At the Special Meeting of Council held on 14 October 2008, the recommendations outlined in the Affordable Housing Strategy were noted by the Council. It was also noted, that the Town’s Administration does not have the current employee resources to carry out the full recommendations of the Affordable Housing Strategy, at this stage, due to resources being allocated to other projects that are considered a higher priority (Local Planning Strategy, Town Planning Scheme Review and associated policies).

Notwithstanding the above, Section 6.0 of the Draft Affordable Housing Policy subsection (6.3) notes that;

“There is ample scope within the existing planning and policy framework to adopt a more proactive role with respect to encouraging and facilitating affordable housing diversity. The philosophy and principles of affordability can be effectively embedded within planning policies and procedure rather than as a standalone approach, in the same way as sustainability is broadly imbedded in planning principles and best practice.”

The Town's Officers support this method to incorporate housing affordability into the existing practices and policies and consider that this could be achieved through the following means;

- Preparing and amending existing Design Guidelines that incorporate requirements for affordable housing;
- Offering density bonuses as an incentive to incorporate affordable housing into larger scale developments;
- Incorporating affordable housing as a provision within the Town's Town Planning Scheme;
- Identifying strategic sites and zones to facilitate the provision of housing diversity provided by developers and landowners;
- Formulate provisions within the Town's Policies for inclusionary zoning mechanisms, via developer contributions aligned with residential and or commercial development applications;
- Investigating amending the Town's Planning Policy No. 3.4.1 relating to Ancillary Accommodation to allow for non-familial ancillary housing within the Town to increase affordable housing options; and
- Initiate ongoing dialogue with Local Service Providers and Institutions to identify and facilitate mutually beneficial partnership arrangements on strategic development sites that create options for affordable housing.

In light of the details outlined in this report, it is recommended that the Council receives the four (4) submissions received in relation to the Draft Affordable Housing Strategy. Additionally, it is recommended that the Council authorises the Chief Executive Officer to endorse the Draft Affordable Housing Strategy, associated briefs and recommendations as working documents that can assist in the preparation of the Local Planning Strategy, Town Planning Scheme Review and the development of the Town's Planning Policies.

9.2.1 Further Report No. 4 - Beaufort Streetscape Improvements – Further Review of Proposed Tree Species

Ward:	South	Date:	17 February 2009
Precinct:	Forrest P14 & Mount Lawley Centre P11	File Ref:	TES0234
Attachments:	-		
Reporting Officer(s):	J van den Bok, R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That;

(1) *at the Ordinary Meeting held on 23 September 2008, the Council resolved (in part) as follows [Item 10.2.1 – Clause (ii)(c)]:*

“(i) *REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art.*”

(2) *Cr MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Messina and Cr Farrell, being one third of the number of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

“(i) *REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Bradford Pear Trees along the verges only, in lieu of Broad Leaf Paperbarks, due to a request received from the Beaufort Network Group for the Council to reconsider the trees selected for the street given their general unattractive and scrappy appearance and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of future street furniture and possible street art.*”

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Messina moves a motion to REVOKE or CHANGE the decision as specified in Clause 1 of the Recommendation.

MOTION

Moved Cr Messina, Seconded Cr Farrell

- (4) *In accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

“the Council DEFERS the planting of trees in Beaufort Street and liaises with the City of Stirling concerning the proposed upgrade of Beaufort Street and receives a report by the end of March 2009.”

Debate ensued.

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

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

COUNCIL DECISION ITEM 9.2.1

That;

- (1) *at the Ordinary Meeting held on 23 September 2008, the Council resolved (in part) as follows [Item 10.2.1 – Clause (ii)(c)]:*
- “(i) *REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art.*”
- (2) *Cr Messina MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*
- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Messina and Cr Farrell, being one third of the number of members of the Council, SUPPORT the motion to revoke or change the Council decision, specified in clause 1; and*

- (4) *In accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

“the Council DEFERS the planting of trees in Beaufort Street and liaises with the City of Stirling concerning the proposed upgrade of Beaufort Street and receives a report by the end of March 2009.”

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request to change the tree species proposed for planting along the verges in Beaufort Street, Mount Lawley as part of the Streetscape upgrade between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate.

BACKGROUND:

As previously reported to Council, the street tree selection for Beaufort Street was a difficult one given the narrow median strip being an extremely “hostile” environment for trees to grow and the verge space available also being restrictive with adjacent building and awnings.

Native species were eventually selected due to:

- Native trees being more resilient than exotic species in these situations
- Reticulation was not being installed to the new tree locations because of the cost and logistics of getting pipework around existing services and infrastructure
- Potential safety and liability issues that may arise from the installation of a 'large tree' such as a London Plane tree in a very narrow median on a high trafficked District Distributor A Road with absolute minimum lane widths

The other consideration in selection of a tree species was the availability in what tree farms actually grow and had available in larger containers not only at the time of planting but in the longer term for replacement plantings if this was required.

Therefore the selected species for Beaufort Street were:

- Spotted gum for the central median planting and
- Paper Barks (previously Coral Gums) for the verge plantings

Spotted gums are proven performers with regard to median plantings.

DETAILS:

On 5 February 2009 a letter was received from the Beaufort Street Network a new community organisation established in early 2008 “for people who want to bring out the full potential of Beaufort Street.”

They further advised the networks aims as follows;

The Network aims to:

- *Provide a strong voice for residents, retailers and community organisations within the Beaufort Street precincts in the Town of Vincent and City of Stirling*
- *Encourage and promote the unique vibrancy, lifestyle and retail environment of Beaufort Street*
- *Work with Local Government, community organisations and private developers wherever possible to develop new initiatives and projects that enhance Beaufort Street, including the development of new public art and innovative streetscape design*

Planting of Trees:

The following is an extract from the Beaufort Street network with regard to the proposed trees along Beaufort Street:

"The Network also understands new trees will be planted along Beaufort Street next year, and we welcome these changes. However, the Network wishes to express its concern relating to the type of tree selected - Paperbark.

We are formally asking that the Council reconsider the trees selected for the street, given their general unattractive and scrappy appearance, and request that an alternative be found. We note the recent plantings in Scarborough Beach Road and William Street are far more attractive for the streets, and consider similar trees would be more appropriate in Beaufort Street.

Finally, we wish to reaffirm our commitment to work with the Town of Vincent, and look forward to any opportunities where we can work together to pursue positive outcomes for Beaufort Street and surrounding precinct."

Discussion:

The current Council decision is for the planting of Spotted Gums in the centre of the road and Paper Barks on the verges.

As previously reported to the Council, one of the main problems along Beaufort Street is lack of water. Unlike Scarborough Beach Road, where the Town installed a domestic bore and ran reticulation, there is generally limited in ground reticulation in Beaufort Street (only some connected to mains water).

Therefore, the proposed native trees would be hand watered for the first few years or so and then they should only require minimal watering.

If exotic trees were planted, they would need to be hand watered on an ongoing basis and this would create major issues with watering the centre of road trees as it would require costly traffic management, blocking off the parking lanes to allow traffic to flow, etc.

Therefore should a change be desired the options could be as follows:

- Option 1. Leave as is: Some ongoing disquiet about the native species
- Option 2. Install reticulation and a bore: **Major cost, Major disruption** - would need to remove all the existing islands and reconstruct. There would be unsightly trenches along the road as we are not planning to resurface this road for at least another 10 years. Difficult to do as the old tram line foundations run down the centre of the road (very hard material)
- Option 3. Plant natives down the centre – Spotted gums which are doing well opposite Lincoln Street (only minimal hand watering)
Plant exotics (say Bradford Pear) along the verges – Easier to hand water, minimal impact to traffic etc

CONSULTATION/ADVERTISING:

Should the Council approve the revised tree species for planting along the verges of Beaufort Street, all business owners and affected residents will be advised of the Council decision.

LEGAL/POLICY:

Town of Vincent Local Laws Relating to Standing Orders 2008 Clause 11.1 (3). This clause requires the Council to consider the legal and financial consequences of the proposed motion to revoke or change a decision.

Statement of Impact

Legal Implications – Nil

Financial Implications – Nil, other than officer time to re-order the trees and advise the business's on the affected portion of Beaufort Street.

General

The Bradford Pears species were not identified in the report to the Ordinary Meeting of Council held on 23 September 2008 as an alternative verge planting option; however, they have performed well over their first summer so far in Scarborough Beach Road Mt Hawthorn.

Many community members have expressed their delight at what has been achieved in Scarborough Beach Road and the transformation the Bradford Pears have made to the area. The only current issue is the careless drivers who have backed into the trees causing them to lean at all angles.

Bradford Pears normally have an upright habit similar to the paperbark and that is what is required in Beaufort Street. They will blend well with the native Spotted Gum being proposed for the central median island, and this mix of both native and exotic species should now satisfy all parties concerned and promote their favoured tree type.

Bradford Pears are readily available at present and 100 litre specimens (2-3 metres in height) will be available at the time of planting. (April/May 2009).

Whilst the Paperbarks had been pre-ordered from Ellenby Treefarm, they have indicated that there will be no additional cost involved with the proposed change from Paperbarks to Bradford Pears. Ellenby Tree farm can supply the Bradford Pears and some of the Paperbarks pre-ordered will be required for the planting of Oxford Street where the new roadworks are in progress.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *"f) Enhance and protect our natural environment and where practicable promote the use of native local vegetation."*

SUSTAINABILITY IMPLICATIONS:

As previously reported to the Council, Main Roads WA have guidelines in accordance with Austroads and the Australian Standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".

While their guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. Austroads suggests that the first 4m to 5m from the edge of the travel lane provides most of the potential benefit. Frangible shrubs and bushes are permitted in the clear zone where they do not pose a risk to drivers, etc.

It is therefore considered that, even though the speeds in Beaufort Street are considerably lower than most Primary Distributors (excluding Charles Street and East Parade which are both Primary Distributors) with a posted speed of 60kph, the traffic volumes are high and while, given the site constraints, it is not possible or practical to maintain a "clear zone", the type of tree selected should not further compromise safety in an already high risk area.

Also Element 2 of the Liveable Neighbourhoods document addresses trees in streetscapes with setback distances for trees from a moving travel lane specified. The distances have been specified taking into account a range of factors. The design environment for an urban street is to create an environment of care and the traffic calming benefit of street trees relatively close to the pavement is an integral part of this.

In essence, the Liveable Neighbourhoods document indicates that for a District Distributor Road with a posted speed of 60 kph, the clearance from the travel lane to a frangible tree (i.e. a tree less than 100mm in diameter) should be 2.0m and for 50 kph the clearance from the travel lane to a frangible tree should be 0.75m.

For a non frangible tree (i.e. a tree greater than 100mm in diameter) the clearance should be 2.5m for 60 kph and for 50 kph the clearance from the travel lane to a frangible tree should be 1.15m.

Beaufort Street, no matter what tree species is planted in the central median, will not comply with either MRWA or the Liveable Neighbourhood requirements.

Therefore, whatever tree species is chosen for Beaufort Street, it will not be sustainable in the longer term unless the road was (in future) reduced to two lanes with a wide median or the posted speed was dramatically reduced.

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, funds have been allocated in the 2008/2009 budget for tree planting along Beaufort Street.

COMMENTS:

As previously advised, vandalism has been a significant issue along Beaufort Street and it is imperative that larger trees are planted to sustain any potential physical attacks.

Whilst the proposed Bradford Pears for Beaufort Street are not quite the size of those recently planted in Scarborough Beach Road, the trunks are still of a size that should withstand snapping.

Many verge trees along Beaufort Street are already automatically watered from a reticulation mains system installed when Beaufort Street was first upgraded. New tree locations will be hand watered by a water truck as/when required.

9.2.2 Progress Report No. 1. – Current and future possible Access Improvements between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Centre

Ward:	Mt Hawthorn	Date:	18 February 2009
Precinct:	Mt Hawthorn Precinct P1	File Ref:	TES0015/TES0077
Attachments:	001		
Reporting Officer(s):	R Lotznicker, T Woodhouse		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That Council;

- (i) *RECEIVES Progress Report No. 1 on Current and future possible access improvements between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Centre;*
- (ii) *NOTES the information contained in the report regarding the;*
 - (a) *approved works currently in progress in Scarborough Beach Road east of Eucla Street as shown of attached Plan Nos 2629-DP-01, 2410-DP-01A, 2410-DP-02B and 2410-DP-03B;*
 - (b) *concept proposals for improvements to the intersection of Scarborough Beach Road, Green Street, Main Street and Brady Street as shown on attached Plans A & B, and Plan No. 2641-CP-01;*
 - (c) *concept proposal for improvements in Brady Street as shown on attached Plan No. 2636-CP-01; and*
 - (d) *information relating to the Town's Draft Local Planning Strategy relating to Scarborough Beach Road between the Glendalough Train Station and Main Street and the attached Public Transport Information plan;*
- (iii) *CONTINUES to pursue appropriate funding, in liaison with the City of Stirling, for an appropriate upgrade of the intersection of Scarborough Beach Road, Green Street, Main Street and Brady Street;*
- (iv) *CONSIDERS listing funds in the 2009/2010 draft budget to implement improvements in Brady Street as shown on attached Plan 2636-CP-01 estimated to cost between \$100,000 and \$150,000; and*
- (v) *RECEIVES further reports on these matters as they progress.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu requested clause (iv) be considered and voted on separately.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on clause (iv) separately.

CLAUSES (i), (ii), (iii) and (v) PUT AND CARRIED (9-0)

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Youngman

That clause (iv) be DEFERRED for a further report.

CLAUSE (iv) PUT AND CARRIED (7-2)

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

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.2

That the Council;

- (i) *RECEIVES Progress Report No. 1 on Current and future possible access improvements between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Centre;*
- (ii) *NOTES the information contained in the report regarding the;*
 - (a) *approved works currently in progress in Scarborough Beach Road east of Eucla Street as shown of attached Plan Nos 2629-DP-01, 2410-DP-01A, 2410-DP-02B and 2410-DP-03B;*
 - (b) *concept proposals for improvements to the intersection of Scarborough Beach Road, Green Street, Main Street and Brady Street as shown on attached Plans A & B, and Plan No. 2641-CP-01;*
 - (c) *concept proposal for improvements in Brady Street as shown on attached Plan No. 2636-CP-01; and*
 - (d) *information relating to the Town's Draft Local Planning Strategy relating to Scarborough Beach Road between the Glendalough Train Station and Main Street and the attached Public Transport Information plan;*
- (iii) *CONTINUES to pursue appropriate funding, in liaison with the City of Stirling, for an appropriate upgrade of the intersection of Scarborough Beach Road, Green Street, Main Street and Brady Street;*
- (iv) *RECEIVES further reports on these matters as they progress; and*
- (v) *DEFERS the consideration of listing funds in the 2009/2010 draft budget to implement improvements in Brady Street as shown on attached Plan 2636-CP-01 estimated to cost between \$100,000 and \$150,000, and a further report be prepared.*

PURPOSE OF REPORT:

The purpose of this report is to present the Council with an overview of current and future possible access improvements between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Centre.

BACKGROUND:

Ordinary Meeting of Council - 23 April 2002:

The Council received a report on the City of Stirling's proposed Scarborough Beach Road, Green Street, Main Street and Brady Street intersection modifications and approved, in principle, the preliminary design.

Ordinary Meeting of Council – 2 November 2008:

The Council considered a further report on proposed streetscape, pedestrian safety and traffic management improvements on Scarborough Beach Road, Mt Hawthorn between Killarney Street and Federation Street where the following decision was made (in part):

"That the Council;

- (i) RECEIVES the further report on the proposed Scarborough Beach Road Streetscape, Pedestrian Safety and Traffic Management Enhancement Project, along Scarborough Beach Road, Mt Hawthorn, between Killarney Street and west of Eucla Street (near Green Street);*
- (ii) NOTES;*
 - (a) that in 2007/2008, when the community was consulted, the proposed upgrade extended to Federation Street, however, it is now proposed to extend the upgrade to just west of Eucla Street;*
 - (b) the comments received, and in particular the comments that the project should be extended further west to Green Street; and*
 - (c) that additional funds were allocated in the 2008/2009 budget for the project, including Metropolitan Regional Road funding;*
- (iii) APPROVES the implementation of the proposal as shown on attached Plans No. 2518-CP-01 and 2410-CP-01 estimated to cost \$450,000;"*

Ordinary Meeting of Council - 21 October 2008:

The Council considered a Notice of Motion raised by Councillor Ian Ker for Improved Access between the New Area of Mt Hawthorn (Previously Glendalough/Osborne Park) and the Mt Hawthorn Centre where the following decision was made:

"That the Council;

- (i) UNDERTAKES an investigation into a means of improving access between the new area of Mount Hawthorn (previously Glendalough/Osborne Park) and the Mount Hawthorn Centre by all means of travel (walking, cycling, public transport and driving); and*

- (ii) *RECEIVES a report by March 2009 identifying desirable and feasible improvements and the report applies a budget allocation to appropriate improvements for consideration."*

The newly renamed area of Mount Hawthorn has good public transport access to the City of Perth via the Northern Suburbs Rail Service, but is largely isolated from the nearest facilities and services which are in the Mount Hawthorn Centre in the Town of Vincent. Pedestrians and cyclists have to cross at least one busy road (Brady Street). Bus users have to cross Brady Street and/or Scarborough Beach Road. Car drivers have to negotiate both the Brady/Main Street/Scarborough Beach Road intersection and the dangerous Green Street/Scarborough Beach Road intersection or turn right across traffic in Brady Street and "rat-run" through residential streets between Anzac Road and the Mount Hawthorn Centre.

DETAILS:

Scarborough Beach Road – Eucla to Killarney:

This project is currently underway and, when completed, will result in the following improvements:

Road layout: The existing four lane undivided carriageway will be altered to create two single traffic lanes separated by a central (part solid/part planted/part painted) median strip.

Reduced Posted Speed: Main Roads WA have agreed to review the posted speed limit and have provided in principle support to extend the 50 kph to Green Street.

Streetscape: Planting of additional Eucalyptus Maculata (Spotted Gums) in the median strip to complement the existing trees adjacent to Braithwaite Park and to create an Avenue effect.

Pedestrian Safety: Will be enhanced by the provision of dedicated crossing points within raised median islands, effectively reducing the pedestrian crossings to a single lane either direction.

Street lighting: Has previously been upgraded (the length of Scarborough Beach Road) to a *District Distributor A Road* standard as part of the Town's, now completed, District Distributor Street Lighting Upgrade Program.

Cycle Lanes: While Scarborough Beach Road is not a designated cycle route, the design incorporates cycle lanes.

The overall proposal provides for an extension of the single lane either direction, to a point west of Eucla Street, which should address a majority of issues other than the Scarborough Beach Road/Green Street modifications.

Scarborough Beach Road, Green Street, Main Street and Brady Street intersection modifications:

This intersection is the junction of four (4) District Distributor 'A' Roads. In 2002 the City of Stirling advised the Town that it was keen to apply for State Funding to undertake the above intersection modifications. The preliminary project estimate at the time was \$1.5 million. The City was seeking \$1.0 million from MRWA, and was prepared to commit \$250,000 to the project and was seeking \$250,000 from the Town.

Funding was subsequently not received as the value of the work exceeded the available funding criteria. Federal funding through Auslink was applied for, however, this was also unsuccessful.

The upgrading of the Main/Green/Brady Streets intersection will need to be progressed as a stand alone project in the future should appropriate funding become available from either State or Commonwealth sources.

The Initial concept design prepared by the City of Stirling is attached. A further concept plan prepared by the Town's officers is also attached. The proposed improvement would markedly improve access and safety and create aesthetic improvements with additional landscaping of the proposed large verge area.

Brady Street:

This Road was upgraded by the City of Stirling several years ago. It is now within the Town of Vincent.

Following on from the Notice of Motion from Cr Ker, the Town's officers have investigated what can be done to Brady Street to improve access between the new area of Mount Hawthorn (previously Glendalough/Osborne Park) and the Mount Hawthorn Centre.

The suggested improvements are discussed as follows:

Brady Street currently comprises a four lane road in both directions with a painted median and some pedestrian refuge islands at certain intersections. It runs between Scarborough Beach Road and Powis Street and forms a main route as the extension of Main Street to the Mitchell Freeway.

It is proposed to implement the following improvements:

Reduce the north bound carriageway from two (2) lanes to a single lane plus cycle lane:

Traffic east bound from Powis Street turning left into Brady Street (the main traffic movement) currently enters Brady Street in a single file. Traffic north bound from Anzac Road also enters Brady Street in single file.

It is proposed that a taper lane be provided to merge the Powis and Anzac Road traffic into a single north bound lane along Brady Street merging back to a double lane at the Scarborough Beach Road intersection.

The existing traffic count data in Brady Street north of Powis Street is as follows:

North bound volumes – 7,352 Average Weekly Total/6,593 Average Daily Total
South bound volumes – 9,069 Average Weekly Total/7,483 Average Daily Total

The benefits of implementing the proposal as outlined above are as follows (refer attached plan 2636-CP-01):

- Ability to install a wider (2.0m+) median
- Ability to construct pedestrian refuge islands of sufficient width to accommodate cyclists, and other pedestrians (both motorised and non motorised).
- Scope to accommodate a 1.50m wide cycle lane.
- Scope to plant trees down the centre of the road to improve the visual amenity of the street
- Traffic level of service will be maintained as the higher traffic flow is south bound and this will remain as a two (2) lane roadway, and the road layout intersection at Scarborough Beach Road will not change (as part of this proposal).

Public Transport:

The attached plan outlines bus routes that serve the area east of Brady Street. Residents from this area have a choice of using the No 15, 400, 402 bus to the Mount Hawthorn Centre and beyond. The Glendalough Train station is also easily accessible to the west of the area.

Planning Comments:

A thorough analysis of the subject area in respect to Transit Orientated Development and improving the connectivity between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Town Centre has been integrated into the Town's Draft Local Planning Strategy. To assist in the facilitation of the key recommendations arising from this analysis, it is considered that all efforts to improve access between the area of Mount Hawthorn (east of Brady Street) and its surrounds, including but not limited to, improvements to Scarborough Beach Road and Brady Street as detailed within this report and the modification of the intersection of Scarborough Beach Road, Green Street, Main Street and Brady Street are strongly supported.

Further to this, it is to be noted that the Town has recently become an industry partner in the Scarborough Beach Road Activity Corridor Project. This project aims to inform both State and Local Government in providing best practice transport and land use solutions along the length of the road from Scarborough to North Perth (Charles Street). The Council will be kept informed on any studies prepared as part of this Project relevant to the Town of Vincent.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.”*

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Appropriate funds have been allocated in 2008/2009 for the Scarborough Beach Road works. No other funding is currently available for the other initiatives outlined in the report.

COMMENTS:

The Town recently successfully completed the upgrade of Scarborough Beach Road through the Mount Hawthorn Commercial Precinct. The character of the Scarborough Beach Road streetscape is constantly evolving as can be seen by the recent building activity in the Mt Hawthorn Centre Precinct. The Scarborough Beach Road upgrade currently in progress west of Killarney Street will result in an enhanced streetscape amenity for residents and will improve pedestrian and cyclist safety and ultimately result in lowering the posted speed in this section of Scarborough Beach Road.

The proposal for Brady Street, if and when implemented, will further improve pedestrian and cyclist safety and ultimately may also result in lowering the posted speed in Brady Street.

9.2.4 Tender No 389/08 – Hyde Park Stage Refurbishment

Ward:	South	Date:	17 February 2009
Precinct:	Hyde Park P12	File Ref:	TEN0389
Attachments:	001		
Reporting Officer(s):	K Bilyk; J van den Bok		
Checked/Endorsed by:	R Lotznicker; M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Hyde Park Stage Refurbishment Tender No. 389/08;*
- (ii) *ACCEPTS the tender submitted by Niche Construction Pty Ltd as being the most acceptable to the Town, for the refurbishment of the Hyde Park Stage, at a total cost of \$188,745.00 in accordance with the specifications detailed in Tender 389/08;and*
- (iii) *ADVISES the tenderers and the Rotary Club of Western Australia of its decision.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Burns

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

*“(iv) **AUTHORISES the Chief Executive Officer to review the plan and design in relation to the recommendations of the Conservation Plan and make changes as required to comply with the Conservation Plan.**”*

AMENDMENT PUT AND CARRIED (6-3)

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

MOTION AS AMENDED PUT AND CARRIED (7-2)

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

COUNCIL DECISION ITEM 9.2.4*That the Council;*

- (i) **RECEIVES** the report on the Hyde Park Stage Refurbishment Tender No. 389/08;
- (ii) **ACCEPTS** the tender submitted by Niche Construction Pty Ltd as being the most acceptable to the Town, for the refurbishment of the Hyde Park Stage, at a total cost of \$188,745.00 in accordance with the specifications detailed in Tender 389/08;
- (iii) **ADVISES** the tenderers and the Rotary Club of Western Australia of its decision; and
- (iv) **AUTHORISES** the Chief Executive Officer to review the plan and design in relation to the recommendations of the Conservation Plan and make changes as required to comply with the Conservation Plan.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the awarding of the tender for the Hyde Park Stage Refurbishment.

BACKGROUND:

Tender No. 389/08 for the Hyde Park Stage Refurbishment was advertised in The West Australian newspaper on 8 November 2008 and at the close of tender at 2.00pm on 17 December 2008 eleven (11) tenders were received.

Present at the tender opening were Keith Steicke (Property Maintenance Officer) and Kon Bilyk (Property Officer-Projects).

DETAILS:

The details of all submissions received are listed below:

No.	Tenderers	Price (Excl GST)
1.	Niche Construction WA Pty Ltd	\$188,745.00
2.	Mini Projects WA	\$205,454.55
3.	Connolly Building Co	\$225,776.00
4.	CPD Group Pty Ltd	\$241,700.00
5.	Dalcon Construction Pty Ltd	\$256,321.82
6.	Palace Homes & Construction P/L	\$258,929.77
7.	KMC Group	\$265,100.00
8.	Classic Contractors	\$266,145.00
9.	Devco Builders	\$299,705.00
10.	Trendsetter Constructions	\$339,080.00
11.	Robinson Buildtech	\$371,690.84

Tender Evaluation**Selection Criteria**

The following weighted criteria were used for the selection of the companies for the tender.

Criteria		Weighting
1.	Financial Offer/Fee Proposal	75%
2.	History and Viability of Company	10%
3.	Relevant experience, expertise and project team	5%
4.	Methodology, Key Issues and Risk	5%
5.	Financial Capacity and Evidence of Stability	5%
Total		100%

Tender Evaluation Panel

The tender evaluation panel consisted of the Director Technical Services, Rick Lotznicker, Manager Park Services, Jeremy van den Bok and Property Officer - Projects, Kon Bilyk.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

		Niche Construction WA Pty Ltd	Mini Projects WA	Connolly Building Co	CPD Group Pty Ltd	Dalcon Construction Pty Ltd	Palace Homes & Construction P/L	KMC Group	Classic Contractors	Devco Builders	Trendsetter Constructions	Robinson Buildtech
1.	Financial Offer/Fee Proposal	75	70.9	66.8	63.6	60.6	60.1	58.9	58.7	51.9	43.9	37.4
2.	History and Viability of Company	10	10	10	10	10	10	10	10	10	10	10
3.	Relevant experience, expertise and project team capacity to deliver product	5	5	5	5	5	5	5	5	5	5	5
4.	Methodology, Key Issues and Risk	5	5	5	5	5	5	5	5	5	5	5
5.	Financial Capacity and Evidence of Stability	5	5	5	5	5	5	5	5	5	5	5
Total		100	95.9	91.8	88.6	85.6	85.1	83.9	83.7	76.9	68.9	62.4

Following assessment of the submissions by the Town's officers and project architect, Niche Construction Pty Ltd has provided the most competitive and lowest price for this Tender.

All feedback received from tenderers' referees met the required criteria along with relative experience, financial capacity, etc. however Niche Construction Pty Ltd provided the most competitive offer

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Code of Tendering Policy 1.2.2 and Purchasing Policy 1.2.3.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 *Enhance and maintain parks and community facilities (a) Ensure all Towns services, playgrounds and facilities are universally accessible where practicable.*

FINANCIAL/BUDGET IMPLICATIONS:

The below table amounts are listed on the 2008/09 Budget. In addition the Rotary Club of Western Australia has indicated that they will be contributing an additional \$15,000 towards the project.

Land and Building – Hyde Park Stage	\$140,000
Infrastructure – Hyde Park Stage – electrical upgrade	\$50,000
Rotary Club of Western Australia	\$15,000
Total funds available:	\$205,000

COMMENTS:

This project is another that has been proposed for some time and has progressed slowly over a number of years and it is fortunate that, with construction costs dropping considerably over the past six months, this project has come in under budget.

The project architects had indicated at the beginning of 2008 that it would be highly unlikely that this project would be able to progress given the budget amount allocated.

It is therefore recommended that the tender submitted by Niche Construction Pty Ltd at a total cost of \$188,745.00 is accepted for the Hyde Park Stage Refurbishment project, Tender No 389/08.

9.2.5 Progress Report No 2 - Investigation of Schemes for the Provision of Energy and Water Audits for Residents and Business Proprietors in the Town

Ward:	Both	Date:	16 February 2009
Precinct:	All	File Ref:	ENS0106/PLA0175
Attachments:	-		
Reporting Officer(s):	J Lockley		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No 2 report on Investigation of Schemes for the provision of Energy and Water Audits for residents and business proprietors in the Town and the outcome of the Sustainable Energy Development Office (SEDO) grant for the provision of energy and water audits for the residents and business proprietors in the Town;*
- (ii) *NOTES that;*
 - (a) *the Town was not successful in receiving the SEDO grant for energy and water auditing;*
 - (b) *the Town has \$25,000 on the 2008/2009 Budget for energy and water auditing;*
 - (c) *the closing date for the next round of Sustainable Energy Development Office (SEDO) grants is 27 February 2009; and*
 - (d) *should the Town be successful in obtaining a grant, the actions as requested by the Council at its Ordinary Meeting held on 6 November 2007 be further progressed;*
- (iii) *AUTHORISES the Chief Executive Officer to reapply for 'appropriate' funding when the next round of Sustainable Energy Development Office (SEDO) grants and the Australian Government Water Fund AGWF (Community Water Grants) are called for conducting Energy and Water Audits for residents in the Town;*
- (iv) *FURTHER INVESTIGATES;*
 - (a) *the feasibility of preparing an energy and water consumption checklist for all new buildings approved in the Town as part of its approval process to ensure that energy and water saving measures/devices are incorporated in building from the outset; and*
 - (b) *the formulation of a procedure for energy and water consumption of all the Town owned buildings to be recorded to enable Town's officers to determine where the consumption is the highest and assess the best applications to achieve the greatest results in lowering consumption at certain site/s; and*
- (v) *RECEIVES a further report on the above matters as more information becomes available.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Lake

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

“(vi) LISTS appropriate funds for consideration in the 2009/2010 budget for the Town to subscribe to ‘Planet Footprint’ for the Town’s electricity, streetlights, gas and water costs/consumption data to be collected and benchmarked against other Local Governments in Australia.”

Debate ensued. It was requested that the word “streetlights” be deleted.

The Mover, Cr Maier agreed to delete the word “streetlights” with the consent of the Seconder, Cr Ker.

The revised amendment now reads as follows;

“(vi) LISTS appropriate funds for consideration in the 2009/2010 budget for the Town to subscribe to ‘Planet Footprint’ for the Town’s electricity, gas and water costs/consumption data to be collected and benchmarked against other Local Governments in Australia.”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (8-1)

For
Mayor Catania
Cr Burns
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Youngman

Against
Cr Doran-Wu

Debate ensued.

AMENDMENT NO 2

Moved Cr Ker, Seconded Cr Doran-Wu

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

“(iv)(c) further investigates the State Government “Living Smart Program”.”

AMENDMENT NO 2 PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.5

That the Council;

- (i) *RECEIVES the progress report No 2 report on Investigation of Schemes for the provision of Energy and Water Audits for residents and business proprietors in the Town and the outcome of the Sustainable Energy Development Office (SEDO) grant for the provision of energy and water audits for the residents and business proprietors in the Town;*
- (ii) *NOTES that;*
 - (a) *the Town was not successful in receiving the SEDO grant for energy and water auditing;*
 - (b) *the Town has \$25,000 on the 2008/2009 Budget for energy and water auditing;*
 - (c) *the closing date for the next round of Sustainable Energy Development Office (SEDO) grants is 27 February 2009; and*
 - (d) *should the Town be successful in obtaining a grant, the actions as requested by the Council at its Ordinary Meeting held on 6 November 2007 be further progressed;*
- (iii) *AUTHORISES the Chief Executive Officer to reapply for 'appropriate' funding when the next round of Sustainable Energy Development Office (SEDO) grants and the Australian Government Water Fund AGWF (Community Water Grants) are called for conducting Energy and Water Audits for residents in the Town;*
- (iv) *FURTHER INVESTIGATES;*
 - (a) *the feasibility of preparing an energy and water consumption checklist for all new buildings approved in the Town as part of its approval process to ensure that energy and water saving measures/devices are incorporated in building from the outset;*
 - (b) *the formulation of a procedure for energy and water consumption of all the Town owned buildings to be recorded to enable Town's officers to determine where the consumption is the highest and assess the best applications to achieve the greatest results in lowering consumption at certain site/s; and*
 - (c) *further investigates the State Government "Living Smart Program";*
- (v) *RECEIVES a further report on the above matters as more information becomes available; and*
- (vi) *LISTS appropriate funds for consideration in the 2009/2010 budget for the Town to subscribe to 'Planet Footprint' for the Town's electricity, gas and water costs/consumption data to be collected and benchmarked against other Local Governments in Australia.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the Sustainable Energy Development Office grant application for the funding of the proposed water and energy audits for the Town's residents and small businesses.

BACKGROUND:

Ordinary Meeting of Council held on 25 September 2007:

The following Notice of Motion submitted by Cr Farrell was adopted:

"That;

- (i) the Chief Executive Officer be requested, as part of the Town's Sustainability Environment Plan 2007 - 2012, to investigate the introduction of a scheme for the provision of Energy and Water Audits for residents and business proprietors in the Town;*
- (ii) the report to include;*
 - (a) the benefits, advantages and disadvantages of such Audit Scheme;*
 - (b) cost implications including the provision of subsidies to ratepayers (residents and business proprietors);*
 - (c) information about audit schemes carried out by other Local Governments (including throughout Australia);*
 - (d) funding sources available to the Town to assist in the implementation of the Audit Scheme (eg. WA Sustainable Energy Development Office, Australian Greenhouse Office, ICLEI);*
 - (e) opportunities to partner with Synergy , Water Corporation or the Department for Planning and Infrastructure to extend recent pilot voluntary behaviour change trials in energy and water to the Town of Vincent;*
 - (f) marketing strategies to promote an audit scheme to residents, businesses and schools; and*
- (iii) the report be submitted to Council as soon as practicable and in any case no later than November 2007."*

Ordinary Meeting of Council held on 6 November 2007:

A further report on the matter was presented to the Council at this meeting where the following decision was made (in part):

"(ii) NOTES that;

- (a) to receive grant funding, the Town will need to match the value of funding requested;*
 - (b) the closing date for the next round of Sustainable Energy Development Office (SEDO) grants is February 2008;*
 - (c) the calling of round 4 grant funding from the Australian Government Water Fund (AGWF) - Community Water Grants is to yet to be announced;*
 - (d) available funding from the AGWF - Community Water Grants is split on a ratio of 75% for on-ground works and 25% for education and promotion programs; and*
 - (e) The Department of Water offers rebates on various products to be used to reduce water consumption;*
- (iii) AUTHORISES the Chief Executive Officer to apply for 'appropriate' funding when the next round of Sustainable Energy Development Office (SEDO) grants and the Australian Government Water Fund AGWF (Community Water Grants) are called for conducting Energy and Water Audits for residents and business proprietors in the Town;*

- (iv) *CONSIDERS listing appropriate funding (to be determined in a further report) for consideration in the 2008/2009 draft budget and subsequent budgets:*
- (a) *to prepare a program and progressively implement Energy and Water Audits of Town owned buildings;*
 - (b) *pending the results of the audit (as outlined in {clause (iv)(a)}, to prepare a long term implementation program to make these buildings more sustainable; and*
 - (c) *to enable the Town to contribute towards the implementation of Audit Scheme/s for a representative sample of properties in the Town subject to matching grant funding being provided [refer clause (iii) above];*
- (v) *subject to grant funding being available, APPROVES IN PRINCIPLE the holding of sustainability workshops to introduce residents and businesses to the Audit Scheme before they sign up to be considered for inclusion in any such Auditing Scheme; and*
- (vi) *Receives further progress reports on the progress of matters outlined in clauses (iii) to (v) above."*

DETAILS:

Sustainable Energy Development Office (SEDO) Grant:

In accordance with the Council decision the Town applied for a Sustainable Energy Development Office (SEDO) grant in the March 2008 round of funding (*next available funding round following the Council decision*), to help fund the auditing of residents homes and small businesses with in the Town with the aim of reducing water and energy consumption for individuals in the community.

In late November 2008 a letter was received from SEDO with information as follows;

"I regret to advise that the Town of Vincent applications were unsuccessful in this instance.

The Energy Auditing application was deemed ineligible for the program as it is aimed at businesses, as well as householders. Under the eligibility requirements for the SEDO Grants Program, projects should primarily target householders. SEDO would be pleased to accept a revised application for this project to the next funding round of the grants program, providing the business component is omitted from the new application."

The next round of funding closes 27 February 2009 as the letter from SEDO suggests it may be possible for the Town to receive funding for 'residential only auditing'.

It should also be notes that the calling of round 4 grant funding from the Australian Government Water Fund (AGWF) - Community Water Grants is still yet to be announced.

Officers' Comments:

Many actions as previously requested by the Council have not progressed as the officers were awaiting the outcome of the SEDO grant application. Should the Town be successful in the next round of funding the Council decision (OMC-6 November 2007) will be progressed.

Sustainable Environment Plan 2007-2012 actions

It is considered that the Town's buildings be audited and outcome/action from the audit be implemented as part of the ICLEI Water Campaign program the Town has signed up for. In addition, introducing Audit Scheme/s will result in completing some of the targets set out in the Sustainable Environment Plan 2007-2012 including:

Energy actions:

- Carry out an energy audit of all Town's properties and implement recommendations
- Incorporate energy efficiency principles in planning and building policies
- Ensure the Town has an employee(s) with energy management as a responsibility
- Develop an Energy Awareness Program for employees
- Reduce the overall energy use by the Town and community

Water actions

- Develop a comprehensive means for reducing water consumption on Town and community gardens and parklands
- Investigate ways to improve the Town's water use efficiency by monitoring Town (scheme and bore) water use
- Educate and encourage developers, architects to incorporate the principles of Water Sensitive Urban Design into new development including landscaping projects undertaken by the Town

The scheme may require small or substantial changes to be made to some buildings and would require behavioural changes in order for the reduction in energy and water to be completed.

Planet Footprint Program:

As previously reported to Council this Program, undertaken by an independent organisation, is a unique initiative whereby local governments receive regular reports detailing their energy and water consumption, costs, and greenhouse gas emissions for all their facilities.

Additionally, they receive details of how they are performing against other local governments in their region and across Australia.

This is a program that the Town could join to have the energy and water consumption of all its buildings recorded. The Town's officers would then be able to determine where the consumption is the highest and assess the best applications to achieve the greatest results in lowering consumption at a certain site/s. The benefits to the Town would be to save money and reduce its planet footprint.

In addition, it is suggested that an energy and water consumption checklist for all new buildings approved in the Town as part of its approval process should be a goal to ensure that energy and water saving measures/devices are incorporated in building from the outset.

It is also considered that following the completion of successful trial audit scheme/s, consideration be given to allocating appropriate funding (amount to be determined) in future budgets to provide minor subsidies to the Town's residents and businesses to encourage them to carry out minor improvements to save energy and water, e.g. energy saving light bulbs.

CONSULTATION/ADVERTISING:

Should the Town receive the SEDO grant residents would be invited to have the auditing undertaken and a seminar on sustainable living would also be required to inform the residents on what is involved in the auditing.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. “(g) *Minimise the impact of environmental pollution by:* • *Encouraging householders to reduce hazardous waste in the community.*”

SUSTAINABILITY IMPLICATIONS

Over consumption is a common part of today’s society and is readily accepted by the community. Excessive energy consumption results in higher carbon emissions and a waste of resources to produce the energy required. It is also common knowledge that water is increasingly becoming a precious commodity due to the changing climate and the importance of preservation has become a high priority. With the rise in awareness of Global Warming, it has become apparent that water and energy consumption can no longer be sustained at current levels.

The urgent need for action from individuals is apparent however making changes alone is not always easy. Leading by example the Town can show the residents and businesses how to make the *small changes* that will make a *big difference* by them carrying out an audit on energy and water consumption and implement changes. However this is a long term issue which would need long term support from the Council for the future.

FINANCIAL/BUDGET IMPLICATIONS:

The Town’s 2008/2009 budget has made an allowance for Energy and Water Audits. It was estimated that this would cost in the order of \$50,000 with the Town funding 50% of the project and SEDO funding the remaining 50%.

The Town’s Environmental office is obtaining revised quotes regarding this matter which will include setting up the audit scheme, seeking community interest, seeking funding, implementation of auditing, workshops and implementation and providing the community with appropriate subsidies to encourage savings behavioural change.

COMMENTS:

Helping individuals within the community take the first steps to making the changes is also extremely important. One way to help the community would be with a sustainable program of Energy and Water Auditing Scheme run by the Town with support of grants. However auditing energy and water consumption is not enough to make changes. To ensure changes are achieved new applications would need to be installed within the property that has been audited. This would require with Town’s assistance in subsidising suggested fittings to make the changes.

The Chief Executive Officer advised that it was 10.00pm.

The Presiding Member, Mayor Nick Catania stated a motion needed to be moved to extend the closure of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Farrell

That the meeting be extended for 15 minutes.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 9.3.2. They departed the Chamber at 10.00pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair at 10.00pm.

9.3.2 Investment Report as at 31 January 2009

Ward:	Both	Date:	3 February 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	B Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2009 as detailed in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Youngman, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)

Mayor Catania, Cr Burns Cr Messina returned to the Chamber at 10.01pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.2.

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

DETAILS:

Total Investments for the period ended 31 January 2009 were \$16,473,265 compared with \$16,973,265 at 31 December 2008. At 31 January 2008, \$18,799,958 was invested.

Total accrued interest earned on Investments as at 31 January 2009:

	BUDGET	ACTUAL	%
	\$	\$	
MUNICIPAL	650,000	364,501	56.08
RESERVE	485,710	329,297	67.80

COMMENT:

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

The report comprises of:

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

9.3.4 Review of the 2008/2009 Annual Budget

Ward:	Both	Date:	16 February 2009
Precinct:	All	File Ref:	FIN0025
Attachments:	001 ; 002		
Reporting Officer(s):	Bee Choo Tan/M Rootsey		
Checked/Endorsed by:	M Rootsey, J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2008/09 Annual Budget as follows; and*
- (ii) *NOTES the Revised Budget 2008/09 as reported in Appendix 9.3.4(a).*

CAPITAL BUDGET

LAND AND BUILDINGS – Additional Expenditure

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Members Equity Stadium Upgrade of Electrical Services and Power Supply.</i>	<i>Work Upgrade</i>	<i>\$199,485</i>	<i>Reserve Funds</i>
<i>Beatty Park Reserve Pavilion</i>	<i>Facility Upgrade</i>	<i>\$83,000</i>	<i>Federal Grant</i>
<i>Forrest Park Clubrooms</i>	<i>Facility Upgrade</i>	<i>\$381,832</i>	<i>Capital Expenditure – Savings and Additional Revenue</i>
<i>Les Lilleyman Reserve Clubroom</i>	<i>Facility Upgrade</i>	<i>\$38,465</i>	<i>Additional Contributions</i>

LAND AND BUILDINGS – Expenditure Savings

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Leederville Child Care Centre</i>	<i>New Building</i>	<i>\$(2,000,000)</i>	<i>Contributions/Grants</i>

INFRASTRUCTURE ASSETS – Additional Expenditure

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Leederville Oval (Medibank Stadium)</i>	<i>Urgent Turf Works</i>	<i>\$15,000</i>	<i>Reallocation of another Capital item</i>
<i>Hyde Park East</i>	<i>Playground Upgrade</i>	<i>\$100,000</i>	<i>Federal Grant</i>
<i>Highgate SUPP Area</i>	<i>Capital Projects/Reserve Fund</i>	<i>\$254,016</i>	<i>Western Power Refund</i>
<i>Right of Ways</i>	<i>Increased Costs</i>	<i>\$76,204</i>	<i>Projects Deferred</i>

INFRASTRUCTURE ASSESTS – Expenditure Savings

Budget Item	Description	Amount	
<i>Kyilla Park</i>	<i>Automatic Reticulation</i>	<i>\$(40,000)</i>	<i>Funds available to be utilised for other projects</i>
<i>Lacey Street</i>	<i>Traffic Management</i>	<i>\$(55,000)</i>	<i>Funds available to be utilised for other projects</i>
<i>Bulwer Street – William Street</i>	<i>Roadwork's</i>	<i>\$(96,112)</i>	<i>Funds available for other projects</i>
<i>Green Street - Matlock Street</i>	<i>Right Of Way Upgrade</i>	<i>\$(28,229)</i>	<i>Funds available for other projects</i>
<i>Mt Hawthorn Streetscape</i>	<i>Streetscape Upgrade</i>	<i>\$(107,308)</i>	<i>Funds available for other projects</i>
<i>Vincent Street</i>	<i>Improvement Works</i>	<i>\$(15,000)</i>	<i>Funds available for other projects</i>
<i>Nova Lane Resurfacing</i>	<i>ROW Upgrade</i>	<i>\$(48,500)</i>	<i>Funds available for other projects</i>
<i>Contributions to ROW Upgrade</i>	<i>TOV Contributions</i>	<i>\$(30,000)</i>	<i>Funds available for other projects</i>

CAPITAL BUDGET (Cont'd)

FURNITURE AND EQUIPMENT – Additional Expenditure

Budget Item	Description	Amount	Funded by
<i>New Communications System</i>	<i>New Purchase</i>	<i>\$32,457</i>	<i>Reserve Funds</i>
<i>Members Equity Stadium Change Tables x three (3)</i>	<i>New Purchase</i>	<i>\$2,550</i>	<i>Reserve Funds</i>
<i>Loftus Recreation Centre</i>	<i>Essential Equipment</i>	<i>\$18,645</i>	<i>Reserve Funds</i>

PLANT AND EQUIPMENT – Additional Expenditure

Budget Item	Description	Amount	Funded by
<i>Beatty Park Leisure Centre Signage</i>	<i>New Sign</i>	<i>\$11,750</i>	<i>Reserve Funds</i>

PLANT – Expenditure Savings

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	
<i>Side Load Rubbish Compactor</i>	<i>New Purchase</i>	<i>\$(300,000)</i>	<i>Reserve Fund</i>
<i>Single Axle Truck</i>	<i>New Purchase</i>	<i>\$(110,000)</i>	<i>Reserve Fund</i>
<i>Single Axle Tipper</i>	<i>New Purchase</i>	<i>\$(155,000)</i>	<i>Reserve Fund</i>

OPERATING BUDGET

OPERATING EXPENDITURE - Additional Expenditure

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Les Mills RPM™ Classes</i>	<i>New Program</i>	<i>\$26,513</i>	<i>Additional Revenue</i>
<i>Corporate Suites replacement chair material</i>	<i>Replacement Material</i>	<i>\$2,900</i>	<i>Reserve Funds</i>
<i>Parking Strategy Review</i>	<i>Precinct Parking Management Plan</i>	<i>\$50,000</i>	<i>Increased Parking Revenue</i>
<i>Loftus Recreation Centre</i>	<i>Court Resurfacing</i>	<i>\$11,800</i>	<i>Reserve Funds</i>

OPERATING REVENUE - Increased Revenue

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Les Mills RPM™ Classes</i>	<i>New Program</i>	<i>\$37,917</i>	<i>Additional Revenue</i>
<i>Parking Revenue</i>	<i>Car Park Revenue</i>	<i>\$190,000</i>	<i>Increased Revenue</i>
<i>Underground Power Surplus</i>	<i>Refund from Western Power</i>	<i>\$254,016</i>	<i>Cost underrun on Highgate SUPP Program</i>

GRANTS/CONTRIBUTIONS – Increased Revenue

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Regional and Local Community Infrastructure Projects</i>	<i>Infrastructure Projects</i>	<i>\$183,000</i>	<i>Federal Government Grants</i>
<i>Les Lillyman Reserve Clubroom</i>	<i>Facility Upgrade</i>	<i>\$38,465</i>	<i>Subiaco Football Club and the West Australian Football Commission</i>

GRANTS/CONTRIBUTIONS – Reduced Revenue

<i>Budget Item</i>	<i>Description</i>	<i>Amount</i>	<i>Funded by</i>
<i>Leederville Child Care Centre</i>	<i>New Building</i>	<i>\$(2,000,000)</i>	<i>N/A</i>

COUNCIL DECISION ITEM 9.3.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Lake stated that she wished to move an amendment to add funds for repairing the jetty at East Perth in front of the Power Station.

The Chief Executive Officer advised that this matter is a review of the Annual Budget 2008/2009 prepared by the Director Corporate Services to review the adjustments of “under” and “over” expenditure. He advised that he believed the amendment to be a request for additional funds which he does not believe is appropriate to be done without notice to the Town’s Administration for investigation and report.

The Presiding Member, Mayor Nick Catania ruled that this should be separately addressed as a Notice of Motion and he would not accept the amendment.

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

PURPOSE OF REPORT:

The purpose of this report is review the progress of the annual budget and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions, consistent with good governance principles and the requirements of the Local Government Act.

BACKGROUND:

The Local Government Act (Amended 2005) now requires a Local Government to undertake a review of its budget at least once a year, in the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Regional Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

DETAILS:

A review has been undertaken as at 31 December 2008 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

CAPITAL BUDGET – Land and Buildings: Additional Expenditure

Members Equity Stadium - Power Supply Upgrade

ITEM	AMOUNT	FUNDING IMPLICATION
Member Equity Stadium Upgrade of Power Supply and Power Supply	\$199,485	No impact on the financial position as Funded by Reserve.
<u>Comment</u> At the Ordinary Meeting of Council on 23 September 2008 Item 10.2.6, the Council approved the upgrade of the Electrical Services and Power Supply. The estimated shortfall in funding to be funded from the Perth Oval Reserve Fund		

Beatty Park Reserve Pavilion

ITEM	AMOUNT	FUNDING IMPLICATION
Beatty Park Reserve Pavilion Universal Access Upgrade	\$83,000	Federal Government Grant.
<p><u>Comment</u> At the Ordinary Meeting of Council on 2 December 2008 Item 9.4.7, the Council approved this project to be nominated for Federal Government Funding under the Special Infrastructure funding for Local Governments.</p>		

Forrest Park Clubrooms

ITEM	AMOUNT	FUNDING IMPLICATION
Forrest Park Clubrooms Facility Upgrade	\$381,832	Capital Expenditure – Savings and Additional Revenue.
<p><u>Comment</u> A report to Council on the tender is to be presented at the Ordinary Meeting of Council on 24 February 2009 Item 9.2.3. This is to be funded from savings from the other Capital items listed in this report.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Les Lilleyman Reserve Clubroom	\$38,465	No impact on the financial position as funded from increased contribution from Subiaco Football Club and the West Australian Football Commission.
<p><u>Comment</u> This facility upgrade requires an accessible toilet, which was excluded from the original estimate, however the increase in cost was funded by the Subiaco Football Club and the West Australian Football Commission.</p>		

CAPITAL EXPENDITURE – Land and Buildings: Reduced Expenditure

ITEM	AMOUNT	FUNDING IMPLICATION
Leederville Child Care Centre New Building	\$(2,000,000)	Contributions/Grants
<p><u>Comment</u> As the WALGA office building is not proceeding, the construction of a new building for the Leederville Child Care Centre at a new location has been deferred to a date yet to be determined. The project was to be funded by Contributions and Grants and therefore has no impact on the financial position of the Town.</p>		

CAPITAL BUDGET – Infrastructure: Additional Expenditure

Medibank Stadium

ITEM	AMOUNT	FUNDING IMPLICATION
Leederville Oval (Medibank Stadium)	\$15,000	No impact on financial position as funded from savings from Vincent Street Improvements.
<p><u>Comment</u> At the Ordinary Meeting of Council on 2 December 2008 Item 9.2.4, the Council approved the reallocation of funds from the Vincent Street Improvement project to proceed with the urgent surface restoration required at Medibank Stadium.</p>		

Hyde Park East Playground

ITEM	AMOUNT	FUNDING IMPLICATION
Hyde Park East Playground Upgrade	\$100,000	Federal Government Grant.
<p><u>Comment</u> At the Ordinary Meeting of Council on 2 December 2008 Item 9.4.7, the Council approved this project to be nominated for Federal Government Funding under the Special Infrastructure Funding for Local Governments.</p>		

Highgate SUPP Area - Projects

ITEM	AMOUNT	FUNDING IMPLICATION
Highgate SUPP Area – Capital Projects	\$245,016	Funded by refund from Western Power
<p><u>Comment</u> The Council Underground Power newsletter advised residents that any surplus from the SUPP Project would be spent on infrastructure works in the Highgate SUPP Area.</p>		

Right of Way Program

ITEM	AMOUNT	FUNDING IMPLICATION
Right of Ways	\$76,204	No impact on the financial position as additional expenditure to be funded by deferring other projects.
<p><u>Comment</u> The additional expenditure incurred as the budget for Right of Ways was budgeted at an average of \$64 per m² whereas the actual costs was an average of \$81 per m², due to the fact that these Right of Way's required additional works to be undertaken that had not been anticipated.</p>		

CAPITAL BUDGET – Infrastructure: Expenditure Savings

Kyilla Park

ITEM	AMOUNT	FUNDING IMPLICATION
Automatic Reticulation	\$(40,000)	Funds available to be utilised for other projects.
<p><u>Comment</u> Kyilla Park reticulation project will not be undertaken this year. No need to upgrade the reticulation due to water savings plan. Reserve is not an active reserve and is used by school clubs, therefore the park can continue on the existing reticulation for an additional two (2) to three (3) years.</p>		

Lacey Street

ITEM	AMOUNT	FUNDING IMPLICATION
Lacey Street – Traffic Management	\$(55,000)	Funds available to be utilised for other projects.
<p><u>Comments</u> At the Ordinary Meeting of Council held on 22 July 2008 Item 10.2.3, the Council resolved not to proceed with the project.</p>		

Roadwork's/Right of Way/Streetscape

ITEM	AMOUNT	FUNDING IMPLICATION
Bulwer Street – William Street	\$(96,112)	Funds available to be utilised for other projects.
Green Street – Matlock Street	\$(28,229)	
Mt Hawthorn Streetscape	\$(107,308)	
<p><u>Comments</u> These items were carried forward, however the majority of the work was completed in the 2008 financial year. As a result these funds are to be utilised for other items.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Vincent Street Improvement	\$(15,000)	Funds available to be utilised for other projects.
<p><u>Comments</u> At the Ordinary Meeting of Council on 2 December 2008 Item 9.2.4, the Council approved the reallocation of funds from the Vincent Street Improvement project to proceed with the urgent surface restoration required at Medibank Stadium</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Nova Lane Resurfacing	\$(48,500)	Funds available to be utilised for funding additional expenditure on Right Of Way's Program.
Contributions to Right of Way Upgrade	\$(30,000)	
<p><u>Comments</u> The Nova Lane Project will be deferred to next year and there have been no contributions made to overall upgrades by the Town in this financial year, these items will fund the Right of Way Program over expenditure.</p>		

CAPITAL BUDGET – Furniture and Equipment: Additional Expenditure

Town’s Administrative and Civic Centre

ITEM	AMOUNT	FUNDING IMPLICATION
New Communication System	\$32,457	No impact on the financial position as Funded by Reserve.
<p><u>Comment</u> At the Ordinary Meeting of Council on 22 July 2008 Item 10.4.4, the Council approved the purchase of NEC Corus unified Communication Business Solution (Communication System) to be funded from the Town’s Administration and Civic Centre Fund.</p>		

Members Equity Stadium

ITEM	AMOUNT	FUNDING IMPLICATION
Change Tables x three (3)	\$2,550	No impact on the financial position as Funded by Reserve.
<p><u>Comment</u> At the Ordinary Meeting of Council on 26 August 2008 Item 10.4.2, the Council approved the purchase and installation of three (3) change tables, to be funded from the Perth Oval Reserve Fund.</p>		

Loftus Recreation Centre

ITEM	AMOUNT	FUNDING IMPLICATION
Electric Winch	\$18,645	Reserve Funds – No impact on Financial Position.
<p><u>Comment</u> The Electronic winch is required to install nets for all sports in the sports hall. Currently this operation is performed manually and has the potential to become an OH & S issue. This equipment is to be funded from the Loftus Recreation Centre Reserve Fund.</p>		

CAPITAL EXPENDITURE – Furniture and Equipment – Additional Expenditure

ITEM	AMOUNT	FUNDING IMPLICATION
Beatty Park Leisure Centre Signage	\$11,750	No impact on Financial Position of the Town. To be funded by the Beatty Park Reserve Fund.
<p><u>Comment</u> The second final payment for the new Beatty Park Signage was not carried forward and therefore this amount will be required to be funded from the Beatty Park Reserve Fund.</p>		

CAPITAL BUDGET – Plant: Expenditure Savings

Waste Management

ITEM	AMOUNT	FUNDING IMPLICATION
Side Loader Rubbish Compactor	\$(300,000)	Reserve Funded - No impact on Financial Position on the Town.
<p><u>Comment</u> This item was carried forward on the budget but was paid for in the last financial year and therefore can be removed from this year's budget. These funds will be required from the Waste Management Plant and Equipment Reserve.</p>		

Major Plant Replacement

ITEM	AMOUNT	FUNDING IMPLICATION
Single Axle Truck	\$(110,000)	Reserve Funded – No impact on Financial Position of the Town.
<p><u>Comment</u> A review of the Major Replacement Program concluded that this item of plant equipment could be retained for a further two (2) years before replacement. These funds will not be required to be utilised from the Plant and Equipment Reserve.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Single Axle Tipper	\$(155,000)	Reserve Funded – No impact on Financial Position of the Town.
<p><u>Comment</u> A review of the Major Replacement Program concluded that this item of plant equipment could be retained for a further two (2) years before replacement. These funds will not be required from the Plant and Equipment Reserve.</p>		

OPERATING BUDGET

Operating Expenditure – Additional Expenditure

ITEM	AMOUNT	FUNDING IMPLICATION
Les Mills RPM Classes	\$26,513	Increased operating offset by increased revenue from this program.
<p><u>Comment</u> At the Ordinary Meeting of Council on 23 September 2008 Item 10.3.2, the Council approved the implementation of the Les Mills RPM classes at the Beatty Park Leisure Centre.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Parking Strategy Review Precinct Parking Management plan preparation	\$50,000	To be funded from Additional Car Park revenue.
<p><u>Comment</u> At the Special Meeting of Council on 14 October 2008, Item 7.1 the Council resolved to request that the Chief Executive Officer identify an amount of \$25,000 in the 2008/09 Budget Review for the consultants to prepare the above.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Loftus Recreation Centre Courts sanding and re-sealing	\$11,800	No impact on financial position as funded from Reserve Funds.
<p><u>Comment</u> New courts to be cleaned, light sand and reseal is to be completed in December 2008 rather than April 2009 when the courts are busy and would impact on programs. To be funded from the Loftus Recreation Centre Reserve Fund.</p>		

Operating Revenue – Increased Revenue

ITEM	AMOUNT	FUNDING IMPLICATION
Les Mills RPM Classes	\$37,917	Estimated revenue new program.
<p><u>Comment</u> At the Ordinary Meeting of Council on 23 September 2008 Item 10.3.2, the Council approved the implementation of the Les Mills RPM classes at the Beatty Park Leisure Centre.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Parking Revenue	\$190,000	The increase in estimated revenue will improve the overall financial position of the Town.
Frame Court \$80,000		
Avenue Car Park \$70,000		
Brisbane Street Car Park \$40,000		
<p><u>Comment</u> The revenue from the listed car parks is estimated to produce income which exceeds the budgeted estimates.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Underground Power Project Refund	\$254,016	Increased Revenue
<p><u>Comment</u> These funds represent the refund to the Town by Western Power as a result of the Highgate SUPP Project being completed under the estimated cost.</p>		

GRANTS/CONTRIBUTIONS – Increased Revenue

ITEM	AMOUNT	FUNDING IMPLICATION
The Regional and Local Community Infrastructure Program	\$(183,000)	Federal Government Grant
<p><u>Comment</u> An application for a Grant of \$183,000 for funding under the above program has been submitted for the following projects: \$100,000 to fund Hyde Park East playground upgrade, and \$83,000 to fund the Beatty Park Reserve Pavilion.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
Subiaco Football Club and Western Australian Football Commission	\$38,465	Additional Contributions
<u>Comment</u> Additional funds contributed to the upgrade of the Les Lilleyman Clubroom Facility.		

A summary table of the Budget Review transactions is included in Attachment 9.3.4 (b).

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Local Government Act (1995), Section 6.4 requires the preparation of financial reports. The Local Government (Financial Management) Regulations 1996, in particular Regulation 33A, which has effect as from 1 July 2005, expands on this requirement to include an annual budget review to be carried out between 1 January and 31 March for each financial year. This report complies with this requirement.

In accordance with the Regulations, the results of the budget review are to be submitted to Council within thirty days of the review being completed. Council is then required to consider the results of the review and determine whether or not to adopt the review, any part of the review or any recommendations made in the review. As per Regulation 33A, a copy of both the review and Council's determination are then to be provided to the Department of Local Government within thirty days.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2006-2011 – Key Result Area 4 – Governance and Management;

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

4.2 (a) Develop a range of services that are proactive, innovative and of best practice to meet organisational requirements and community needs and expectations.

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The review has revealed no significant issues with the Town's Budget 2008 – 2009.

The inclusion of the reported budget amendments will result in an increased surplus of \$89,427 for the financial position of the Town.

COMMENTS:

The Town reviews the budget at the end of each quarter, if required. It would therefore be anticipated that the next review will be conducted at the end of March 2009. A report will be presented to Council in April 2009.

9.4.1 Town of Vincent Elections – 2009

Ward:	Both Wards	Date:	18 February 2009
Precinct:	All Precincts	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to:

- (i) *DECLARE in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the October 2009 Ordinary Elections, together with any other elections or polls which may also be required;*
- (ii) *DECIDE, in accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the 2009 Elections be as a postal election.*

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to appoint the Electoral Commissioner to be responsible for the 2009 Ordinary Election.

BACKGROUND:

The Western Australian Electoral Commission recently wrote to all local governments seeking the Council's intention regarding the conduct of the election. Members will be aware that the next Ordinary Local Government Elections will be held in October 2009.

The Council has a choice of election methods which is either by "postal election" or a "voting in-person election". The "postal election" method of casting votes is by posting or delivering them to an electoral officer on or before Election Day, and must be carried out by the Western Australian Electoral Commissioner. A "voting in-person" election is one where the principal method of casting votes is by voting in-person on Election Day but also allows for votes to be cast in-person before Election Day or posted or delivered in accordance with regulations. A voting in-person election can be carried out by the Chief Executive Officer of the local government as Returning Officer and their staff or another person appointed as Returning Officer or the Electoral Commissioner who appoints the Returning Officer and staff.

Postal	%	Voting in-person	%
Bassendean	40.7		
Belmont	38.0	Bayswater	9.51
Cambridge	43.5		
Vincent	34.8		
Victoria Park	34.7		
South Perth	35.4		

The above figures suggest that local governments that use the voting in-person method of voting may not be representative of the whole community. Whilst voting in local government elections is not compulsory, the community may have an interest but not feel compelled to attend a polling place for the purpose of casting their vote.

Local governments should then look at ways in which to encourage the community to participate and one way is to use the postal method.

The elector participation rate at the 2007 biennial election for the Town was 34.8% which is slightly higher than the 34.2% State average for local governments using the postal voting method. This result is very favourable when compared to the low participation rate achieved by an in-person election, which is usually around the 10% rate.

Since the inception of the Town in 1994, the Western Australian Electoral Commissioner has conducted all elections as postal elections except the extraordinary election of the Mount Hawthorn Ward in December 1997.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council needs to approve by an absolute majority to;

1. declare in accordance with section 4.20(4) of the Local Government Act, 1995 the Electoral Commissioner to be responsible for the conduct of the October 2007 elections; and
2. decide, in accordance with section 4.61(2) of the Local Government Act, 1995 the method of conducting the election will be as a postal election.

STRATEGIC IMPLICATIONS:

The Town has a philosophy of community consultation and encouraging its residents to participate in elections. Postal voting has a much higher participation rate than "in person" voting.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to conduct the postal election has not been provided by the WA Electoral Commission at this stage.

An amount of \$64,000 will be provided in the 2009/2010 Draft Budget.

The Electoral Commissioner has provided accost estimate of \$64,000 (including GST) based on the following assumptions:

- 19,900 electors;
- Response rate of approximately 35%;
- Four (4) vacancies for councillors (2 in each ward); and
- The count being conducted at the Town's Administration Centre.

Items not included in the estimate comprise:

- Non-statutory advertising (i.e. advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- One local government staff member to work in the polling place on election day.

COMMENTS:

Local Government is required to consult more with the community, encourage community participation and be more open and accountable for their actions. The Town of Vincent has actively supported these requirements. From an election view point, the conduct of the previous ordinary elections by the postal vote method, has ensured that the highest consultation and participation rates possible would be achieved.

Having the local government election process managed by the Western Australian Electoral Commission, whose principle activity is to conduct elections, is most appropriate for the following reasons;

1. The election is conducted by professionally trained staff appointed for that sole purpose;
2. The election is overseen by an independent person with the experience and resources to perform the task;
3. The appointment of the Electoral Commission to manage Local Government Election removes any conflict of interest that may exist between Elected Members and the Chief Executive Officer as the Returning Officer and other local government officers appointed for the election.

Appointing the Western Australian Electoral Commission to manage the Town's 2009 Election, would continue the strong commitment to consult with the community and achieve high voter participation rates, as established with previous elections. It is therefore recommended that the 2009 Ordinary Election for the Town be conducted using the postal vote method.

9.4.4 Members Equity Stadium Upgrade - Progress Report

Ward:	South	Date:	18 February 2009
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the possible redevelopment and upgrade of Members Equity Stadium, as detailed in this report and shown in the attached Plan No SK 1a.7;*
- (ii) *NOTES THAT;*
 - (a) *the State Government of Western Australian announced in early February 2009 that it had deferred its decision on a new multi-purpose Stadium at Kitchener Park Subiaco (estimated to cost \$1.1 billion), for a period of two (2) years;*
 - (b) *Rugby WA has publicly announced that it will play its Super 14 matches at Members Equity Stadium effective from 2010; and*
 - (c) *the current electrical upgrade for Members Equity Stadium is expected to be completed by late February 2009.*

COUNCIL DECISION ITEM 9.4.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Town's submission to the State Government for the possible redevelopment and upgrade of Members Equity Stadium.

BACKGROUND:

As previously reported to Council, the Town lodged a submission with the Major Stadia Taskforce on 13 April 2006, as reported to the Council on 13 June 2006 (Item 10.4.7). The Town's submission responded to the Task Force brief and also included other various options, which may be implemented depending on the available funding.

At the Ordinary Meeting of Council held on 8 April 2008, the Council resolved inter-alia as follows;

"That the Council; ...

- (iii) APPROVES BY AN ABSOLUTE MAJORITY for \$35,000 to be allocated for a Temporary Upgrade Feasibility and Business Case (to increase the Stadium capacity to 25,000 patrons and corporate suites to 30) to be undertaken and this be funded from the Perth Oval Reserve Fund;*
- (iv) REQUESTS the Stadium Major Sports Users (Rugby WA, Western Australian Rugby League (WARL) and Perth Glory Football Club (PGFC)) together with Allia Venue Management (Allia) prepare a Business Case for submission to the Town/Minister for Sport and Recreation; and*
- (v) subject to (iii) and (iv) above being carried, AUTHORIZES the Town's Chief Executive Officer to engage an Independent Consultancy Firm to audit and verify the Business Case, prior to submission to the Minister for Sport and Recreation."*

Previous Progress Reports

Progress reports have been submitted to the Ordinary Meeting of Council held on 8 April 2008, 4 December 2007, Special Meeting of Council held on 29 May 2007 and Ordinary Meetings of Council held on 13 June 2006, 11 April 2006, 14 February 2006, 22 November, 12 July and 26 April, 22 March 2005, 21 December and 26 October 2004.

New Major Multi-Purpose Stadium

The previous State Labor Government subsequently resolved to locate the new major stadium at Kitchener Park, Subiaco – the estimated cost was \$1.1 billion.

The Liberal Government announced in early February 2009 that it had deferred its decision for a period of two (2) years concerning the proposed Major Stadium at Subiaco (\$1.1 billion), due to the State Government budget, other priorities and the deteriorating world financial climate.

Business Case

Since April 2008, the various stakeholders (Allia Venue Management, Rugby WA, Perth Glory Football Club and Western Australian Rugby League) have met on numerous occasions to prepare a Business Case for the Upgrade of Members Equity Stadium.

Throughout 2008, the Town's CEO met several times with the stakeholders and also the Department of Sport and Recreation concerning the development and progress of the Business Case.

Following the change of Government in September 2008, Rugby WA commenced lobbying the liberal state government for a rectangular stadium. This followed market analysis with rugby fans, who were disenchanted with the viewing of Super 14 rugby at matches at Subiaco Oval. They have also publically stated that they cannot remain at Subiaco Oval, due to declining patron attendances. Furthermore, costs to hold their games at Subiaco Oval are extremely expensive. On 9 October 2008, Rugby WA wrote to the Town and advised that;

"Rugby WA is fully committed to securing a long term licence/lease arrangement for the use of Members Equity Stadium for the playing of Super 14 (or any expanded form of this competition). This commitment is obviously conditional upon the upgrade of the stadium to a minimum of 25,000, including suitable corporate facilities for 2000."

Rugby WA already have a Deed of Licence, (which was signed on 13 April 2007 and which expires on 30 June 2010) negotiated its Deed of Licence renewed conditions direct with Allia Venue Management – which is permitted, in accordance with the Heads of Agreement. As this was negotiated with Allia Venue Management and not the Town, there has been no commitment from the Town concerning the increased capacity (or any other matter). On 16 October 2008 the Town's CEO acknowledged Rugby WA's letter and advised that the Town would write to Rugby WA, after it had met with the new Minister for Sport and Recreation.

Allia Venue Management have advised that they are still negotiating with Rugby WA concerning use conditions for the future.

Meeting with Minister for Sport and Recreation, the Hon. Terry Waldron

Following the State Election in September 2008 there was a change of Government from Labor to Liberal. The new Minister for Sport and Recreation, the Hon. Terry Waldron met with the Town's Mayor and Chief Executive Officer at the launch of the A-League Season in October 2008 and again at the opening of the Loftus Centre in late 2008. Following this meeting, the Minister requested a site inspection of Members Equity Stadium and a briefing from the Town. He also requested that the Town advise him of any intentions to upgrade Members Equity Stadium, as he was being lobbied by Rugby WA.

On 22 January 2009, the Mayor, Chief Executive Officer, Director Development Services and Director Corporate Services met with the new Minister for Sport and Recreation, the Hon. Terry Waldron (at his request), a representative from the Premier's Office and the Director General of the Department of Sport and Recreation (DSR) at Members Equity Stadium. Representatives of Rugby WA were also present.

An inspection of Members Equity Stadium was carried out and a submission was provided to the Minister concerning a possible redevelopment of Members Equity Stadium, Stage 2.

Proposed Stage 2 Redevelopment

Rugby WA and Perth Glory Football Club (PGFC) have had several meetings with the Town's Chief Executive Officer and the Town's Stadium Manager, Allia Venue Management, concerning the future of Members Equity Stadium. As a result of these meetings, the Town's proposed Stage 2 Redevelopment was prepared - which fully meets the requirements of Rugby WA and PGFC. This involved a refinement of one of the Town's previous options – which was provided to the Major Stadium task Force in April 2006.

Proposed Concept Plans

The proposed Stage 2 concept plans are similar to the Town's Stage 2 Redevelopment, which was presented to the Major Stadium Taskforce. The concept plans will provide;

1. an increased capacity from 18,156 to 25,144 (seating will increase from 13,099 to 22,344);
2. the construction of a new Eastern Stand, which will incorporate the majority of the new facilities;
3. a total of 35 additional corporate suites (11 existing and 24 new);
4. improved lighting (1100 lux to 1400 lux);
5. a new electronic scoreboard;
6. two new video replay screens;
7. a new playing pitch and sub-soil drainage; and
8. increased CCTV surveillance for patron safety.

The plans include the usual facilities such as kitchens, food outlets, toilets, etc, in the new Eastern Grandstand. There will also be additional change-rooms, player and spectator facilities such as sports lounge, media centre, break-out room and the latest medical facilities on-site to meet Australian Rugby Union (ARU) international requirements. In addition, player security and safety will be improved with the provision of a drive-through for coaches and ambulances.

The redevelopment of Members Equity Stadium is in keeping with the recommendations of the Major Stadia Taskforce that suggested that Member Equity Stadium be the second stadium in the State catering specifically for soccer and rugby.

Electrical Upgrade Works

At the Ordinary Meeting of Council held on 23 September 2008, the Council approved of a tender for the electrical services upgrade of Members Equity Stadium. The bulk of this work was completed in late 2008 and will be completed following the installation of new sub-stations in mid-February 2009. However, this is subject to Western power meeting its deadline.

This electrical work upgrade will meet the needs for any Stage 2 Redevelopment.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - Objective 1.1.6(g) - "*Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government.*"

The Town's concept is in keeping with the Town's submission to the Major Stadium Task Force on 7 April 2008 – as reported to the Council on 13 June 2006 (Item 10.4.7).

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Indicative Costing

One of Perth's leading and respected Quantity Surveyors has prepared an Indicative Budget Estimate for the redevelopment, including the proposed eastern grandstand.

It is estimated that the development of Members Equity Stadium will cost approximately \$73 million (based on current cost estimates – subject to change and prevailing costs at the time of construction). The Indicative costing will be as follows.

Allowances of 5% and 3% respectively have been included for design and construction contingencies, together with professional fees and also a provision of escalation. It is recognised that in the current economic climate, escalation is minimal. From a budgeting risk management point of view, it is reasonable to include an allowance based on the reasonable expectation that between now and the anticipated tender date of June 2010 price, increases may occur in line with the potential economic recovery.

COMPONENT	INDICATIVE AMOUNT
Construction Costs	\$45,858,050
Work to existing facilities	\$4,000,000
Escalation to tender June 2010	\$11,965,932
Design contingency	\$3,091,199
Construction contingency	\$1,854,719
Professional fees	\$6,182,398
TOTAL BUDGET	\$72,952,298

Funding

There are no funds in the Town's Budget for a major redevelopment of Members Equity Stadium. The Perth Oval Reserve Fund contains \$416,365 as at 31 January 2009.

Full funding for this project is sought from the State Government. The Town's suggestion to the State Government has been to assist the government with its decision concerning the major stadium at Subiaco, which is estimated to cost \$1.1 billion. Much speculation has been made in the media as to whether the state can afford such a facility, especially in today's economic climate.

It should be noted that the Town's concept has been on the basis of no financial contribution or any commitment from the Town.

COMMENTS:

The Minister for Sport and Recreation has been most receptive to the Town's concept and is seeking further information from the DSR and other stakeholders. There has been considerable media publicity concerning the Town's concept, the majority of which is favourable for the upgrade of Members Equity Stadium. The bulk of this publicity followed a Western Force v Canterbury Crusaders (Christchurch, New Zealand) game held on 23 January 2009, which resulted in a sell-out of the venue and a capacity in excess of 18,150 patrons. Rugby WA has carried out considerable market research with its membership who have indicated that they are very disenchanted with games being played at Subiaco Oval, due to the configuration of the facility. The high cost to hold games is also very expensive. This was one of the prime factors for Rugby WA to relocate from Subiaco Oval to Members Equity Stadium in 2010.

At the time of writing this report, the Town has not received a response from the State Government or the Department for Sport and Recreation, concerning the Town's concept.

Further reports will be submitted to the Council, once further information is received concerning this matter.

9.4.6 Conference: 2009 National Local Government Asset Management and Public Works Engineering Conference

Ward:	-	Date:	18 February 2009
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	R Lotznicker, J Greenwood		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Director Technical Services and up to one (1) Council Member....., to attend the "2009 National Local Government Asset Management and Public Works Engineering Conference" to be held in Melbourne, Victoria from 27 to 29 April 2009, at an estimated cost of \$2,238 each.

The Presiding Member, Mayor Nick Catania called for nominations and Cr Noel Youngman nominated. No other nominations were received.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Farrell, Seconded Cr Burns

That the Council AUTHORISES the Director Technical Services and Cr Noel Youngman, to attend the "2009 National Local Government Asset Management and Public Works Engineering Conference" to be held in Melbourne, Victoria from 27 to 29 April 2009, at an estimated cost of \$2,238 each.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Director Technical Services, Rick Lotznicker, and up to one (1) Council Member to attend the 2009 National Local Government Asset Management and Public Works Engineering Conference to be held in Melbourne, Victoria from 27 to 29 April 2009.

BACKGROUND:

The 2009 National Local Government Asset Management and Public Works Engineering Conference will be held in Melbourne, Victoria from 27 to 29 April 2009.

DETAILS:

The sixth National Local Government Asset Management and Public Works Engineering Conference, held by the Municipal Association of Victoria (MAV) and IPWEA, is being held at the Melbourne Convention Centre.

Previous Conferences of this nature have proved to be an outstanding success, driven by high quality speakers and excellent representation from Councils around Australia.

Asset management is now assuming a central position in the national local government agenda and the pursuit of more sustainable funding for the sector. This was recognised in the recent comments by Prime Minister Kevin Rudd at the 2008 Australian Council of Local Government meeting.

The proposed Conference will cover a range of key issues of direct relevance to Local Government including:

- National directions in sustainability and the implications for asset management
- Assessing the impact of climate change on infrastructure
- Aligning engineering and financial asset management strategies
- Ensuring asset management is driven by identified community service levels
- Sustainable development
- Transport planning
- Numerous "good practice" case studies
- Identifying common challenges for asset managers

The Conference will be participatory in nature and attendees will have opportunities to engage in interactive discussion with presenters on a variety of topics. The Conference will provide essential knowledge on a range of infrastructure, asset and service managers who need to have a strategic understanding of this complex function.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

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

The Contract of Employment for the Director Technical Services entitles him to attend one interstate conference per financial year.

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"*.

SUSTAINABILITY IMPLICATIONS:

The Sustainable Management of assets is a direction that the Town needs to embark on and the Town's Administration will be placing more emphasis on this practice in the future to ensure the level of service of its assets is optimised and adequate funding is allocated to achieve this.

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	
Conference registration and Technical Tour:	\$770.00
Economy Airfare/transfers (Including taxes)#:	\$600.00
Accommodation (3 nights @ \$160):	\$480.00
Expense Allowance (4 days):	\$388.00

Total: \$2,238.00

subject to availability

COMMENTS:

It is recommended that approval be granted for the Director Technical Services and up to one (1) Council Member to attend the "2009 National Local Government Asset Management and Public Works Engineering Conference" to be held in Melbourne, Victoria from 27 to 29 April 2009.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Councillors' Ker, Lake, Maier and Youngman – Relating to Members Equity Stadium

Q1. What current commitments does the Town have in respect of Members Equity Stadium?

Response:

Freehold Ownership

The Town has freehold ownership of the land and its Improvements-it therefore has the usual commitments which are the responsibility of a landowner.

Perth Oval was listed on the State Register of Heritage Places on 2 September 1998 and is also listed on the Register of Aboriginal sites (interim). The Town is therefore committed to comply with the Heritage Act of Western Australia with respect to any works at the property, in accordance with the relevant legislation.

Legal

The Town has a number of legal commitments, including but not limited to;

Heads of Agreement, valid until 6 February 2024-this commits the Town to ensuring the Stadium complies with various conditions as a stadium, for the Term of the Agreement.

Deeds of Licences- with Rugby WA, PG Partnership (owners of Perth Glory Football Club), Western Australian Rugby League.-these commit the Town to ensure that these organisations can play games at the stadium for the Term of the Deeds.

Deed of Licences for several events to be held in 2009- these commit the Town to ensure that these events can be held at the stadium on the approved dates.

Deed of Clarification with Allia Holdings (concerning the HOA term, access, parking etc)- this commits the Town to ensuring that various obligations are provided e.g. event day parking, access etc.

Leases-WARL, Perth Glory Soccer Club-these commit the Town to the usual lease requirements, for the Term of the leases-which expire at the same time as the HOA.

Cr Maier departed the Chamber at 8.08pm.

The Town has 3 Financial Assistance Agreement with the State of Western Australia, Dated 10 July 2003-Preliminary Agreement, Dated 27 April 2005-Stage 2- Works and Dated 17 March 2008-Stage 3 Works. These Agreements commit the Town to ensure that the stadium is maintained in accordance with the Agreements.

Contract with AKA Seating Pty Ltd for the hire of seating (southern stand)

The Town has a five year contract which commenced on 6 November 2008 for the hire of seating.

Financial

Perth Oval Reserve Fund Contribution:

The Town is committed to contribute an annual amount of **\$64,221** to this Fund which is increased by CPI each year, for the term of the Heads of Agreement. Allia Venue Management is also committed to pay the same amount.

Budget

The Town has a commitment in the Budget 2008-09 for the following;

Capital Works

2008/09 budget / outstanding works currently on hold

- Repair concrete roof to players races \$9,500
- Fretting brickwork of grandstand \$30,000

Maintenance

- Building Maintenance 2008/09 -\$11,600 (of which 5,000.00 is set aside for the temporary stand monthly safety inspections)
- Ground Maintenance 2008/09 - \$11,000 (Trees, graffiti etc)

- Q2. What recent representations have been made to the Town to expand the capacity of Members Equity Stadium?

Response:

This information is detailed on pages 158 and 159 of Agenda Report-Item 9.4.4-Members Equity Stadium Upgrade-Progress Report, Included in the Agenda for the Ordinary Meeting of Council 24 February 2009.

- Q3. What recent representations have been made by the Town with regard to expanding the capacity of Members Equity Stadium?

Response:

This information is detailed on pages 158 and 159 of Agenda Report-Item 9.4.4-Members Equity Stadium Upgrade-Progress Report, included in the Agenda for the Ordinary Meeting of Council 24 February 2009.

- Q4. What commitments, if any, have been made by the Town with regard to expanding the capacity of Members Equity Stadium?

Response:

None.

Cr Maier returned to the Chamber at 8.10pm.

- Q5. What would be the due process for the Town to undertake in respect of any proposal to undertake expansion of Members Equity Stadium?

Response:

Town's Administration will consider and prepare a report for the Council's consideration.

The Council to consider and determine the report.

Consultation with stakeholders and public, in accordance with Policy Number 4.1.

Consideration of any submissions.

Preparation of plans, documents, tenders, contracts etc.

Responsibility and supervision of any upgrade works or requirements approved by the Council.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nomination – Seniors Ministerial Advisory Group

Ward:	-	Date:	16 February 2009
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated as WALGA Member - Seniors Ministerial Advisory Group (Panel of 3 names).

DETAILS:

Please see Appendix 12.1 for further details of this Committee.

N.B.:

NOMINATIONS CLOSE 4PM THURSDAY 12 MARCH 2009

The Presiding Member, Mayor Nick Catania called for nominations, however none were received.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 10.11pm **Moved Cr Ker, Seconded Cr Farrell**

That Council proceed “behind closed doors” to consider confidential items 14.1 and 14.2, as this matter relates to the personal affairs of a person.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Journalist Andrei Buters departed the Chamber. No members of the public were present.

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

14.1 Confidential Report: Parking Issues – Bream Cove, Mount Lawley

Ward:	South	Date:	17 February 2009
Precinct:	Banks (P15)	File Ref:	PKG0074
Attachments:	-		
Reporting Officer(s):	T Blankenburg, R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report about parking issues in Bream Cove, Mount Lawley;
- (ii) **NOTES;**
 - (a) *the outcome of the community consultation where there was a mixed response, however, the majority of residents would like the ‘status quo’ to remain;*
 - (b) *that in accordance with Section 166 (1) of the Road Traffic Code 2000 ‘a driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path and Section 166 (2) states that ‘a driver shall not stop a vehicle on or across a driveway or other way of access for vehicle travelling to or from adjacent land’;*
 - (c) *the Town’s officers have assessed the matter on site at Bream Cove and consider that the egress and access from the two properties located at the end of Bream Cove is adequate when a vehicle is not entirely contained within the property at the location in question in accordance with sections 166(1) and 166(2) of the Road Traffic Code 2000;*
 - (d) *that the Town’s Rangers will only attend to parking related issues in Bream Cove if, in their opinion, there is a serious breach of Clauses 166(1) or 166(2) of the Road Traffic Code 2000; and*
 - (e) *the ‘parking issues’ are a symptom of the issue and not the cause and any action taken by the Town in response to this issue will be seen as ‘vindication’ by one party over the other;*
- (iii) **DOES NOT** introduce parking restrictions in Bream Cove as this is against the wishes of the majority of residents in the street;

- (iv) *AKNOWLEDGES that the ongoing issues are of a 'civil' nature between two residents in the street and therefore outside the jurisdiction of the Town; and*
- (v) *ADVISES the residents of Bream Cove of Clauses (i), (ii)(a), (b) (c) and (d), (iii) and clause (v) of its decision.*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

The Chief Executive Officer advised that it was 10.15pm.

The Presiding Member, Mayor Nick Catania stated a motion needed to moved to extend the closure of meeting time by a further 10 minutes.

PROCEDURAL MOTION

Moved Cr Youngman, Seconded Cr Farrell

That the meeting be extended for a further 10 minutes.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

MOTION PUT AND CARRIED (8-1)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains the personal affairs of any person. In accordance with the legislation, the report is to be kept confidential until determined to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the CEO may wish to make some details available to the public.

14.2 CONFIDENTIAL REPORT – No. 41 (Lot: 541 D/P: 2177) Federation Street, Mount Hawthorn – Carport Addition to Existing Single House - State Administrative Tribunal (SAT) Review Matter No. DR 514 of 2008

Ward:	North	Date:	16 February 2009
Precinct:	Mount Hawthorn; P1	File Ref:	PRO4539; 5.2008.529.1
Attachments:	-		
Reporting Officer(s):	C Harman; R Rasiah		
Checked/Endorsed by:	H Smith; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 41 (Lot: 541 D/P: 2177) Federation Street, Mount Hawthorn - Carport Addition to Existing Single House - State Administrative Tribunal (SAT) Review Matter No. DR 514 of 2008;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions if the SAT is inclined to approve the above proposal and in response to the SAT Orders; and*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *any new street/front wall, fence and gate within the Federation Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - 1. *the maximum height being 1.8 metres above the adjacent footpath level;*
 - 2. *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - 3. *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - 4. *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - 5. *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - 6. *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;*
 - (c) *the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level;*

- (d) *the carport shall be one hundred (100) per cent open on the western, eastern, southern and northern sides (except where abutting the dwelling) at all times (open type gates/panels are permitted); and*
- (e) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (iii) *INVITES COUNCILLOR(S)..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (4-5)

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

REASONS:

1. The carport fits into the side of the existing dwelling.
2. There is an existing crossover.

ALTRNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 14.2

Moved Cr Maier, Seconded Cr Ker

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 514 of 2008 for the Carport Addition to Existing Single House, at No. 41 (Lot: 541 D/P: 2177) Federation Street, Mount Hawthorn and as shown on plans stamp-dated 12 November 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 within the Federation Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*

- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level;*
- (iv) *the carport shall be one hundred (100) per cent open on the western, eastern, southern and northern sides (except where abutting the dwelling) at all times (open type gates/panels are permitted); and*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

MOTION PUT AND CARRIED (6-3)

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

Note: The Chief Executive Officer determined that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To update the Council on the above review application.
- To comply with the requirements of the Town's Policy/Procedure for the SAT.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Town's refusal of the above application.

Landowner:	S Dale
Applicant:	T Saraceni
Zoning:	Metropolitan Region Scheme: Urban Town of Vincent Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	N/A

BACKGROUND:

- 24 September 2008 The Town under delegated authority from the Council refused an application for a carport addition to the existing single house for the following reasons:
- “(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (ii) *the non-compliance with clause 6.5.4 of the Residential Design Codes, where the driveway is required to be a minimum of 0.5 metre to the southern side boundary; and*
 - (iii) *the non-compliance with clause 6.5.3 of the Residential Design Codes and the Australian Standards 2890.1 where the proposed carport is required to have a minimum width of 3 metres.”*
- 3 December 2008 The Town under delegated authority from the Council refused an application for a carport addition to the existing single house 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; and*
 - (ii) *the non-compliance with clause 6.5.3 of the Residential Design Codes and the Australian Standards 2890.1 where the proposed carport is required to have a minimum width of 3 metres.”*
- 4 February 2009 Directions hearing held at the SAT.
- 26 March 2009 Final Hearing date.

DETAILS:

The proposal involves the application for proposed addition of a carport to an existing single house at the subject property. The applicant has proposed the carport be built on the southern boundary at the front of the property.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town’s Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Planning Consultant fees paid to Simon Bain, SJB Town Planning and Urban Design.

COMMENTS:

At the above directions hearing held on 4 February 2009, the Town's Officers suggested an alternative location for the carport within the front setback area and to be parallel to the street, which was not considered acceptable to the applicant/owner.

The SAT Orders require the Town to provide draft conditions "*without prejudice*". The SAT has previously advised that the draft conditions would be "*without prejudice*" and "*is not a concession by the decision-maker that approval of the application is appropriate*". The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include "*to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties*".
- (2) "*The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.*"

Should the above development be allowed by the SAT, it is recommended that the "*without prejudice*" conditions as detailed in the Officer Recommendation are imposed.

The date set for the Final Hearing is 26 March 2009, at 10AM. All witness statement(s) would be due to the SAT approximately 14 days prior to the final hearing date. In light of the above, it is recommended that the Council receive the report relating to the SAT review matter and advise the Tribunal of the "*without prejudice*" conditions.

PROCEDURAL MOTION

At 10.26pm **Moved Cr Ker, Seconded Cr Doran-Wu**

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.26pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 February 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009