



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**24 JUNE 2008**

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(iii)	WALGA Member (2) - Local Government and Community Road Safety Committee - (Re-advertised);	
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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 24 June 2008, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.00pm.

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

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (Deputy Mayor)	North 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
Andrei Buters	Journalist – “The Perth Voice” (until approx 8.58pm)

Approximately 16 Members of the Public

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

Cr Ian Ker South Ward (*Work related and personal reasons*)

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

There was one question asked by a person in the Public Gallery.

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

1. Brent Woodgush from the Department of Housing & Works – Item 10.1.4. Advised that the Department has not had a chance to prepare a full brief or be at the Meeting in person. He has been appointed to speak on the Department’s behalf as they have some serious concerns. In particular the current stage to have the development application in the Council and stated that the development application is for 53 units representing a range of unit sizes from single bedroom to two bedroom intended to serve a range of different needs from single individuals, families and elderly aged people. Believes that the density of the development is R160 is appropriate, which is encouraged under the policy. They are not asking for a variation. Advised that they recognise the site as having

significant potential for affordability point of view in that it has very good access to the city and to bus routes to regional employment centres. Stated that changing the policy down to a R100 would mean they do not have the automatic right to go to R160 and would be asking the Council's discretion in terms of affordable housing to go to R160 and so the project as it stands is in jeopardy. Stated that although they are the Department of Housing & Works, the way they fund housing is through buying and developing land. The Department asks if Council intends to adopt this policy that it advertises it to provide the opportunity for submissions before final adoption.

2. Ken Adam – 183 Broome Street, Cottesloe – Item 10.1.4. Advised that there are two quite radical changes proposed to the policy, one being reduction from density from R160 to R100 and the other is a reduction in the permissible height from 8 to 6 storey's maximum, along with a further restriction on where the higher part of the development can occur. Believes that from a procedural point of view it is objectionable for the Council to seek to amend a policy and to apply it retrospectively. Advised that his client's position is that it is fair enough for the Council to consult with the community over the proposed change of policy, however believes it is not fair to apply it retrospectively.
  3. Ryan Cribb – 54 Venn Street, North Perth. Stated that at the end of May this year, his neighbour assisted accident victims on the corner of Sholl Lane and Fitzgerald Street. One vehicle had a power pole fall on top of it. In March, he witnessed what was very close to a fatality between a scooter and passenger vehicle at the Venn Street/Fitzgerald Street intersection. Approximately 18 months ago, he assisted a driver after his vehicle rolled when it hit a power pole at over 85km/h, about 15m from the same point. 12 months ago, another vehicle ended up on its roof after a head on, again in very close proximity to the area and going back to early this year or late last year, a passenger vehicle went through the wall of a property on Fitzgerald Street about 200m from the same intersection. He is very concerned as are some of the neighbours, as they know of 5 serious accidents within about 200m of each other in the last 18 months and he has been in the Town for about 2 years and at least 2 people spent some time in intensive care. They feel that it is simply a matter of time until there is a fatality nearby. The continental deli, butcher and Woodside Reserve are within close proximity, therefore it is frequently crossed by residents living on the east side of Fitzgerald Street as he is, often children and people walking dogs. He feels that speed or at least driver behavior has been an influence in most of the cases. He appreciates that Main Roads has an influence on speed restrictions on Fitzgerald and acknowledges the previous streetscape modifications made to calm traffic near North Perth Plaza and they applaud current trials Main Roads is conducting on Fitzgerald Street and any influence the Town may have had on the trial. I would like to appear on record to inform the Council of the situation near Woodside Reserve. His question is;
- Q. Will the Council support and lobby MRWA extending the current calming trials to Princi Butchers? Alternatively, will the Town investigate streetscape improvements in the vicinity to calm traffic and lower the risk to pedestrians around Woodside Reserve?

Response:

*The Mayor advised that the question would be "taken on notice" and a reply will be sent.*

4. Anthony Raso – 14 Main Street, Osborne Park – Item 10.1.2. Asked for Council's support to remove the condition 3A in regards to the building height. Plans have been provided (believes they are laid on the table) and they have showed a comparison of a pitched room alternative in comparison to the flat roof they have provided and it clearly demonstrates that the pitched roof would have more impact on the streetscape than what they have provided.
5. (Name and address withheld for privacy reasons) – Item 10.1.3. Advised that further to the recommendations in the Minutes of 8 April 2008, believes that the owners of the property are going to the State Administrative Tribunal to try and get those overturned. Stated that he finds it strange that someone who wants a basic home office and does not want to comply with the recommendation. He also finds it strange that a major property development company is handling their matter before the Council.
6. Jeffery Stenton – 34 Stevenson Gardens, Winthrop – Item 10.1.3. Stated that they have worked very closely with the officers from the Council, together with the WAPC and their final development is far less than the R Codes would allow them to. Stated that they want to built a prestigious development which is worthy of Mt Lawley.
7. Allan Ellam – 45 Forrest Street, Mount Lawley. Spoke on his private collection of Military History and presented pictures and cassettes to the Town.

Stated that he has worked for many years to build up the military collection, but since the death of his wife several years ago is struggling to keep up with the number of enquiries. A part-time volunteer (unpaid) now assists him for several house each week.

He requested financial assistance from the Town to pay for a part-time volunteer research assistance.

**(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 Petition received from Mr Cameron McDiven of 25 Anzac Road, Mount Howthorn, along with 28 signatures from residents of Anzac Road, requesting that the Town installs a cul-de-sac at the eastern end of Anzac Road, at the corner of Loftus Street.

The Chief Executive Officer recommended that the petition be received and referred jointly to the Director Technical Services and the Town's Local Area Traffic Management Advisory Groups for investigation and report.

**Moved Cr Farrell, Seconded Cr Youngman**

*That the Petition be received, as recommended.*

**CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

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

Minutes of the Ordinary Meeting of Council held on 10 June 2008.

**Moved Cr Farrell, Seconded Cr Messina**

*That the Minutes of the Ordinary Meeting of Council held 10 June 2008 be confirmed as a true and correct record.*

**CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

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

**Cr Messina departed the Chamber at 6.26pm.**

**7.1 CARE Australia's Cyclone Nargis Appeal**

At the Ordinary Meeting of Council held on 13 May 2008, the Council approved of a Disaster Relief Donation of \$3,500 to CARE Australia for their Cyclone Nargis Appeal.

I recently received a letter of appreciation from CARE Australia, for the Town's very generous donation to them, along with our words of encouragement and support of CARE Australia's response to the cyclone in Myanmar.

*The letter stated that "The cyclone has had a devastating impact, particularly around Yangong and the Irrawaddy Delta and relief assistance is likely to be needed for some time. Notwithstanding logistical and other difficulties, [CARE Australia] have thus far been able to reach and assist in excess of 120,000 people."*

CARE Australia further advised that the Town's generosity is making a real difference to their relief efforts in Myanmar. I am pleased that the Town's donation has been of assistance to the people of Myanmar.

**7.2 Urgent Business 13.1 – Donation from Bendigo Bank – North Perth**

It is advised that I have approved of Item 13.1 Urgent Business – Donation from Bendigo Bank, North Perth – on tonight's Agenda for the Hyde Park Lakes Restoration Fund (\$10,000) to add to the \$20,000 from last year and \$120,000 for the purchase of a 20-25 seat Community Bus.

**Cr Messina returned to the Chamber at 6.29pm.**

**7.3 Proposed Local Law Relating to Standing Orders**

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to revoke its Local Law Relating to Standing Orders and proposes to adopt a new Town of Vincent Standing Orders Local Law 2008 - Item 10.4.3 on tonight's Agenda.

The purpose of this Local Law is to provide rules, procedures and guidelines to assist in the good conduct of the meetings of the Council, Committees and the standards to be observed by persons attending such meetings.

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.4 Special Electors Meeting on 14 July 2008

The Mayor announced that a Special Electors Meeting had been scheduled for Monday 14 July 2008 at the Town of Vincent Administration and Civic Centre commencing at 7.00pm regarding Forrest Park.

**8. DECLARATIONS OF INTERESTS**

8.1 Mayor Catania declared an interest affecting impartiality in Item 13.1 – Urgent Business – Donation from Bendigo Bank – North Perth. The extent of his interest being that he is the chairman of the North Perth Community Bank.

8.2 Cr Burns declared an interest affecting impartiality in Item 13.1 – Urgent Business – Donation from Bendigo Bank – North Perth. The extent of her interest being that she is a shareholder and her father is a director of the North Perth Community Bank.

8.3 Cr Messina declared an interest affecting impartiality in Item 13.1 – Urgent Business – Donation from Bendigo Bank – North Perth. The extent of his interest being that he is a director and shareholder of the North Perth Community Bank.

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

Nil.

**10. REPORTS**

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

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

Items 10.1.4, 10.1.2 and 10.1.3.

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

Item 10.3.4.

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

Item 13.1.



Presiding Member, Mayor Nick Catania JP, 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	Item 10.1.10.
Cr Youngman	Items 10.1.7, 10.1.8 and 10.4.3.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 10.1.1, 10.1.6, 10.1.9 and 10.4.2.
Mayor Catania	Nil.

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

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

Items 10.1.5, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.1, 10.3.2, 10.3.3, 10.4.1 and 10.4.4.

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

Item 14.1.

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

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

Items 10.1.5, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.1, 10.3.2, 10.3.3, 10.4.1 and 10.4.4.

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

Items 10.1.4, 10.1.2 and 10.1.3.

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

**Moved Cr Farrell, Seconded Cr Messina**

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

*Items 10.1.5, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.1, 10.3.2, 10.3.3, 10.4.1 and 10.4.4.*

**CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

**10.1.5 Western Australian Planning Commission's Draft State Planning Policy 3.6 – Development Contributions for Infrastructure**

<b>Ward:</b>	Both Wards	<b>Date:</b>	10 June 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0022
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Mouritz		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report and the Western Australian Planning Commission's Draft State Planning Policy 3.6 - Development Contributions for Infrastructure, attached as Appendix 10.1.5;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE, the Draft State Planning Policy 3.6 - Development Contributions for Infrastructure, and submits the following comments:*
  - (a) *the Town welcomes the introduction of the State Planning Policy 3.6 - Development Contributions for Infrastructure to help develop a standardised system for applying development contributions for community infrastructure within Western Australia;*
  - (b) *the Town expects that the creation of Strategic Development Contribution Plans will be necessary for the areas within the Leederville Masterplan and West Perth Regeneration Masterplan, which are expected to experience a level of redevelopment that will increase the pressure on existing infrastructure capacity;*
  - (c) *the creation of the Development Contribution Plans for the Leederville Masterplan and West Perth Regeneration Masterplan areas will be assisted by the introduction of State Planning Policy 3.6 - Development Contributions for Infrastructure; and*
- (iii) *FORWARDS a copy of this report and its comments to the Western Australian Planning Commission.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Ker on approved leave of absence.)**

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### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the draft State Planning Policy 3.6 – Development Contributions for Infrastructure, prepared by the Western Australian Planning Commission (WAPC) and released for public comment. The report explains how this Policy will affect the Town and includes relevant comments for submission to the WAPC.

### **BACKGROUND:**

The draft Policy aims to address the need to develop a standardised system for applying development contributions for community infrastructure within Western Australia. Local Governments face increasing pressures on the services they provide, arising from population and economic growth and increasing expectations of the community for new and upgraded infrastructure. The capacity of Local Governments to provide the additional infrastructure and facilities necessary to accommodate future growth and change is limited by the available financial resources. As a result, Local Governments are increasingly seeking to apply development contributions for the provision of infrastructure and facilities.

The draft Policy notes that Local Governments have indicated a need for more guidance on the scope and framework for development contributions of this nature. The development industry has also pointed to the need for greater consistency and transparency in charging developers.

The draft Policy sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, and the form, content and process to be followed.

### **DETAILS:**

The draft Policy was developed taking into account the recommendations of the Public Accounts Committee – *Inquiry into Developer Contributions for Costs Associated with Land Development* (2004). This inquiry recommended that Local Governments should have the capacity to recoup infrastructure costs by way of provisions in local planning schemes. This recommendation has been reflected in the draft Policy, which states that local planning schemes will set out the system of charging through Development Contribution Plans (DCPs).

These DCPs will require Local Governments to plan ahead. The DCP must have a strategic basis, and link with the local planning strategy and strategic infrastructure plan and program which identifies the infrastructure and facilities required over the next 5-10 years, and the cost and revenue sources for the provision of the infrastructure. This will ensure that the development contribution funds will be used in an integrated and coordinated manner to contribute to the Local Government's long term planning and programming of infrastructure.

#### Scope of the Policy

The draft Policy considers the scope of development contributions should extend to items of infrastructure that are required to support the orderly development of an area. Development contributions can be sought for:

- A new item of infrastructure;
- Land for infrastructure;
- An upgrade in the standard of provision of an existing item of infrastructure;
- An extension to existing infrastructure;
- The total replacement of infrastructure once it has reached the end of its economic life; and
- Other costs reasonably associated with the preparation, implementation and administration of a development contribution plan.

Development contributions may be provided in the form of:

- the ceding of land for roads, public open space, primary school sites, drainage and other reserves;
- construction of infrastructure works which are transferred to public authorities on completion;
- monetary contributions to acquire land or undertake works by public authorities or others; or
- a combination of the above.

### Principles

The following principles underlie the notion of development contributions:

1. The need and the nexus
2. Transparency
3. Equity
4. Certainty
5. Efficiency
6. Consistency
7. Right of consultation and review
8. Accountable

### Imposition of Development Contributions

There are three stages to the imposition of development contributions:

1. *Formulation and agreement* of development contributions prescribed in a DCP, undertaken through the development of planning schemes and planning scheme amendments.
2. *Calculation and application* of development contributions – generally performed as a condition of subdivision particularly in greenfield areas, but also sought in major infill and redevelopment areas at the time of development. These may also be calculated and applied as a legal/voluntary agreement.
3. Development contributions become *due and payable*, with issuance of titles not occurring until full payment of contributions.

### Characteristics of a DCP

Development Contribution Plans require that:

- there is a clear and sound basis with linkages to the local government's strategic and financial planning processes;
- there is justification for the infrastructure identified in the DCP;
- the cost of infrastructure are appropriate;
- there is a commitment to providing the infrastructure in a reasonable period;
- the development contribution area to which the development contribution plan applies is appropriate;
- cost-sharing arrangements between owners in the development contribution area are fair and reasonable; and
- there is consultation with the owners affected by the DCP.

Areas requiring development contributions for infrastructure must have a DCP prepared. DCPs do not have effect until they are incorporated into local planning schemes via special control areas, and the development contribution area must be identified on the scheme maps.

#### Implementation

This Policy will primarily be implemented through local planning strategies, structure plans and local planning schemes, and the day to day consideration of zoning, subdivision, strata subdivision and development proposals and applications, together with the actions and advice of agencies in carrying out their responsibilities.

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

Nil.

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

Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2006 – 2011:

*“1.1 Improve and maintain environment and infrastructure*

...

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

*2.1 Progress economic development with adequate financial resources*

...

*2.1.7 Implement the Leederville Masterplan.”*

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

Nil.

#### **COMMENTS:**

At present the Town does not have an overarching policy relating to development contributions for infrastructure, nor are there any development contribution plans for specific areas. There are several Technical Services (Engineering) policies that do allow the Town to request contribution for certain infrastructure provisions, including:

Policy No. 2.2.2 Undergrounding of Power

*“The Town will require the undergrounding of the power supply for developments specified in this policy at the developers expense...”*

Policy No. 2.2.4 Verge Treatments, Plantings and Beautification

*“Procedures to be applied as a condition of development and building licence approval for footpaths fronting development...”*

Policy No. 2.2.14 Rights of Way

*“To establish a procedure for the Town and property owners to contribute towards the cost of upgrading private rights of way...”*

Policy No. 2.2.16 Stormwater Drainage Connections

*“The cost of connecting on-site drainage to the Town’s drainage system shall be the responsibility of the owner of the property, in situations where stormwater cannot be retained on-site...”*

Of these policies, the requirements for developer contributions for upgrading footpaths are most commonly applied. By applying principles of water sensitive urban design, such as installing soak wells to cope with increasing pressure on drainage systems rather than attempting to divert drainage water, Technical Services have minimised the need for modifying existing drainage connection infrastructure.

Most new development currently occurring in the Town has not placed a large amount of pressure on the capacity of existing infrastructure, and as such these specific provisions have generally been adequate to serve the Town to this point.

The *Leederville Masterplan* and *West Perth Regeneration Masterplan*, however, do propose a level of new development that is expected to create demands on current infrastructure to an extent that contributions by developers are likely to be necessary.

The issue of development contributions has been previously considered in relation to planned major redevelopments within the Town. The *Oxford Centre Study*, for example, which was carried out in 2000, suggested that a plan to determine the necessary developer contributions for infrastructure would be necessary component in the redevelopment of the Oxford Centre. The introduction of a State Planning Policy relating to Development Contributions for Infrastructure will provide the Town with helpful guidance for ensuring necessary and relevant contributions from developers to the provision of infrastructure and facilities to meet the demands arising from the extensive growth that is anticipated to occur in the future.

The significant redevelopment that the *Leederville Masterplan* and *West Perth Regeneration Masterplan* areas are expected to experience may require the Town to prepare and implement the following:

1. Town Planning Scheme No. 1 amended to address:
  - (a) special control areas;
  - (b) Development Areas; and
  - (c) Development Contribution Areas.
2. Development Area Plans for the *Leederville Masterplan* and *West Perth Regeneration Masterplan* areas.
3. Development Contribution Plans for the *Leederville Masterplan* and *West Perth Regeneration Masterplan* areas based on community infrastructure plans, capital expenditure plans and cost apportionment.

The draft Policy, when it comes into application, will assist the Town in preparing plans that are appropriate in scope and framework, and help to ensure consistency and transparency in charging developers. In accordance with the principles and characteristics that are mentioned in the details of this report, these plans will identify each area’s particular infrastructure needs, and the levels of contributions that developers will be required to make.

Conclusion

In light of the above, it is considered that the Council advises the WAPC that it supports in principle, the Draft State Planning Policy 3.6 - Development Contributions for Infrastructure; and submits the following comments:

- (a) the Town welcomes the introduction of the State Planning Policy 3.6 - Development Contributions for Infrastructure to help develop a standardised system for applying development contributions for community infrastructure within Western Australia;
- (b) the Town expects that the creation of Strategic Development Contribution Plans will be necessary for the areas within the *Leederville Masterplan* and *West Perth Regeneration Masterplan*, which are expected to experience a level of redevelopment that will increase the pressure on existing infrastructure capacity; and
- (c) the creation of the Development Contribution Plans for the *Leederville Masterplan* and *West Perth Regeneration Masterplan* areas will be assisted by the introduction of State Planning Policy 3.6 - Development Contributions for Infrastructure.

**10.2.1 Progress Report - Parks Outdoor Exercise Equipment**

<b>Ward:</b>	Both	<b>Date:</b>	12 June 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. van den Bok		
<b>Checked/Endorsed by:</b>	R. Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the progress report in relation to the Parks Outdoor Exercise Equipment;*
- (ii) *NOTES that;*
  1. *as part of the Physical Activity Plan Project the consultants have been requested to investigate and make recommendations on the locations of additional Outdoor Exercise Equipment based on the following points;*
    - (a) *suitability of locating equipment in each park;*
    - (b) *available space;*
    - (c) *demography of the park users;*
    - (d) *heritage and any other relevant issues; and*
  2. *a further report will be submitted to the Council upon completion of the Physical Activity Plan Project outlining the recommendations and locations of additional items of Outdoor Exercise Equipment.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

(Cr Ker on approved leave of absence.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of Outdoor Exercise Equipment installation and provide information on the recent request for additional items of Outdoor Exercise Equipment



**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 February 2008 a report was presented in relation to the request for additional items of Outdoor Exercise Equipment where it was resolved:

*That the Council;*

- (i) *RECEIVES the report in relation to the request for the installation of additional park "Outdoor Exercise Equipment" following receipt of a petition from residents in North Perth;*
- (ii) *NOTES that the "Outdoor Exercise Equipment" listed on the 2007/2008 budget and approved by Council at its Ordinary Meeting held on 23 October 2007 is ordered and expected to be installed in March 2008;*
- (iii) *LISTS for consideration, a total of \$80,000 on the 2008/2009 draft Capital Works budget for the supply and installation of the following Outdoor Exercise Equipment;*
  - (a) *One (1) x full set of "Outdoor Gym Equipment" (8 items);*
  - (b) *One (1) x full set of "Life Trail" Equipment (10 items);*
- (iv) *RECEIVES a further report on the proposed locations for the above equipment should these items be approved and included in the 2008/2009 budget;*
- (v) *ADVISES the petitioners of the Council's resolution; and*
- (vi) *REQUESTS that the Chief Executive Officer prepares a report by June 2008 on the placement of exercise equipment in parks throughout the Town, stating the following;*
  - (a) *objectives in providing exercise equipment;*
  - (b) *the target users;*
  - (c) *the benefits of different types of equipment; and*
  - (d) *the suitability of locating equipment in each park to achieve the stated objectives, taking into account available space, demography of the park users, heritage and any other relevant issues.*

**DETAILS:**

**Physical Activity Plan:**

At the Ordinary Meeting of Council held on 25 March 2008 a report was presented on the Physical Activity Plan, where the Council endorsed the initiative to develop a Physical Activity Plan and requested a report on the status of the Physical Activity Plan Project be provided to it on a quarterly basis.

An internal Working Group has been formed and in conjunction with consultants Stoneham & Associates, a five (5) year plan will be developed over the next ten (10) months.

One of the many issues the consultants will be considering is the installation of additional outdoor exercise equipment and the most suitable locations for such facilities.

Clause (vi) of the Council decision stated required the Chief Executive officer to prepare a report on (26 February 2008 – Clause 4) ‘*the suitability of locating equipment in each park to achieve the stated objectives, taking into account available space, demography of the park users, heritage and any other relevant issues*’

Officers Comments

In view of this project it would be prudent to use the consultants' experience and further investigate in association with the criteria outlined by the Council in recommending the best possible locations for additional items of outdoor exercise equipment in each park to achieve the stated objectives.

**Parks & Reserves Strategy/Recreational Needs Analysis:**

At the Ordinary Meeting of Council held on 10 June 2008 a report was presented on the Parks & Reserves Strategy/Recreational Needs Analysis.

The following recommendations were made by the consultants Jill Powell & Associates in relation to Outdoor Exercise Equipment as part of the Parks & Reserves Strategy/Recreational Needs Analysis.

Officers comments and a proposed timeline for the recommendations are also noted given that this matter will be now form part of the Physical Activity Planning process.

Facilities

*Recommendation: That in recognition of the changing nature of participation, the Town, as a priority supports the placement of additional facilities for unstructured sport and recreation such as outdoor gym equipment.*

Officer's Comments:

This is currently in progress and additional locations are to be reviewed as part of the Physical Activity Planning process.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

*Recommendation: That the placement of this equipment be focused on four (4) key areas throughout the Town to allow for ease of access for the Town's population.*

Officer's Comments:

In progress and locations to be reviewed as part of the Physical Activity Planning process.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

### **Outdoor Exercise Equipment:**

The 2007/2008 included funds for the installation of Parks Outdoor Exercise equipment. These items have now been installed and are now located at the following locations

#### Outdoor 'Gym' Equipment

- Menzies Park 4 items
- Robertson Park 4 items
- Banks Reserve 4 items
- Britannia Reserve (South) 4 items

#### Life Trail Exercise Equipment

- Banks Reserve 3 items
- Britannia Reserve (South) 3 items

An additional full set of Outdoor 'Gym' Equipment (8 items) and a full set of Life Trail Exercise Equipment (10 items) has been included in the 2008/09 draft capital works budget and this will be ordered in August 2008 when the budget has been adopted.

### **Ordinary Meeting of Council held on 26 February 2008:**

The following information has been provided the Assistant Manager – Health & Fitness from the Beatty Park Leisure Centre in relation to the following points raised by the Council at the meeting:

- *Objectives in providing exercise equipment;*
- *The target users;*
- *The benefits of different types of equipment.*

#### Outdoor Gym Equipment

The 'Outdoor Gym Equipment' comprises eight (8) different exercise stations, each relying on a person's own weight rather than weights and pulleys - which make it easy to use.

The range has been designed to encourage adult physical activity (it is suitable for a wide range of ages) and to provide a general cardiovascular workout, developing most major muscle groups. Each item is accompanied by instructional signage to ensure it is used effectively and is surrounded with rubber under-surfacing so as to be accessible to those with mobility issues.

It is convenient and comfortable to use and with the current surge in community awareness about the need to be physically active and with obesity an ever increasing issue facing Australians today, it is great asset to have in the Town of Vincent.

#### Life Trail Exercise Equipment

Life Trail is a recreation program specifically designed to meet the needs of older adults. The system incorporates a series of ten (10) outdoor wellness stations located along a walking path, providing upper and lower body exercises for a comprehensive fitness program. Five (5) of these stations are wheelchair accessible.

Life Trail equipment provides a series of appropriate, outdoor activities specifically designed to help older adults maintain a maximum level of wellness and independence. Most of the stations have two levels of challenge, one for beginners and one for advanced users.

Each activity panel has clear illustrations and contains instructions that are printed with large type to make it easy to read. There are ten (10) informational panels to choose from. Each provides the users with important health information and tips for healthy living, including the benefits of exercise, fall prevention, osteoporosis and pain management.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

As previously mentioned an additional full set of Outdoor ‘Gym’ Equipment (8 items) and a full set of Life Trail Exercise Equipment (10 items) has been included in the 2008/09 draft capital works budget and this will be ordered in August 2008 when the budget has been adopted.

**COMMENTS:**

To date the equipment has stood up very well to the outdoor conditions with very little maintenance required and fortunately no vandalism issues to date.

Various calls are received by staff on a regular basis mainly from residents outside of the Town of Vincent and other Council officers requesting information on the location, types and suitability of the exercise equipment the Town has installed.

**10.2.2 Town of Vincent 2008 Garden Competition**

<b>Ward:</b>	Both	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0007
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	K. Godfrey		
<b>Checked/Endorsed by:</b>	J van den Bok, R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposed 2008 Garden Competition; and
- (ii) **APPROVES**:
  - (a) the 2008 Garden Competition as outlined in the report, with entries to close on Friday, 3 October 2008, and the final judging to be carried out on Saturday 11 October 2008;
  - (b) the final judging panel to comprise the Mayor, Councillors Burns and Messina, Manager Parks Services and Gavan Neil-Smith (Winner of the 2007 Catchment Friendly Garden Category);
  - (c) the awarding of prizes to the winners of each category of the competition at a function to be held at the Town of Vincent Administration and Civic Centre on Wednesday, 5 November 2008, commencing at 6.00pm.

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise and seek approval from the Council for the dates and format for the Town of Vincent 2008 Garden Competition.

**BACKGROUND:**

Since the Town's inception in 1995, there has been an annual Spring Garden Competition which is open to all owners/occupiers who have resided in the Town for at least six (6) months.

This event has been extremely popular with residents, local contractors and businesses who provide sponsorship by way of a cash contribution or prizes.

The categories in the 2007 competition were as follows:

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Landscaped Commercial/Grouped Housing Property
- Best “Vegetable or Food Garden”
- Best Kept Street/Part Street
- Catchment Friendly Garden

A quality pair of Swiss “Felco” secateurs was also presented for The Mayor’s Encouragement Award to a recipient selected by the judging panel.

## **DETAILS:**

### **Categories**

Whilst no prizes have been awarded in the Best Landscaped Commercial Grouped Housing Property over the past three (3) years due to the lack of entries, it is again considered worthwhile to include this category in the 2008 competition.

The minimum number of six (6) entries is usually received in the remaining categories, therefore, the recommended categories for the Town of Vincent 2008 Garden Competition are as follows:

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Landscaped Commercial/Grouped Housing Property
- Best Vegetable or Food Garden
- Best Kept Street/Part Street
- Catchment Friendly Garden

### **Awards/Prize Money**

It is considered that the prize money allocated for each category over the past three (3) years is adequate and should remain unchanged.

The Catchment Friendly Garden category is sponsored by the Water Corporation through the Claise Brook Catchment Group (CBCG) and their sponsorship will again be sourced.

The prize money for the 2008 Garden Competition is therefore recommended as follows;

#### Best Residential Front Garden

#### Best Kept Verge

#### Catchment Friendly Garden

- First Prize                   \$500 plus trophy/certificate
- Second Prize               \$300 plus certificate
- Third Prize                   \$200 plus certificate

Best Courtyard and/or Rear Garden

Best Landscaped Commercial/Grouped Housing Property

Best Vegetable Garden or Food garden

- First Prize                   \$300 plus trophy/certificate.
- Second Prize               \$200 plus certificate
- Third Prize                 \$150 plus certificate

Best Kept Street/Part Street and Mayor's Encouragement Award

A specialised street sign will again be provided for the Best Kept Street/Part Street category and a quality pair of Swiss made "Felco" secateurs will be presented for the Mayor's Encouragement Award.

As in previous years, the presentation will also include a number of raffles or give-away prizes provided by the numerous sponsors. These raffles have proved to be a very popular and entertaining part of the night.

**Judging**

Preliminary judging for the majority of categories will again be undertaken by the Town's horticultural staff.

Preliminary judging for the Catchment Friendly Garden will be undertaken by CBCG members in association with the Parks Services Technical Officer in forming part of the Catchment Friendly Garden preliminary judging panel.

The final judging committee will consist of the Mayor and Councillors Burns & Messina who were selected to be part of the Garden Awards Advisory Group.

Tony Phillips (Winner of the 2007 Best Courtyard/Rear Garden category) expressed an interest in being on the final judging committee, however due to work commitments he will not be able to fulfil this role. Tony has however requested to be considered as part of the judging committee for the 2009 Garden Competition.

In his absence, the winner of the "Catchment Friendly Garden" category Gavan Neil-Smith will take his place on the final judging committee.

Final judging will be undertaken on the morning of Saturday, 11 October 2008 and it is proposed that the judging committee consist of the following:

- Mayor Nick Catania
- Cr Anka Burns
- Cr Izzi Messina
- Manager Parks Services
- Gavan Neil-Smith

**CONSULTATION/ADVERTISING:**

An advertisement/entry form will be placed in a local community paper during late August early September 2008. In addition, an entry form will be included in the "Mayor's Message" and rates notices.

Entry forms will also be made available at the front desk of the Administration Civic Centre the new Library and via the Town's website.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. *“(a) Organise and promote community events and initiatives that engage the community and celebrate the cultural and social diversity of the Town.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated costs associated with the 2008 Town of Vincent Garden Competition are as Follows:

• Cash prizes	\$4,950
• Function	\$4,500
• Trophies	\$1,750
• Photography	\$1,400
• Certificates	\$150
• Advertising	\$2,250
• Administration	\$250
• Street sign	<u>\$250</u>
	<b><u>\$15,500</u></b>

An amount of \$15,500 has been included in the 2008/09 budget for the garden competition.

The CBCG will be providing \$1,290.00 via sponsorship from the Water Corporation, for the prize money/trophy allocation – “Catchment Friendly Garden”.

In addition, it should be noted that sponsorship for the 2007 competition amounted to \$2,650 in cash contributions. Local Contractors also donated service vouchers and products to the value of \$1,100.

**COMMENTS:**

Since its inception, the Town's annual Garden Competition which is open to all owners/occupiers who have resided in the Town for at least six (6) months has been extremely popular with residents, local contractors and businesses who provide sponsorship for the event by way of a cash contribution or prizes.

It is envisaged that the 2008 competition will be just as popular as previous event and it is therefore recommended that the Council approves the 2008 Garden Competition, with entries to close on Friday 3 October 2008.



**10.2.3 Proposed 2008/2009 Road Rehabilitation and Upgrade Program**

<b>Ward:</b>	Both	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker, C Economo		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Proposed 2008/2009 Road Rehabilitation and Upgrade Program;*
- (ii) *ADOPTS the first year, 2008/2009, of the five (5) year (2008/2009 to 2012/2013) Road Rehabilitation and Upgrade Program as outlined in Attachment 10.2.3; and*
- (iii) *NOTES that the remaining four (4) years (2009/2010 to 2012/2013) of the program is “preliminary only” and will be subject to change.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for the allocation of funds allowed for in the 2008/2009 draft budget to specific projects in the 2008/2009 Road Rehabilitation and Upgrade Program.

**BACKGROUND:**

In 1997, the Council resolved to adopt a long term Road Rehabilitation and Upgrade Program. The program was developed to ensure the Town’s road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents’ requests, changing conditions and State Funding for roads through the Metropolitan Regional Road Program, it was considered appropriate to review and update the program annually and request that only the first year of the five (5) year program be adopted on an annual basis.

**DETAILS:****Metropolitan Regional Road Funding**

In early 2008 Main Roads WA advised the Town of the approved Metropolitan Local Road Project Grants for 2008/2009. The Town's 2008/2009 draft budget indicates the following projects:

Road	Section	Grant	TOV contribution	Estimated Cost
Oxford St	Bourke St – Vincent St	\$96,333	\$43,667	\$140,000
Leederville Pde	Vincent St – Loftus St	\$97,000	\$53,000	\$150,000
Vincent St	Oxford St – Loftus St	\$133,333	\$66,667	\$200,000
Scarb Bch Rd	The Boulevard – Federation	\$180,000	\$90,000	\$270,000
Bulwer St	Brisbane St – Beaufort St	<u>\$83,333</u>	<u>\$41,667</u>	<u>\$125,000</u>
<b>Total</b>		<b>\$589,999</b>	<b>\$295,001</b>	<b>\$885,000</b>

Note: \$295,001, comprising Municipal funds, has been allocated in the 2008/2009 Budget as the Town's contribution for the Road Rehabilitation projects.

**Five Year Road Rehabilitation and Upgrade Program**

In addition, \$204,999 has been allocated in the 2008/2009 budget for the road rehabilitation and upgrade program local roads resurfacing/rehabilitation. Therefore, the total funds available for the program in 2007/2008 are \$500,000 i.e. \$295,001 plus \$204,999.

As outlined in detail in the report presented to Council on 28 April 1997, the "roads" program was initially developed using ROMAN (pavement management software).

The first year (2008/2009) and the next four (4) years (2009/2010 to 2012/2013) of the five year road rehabilitation and upgrade program as presented in this report has been updated and revised to include future possible projects to be funded from the State Metropolitan Regional Road Program, projects reprioritised according to road condition, projects associated with other capital works and requests received etc.

The projected required level of funding has also been revised to ensure the road asset is continually improved relative to its deterioration.

The five (5) year Road Rehabilitation and Upgrade Program is outlined in attachment 10.2.3.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY**

The Town is responsible for the care control and management of over 145 km of roads, which include Primary Distributors, Local Distributors and Access Roads.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2008/2009 Draft Capital Works Budget includes funds of \$500,000 for the road rehabilitation and upgrade program. The draft program attached to this report includes an increased projected level of funding to ensure the road network asset is better maintained to an acceptable standard.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment “(a) *Implement infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways, and roads.*”

**COMMENTS:**

Since its creation the Town has expended a considerable amount on maintaining and upgrading the road infrastructure. The Town has also been very successful in securing state funding of in the order of \$0.5m per annum from the Metropolitan Regional Roads program. It is therefore requested that the officer recommendation be adopted.

**10.2.4 Introduction of a (2) Hour Parking Restriction During Business Hours in Myrtle St, Perth**

<b>Ward:</b>	South Ward	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	Hyde Park Precinct	<b>File Ref:</b>	PKG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Bilyk		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the introduction of (2) hour parking restrictions in Myrtle Street ;*
- (ii) *APPROVES the introduction of (2) hour parking restrictions in Myrtle Street from Monday to Friday, inclusive, between 8.00am and 5.30pm , and Saturday between 8.00am until 12noon as illustrated on attached Plan 2583-PP-1;*
- (iii) *PLACES a moratorium on the issue of infringement notices for a period of two (2) weeks following the installation of the signage; and*
- (iv) *ADVISES the residents of Myrtle Street of its decision.*

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**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the consultation with residents which was undertaken to determine their support for the introduction of a two (2) hour parking restriction on both sides of Myrtle Street, Perth.

**BACKGROUND:**

On 4 December 2007 a resident who resides in Myrtle Street emailed the Town raising concerns over the number of City and local workers parking in the street for long periods of time resulting in a lack of parking for local residents. It should also be noted that a number of residents do not have off street parking and do not have the facilities to create parking on their property.

**DETAILS:**

On 22 January 2008, 18 letters were distributed to residents of Myrtle Street requesting them to provide comments, over a 21 day period, regarding the proposed introduction of a (2) hour parking restriction from Monday to Friday inclusive between 8.00am and 5.30pm, and Saturday between 8.00am until 12noon.

The Town's proposal also included details of the policy on eligibility for exemption from the time restrictions through the Residential and Visitor parking permits.

At the close of the consultation period ten (10) responses were received (56% response) with eight (8) in favour and two (2) against the proposal. A summary of the comments received is attached at appendix 10.2.4.

**CONSULTATION/ADVERTISING:**

Residents were consulted via letter drop in relation to the proposed parking restriction in Myrtle St.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Overall cost to install poles, signs and line marking will be \$750.00.

**COMMENTS:**

The majority of respondents (75%) were in favour of the proposed introduction of parking restrictions in Myrtle Street to prevent non resident who work and commute to the City from parking in the street for extended periods of time. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as soon on plan No 2583-PP-1.

**10.3.1 Authorisation Of Expenditure For The Period 1 – 31 May 2008**

<b>Ward:</b>	Both	<b>Date:</b>	11 June 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0009
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Kara Ball		
<b>Checked/Endorsed by:</b>	Bee-Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 April – 31 May 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

*as shown in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 – 31 May 2008.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,120,594.09
<b>Total Municipal Account</b>		<b>\$1,120,594.09</b>
<b>Advance Account</b>		
Automatic Cheques	62678-62911	555,386.66
EFT Batch		\$0.00
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	787-789, 791-795, 797-798	2,137,161.06
Transfer of PAYG Tax by EFT	May 2008	\$176,217.90
Transfer of GST by EFT	May 2008	\$0.00
Transfer of Child Support by EFT	May 2008	\$1,024.32
Transfer of Superannuation by EFT:		
• City of Perth	May 2008	\$33,409.93
• Local Government	May 2008	\$112,484.64
<b>Total</b>		<b>\$3,015,684.51</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$3,596.64
Lease Fees		\$3,312.59
Corporate Master Cards		\$13,093.42
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$7.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$78,142.09</b>
<b>Less GST effect on Advance Account</b>		<b>-\$299,239.00</b>
<b>Total Payments</b>		<b>\$3,915,181.69</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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



### 10.3.2 Financial Statements As At 31 May 2008

Ward:	Both	Date:	11 June 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	B Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the year ended 31 May 2008 as shown in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 31 May 2008.

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 31 May 2008.

**DETAILS:**

The Financial Statements comprise:

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

## **Operating Statement and Detailed Summary of Programmes/Activities**

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

### **Operating Revenue**

Operating revenue is currently 3 % over the year to date budget for the month ending 31 May 2008.

### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 1 % over the budget.

### **Governance (Page 2)**

Governance is showing 25 % under budget.

### **Law Order & Public Safety (Page 3)**

Revenue of Law Order & Public Safety is 88 % of the budget.

### **Health (Page 4)**

Health is showing 115 %, of the budget this is due to 379 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

### **Education & Welfare (Page 5)**

Education and Welfare is now showing 96 % of the budget.

### **Community Amenities (Page 6)**

Community Amenities is 18 % above the year to date budget. There were 705 planning applications being processed to date.

### **Recreation & Culture (Page 9)**

The total revenue for Recreation and Culture is currently on the revenue budget. Beatty Park Leisure Centre revenue is 72 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 103%.

### **Transport (Page 11)**

The total revenue for Transport is 6 % over the budget.

**Economic Services (Page 12)**

Economic Services is 11 % over budget due to the increase number of building licences 604 issued compared to last year 487 licences.

**Other Property & Services (Page 13)**

The total revenue for Other Property & Services is 366 % over the budget due to the money received from the Trust retentions of work bonds.

**Operating Expenditure**

Operating expenditure for the month is 100 % of the year to date budget for the month ending 31 May 2008.

**Capital Expenditure Summary (Pages 18 to 24)**

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$17,950,982 which is 71 % of the revised budget of \$25,436,439.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date %</b>	
Furniture & Equipment	538,150	775,450	453,913	59%
Plant & Equipment	1,487,450	1,536,200	806,493	52%
Land & Building	12,303,039	13,191,761	10,715,872	81%
Infrastructure	10,034,028	9,933,028	5,867,893	59%
<b>Total</b>	<b>24,362,667</b>	<b>25,436,439</b>	<b>17,844,171</b>	<b>71%</b>

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

The statement shows the current assets of \$17,026,608 and non current assets of \$137,000,125 for total assets of \$154,026,733.

The current liabilities amount to \$5,817,267 and non current liabilities of \$14,160,482 for the total liabilities of \$19,977,749. The net asset of the Town or Equity is \$134,048,984.

**Restricted Cash Reserves (Page 27)**

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

**Debtors and Rates Financial Summary****General Debtors (Page 28)**

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

Sundry Debtors of \$363,879 is outstanding at the end of May 2008. Of the total debt \$114,159 (31%) relates to debts outstanding for over 60 days, of which \$92,046 is related to Cash in lieu Parking and % Art Contribution. The Debtor Report identifies significant balances that are well overdue.

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

### **Rate Debtors (Page 29)**

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

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

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

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

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

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

Rates outstanding are \$496,584 which represents 2.92% of the outstanding collectable income compared to last year 2.4%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

### **Beatty Park – Financial Position Report (Page 30)**

As at 31 May 2008 the operating deficit for the Centre was \$378,106 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash surplus of \$56,821 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

### **Statement of Financial Activity (Page 31)**

The closing surplus carry forward for the year to date 31 May 2008 was \$4,217,201.

### **Net Current Asset Position (Page 32)**

The net current asset position \$4,217,201.

### **Variance comment Report (Pages 33 to 36)**

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

**10.3.3 Upgrade of Britannia Reserve Clubrooms – Progress Report**

<b>Ward:</b>	North	<b>Date:</b>	17 June 2008
<b>Precinct:</b>	Leederville	<b>File Ref:</b>	TEN 0390
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council NOTES the following action undertaken to progress the upgrade of Britannia Reserve Clubrooms;*

- (a) a tender for the upgrade of Britannia Reserve Clubrooms was re-advertised on 18 June 2008, for a "staged construction", as outlined in the report; and*
- (b) minor works as specified in the report are to be undertaken by the Leederville Cricket Club on a cost reimbursement basis, up to the value of \$25,000.*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to inform the Council on the action to be taken to progress the upgrade of the Britannia Reserve Clubrooms.

**BACKGROUND:**

At the Ordinary Meeting of Council on the 10 June 2008 the following resolution was adopted by Council;

- (i) DOES NOT ACCEPT any of the Tenders submitted for the upgrade of Britannia Reserve Clubrooms due to insufficient funds available for the project;*
- (ii) ADVISES the tenders of the Council decision; and*
- (iii) REQUESTS the Chief Executive Officer to further investigate options for this project and submit a further report to the Council by the next meeting.*

**DETAILS:**

Following the Council meeting, the Chief Executive Officer and Director Corporate Services met with the President and Vice President of the Leederville Cricket Club, Paul James and Brad Ogden on Friday 13 June 2008, to discuss how to progress the project.

At the meeting it was agreed that the scope of the works be amended into four separate stages.

The works are to be staged as outlined below.

### **Stage 1**

Scope of Works: Minor works to be carried out covering creation of additional storage, changing windows and the addition of roller doors.

Cost: \$25,000 – to be reimbursed up to a maximum of the amount specified on presentation of receipts for the work completed to the Town's satisfaction.

### **Stage 2**

Scope of Works: Internal decorations, upgrade of kitchen and expansion of clubroom and disabled toilets.

Cost: \$230,000 – work to be specified in tender documentation.

### **Stage 3**

Scope of Works: Construction of a pergola and associated paving of patio.

Cost: \$90,000 – work to be specified in tender document.

### **Stage 4**

Scope of Works: Internal demolitions, new toilets and showers.

Cost: \$150,000 – to be included in tender documentation.

It was agreed that Stage 2, 3 and 4 be re-advertised in a tender, with tenderers requested to submit tenders with the cost for each stage of the works. It was also confirmed that Stages 1 and 2 would be planned to be undertaken in the 2008/09 financial year, with Stages 3 and 4 deferred to the following year, as additional funds would be required.

Stage 1 Minor works are to be undertaken by the Leederville Cricket Club, through a registered builder; this portion of the works on a cost reimbursement basis. This would enable the initial stage to commence quickly within a four week period.

## **CONSULTATION/ADVERTISING**

The Tender is advertised in accordance with the Tender regulations.

## **LEGAL/POLICY**

The tender is to be 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:**

Strategic Plan – 2006-2011 – 1.16:

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

**FINANCIAL/BUDGET IMPLICATIONS**

The amount of \$250,000 is listed on the 2007/08 Budget, this amount will be carried forward to the 2008/09 Budget.

**COMMENT:**

The tender was re-advertised on the 18 June 2008 for a two week period and will be reported back to the Council at one of the July meetings. The staged management of the tender should enable the project to proceed with the current funds allocated.

The agreement with the club to undertake stage 1 Minor works on a cost reimbursement basis will enable the work to commence in a reasonable timeframe.

**10.3.4 Debtor Write-Off**

<b>Ward:</b>	Both	<b>Date:</b>	17 June 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0007
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Gee Wong		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY the write-off of the following Sundry Debtor totalling \$1714.15 as being uncollectable;*

(a) *Great Mates Ltd - \$1,714.15*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

To obtain Council approval to write off a sundry debtor that is considered to be unrecoverable.

**BACKGROUND:**

The Town is currently carrying this debtor, which has been outstanding for a considerable length of time. Despite the Town's best efforts in the pursuit of these debts, it has now come to the position where further pursuit of this debt will be considerably more than the debt itself and therefore the debt listed above is recommended for write off.

**DETAILS:**

**Great Mates Ltd - \$1,714.15**

The debtor leased Lee Hops Cottage for the period September 2003 – August 2007. The total debt of \$1,714.15 comprises of July and August 2007 rental charge of \$1200.06 and the recoup of Water Annual Service charge for July 2007 to June 2008 of \$514.09.

The Town received a letter that Ferrier Hodgson had been appointed Administrators on 7 August 2007, for Great Mates Ltd.

Following meetings of the Administrators with the creditors on 3 September 2007, the Administrators advised that any dividend payment to unsecured creditors was unlikely. No further information has been received on this debt from the Administrators.



As a result the amount of debt outstanding is considered not to be cost effective to pursue and therefore it is recommended that this debt be written off.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

*“Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”*

**CONSULTATION/ADVERTISING:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

This debt is considered to be unrecoverable and as a result will have to be expensed against the original account.

**COMMENTS:**

The debtor presented for write off has been outstanding for a considerable length of time. The Town's Financial Services Section is unable to pursue the debtor through the formal debt recovery process. It is therefore recommended that the debtor listed be written off. It is normal practice for the Town to prepare a list for write off each year.

**10.4.1 Loftus Recreation Centre Management Committee – Receiving Of Unconfirmed Minutes**

<b>Ward:</b>	North	<b>Date:</b>	17 June 2008
<b>Precinct:</b>	Leederville	<b>File Ref:</b>	TEN 0390
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M. Rootsey		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 29 May 2008, as shown in Appendix 10.4.1.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 29 May 2008.

**BACKGROUND:**

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

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

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

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

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY**

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

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 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.

**COMMENT:**

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

**10.4.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	17 June 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Radici		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 24 June 2008, as distributed with the Agenda, be received.*

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**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

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**DETAILS:**

The items included in the Information Bulletin dated 24 June 2008 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter of Appreciation from Marianne Tomé regarding removal of graffiti
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/88 of 2008 – Caltex Australia Petroleum Pty Ltd v Town of Vincent (No. 159 (Lots 1 & 2) Lord St, Perth)
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/85 of 2008 – Choice Constructions Pty Ltd v Town of Vincent (No. 179-183 (Lot 102) Charles Street, West Perth)
IB04	Letter from State Administrative Tribunal (SAT) regarding Matter No. CC/246 of 2008 – Rokanaro Construction Pty Ltd v Town of Vincent (No. 24 (Lot 20) Daphne St, North Perth)
IB05	Minutes of Hyde Park Lakes Restoration Working Group held at Town of Vincent on 22 May 2008
IB06	Letter of Appreciation from CARE Australia regarding donation to CARE Australia’s Cyclone Nargis Appeal

**10.1.4 Amendment No. 54 to Planning and Building Policies – Draft Amended Policy Relating to Appendix No.16 – Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth**

<b>Ward:</b>	South	<b>Date:</b>	13 June 2008
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PLA 0168
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.4;*
- (ii) *ADOPTS the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth in the interim until the formal adoption of the Amended Policy;*
- (iii) *ADVERTISES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, with or without amendment, to or not to proceed with it.*

**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT 1**

**Moved Cr Farrell, Seconded Cr Messina**

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

*“(ii) **ADOPTS the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth ~~in the interim~~ for all new applications until the formal adoption of the Amended Policy;**”*

Debate ensued.

Cr Maier advised that he wished to speak on the amendment. The Presiding Member advised that he was of the view that sufficient debate on the amendment had occurred and that he wished to put the amendment.

Cr Maier dissented and indicated he wished to speak. The Presiding Member ruled that sufficient debate had been carried out and asked the Chief Executive Officer to clarify the Standing Orders.

CEO read out Standing Orders Clause 3.6.1.

The Presiding Member then put the amendment.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Lake**

*That the ruling of the Presiding Member be disagreed with.*

**PROCEDURAL MOTION PUT AND LOST (3-5)**

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

(Cr Ker on approved leave of absence.)

**AMENDMENT 1 PUT AND LOST (2-6)**

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

(Cr Ker on approved leave of absence.)

Debate ensued.

**AMENDMENT 2**

**Moved Cr Messina, Seconded Cr Maier**

*That clause (ii) be deleted.*

**AMENDMENT 2 PUT AND CARRIED (5-3)**

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

(Cr Ker on approved leave of absence.)

Debate ensued.

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr Burns**

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

“(i) ***RECEIVES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.4; subject to the Draft Policy being amended as follows:***

(7)(ii) *Density and Mix be amended to read as follows:*

“...

*As such, the Town of Vincent is seeking higher density development commensurate with an R160 ~~100~~ density.*

...

*These will be characterised by:*

- *Residential commensurate with R160 100 density;*
- *Mixed use within the area zoned Residential/Commercial, with a minimum 66 per cent residential (commensurate with*

*R160 100 density) and compatible commercial and non-residential uses, such as offices and consulting rooms;”*

*(7)(iv) Plot Ratio be amended to read as follows:*

*“...  
Plot ratio provisions for residential development are to be generally in accordance with R160 100 pertaining to the Residential Design Codes, however the Town of Vincent may consider variations.....”*

*(7)(xiv) Affordability be amended to read as follows:*

*“...  
The Council may consider additional density bonuses over and above Residential R160 100 where affordable housing is proposed and complies with any Town of Vincent Policy or Strategy relating to Affordable Housing.”*

**Debate ensued.**

#### **PROCEDURAL MOTION**

**Moved Cr Doran-Wu, Seconded Cr Youngman**

*That the item be DEFERRED to allow for further investigation by the Town’s Officers.*

#### **PROCEDURAL MOTION PUT AND CARRIED (5-3)**

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

**(Cr Ker on approved leave of absence.)**

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#### **PURPOSE OF REPORT:**

The purpose of this report is to present a Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, and to seek the Council’s approval to advertise the revised Draft Policy.



**BACKGROUND:**

The Town's Policy - Appendix No.16 relating to Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, originated from the following resolution of the Council at its Ordinary Meeting held on 27 September 2005:

*"That;*

- (i) the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pandal Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:*
  - (1) the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*
  - (2) utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;*
  - (3) reports should consider the areas;*
    - (a) proximity to public transport;*
    - (b) proximity to open space;*
    - (c) Council's previous approval of an eight storey development on the adjacent Maltings development site;*
    - (d) the current R160 zoning adjacent and to the south of Newcastle Street; and*
    - (e) flexibility in provision of commercial/residential mix; and*
- (ii) the Town's officers meet with the applicants to discuss future development of the site."*

The Council at its Ordinary Meeting held on 13 March 2007 resolved to adopt a final amended version of the Policy - Appendix No.16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, subject to a number of amendments.

The Council at its Ordinary Meeting held on 18 December 2007 refused an application for an eight-storey mixed use development comprising thirty five (35) multiple dwellings (including 15 single bedroom dwellings and 20 two-bedroom dwellings), office, shop, eating house and associated basement car park at Nos. 152-158 Fitzgerald Street, Perth, 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 requirements of the Residential Design Codes relating to:*
  - (a) *density;*
  - (b) *plot ratio;*
  - (c) *stores;*
  - (d) *single bedroom dwelling plot ratio;*
  - (e) *communal open space; and*
  - (f) *privacy;*
- (iii) *the non-compliance with the requirements of the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, relating to:*
  - (a) *density;*
  - (b) *plot ratio;*
  - (c) *residential/commercial ratio;*
  - (d) *height;*
  - (e) *car parking;*
  - (f) *awning;*
  - (g) *communal open space; and*
  - (h) *Affordable Housing;*
- (iv) *the non-compliance with the requirements to justify a 33% bonus for Affordable Housing;*
- (v) *the non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access; and*
- (vi) *consideration of the objections received.”*

The Council at its Ordinary Meeting held on 27 May 2008 resolved as follows with respect to Appendix No.16 and the subject streetblock.

*“That the Council;*

- (i) *AUTHORISES the Chief Executive Officer to review Planning Policy – Appendix No. 16 - Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pental Lane, Perth; and*
- (ii) *REQUESTS that a report be submitted at an Ordinary Meeting of Council in June 2008, addressing all relevant matters, and including but limited to the following;*
  - (a) *whether the current height provision, density and plot ratio is considered appropriate for the subject area or should it be varied/reduced;*
  - (b) *the potential for increased traffic along Fitzgerald Street and Pental Lane;*
  - (c) *communal open space requirements;*
  - (d) *car parking requirements; and*
  - (e) *the overall impact on the amenity and character of the area.”*

**DETAILS:**

Since the adoption of the Policy relating to Appendix No.16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, only two planning applications have been received by the Council to develop land. The application for Nos. 152-158 Fitzgerald Street, Perth was refused by the Council as outlined above, while an application for demolition of existing warehouse and construction of a two-storey mixed-use development comprising two (2) single bedroom multiple dwellings, one (1) office, one (1) office with ancillary warehouse, and associated car parking at Nos.126-128 Fitzgerald Street, Perth was conditionally approved under delegated authority on 5 February 2008.

In accordance with the Council resolution of 27 May 2008, a summary of the key amendments proposed to the Design Guidelines are detailed below:

- Reducing the density requirements from R160 to R100 to achieve an appropriate development response appropriate for the area.
- Redefining the expectations of height and massing within the area. Reducing height requirements from 8 storeys to a maximum of 3 storeys, with a minimum height of two storeys is considered more appropriate for the area. It was identified that those lots with dual frontage to both Fitzgerald Street and Pandal Lane may be developed to a height of 6 storeys provided that acceptable levels of amenity are maintained to adjacent lots and where the greater height is positioned to the rear of the lots (towards Pandal Lane) to ensure consistency with built forms within the immediate area.
- Vehicular access from Pandal Lane or a right of way is strongly encouraged. In such instances where access is from Pandal Lane, the length of the lane adjacent to the subject land is to be widened by at least one (1) metre and be registered as a grant of easement at the development approval stage or as right of way widening at the subdivision stage. This will facilitate safer vehicular access and promote a more pedestrian-friendly environment along Pandal Lane.

In addition, the requirements for communal open space, plot ratio and car parking are to remain consistent with the respective Residential Design Codes and the Town's relevant Policies.

**CONSULTATION/ADVERTISING:**

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The Draft Amended Policy relating to Appendix No.16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, in response to concerns that the original Policy premise was too intensive. As such, modifications to the Policy have been made with respect to reducing allowable heights within the subject area and specific height requirements for those individual lots with dual frontage to Fitzgerald Street and Pandal Lane, the reduction of the allowable density and plot ratio to commensurate with R100 as opposed to R160 to complement the proposed reduced building height, and addressing the need for increased traffic to be able to move along Pandal Lane made viable by the requirement for all development proposals where the laneway is used for vehicular access being widened by 1.0 metre.

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the Draft Amended Policy in accordance with the Officer Recommendation.

**10.1.2 No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth - Proposed Two-Storey Single House with Undercroft Garage**

<b>Ward:</b>	North	<b>Date:</b>	16 June 2008
<b>Precinct:</b>	Smith's Lake: P6	<b>File Ref:</b>	PRO3911; 5.2008.196.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony Raso Design on behalf of the owner Carizon Pty Ltd for proposed Two-Storey Single House with Undercroft Garage at No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth and as shown on plans stamp-dated 24 April 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Kadina Street boundary, and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*

- (iv) *details of an interpretation proposal for the proposed redevelopment which incorporates explicit recognition of the historic values of the place at No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth shall be submitted to and approved by the Town prior to the issue of a Demolition Licence or Building Licence for the subject redevelopment, which ever occurs first. The approved interpretation proposal shall be fabricated and installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s).*
- 

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Maier, Seconded Cr Youngman**

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

Debate ensued.

**AMENDMENT PUT AND CARRIED (7-1)**

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

(Cr Ker on approved leave of absence.)

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

(Cr Ker on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.2**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony Raso Design on behalf of the owner Carizon Pty Ltd for proposed Two-Storey Single House with Undercroft Garage at No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth and as shown on plans stamp-dated 24 April 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (ii) *any new street/front wall, fence and gate between the Kadina Street boundary, and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (iv) *details of an interpretation proposal for the proposed redevelopment which incorporates explicit recognition of the historic values of the place at No. 46 (Lot 115 D/P: 7489) Kadina Street, North Perth shall be submitted to and approved by the Town prior to the issue of a Demolition Licence or Building Licence for the subject redevelopment, which ever occurs first. The approved interpretation proposal shall be fabricated and installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s).*

<b>Landowner:</b>	Carizon Pty Ltd
<b>Applicant:</b>	Anthony Raso Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	554 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

30 August 2007                      The Western Australian Planning Commission (WAPC) conditionally approved a side by side subdivision application for the subject place (WAPC Reference Number: 135107).

11 September 2007                The Council at its Ordinary Meeting resolved to approve the demolition of the subject place subject to standard and appropriate conditions including the following:

*"(viii) prior to the issue of a Demolition Licence or Building Licence for a redevelopment proposal of the subject property, whichever occurs first:*

*(a) any future redevelopment of the subject site shall incorporate recognition of the historic values of the place at No. 46 Kadina Street, North Perth in accordance with the Town's Policy relating to Heritage Management - Interpretive Signage;*

*(b) details of the interpretation proposal shall be submitted to and approved by the Town at the development approval stage; and*

*(c) the approved interpretation proposal shall be fabricated and installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s)."*

**DETAILS:**

The proposal involves the construction of a two-storey single house with undercroft garage.

The application has not been assessed in accordance with the Residential Design Elements Policy as the applicant has provided written advice demonstrating that the design of the proposal had commenced prior to the adoption of the Policy on 18 December 2007.

In support of the proposed height variation, the applicant has provided a letter of justification, which is *"Laid on the Table"* and partially summarised below:

- Only a small portion of the concealed roof is over the 7 metre height requirement.
- The proposed portion of roof is setback 6.8 metres from the front boundary and 12. 8 metres from the street.
- The minimal variation will not have an adverse impact on the adjoining neighbours or the streetscape as the encroachment is located centrally over the home and is well below the 9 metre maximum height allowed for a pitched roof (refer to elevation in the applicant's *"Laid on the Table"* submission for a comparison of the proposal with a hipped and concealed roof).



**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
<b>Building Setbacks</b>			
Ground Floor to eastern side boundary.	1.5 metres	1.276 metres	Supported - as no objection has been received from the adjacent affected neighbour, the eastern elevation is articulated with various setbacks, is a minor variation and is not considered to impact on the streetscape or amenity of the area.
First Floor to southern/front (Kadina Street)	6 metres	4.8 metres to balcony	Supported in part - as the balcony has been conditioned to be setback 5 metres to reduce the impact on the streetscape.
First Floor to western side boundary	4.1 metres	1.6 metres	Supported - as no objection has been received from the adjacent affected neighbour, the proposal complies with the R Codes - overshadowing requirements and the subject elevation is articulated with various setbacks to reduce the impact of building bulk on adjacent neighbour and streetscape.
First Floor to eastern side boundary	3.8 metres	1.692 metres	Supported - as above.

Building Height	7 metres to concealed roof	7.361 metres	Not supported – as the variation is considered to have an undue impact on amenity of area and as building height is one of the standards listed in the Town's Policy No. 3.5.16 relating to Non-Variation of Specific Development Standards and Requirements. Condition applied to reduce the building height to a maximum of 7 metres from natural ground level.
Excavation	Excavation between the street alignment and building, or within 3 metres of the street alignment, whichever is the lesser not to exceed 0.5 metre.	Approximately 1 metre of excavation within 3 metres of the street alignment.	Supported - as per the R Codes - performance criteria, the excavation will retain the visual impression of the natural level of the site, as seen from the street and adjacent properties.
Privacy Setbacks			
Front ground floor verandah to western boundary.	7.5 metres or screening in accordance with the R Codes	2.435 metres	Supported - the land affected by the privacy encroachment is owned by the applicant.
Front first floor balcony to western boundary.	7.5 metres or screening in accordance with the R Codes	2.64 metres	Supported - as above.
Rear first floor balcony to eastern boundary.	7.5 metres or screening in accordance with the R Codes	3.7 metres	Supported – signed written consent obtained from adjacent affected neighbour.
<b>Consultation Submissions</b>			
Support (2)	No reason provided.		Noted.
Objection (1)	<ul style="list-style-type: none"> <li>• Concern for the lack of spaciousness and landscaping in the area.</li> <li>• The front façade should be setback in accordance with the requirements as non-compliance will result in a lack of privacy.</li> </ul>		<p>Not supported - as the development complies with the density and open space requirements of the R Codes.</p> <p>Supported - the balcony front setback has been conditioned to be setback 5 metres.</p>

	<ul style="list-style-type: none"> <li>• Objection to excavation.</li>   <li>• Footpaths should be installed to stop the development spilling over into Kadina Street.</li>   <li>• The Town should set limits to the amount of traffic in residential streets such as Kadina Street</li> </ul>	<p>Not supported - as per the R Codes - performance criteria the excavation will retain the visual impression of the natural level of the site, as seen from the street and adjacent properties.</p> <p>Not supported - as the development is required to be completely contained within the subject lot.</p> <p>Not supported - as recent traffic count data indicates that the traffic volume along Kadina Street is well within the acceptable limit, which is 3000 vehicles per day.</p>
<b>Other Implications</b>		
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 applicant has liaised with the Town's Officers on numerous occasions in order to design an appropriate development, which responds to the unusual shape of the subject lot. The proposed development is considered to be a good design response to the site and in light of the above, it is recommended that the proposal be conditionally approved as per the Officer Recommendation.

Furthermore, the applicant is cognizant of the Town's requirements for the interpretation proposal for the site and will be submitting a proposal in accordance with the Town's Policy relating to Heritage Management - Interpretive Signage prior to the issue of a Demolition Licence or Building Licence for the subject redevelopment, which ever occurs first.

**10.1.3 No. 20 (Lot 10 D/P: 2536) Monmouth Street and No.137 (Lot 4 D/P: 2536) Walcott Street, Mount Lawley - Proposed Demolition of Two (2) Existing Single Houses and Construction of Eight (8) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	Norfolk-P10	<b>File Ref:</b>	PRO2911; 5.2007.124.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	R Narroo, K Jackson		
<b>Checked/Endorsed by:</b>	R Rasiah	<b>Amended by:</b>	R Boardman

***DIRECTOR DEVELOPMENT SERVICES 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 Dryka & Partners Architects on behalf of the owner Skybridge Holdings Pty Ltd for Demolition of Two (2) Existing Single Houses and Construction of Eight (8) Two-Storey Single Houses, at No.20 (Lot 10 D/P:2536) Monmouth Street and No.137 (Lot 4 D/P:2536) Walcott Street, Mount Lawley and as shown on existing site plan stamp-dated 5 April 2007 and revised development plans stamp-dated 9 June 2008, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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;*
- (iv) any new street/front wall, fence and gate within the Monmouth Street and Walcott 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;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) *the bedroom 1 window (first floor) of Unit 1 on the western elevation within the 4.5 metre cone of vision to the northern boundary;*
  - (b) *the bedroom 1 windows (first floor) of Unit 3 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*
  - (c) *the bedroom 1 windows (first floor) of Unit 4 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*
  - (d) *the bedroom 1 windows (first floor) of Unit 5 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*
  - (e) *the bedroom 1 windows (first floor) of Unit 6 on the western elevation within the 4.5 metre cone of vision to the southern boundary;*

*being screened with a permanent obscured material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of Nos. 135 and 139 Walcott Street, and No.18 Monmouth Street, stating no objections to the respective proposed privacy encroachment;*

- (f) *the maximum and average height of boundary wall of Unit 3 along the southern boundary shall be 3.5 metres and 3.25 metres from the natural ground level; ~~and~~*
- (g) *the maximum and average height of boundary wall of Unit 7 along the southern boundary shall be 3.5 metres and 3.25 metres from the natural ground level; and*
- (h) *adequate on-site manoeuvring area for Lot 1 to allow motor vehicles to enter the existing Right of Way in forward direction.*

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

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Monmouth Street and Walcott Street verges 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);*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from 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);*
- (viii) *first obtaining the consent of the owners of Nos. 135 and 139 Walcott Street, and No.18 Monmouth, Mount Lawley, for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls/retaining walls facing Nos. 135 and 139 Walcott Street and No.18 Monmouth, Mount Lawley, in a good and clean condition;*
- (ix) *prior to the issue of a Building Licence, the subject land shall be amalgamated and subdivided into eight lots 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 and subdivide the subject land into eight lots 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); and*
- (x) *no development shall be permitted within the Walcott Street Other Regional Road-Road Widening Reservation.*

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

**~~OFFICER RECOMMENDATION:~~**

**~~That;~~**

~~(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dryka & Partners Architects on behalf of the owner Skybridge Holdings Pty Ltd for proposed Demolition of Two (2) Existing Single Houses at No.20 (Lot 10 D/P:2536) Monmouth Street and No.137 (Lot 4 D/P:2536) Walcott Street, Mount Lawley as shown on plans stamp dated 5 April 2007, 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) — a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;~~
- ~~(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) — support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;~~
- ~~(f) — 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 Planning Scheme No.1 and associated Policies; 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 the application submitted by Dryka & Partners Architects on behalf of the owner Skybridge Holdings Pty Ltd for proposed Construction of Eight (8) Two-Storey Single Houses, at No.20 (Lot 10 D/P:2536) Monmouth Street and No.137 (Lot 4 D/P:2536) Walcott Street, Mount Lawley and as shown on plans stamp dated 9 June 2008, for the following reasons:~~
- ~~(a) — the development is non-consistent with the orderly and proper planning and the preservation of the amenities in the locality;~~
- ~~(b) — the non-compliance with the minimum front setback of the upper floors fronting Monmouth Street and Walcott Street as prescribed in the Town's Policy; and~~
- ~~(c) — consideration of the objections received.~~

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**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (6-2)**

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

(Cr Ker on approved leave of absence.)

**ADDITIONAL INFORMATION:**

An amended plan SK3.02 without an additional building has been submitted and is provided to all Council Members.

<b>Landowner:</b>	Skybridge Holdings Pty Ltd
<b>Applicant:</b>	Dryka & Partners Architects
<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): No.137 Walcott Street- Residential R 60 No.20 Monmouth Street- Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	No. 137 (Lot 4) Walcott Street= 1404 square metres No.20 (Lot 10) Monmouth Street= 721 square metres
<b>Access to Right of Way</b>	North side, 5.03 metres wide, unsealed, privately owned

**BACKGROUND:**

- 10 August 2004            A planning application was submitted for demolition of existing two-storey single house and construction of eight (8) two-storey with loft grouped dwellings at No.137 Walcott Street. The application was withdrawn.
- 10 August 2004            A planning application was submitted for demolition of existing single house and construction of one (1) two-storey and two (2) two-storey with loft grouped dwellings at No.20 Monmouth Street. The application was withdrawn.
- 4 May 2007                A subdivision application was submitted for the amalgamation of No.137 Walcott Street and No.20 Monmouth Street. This application is being held in abeyance until such time the Town determines the development application or if the Western Australian Planning Commission decides to determine the subdivision application with or without the Town's advice or if the applicant chooses to withdraw the application.
- 4 May 2007                A subdivision application was submitted for the survey strata of No.137 Walcott Street and No.20 Monmouth Street. This application is being held in abeyance until such time the Town determines the development application or if the Western Australian Planning Commission decides to determine the subdivision application with or without the Town's advice or if the applicant chooses to withdraw the application.
- 18 December 2007        Council at its Ordinary Meeting approved the initiation of the dedication process for the right-of-way bounded by William, Monmouth, Forrest and Walcott Streets, North Perth.



**DETAILS:**

The proposal involves the proposed demolition of two (2) existing single houses and construction of eight (8) two-storey single houses. Access to the site is via Monmouth Street.

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

**ASSESSMENT:**

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	No.137 Walcott Street= 7 dwellings- R 60  No.20 Monmouth Street= 3 dwellings- R40	6 dwellings= R 42.7  2 dwellings= R 27.7	No variation.
Building Setbacks:  Unit 1  First Floor  East- Walcott Street frontage  North side    Unit 2  First Floor  East- Walcott Street frontage  Unit 3  Ground Floor  South side	    6 metres  2.1 metres    6 metres    1.5 metres	    4 metres/3.1 metres  1.9 metres    4 metres/3.1 metres    1.5 metres/1.05 metres	    Not supported - refer to "Comments Section" below.  Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.    Not supported - refer to "Comments Section" below.    Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.

Boundary Walls	Average Height= 3 metres Maximum Height= 3.5 metres	3.5 metres 3.686 metres	Not supported – as it results in an undue impact on the adjoining property. If this application is supported a condition of planning approval is for the boundary wall to comply with an average height of 3.25 metres and maximum height of 3.5 metres. An average height of 3.25 metres can be supported as it would not have an undue impact on the neighbouring property.
First Floor			
East- Walcott Street frontage	6 metres	4 metres/3.1 metres	Not supported - refer to “Comments Section” below.
South side	1.3 metres/2.3 metres	1.1 metres/1.2 metres/1.9 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Unit 4			
Ground Floor-South side	1.5 metres	0.75 metre to 1.2 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
First Floor-South side	1.3 metres	0.75 metre to 1.2 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Unit 5			
Ground Floor-South side	1.5 metres	0.75 metre to 1.2 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.

First Floor- South side	1.3 metres	0.75 metre to 1.2 metres	Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
North side	2.5 metres from right-of-way	2 metres	Supported - as a relatively small part of the building will encroach into the 2.5 metres setback which is an internal right-of-way. As such, the variation will not impact on the streetscape of the right-of-way.
Unit 6			
Ground Floor- South side	1.8 metres	0.75 metre to 1.2 metres	Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
First Floor- South side	1.3 metres	0.75 metre to 1.2 metres	Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
North side	2.5 metres from right-of-way	2 metres	Supported - as a relatively small part of the building will encroach into the 2.5 metres setback which is an internal right-of-way. As such, the variation will not impact on the streetscape.
Unit 7			
Ground Floor- South side	1.5 metres	1 metre to 1.6 metre	Supported - as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.

Boundary Walls-South side	Average Height= 3 metres  Maximum Height= 3.5 metres	Average Height= 3.6 metres  Maximum Height = 4.15 metres	Not supported – as it would result in an undue impact on the adjoining property. If this application is supported a condition of planning approval will require the boundary wall to comply with an average height of 3.25 metres and maximum height of 3.5 metres. An average height of 3.25 metres can be supported as it would not have an undue impact on the neighbouring property.
First Floor			
West-Monmouth Street Frontage	6 metres	3.474 metres/4.364 metres	Not supported - refer to “Comments Section” below.
South side	3 metres	1.195 metres to 1.895 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Unit 8			
Ground Floor-North side	1.5 metres	0.971 metre	Supported – as the variation will not unduly impact on the streetscape of the right of way.
First Floor-West-Monmouth Street Frontage	6 metres	3.474 metres/4.364 metres	Not supported - refer to “Comments Section” below.
North side	1.5 metres	1.195 metres to 1.895 metres	Supported – as the variation will not unduly impact on the streetscape of the right of way.

Open Space	45 per cent	Unit 4= 42.13 per cent Unit 5= 40.9 per cent Unit 6= 40.9 per cent	Supported - as the houses will be facing a right-of-way which will create a greater sense of openness space. Moreover, if this proposal is considered as a survey strata, then the right-of-way would have been considered as common property and each lot would be entitled to a proportionate share of common property to add to each of the exclusive lot areas for the purpose of calculating open space and would comply with the open space.
Height	Top of external wall (concealed roof)= 7 metres	Unit 1= 7.8 metres Unit 2= 7.8 metres Unit 3= 7.8 metres Unit 4= 8.086 metres Unit 5= 8.086 metres Unit 6= <del>8.086</del> 8.6 metres Unit 7= 8.1 metres Unit 8= 7.23 metres	Supported - given that the proposed dwellings could have been constructed with roof pitch of 9 metres above the natural ground level. Therefore, the variations will not unduly impact on the surrounding area in terms of visual amenity.
Site Works South Side	Retaining wall height not more than 0.5 metre above the natural ground level	0.5 metre to 1.35 metres	Supported – as the retaining walls are stepped which reduces the visual impact on the adjoining neighbours. There is also less impact in terms of ventilation and sunlight.
	Fill not more than 0.5 metre above the natural ground level	0.5 metre to 1.35 metres	Supported – as the dwellings have been designed to step with the natural topography which reduces the visual impact on the adjoining neighbours.
	Setback of retaining wall=1.5 metres form the southern boundary	‘Nil’ setback	Supported – as the retaining walls have been stepped which reduce the impact on the adjoining neighbours in terms of visual impact, ventilation and sunlight.

<p>Privacy</p>	<p>Bedroom Window - 4.5 metres from boundary</p>	<p>Unit 1- bedroom 1 window (first floor) is setback 4 metres from the northern boundary.</p> <p>Unit 3 – bedroom 1 windows (first floor) are setback 3 metres and 4.4 metres from the southern boundary.</p> <p>Unit 3-bedroom 3 window (first floor) is setback 1.2 metres from the southern boundary.</p> <p>Unit 4- bedroom 1 window (first floor) is setback 3 metres from the southern boundary.</p> <p>Unit 5 - bedroom 1 window is setback 3 metres from the southern boundary.</p> <p>Unit 6- bedroom 1 window (first floor) is setback 3 metres from the southern boundary.</p>	<p>Not supported – as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the finished floor level.</p> <p>Not supported – as it results in an undue visual/privacy impact on adjacent property, and windows should be screened 1.6 metres above the finished floor level.</p> <p>Not supported- as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the floor level.</p> <p>Not supported –as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the floor level.</p> <p>Not supported – as it results in an undue visual/privacy impact on adjacent property. Window should be screened 1.6 metres above the finished floor level.</p> <p>Not supported - as it results in an undue visual/privacy impact on neighbouring property. Windows should be screened 1.6 metres above the finished floor level.</p>
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<b>Consultation Submissions</b>		
Support (Nil)	Nil	Noted
Objections (6)	<p>Concern that the natural ground level is incorrect and the developer has not conducted a cadastral survey of the boundaries nor indicated on the plans the location of existing fences and boundary structures.</p> <p>Concerns that the removal of the existing palm tree could damage the adjoining property.</p> <p>The windows would result in overlooking into the adjoining properties.</p> <p>Concerns that there are no visitors bays provided. There will be an increase of illegal parking on the adjoining property. How does Council intend the adjoining properties to police this and enforce it properly?</p> <p>Concerns about the level of noise that will occur during construction.</p> <p>Plot Ratio requirement of 0.65 should be enforced.</p> <p>The building does not comply with the street setback which will impact on the streetscape.</p>	<p>Not supported - as the applicant has confirmed that the ground levels have been provided by a Licensed Land Surveyor. The adjoining buildings are shown on the existing site plan.</p> <p>Not supported – as it is a civil matter between the owners of subject property and the adjoining property.</p> <p>Supported - refer to comments in assessment table above.</p> <p>Not supported - as the application is for single houses. There is no requirement for the provision of visitors parking as each single house is required to provide only 2 car bays for the occupants of each site. Any unauthorised car parking on the adjoining property is a civil matter.</p> <p>Not supported - as the applicant will have to comply with the relevant noise regulations.</p> <p>Not supported – as the Residential Design Codes 2008 do not have plot ratio requirements for sites that are R 60 and below for single or grouped dwellings.</p> <p>Supported - refer to “Comments Section” below.</p>

	<p>How will be the existing building structures on the south east boundary be protected?</p> <p>Boundary walls will impact on the adjoining property.</p> <p>The required setbacks should be enforced.</p> <p>The development should comply with the required open space.</p> <p>Fill and Retaining walls will impact on the adjacent properties.</p>	<p>Not supported – as the proposed boundary walls will be contained within the subject property and the applicant will have to submit a structural engineering report at the Building Licence Stage.</p> <p>Supported in part - refer to comments in the assessment table above.</p> <p>Not supported - refer to comments in the assessment table above.</p> <p>Not supported - refer to comments in the assessment table above.</p> <p>Not supported- refer to comments in the assessment table above.</p>
<p>Comments:</p>	<p>Specify what the exact difference in height the ground level will be between lot 3 and the adjoining property.</p> <p>Construction material specification and exact height of retaining walls.</p> <p>Construction material specification and exact height of fences.</p>	<p>Supported - the proposed retaining wall along the boundary will have a maximum height of 1.1 metres from the natural ground level.</p> <p>Not supported – as the proposed heights of retaining walls are noted on the plans. The design and specification of the retaining walls will be detailed at the Building Licence stage.</p> <p>Not supported – as the applicant has confirmed that the fences will be standard domestic fencing of either corrugated cement fibre or colourbond metal panel fences. With regard to height, the applicant will have to comply with the requirements of the Local Laws.</p>



	<p>No drainage specification has been provided.</p> <p>Will the Town Health Services able to supply rat bait once demolition commences?</p> <p>Can the Town recommend an independent third party in case damage is done to our property during construction?</p> <p>Builders contact details in case any problems arise during construction.</p> <p>Will the laneway be re-opened to help the increase of local traffic? The traffic flow is to be made one-way only.</p>	<p>Not supported - as this matter will be dealt with at the Building Licence Stage. The applicant will have to comply with the requirements of the Town.</p> <p>Not supported – as the Town only provides rat baits to its Seniors.</p> <p>Not supported – as this is a civil matter between both affected parties. The Town’s practice is that it does not provide advice on who should be consulted for advice on these matters.</p> <p>Noted - The applicant has confirmed that at this stage there has been no appointment of a builder.</p> <p>Supported in part-Council at its Ordinary Meeting held on 18 December 2007 approved the initiation of the process for the right-of-way bounded by William, Monmouth, Forrest and Walcott Streets, North Perth. The Town at present has not made a decision whether the traffic flow should be one or two way.</p>
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**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:

### Demolition

No. 137 Walcott Street, Mount Lawley

The dwelling at No. 137 Walcott Street is an example of the Post-war Contemporary style. It was built in 1963, and is representative of the development of Perth suburban architecture during the post-war period. Interestingly, the existing dwelling incorporates an earlier dwelling which was built around 1904. Extensive alterations and extensions to the original dwelling has resulted in very little of the original dwelling remaining.

A full heritage assessment was undertaken for No. 137 Walcott Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

No. 20 Monmouth Street, Mount Lawley

The dwelling at No. 20 Monmouth Street was built in 1922, and is an example of the Federation Bungalow style. The dwelling was built on the property relatively late in the development of this area. The land was originally owned by the owners of Lot 4 (No. 137 Walcott Street), who sold it in 1919.

A full heritage assessment was undertaken for No. 20 Monmouth Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to conditions.

### Department for Planning and Infrastructure (DPI)

The application was referred to Department for Planning and Infrastructure as the proposed development fronts Walcott Street which is an Other Regional Road Reservation and is subject to future road widening.

DPI has responded by stating the Department would be prepared to support the proposal subject to the following requirements:

*“The development being consistent with ORR reservation boundary for Walcott Street in the MRS, as per the attached WAPC land Requirement Plan number 1.3155/1; and Council's setback requirements for Walcott Street are in addition to the ORR reservation boundary for Walcott Street in the MRS.”*

The amended plans submitted show that the buildings are setback at 4 metres from Walcott Street which will not impact on the road reservation. The Town's Officers consider that the street setback should be taken from the Walcott Street Road Reserve and not in addition to the road reservation. As such, the amended plans comply with the requirements of DPI.

### Redevelopment

The applicant's submission for the front setbacks variation for the upper floors facing Walcott Street and Monmouth Street have been noted. The Town's Officers consider that the front setbacks will have an undue impact as the built form will dominate the streetscape, resulting in a discontinuity of the existing streetscape.

In light of the above, the development proposal is recommended for refusal.

Director Development Services Comments:

Walcott Street and this portion of Monmouth Street is not an identified streetscape as outlined in the draft Streetscape Policy approved for advertising by the Council at its Ordinary Meeting held on 27 May 2008.

In addition, once the ORR reservation boundary for Walcott Street is implemented, this will inevitably further alter the streetscape quite considerably.

As mentioned in the Assessment Table, the maximum and average height of Units 3 and 7 have been appropriately conditioned to be reduced in height which will partly address the concerns raised by the adjoining landowner.

The proposed development is of a high quality and contemporaneous in nature, and will assist in revitalising the area, providing a catalyst for other sites to be developed in the same manner.

After consideration of the applicant's submission, given that there is no robust streetscape along Walcott Street and Monmouth Street within close proximity of the subject sites and the development is of high quality standard, the Director Development Services has amended the report to recommend approval.

**10.1.1 Nos. 68-72 (Lot: 801 D/P: 49554) Loftus Street, corner Kingston Avenue, West Perth - Proposed Construction of Eleven (11) Two-Storey Single Bedroom Grouped Dwellings and one (1) Single Storey Grouped Dwelling (Mobility Unit)**

<b>Ward:</b>	South	<b>Date:</b>	16 June 2008
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO4234; 5.2007.478.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Paul Meschiati & Associates Pty Ltd on behalf of the owner Department of Housing & Works for proposed Construction of Eleven (11) Two-Storey Single Bedroom Grouped Dwellings and one (1) Single Storey Grouped Dwelling (Mobility Unit), at Nos. 68-72 (Lot:801 D/P: 49554) Loftus Street, corner Kingston Avenue, West Perth and as shown on revised plans stamp-dated 19 November 2007, and 15 and 19 May 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, 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, non-residential activities;*
  - (b) *the Town of Vincent will not issue a visitor or 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;*
  - (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (d) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans.*

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

- (iii) *any new street/front wall, fence and gate within the Kingston Avenue and Loftus 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;*
- (iv) *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;*
- (v) *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;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *stores for units 1 and 2 shall be setback 0.5 metre from the eastern lot boundary;*
  - (b) *the driveway for the first 6 metres from the front lot boundary adjacent to Kingston Avenue shall be a minimum of 5 metres in width;*
  - (c) *the provision of a 1.5 metres by 1.5 metres truncation of the pedestrian walkway directly opposite carport No.8 to allow adequate manoeuvring for units 8, 10 and 11; and*
  - (d) *increase in the dividing fence height between Nos. 68-72 Loftus Street and No.155 Carr Street to 2.2 metres, subject to both affected landowners agreeing to the increase in heights;*
  - (e) *the maximum height of piers for the entry statement with decorative capping being 2.0 metres and the solid portion of the letterbox being a maximum height of being 1.2 metres above the adjacent footpath level; and*

- (f) *incorporation of design features or similar to the first floor walls on the northern elevation of units 10 and 11.*

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

- (vii) *first obtaining the consent of the owners of No. 62 Kingston Avenue and No. 155 Carr 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. 62 Kingston Avenue and No. 155 Carr Street in a good and clean condition; and*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping of the Kingston Avenue and Loftus Street verges adjacent to and within 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).*

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**Moved Cr Farrell, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Cr Messina departed the Chamber at 7.14pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.16pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

*That clause (vi) (e) be amended as follows:*

*“(vi)(e) the maximum height of piers for the entry statement with decorative capping being 2.0 metres and the solid portion of the letterbox being 1.2 metres above the adjacent footpath level; and”*

Debate ensued.

**AMENDMENT PUT AND CARRIED (6-2)**

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

(Cr Ker on approved leave of absence.)

Debate ensued.

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

(Cr Ker on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.1**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Paul Meschiati & Associates Pty Ltd on behalf of the owner Department of Housing & Works for proposed Construction of Eleven (11) Two-Storey Single Bedroom Grouped Dwellings and one (1) Single Storey Grouped Dwelling (Mobility Unit), at Nos. 68-72 (Lot:801 D/P: 49554) Loftus Street, corner Kingston Avenue, West Perth and as shown on revised plans stamp-dated 19 November 2007, and 15 and 19 May 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, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, 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, non-residential activities;*
  - (b) the Town of Vincent will not issue a visitor or 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;*
  - (c) a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (d) the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans.*

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

- (iii) any new street/front wall, fence and gate within the Kingston Avenue and Loftus 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;*
  - (iv) *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;*
  - (v) *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;*
  - (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (a) *stores for units 1 and 2 shall be setback 0.5 metre from the eastern lot boundary;*
    - (b) *the driveway for the first 6 metres from the front lot boundary adjacent to Kingston Avenue shall be a minimum of 5 metres in width;*
    - (c) *the provision of a 1.5 metres by 1.5 metres truncation of the pedestrian walkway directly opposite carport No.8 to allow adequate manoeuvring for units 8, 10 and 11; and*
    - (d) *increase in the dividing fence height between Nos. 68-72 Loftus Street and No.155 Carr Street to 2.2 metres, subject to both affected landowners agreeing to the increase in heights;*
    - (e) *the maximum height of the solid portion of the letterbox being a maximum height of being 1.2 metres above the adjacent footpath level; and*
    - (f) *incorporation of design features or similar to the first floor walls on the northern elevation of units 10 and 11.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies and the Residential Design Codes;*
- (vii) *first obtaining the consent of the owners of No. 62 Kingston Avenue and No. 155 Carr 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. 62 Kingston Avenue and No. 155 Carr Street in a good and clean condition; and*



- (viii) *a detailed landscaping plan, including a list of plants and the landscaping of the Kingston Avenue and Loftus Street verges adjacent to and within 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).*

<b>Landowner:</b>	Department of Housing and Works
<b>Applicant:</b>	Paul Meschiati & Associates Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1945 square metres
<b>Access to Right of Way</b>	Not applicable

#### **BACKGROUND:**

No specific background directly relates to the proposal.

#### **DETAILS:**

The proposal involves the construction of eleven (11) two-storey single bedroom grouped dwellings and one (1) single storey grouped dwelling (mobility unit) by the Department of Housing and Works. Vehicular access to the site is via Kingston Avenue only.

Given the proposal involves public works, Planning Approval is required from the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS).

The applicant's submission, which also includes a comprehensive response to the concerns raised during the advertising period, is "*Laid on the Table*".

A summary of the response and details of the proposal are as follows:

- Units 1-6 have been pushed back further from the eastern boundary, thus breaking building mass and also result in breezes being less affected.
- Stores for units 1 and 2 have been moved 1 metre from the eastern boundary.
- Driveway has been modified to address concern on vehicle speeds.
- First floor windows along eastern elevation have been made into highlight windows, even though they comply with the R Codes. This includes windows along Loftus Street being in compliance.
- All courtyards are in compliance with the R Codes.
- All car parking is contained on site.
- The leasing and management of the housing accommodation will be managed by the Department of Housing.
- The dwellings will not be sold and tenants will generally have permanent leases.
- The occupiers will be single tenants.

**ASSESSMENT:**

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

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	14.7 single bedroom grouped dwellings and 1 two bedroom grouped dwelling R 60.	11 single bedroom grouped dwellings and 1 two bedroom grouped dwelling (mobility unit) R 42.82.	Supported.
Boundary fencing along the eastern boundary	1.8 metres in height as per the Town Fencing By-laws.	2.2 metres in height.	Supported - as it maintains the current height of fence on the eastern boundary. The affected landowners have not objected to the same fence height being maintained.
Front entry statement and letter box	Maximum height of piers to be 2 metres with capping	Height of 3.3 metres	Not supported - as the structure would result in undue impact on the streetscape, and has been conditioned to comply.
Open space- Unit 4	48.15 square metres	46.62 square metres	Supported - as the total open space required for the site is 875 square metres and provided is 1150.42 square metres. The variation is considered minor in this instance and would not result in an undue impact on the amenity of residents within the development or surrounding area.
Unit 5	48.30 square metres	47.02 square metres	Supported -as above.
Unit 7	84.43 square metres	67.55 square metres	Supported -as above.
Unit 8	47.77 square metres	43.36 square metres	Supported -as above.
Unit 9	48.12 square metres	43.8 square metres	Supported -as above.
Building setback for stores along Loftus Street	1.5 metre	0.7 metre	Supported - as the stores are partly concealed by landscaping, and the applicant has incorporated design features to reduce any potential visual impact of the store walls.

<b>Consultation Submissions</b>		
Support (Nil)	Noted	Noted.
Objection (8)	The proposal significantly increases the residential dwellings in the area which abuts a single residential dwelling to the east, and in recognition of this increased density, the eastern setbacks should be increased to provide greater separation.	Not supported – as the setbacks proposed are in accordance with the R Codes.
	The issue of inappropriate interface is further exacerbated by the stores on the eastern boundaries.	Not supported – as 2 of the 4 stores have been setback away from the eastern boundary.
	Requested that the internal access driveway be relocated on western boundary to reduce amount of driveway material and provide opportunity to create additional internal communal area, separated from internal traffic from proposed units.	Supported – as the applicant has made minor modification to the driveway so as to further improve the internal traffic circulation of vehicles on site.
	Create a consolidated open space area adjacent to units 8, 9, 10 and mobility unit No.7.	Not supported – as individual open space has been provided, which improves the amenity in terms of open space for each dwelling, consistent with the requirements of the R Codes.
	Provision of a pedestrian link from consolidated open space to existing footpath along Loftus Street. Suggest that the driveway width at the pedestrian crossing be reduced to 3 metres to address safety and internal vehicle speeds.	Not supported – as a separate pedestrian accessway has been provided for the residents.
	Requested that greater building separation be provided between units 2-3 and 4-5, which will assist in reducing overall building bulk, which overwhelms the adjoining single residential dwellings. This will accommodate breeze circulation and sun penetration for adjoining single residential dwelling.	Not supported – as the site poses minor design constraints due to its shape and orientation, including access restrictions. The revised plans provide improved relief to the building bulk claims.
	It appears that the second storey rear windows on the eastern side for units 1-6 do not comply with the relevant setback and privacy requirements of the R Codes, and should be made to comply with setback, redesigned as highlight windows only and or screened or treated with opaque glass to prevent overlooking.	Not supported – as all the first storey windows are highlight windows. The privacy requirements of the R Codes have been complied with.

	Upstairs windows to units 11, and to a lesser extent unit 12, have direct visual access into adjacent outdoor living area, which is an untenable intrusion of privacy and significantly impact on amenity of courtyard. Suggest fixed opaque windows or window 1.7 metres above floor level and/or screen planting. Furthermore, the side setback should be increased from the proposed 1.5 metres.	Not supported – as all the first storey windows are highlight windows. The privacy and setback requirements of the R Codes have been complied with.
	Overlooking from upstairs of units 3, 4, 5 and 6.	Not supported – as above.
	Auditory impact on courtyard, as there is no mechanism to counter loss of auditory privacy from the two proposed adjacent courtyards of units 11 and 12.	Not supported- as this is not a valid planning consideration.
	Increase northern setback from 1.5 metres to 3 metres for unit 10, as the proposed setback will have a negative visual impact and reduce access to breeze to courtyard and living spaces in house. This 3 metres area should be used for suitable landscaping taking into consideration the above matters.	Not supported – as the setbacks are compliant with the R Codes.
	Unit 10 carport to be secured to prevent public access to the boundary of No.155 Carr Street.	Not supported – as this is not a requirement of the R Codes.
	Fence height between subject site and No.155 Carr Street be increased to 2.2 metres.	Supported – <u>as this height of 2.2 metres has been denoted on the site plans for the length of the fence adjacent to No. 62 Kingston Street only. The height of the fence shown on the site plan indicates a height of 1.8 metres only for the length of the fence adjacent to No. 155 Carr Street. An appropriate condition has been recommended to this effect..</u>
	On-street car parking along Kingston and Avenue and Carr Street is already constrained.	Noted - All car parking for the subject development is contained on-site. Moreover, a condition has been recommended not to issue on-street visitor or owner car parking permits associated with the above site.

	Adverse visual impact of 12 rubbish bins along cul-de-sac.	Not supported- as the bins would only be placed on the street verge during pick-up days, similar with other unit developments within the Town.
	The 0.7 metre setback to stores facing Loftus Street.	Not supported – as the setbacks will not affect the Loftus Street streetscape. Design features have been incorporated on the side elevation of the stores along the Loftus Street elevation.
	Traffic congestion along Kingston Avenue, which is not wide enough to handle a large volume of traffic and compounded by additional street car parking, as most residences do not have on-site car parking. To reduce traffic, half the traffic from this site should be diverted to Carr Street.	Not supported – as Kingston Avenue is a residential street and is capable of accommodating the increase in residential traffic movements.
	Decreasing the number of dwellings will enable the non-compliances to be met and also addressing concerns relating to loss of privacy and traffic congestion.	Not supported – as the variations proposed are considered acceptable and would not result in undue impact on the amenity of the area.
Comments (1)	All car parking should be contained on-site.	Supported – has been complied with.
	No residential car parking permits to be issued to residents and owners of this development.	Supported – and has been conditioned.
	Road side signage to be improved to incorporate no parking on verge around court.	Not supported – as there is currently adequate signage to manage the concern raised.
	The development is designed in such a manner to take into account noise from residents onto adjacent property.	Noted.
	Compliance with approved work times, including within noise limits.	Supported – as this is a standard requirement under State Legislation.
	Proposal should not obstruct the views to the south, south-west of property at No.63 Kingston Avenue.	Not supported – as the proposal is a standard two-storey residential development.
	Replacement of mature trees if removed from the subject site.	Not supported – as there is no requirement to do so. The applicant is required to comply with the landscaping plan provided with the proposal.

	Provision of screening landscaping along the northern boundary.	Not supported – as there is no requirement to impose the above requirement.
<b>Other Implications</b>		
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:**

**Technical Services**

Technical Services have advised that the following requirements have to be complied with:

- The first 6 metres of the internal driveway from the lot boundary is required to be a minimum of 5.5 metres in width, which may be reduced to 5 metres;
- The provision of a 1.5 metres by 1.5 metres truncation of the pedestrian walkway directly opposite carport No.8 to allow adequate manoeuvring for units 8, 10 and 11; and
- Compliance with the bin pick-up requirements of the Town.

**Conclusion**

The proposal would provide much needed public housing within the Town and is located in close proximity to major transportation routes. The application is considered acceptable and would not result in any an undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters, scale and nature of the development.

**10.1.6 Final Adoption of Amended Policy No. 3.5.13 Relating to Percent for Public Art**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 June 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0198
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final version of the Amended Policy No.3.5.13 relating to Percent for Public Art as shown in Appendix 10.1.6; resulting from the advertised version having been reviewed and with regard to nil submissions received during the formal advertising, in accordance with Clauses 47(4), and (5) (a) of the Town's Town Planning Scheme No.1;*
- (ii) *ADOPTS the final version of the Amended Policy No.3.5.13 relating to Percent for Public Art, as shown in Appendix 10.1.6 in accordance with Clause 47 (5) (b) of Town Planning Scheme No.1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of Amended Policy No.3.5.13 relating to Percent for Public Art,, as shown in Appendix 10.1.6, in accordance with Clause 47 (6) of Town Planning Scheme No.1.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

Cr Youngman departed the Chamber at 7.22pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Messina**

*That clause 6(v) of Policy 3.5.13 be deleted and remaining clauses renumbered.*

Debate ensued.

Cr Youngman returned to the Chamber at 7.24pm.

Debate ensued.

**AMENDMENT PUT AND CARRIED (5-3)**

**For**  
Mayor Catania  
Cr Lake  
Cr Maier  
Cr Messina  
Cr Youngman

**Against**  
Cr Burns  
Cr Doran-Wu  
Cr Farrell

(Cr Ker on approved leave of absence.)

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

(Cr Ker on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to present the Council with the outcomes of the advertising period relating to the Amended Policy No.3.5.13 – Percent for Public Art and to adopt the final version of this Policy.

**BACKGROUND:**

- |                |   |
|----------------|---|
| 24 August 1998 | The Council at its Ordinary Meeting adopted a Policy relating to Percent for Art.   |
| 27 March 2001  | Planning and Building Policy No. 3.5.13 relating to Percentage for Public Art was adopted by the Council at its Ordinary Meeting.   |
| 9 March 2004   | The Town's Policy No. 1.1.8 - Percent for Art Scheme was amended.   |
| 13 March 2007  | The Council at its Ordinary Meeting resolved to amend the Town's Policy No.1.1.8 – Percent for Art Scheme.  |
| 24 July 2007   | The Council at its Ordinary Meeting considered the Town's Policy No. 1.1.8 – Percent for Art Scheme, and approved in principle the amendments.  |
| 22 April 2008  | The Council at its Ordinary Meeting resolved the following:<br><br><i>“That the Council;</i><br><br><i>(i) RESCINDS the Town's Policy 1.1.8 – ‘Percent for Art Scheme’;</i><br><br><i>(ii) AMENDS Planning and Building Policy No. 3.5.13 relating to Percent for Public Art as shown in Attachment 10.1.13;</i><br><br><i>(iii) ADOPTS the Draft Amended Policy No. 3.5.13 relating to Percentage for Public Art in the interim until the formal adoption of the amended Policy;</i> |



- (iv) *ADVERTISES the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (v) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Amended Policy No. 3.5.13 relating to Percentage for Public Art, with or without amendment, to or not to proceed with it”.*

**DETAILS:**

The Draft Amended Policy No.3.5.13 relating to Percent for Public Art has been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No.1.

**CONSULTATION/ADVERTISING:**

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1. No submissions were received in relation to the Draft Amended Policy.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011: Natural and Built Environment –

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

Given that no submissions were received in relation to the Draft Amended Policy No.3.5.13 relating to Percent for Public Art, it is recommended that the Council adopt the final version of Policy No.3.5.13 relating to Percent for Public Art.

**10.1.7 Affordable Housing Strategy for the Town of Vincent**

<b>Ward:</b>	Both Wards	<b>Date:</b>	16 June 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0178
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(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;*

(ii) *ACKNOWLEDGES the dimensions of the affordability crisis being experienced in the housing market both regionally and locally;*

(iii) *LISTS the matter for further consideration and discussion at a Council Member Forum scheduled for 15 July 2008; and*

(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.*

~~(iii) — DEVELOPS strategies to:~~

~~(a) — mitigate the affordability crisis in the Town of Vincent;~~

~~(b) — ensure the Town of Vincent retains its remaining housing diversity and to expand this stock to adequately address the housing affordability needs among its current and future residents; and~~

~~(c) — meet the need for an expanded role in leading and coordinating locally appropriate housing reform, particularly in regard to housing affordability;~~

~~(iv) — AUTHORISES the Chief Executive Officer to:~~

~~(a) — DEVELOP an Affordable Housing Policy to encompass the following strategic objectives:~~

~~(1) — clarifies the Town's position and intentions and provides direction for ongoing policy review and regulatory reform;~~

~~(2) — fosters and facilitates local leadership and partnerships;~~

~~(3) — fosters financial independence and accountability;~~

~~(4) — encourages and facilitates housing diversity; and~~

~~(5) — creates mechanisms/incentives to encourage and resource affordable housing;~~

- ~~(b) — PURSUE discussions with local service providers and institutions, with a view to servicing the affordable housing needs of the Town's residents, including Foundation Housing and the Bendigo Bank, to define mutually beneficial partnership arrangements and the prospect of establishing a dedicated trust fund to provide the financial service capacity to receive, manage and direct funds towards the development of affordable housing;~~
- ~~(c) — CONSIDER and ADDRESS the objective to retain and expand upon the existing diversity of affordable housing within Town as a guiding principle to be in-bedded within the Town's existing and future policies and practises, and in the new Town Planning Scheme. Such activities would include but not be limited to:~~
- ~~• Aged housing development and support initiatives;~~
  - ~~• Student housing development initiatives;~~
  - ~~• Lodging housing retention strategy;~~
  - ~~• Ancillary housing policy review;~~
  - ~~• Identified sites for industry tied housing;~~
  - ~~• Affordable housing models aligned with public transport nodes;~~
  - ~~• Facilitating and monitoring the appropriate provision of special needs housing~~
  - ~~• Facilitating and monitoring the appropriate provision of public housing; and~~
  - ~~• Community education and engagement; and~~
- ~~(d) — DEVELOP mechanisms and incentives to encourage and resource the development of affordable housing. Such activities would include but not be limited to:~~
- ~~• Identifying strategic sites and zones to facilitate the provision of housing diversity developed by developers and homeowners;~~
  - ~~• Identifying underutilised sites that could be developed into affordable housing;~~
  - ~~• Developing an inclusionary zoning clause within the affordable housing policy to both generate funds and encourage the direct development of affordable housing; and~~
  - ~~• Creating incentives including development bonuses to negotiate with private sector developers and community housing providers to facilitate increased levels of affordable housing provision; and~~
- ~~(v) — NOTES that a Working Group comprising Town Officers will be formed to progress the recommendations of the Affordable Housing Strategy and submit further reports to the Council on the timeline and implementation of the Recommendations.~~

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

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**Moved Cr Doran-Wu, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 7.28pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.29pm.

Debate ensued.

#### AMENDMENT

Moved Cr Maier, Seconded Cr Burns

*That a new clause (vi) be added as follows:*

“(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.*”

Debate ensued.

#### AMENDMENT PUT AND CARRIED (7-1)

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

(Cr Ker on approved leave of absence.)

Debate ensued.

#### MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Ker on approved leave of absence.)

#### COUNCIL DECISION ITEM 10.1.7

*That the Council;*

- (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;*
- (ii) *ACKNOWLEDGES the dimensions of the affordability crisis being experienced in the housing market both regionally and locally;*
- (iii) *LISTS the matter for further consideration and discussion at a Council Member Forum scheduled for 15 July 2008;*

- (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.*

**ADDITIONAL INFORMATION:**

It is considered appropriate that the matter be listed for further consideration and discussion at a Council Member Forum on 15 July 2008, given the complexity and potential impact of the Draft Affordable Housing Strategy Report recommendations on the Town's Administration and for the Consultants to clarify the implications of the Officers recommendations contained in the Agenda Report.

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**PURPOSE OF REPORT:**

The purpose of this report is to provide an update to the Council regarding the Affordable Housing Strategy. The Consultants submitted an 'Analysis and Prospects Discussion Paper' along with a table of *Strategic Initiatives* to the Town on 13 June 2008.

**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.

**DETAILS:**

The Consultants preparing an Affordable Housing Strategy for the Town of Vincent submitted an 'Analysis and Prospects Discussion Paper' to the Town on 13 June 2008. The Executive Summary is outlined as follows:

*"The report offers a broad response to the brief. It suggests a range of concrete measures through which Council can achieve its priorities. This report is presented in three parts. Part One provides an overview of the changing housing and planning policy environment. Part Two analyses the key housing and demographic trends in the Town of Vincent. It identifies the critical issues for affordable housing and the challenges presented by gentrification which consequently limit housing diversity and access. Part Two also explores the relationship between affordable housing, diversity and the planning framework. Part Three considers the strategic potential of an affordable housing strategy in the Town of Vincent. It proposes a series of principles and objectives and considers the actions, stakeholders and resources necessary to achieve these outcomes in their entirety. Part Three draws together the disparate strands that constitute responsive and sustainable housing for the future, including leadership, policy, finance, partnership and resourcing.*

*This strategy provides a holistic overview of the foundations for an appropriate and affordable housing strategy for the Town of Vincent. It can however be used in part or staged depending upon the demand, Council commitment and the availability of external resources.*

*In summary, the report identifies:*

- *Local governments in Australia have traditionally not been significantly involved with affordable housing, however this situation is changing rapidly as governments at every level begin to respond to what is increasingly understood as a widespread and protracted crisis with housing affordability.*
- *Federal and State government initiatives include significant additional funding and policy direction.*
- *The Department of Infrastructure Planning (DPI) is encouraging housing reform and is active in strategic sites such as the Leederville Train Station Precinct.*
- *The Department of Housing and Works (DHW) has dedicated \$450 million to the community housing sector to partner with local governments to develop affordable housing.*
- *In Australia, local housing strategies are currently being promoted as a way of achieving a comprehensive framework for local government housing activities' including sustainability and affordability.*
- *An affordable housing strategy is a supplement to a local housing strategy. It focuses on resourcing and directing actions including policy formulation that address a community's needs for affordable housing.*
- *There are several examples of affordable housing strategies being successfully implemented by other inner city local authorities in Australia, and in response to similar housing issues and challenges.*
- *Much is expected of the Community Sector in responding to the housing crisis in terms of both provision and support. Policy and funding initiatives at all government levels are recognising this through increased funding and enablement policies.*
- *The capacity for community involvement with affordable housing in the Town is very high. There is a full range of local housing services providers, together with community oriented banking intuitions, and supporting social service organisations.*
- *The local community housing provider is equipped and has a development budget of \$60 million to build affordable housing in partnership arrangements with local governments together with social service providers and community organisations.*
- *The Perth metropolitan area is facing a severe and protracted housing shortage that has emerged through continuing high rates of in-migration, and a down turn in new housing construction.*
- *The vacancy rate for rental property is less than one percent which is lower than any previous records. Recent rent increases in the order of 30-40% are not uncommon.*

- *Comparative sale price and rent data over the 1996-2008 period, indicate that housing affordability issues within the Town will tend to be more severe than for the metropolitan area generally.*
- *The added pressure of rising fuel and living costs will see further pressure to maximise the public transport services through increasing residential densities in inner city areas generally.*
- *Although much of the newer housing in the Town is medium and higher density apartments, the developments tend to target the higher end of the rental and owner-occupier markets.*
- *Despite the increasing housing densities, population densities remain low with an average household size of only 2.1 persons per dwelling. 31% of all households in the Town are sole person households.*
- *Homeownership within the Town is beyond the means of middle income households who are not already in the market. The sharp rise in rents erodes their savings and traps these people into renting. The knock-on effects impacting households on lower income levels, generates increasing housing stress, dislocation and homelessness.*
- *52% of the population did not live at the same address five years ago, and 25% had moved within the year prior to census.*
- *The change in population characteristics overtime indicate a wave of higher income people (professional couples and singles) moving in, and a wave of more diverse (young singles and couples, middle income families and pensioners) moving out.*
- *This trend underscores similar findings that indicate that transit oriented development is attracting the more affluent population cohorts and squeezing out people who depend on public transport and those who would most benefit from living close to a transit oriented development.*
- *The most pronounced trends over time within the Town are also in accord with the intense level of gentrification that has characterised the nature of residential development over the past 20 years. This is in keeping with trends unfolding in other inner inner-city areas of Perth, and elsewhere in Australia and internationally.*
- *This finding highlights the relevance of how other inner city local governments in Australia have addressed the impact of gentrification through their respective affordable housing strategies.*
- *The identification of the specific impacts of gentrification within the Town serves to justify the need for focussed intervention, and gives direction to the range of possible responses.*
- *Site visits, together with Interviews with residents experiencing housing stress and local housing service providers informed the analysis of the Town's affordable housing needs.*
- *An assessment of the Town's remaining affordable stock reveals an ongoing erosion of the previously rich diversity that houses some of the most vulnerable of the Town's residents.*

- *Public housing production has not kept up with the surge in needs, and only seven (7) dwellings were added to the stock of public housing in the Town over a fifteen year period 1996-2006.*
- *The planning framework and council policy in general has not significantly worked to encourage this diversity. There are also instances where the policies directly and indirectly undermine the prospects for affordable housing development, partially in respect to private and community housing provision.*
- *The report concluded that there is ample opportunity within the existing framework to adopt a proactive role in respect to encouraging and facilitating affordable housing diversity. The philosophy and principles of affordability should ideally be embedded more generally within planning policy and procedure rather than a standalone approach in the same way as sustainability concerns are considered.*
- *More specifically there are both strategic and statutory planning initiatives that can be used to mitigate the negative aspects of gentrification. There are also other activities and forms of facilitation from across Council's different departments, which, in conjunction with other agencies and service providers, can achieve the desired outcomes.*
- *An effective affordable housing strategy will need to foster partnerships and create resourcing mechanisms that will enable and facilitate private and community provision. Policy development and finance capacity building are also key factors along with stable support from Council.*
- *The possibilities for addressing the current and future needs for affordable housing in the Town are outlined in table format to provide an overview of how the different dimensions of an affordable housing strategy can link together and reinforce each other. Collectively they have been assembled to promote and inform discussion within Council and its departments.*
- *Ten recommendations have been offered for Council's consideration in respect to advancing the strategy through to implementation.*
- *The Town is in a strong position to encourage and facilitate the provision of affordable housing appropriate to the current and future needs of its residents.*
- *Towards this objective, there is no shortage of capacity, resources or funding within the Town's network of community service providers and agencies. What they seek most from the Council is leadership, facilitation and coordination.*
- *The report recommends the creation of an interdepartmental team (task group) to advance the affordable housing strategy through to implementation."*

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

As the draft strategy proposes long term and far reaching implications to landowners, developers and other stakeholders in the project area, it is considered appropriate that consultation with all landowners and stakeholders with respect to a draft Affordable Housing Strategy and/or Policy be implemented following adoption by the Council.

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

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.”*

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

The current 2007/2008 Budget allocates \$12,000 for the preparation of an Affordable Housing Strategy; however, the Council at its Ordinary Meeting held 4 December 2008 approved a quotation for \$54,633.72 and requested the Chief Executive Officer to identify a source of funds at the mid-year Budget review to cover the shortfall of funds for the proposed strategy.

### **COMMENTS:**

The Draft Strategy comprehensively addresses the required outcomes stated in the Project Brief and along with the report, includes a series of Appendices as follows:

*Appendix 1. Affordable Housing Strategic Partnerships – Working with Community Housing Providers*

This section details the role and mode of operation of Community Housing Providers and Managers of affordable housing stock, details the advantages and disadvantages and lists examples of how these partnerships currently operate.

*Appendix 2. Statutory Considerations*

This section outlines the current statutory requirements related to the Town of Vincent and then considers the range of changes which would be required to encourage and facilitate affordable housing within the Town.

*Appendix 3 A Community Profile and Housing*

This table details the current 2006 Census information relating to the population and housing stock within the Town of Vincent and the Perth Metropolitan Region.

*Appendix 4 Strategic Initiatives*

This series of tables outlines the Strategic Initiatives and their associated Principles and Objectives, including the key issues, actions, planning implications, stakeholders and resources, as a means of defining what is possible for the Town to encompass in an approach to affordable housing provision.

The report identifies that *‘Local governments in Australia have traditionally not been involved with affordable housing, however this situation is changing rapidly as governments at every level begin to respond to what is increasingly understood as a widespread and protracted crisis with housing affordability. ....’*

In this respect, it is considered that the Consultants' report clearly sets the scene for how and with whom the Council can progress an affordable housing agenda. Further to this, the report implicitly states that given the current statutory and policy provisions, along with the lack of appropriate State Government directives to provide affordable housing, the Town is not in a position to guarantee that what affordable housing is provided within the Town is allocated to serve its current and future residents needs. In this respect, the report details how the range of opportunities for affordable housing in the Town could be realised through partnerships with existing, experienced affordable housing providers.

The Report concludes with distinct **Recommendations** to the Council to progress the Town's ability to provide affordable housing as follows and notes that:

*"The Town is in a strong position to encourage and facilitate the provision of affordable housing appropriate to the current and future needs of its residents. Towards this objective, there is no shortage of capacity, resources or funding within the Town's network of community service providers and agencies. What they seek most from the Council is leadership, facilitation and coordination."*

**Recommendation 1**

*Acknowledge and understand the dimensions of the affordability crisis being experienced in the housing market both regionally and locally and then develop strategies to mitigate the crisis in the Town.*

**Recommendation 2**

*Develop strategies to ensure the Town retains its remaining housing diversity and to expand this stock to adequately address the housing affordability needs among its current and future residents.*

**Recommendation 3**

*Develop 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.*

**Recommendation 4**

*Authorise the creation of an interdepartmental team (task group) to advance the affordable housing strategy through to implementation.*

**Recommendation 5**

*Authorise the development of an affordable housing policy to encompass the scope of the following five strategic objectives:*

- *Clarifies the Town's position and intentions and provides direction for ongoing policy review and regulatory reform.*
- *Fosters and facilitates local leadership and partnerships*
- *Fosters financial independence and accountability*
- *Encourages and facilitates housing diversity*
- *Identifies Mechanisms/Incentives to Encourage/Resource Affordable Housing*

*An effective affordable housing strategy requires the integration of these mutually reinforcing strategic objectives.*

**Recommendation 6**

*Authorise Council's officers to pursue discussions with local service providers and institutions, including Foundation Housing and the Bendigo Bank, to define mutually beneficial partnership arrangements.*

*The most effective and resource efficient way to service the affordable housing needs of the Town's residents is to develop working partnerships with the existing network of local service providers and community based organisations.*

**Recommendation 7**

*Authorise Council's officers to discuss with the Bendigo Bank and Foundation Housing the prospects of establishing a dedicated trust fund to provide the financial service capacity to receive, manage and direct funds towards the development of affordable housing.*

*Affordable housing activities both require and generate funding streams. There are a variety of initiatives and mechanisms, including inclusionary zoning, which can unlock underutilised resources. There is considerable potential for attracting and leveraging government and private investment. These funds need to be managed accountably and be independent from Council's operating budget. Both Foundation Housing and the Bendigo Bank have valuable experience in this regard.*

**Recommendation 8**

*Retain and expand upon the existing diversity of affordable housing within Town's as a guiding principle to be in-bedded within Council's existing and future policies and practises.*

*The report concluded that there is ample opportunity within the existing framework to adopt a proactive role in respect to encouraging and facilitating affordable housing diversity. The philosophy and principles of affordability should be ideally be embedded more generally within planning policy and procedure rather than a standalone approach in the same way as sustainability concerns are considered.*

**Recommendation 9**

*Authorise officers to respond to the report's findings in respect to encouraging and facilitating housing diversity. Such activities would include but not be limited to:*

- *Aged housing development and support initiatives*
- *Student housing development initiatives*
- *Lodging housing retention strategy*
- *Ancillary housing policy review*
- *Identified sites for industry tied housing*
- *Affordable housing models aligned with public transport nodes*
- *Facilitating and monitoring the appropriate provision of special needs housing*
- *Facilitating and monitoring the appropriate provision of public housing*
- *Community education and engagement*
- *The report found that the planning framework and Council policy in general has not purposely worked to encourage housing diversity. There are also instances where policies directly and indirectly undermine the prospects for affordable housing development, particularly in respect to private and community housing provision.*

**Recommendation 10**

*Authorise officers to develop mechanisms and incentives to encourage and resource the development of affordable housing. Such activities would include but not be limited to:*

- *Identifying strategic sites and zones to facilitate the provision housing diversity developed by developers and homeowners;*

- *Identifying underutilised sites that could be developed into affordable housing;*
- *Developing an inclusionary zoning clause within the affordable housing policy to both generate funds and encourage the direct develop affordable housing;*
- *Creating incentives including development bonuses to negotiate with private sector developers and community housing providers to facilitate increased levels of affordable housing provision.”*

In light of the above, it is recommended that the Council adopts and implements, where appropriate, the range of recommendations detailed in the attached report relating to Affordable Housing in its current operations, and in particular, addresses the principles and recommendations in the Local Planning Strategy.

**10.1.8 Review and Update the Town of Vincent Car Parking Strategy**

<b>Ward:</b>	Both Wards	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Town of Vincent Car Parking Strategy Review (Draft Version) dated 16 June 2008, as "Laid on the Table" and circulated separately to Council Members; and*
- (ii) *NOTES that;*
  - (a) *the Town of Vincent Car Parking Strategy Review (Draft version) document will be presented for further consideration and discussion at a Forum scheduled for 15 July 2008;*
  - (b) *the Town's Administration will be providing further information and comment about the report and its Recommendations; and*
  - (c) *a further report on the timeline, financial/budget implications and implementation of the Recommendations is to be submitted to a Council Meeting in September 2008.*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

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

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide information to the Council regarding the Review and Update of the Town of Vincent Car Parking Strategy 2002.

**BACKGROUND:**

12 February 2002                      The Town's Car Parking Strategy 2002 was adopted by the Council at its Ordinary Meeting.

- 26 February 2008      The Council at its Ordinary Meeting considered and approved of an additional 16 Key Performance Indicators for the Chief Executive Officer. In particular, the Key Performance Indicator:
- “6 (n) 2.1.4 (b)
- Review and update the Town’s Car Parking Strategy, (January 2002) including a timeframe to implement recommendations.”*
- 11 March 2008      The Council at its Ordinary Meeting held on 11 March 2008, resolved the following:
- “That the Council APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$30,000 from Parking Income to carry out a review of the Town of Vincent Car Parking Strategy.”*
- 22 April 2008      The Council at its Ordinary Meeting resolved as follows:
- “That the Council;*
- (i)      *RECEIVES the Report relating to Appointment of a Consultant to Review and Update the Town of Vincent Car Parking Strategy;*
- (ii)     *APPROVES the quotation submitted by Luxmoore Parking Consulting Pty Ltd to Review and Update the Town of Vincent Car Parking Strategy, for the sum of \$48,928; and*
- (iii)    *REQUESTS the Chief Executive Officer to identify a source of additional funds of \$18,928 in the 2007/2008 Budget to cover the shortfall of funds for the Review and Update of the Car Parking Strategy.”*
- 17 June 2008      The Consultants, Luxmoore Parking Consultants Pty Ltd presented their Findings and Recommendations to a Forum.

**DETAILS:**

In accordance with the Council's decision to appoint Luxmoore Parking Consultants Pty Ltd and the requirements of the Project Brief for the Review and Update of the Town of Vincent's Car Parking Strategy, the Consultants delivered first and second versions of a draft Car Parking Strategy Review on 13 and 16 June 2008. The Executive Summary is outlined as follows:

*“The Town of Vincent (‘the Town’ or ‘Vincent’) prepared a Car Parking Strategy in 2002. Vincent requires that the Strategy is reviewed and updated. The 2002 Strategy addressed the existing car parking supply and demand and investigated those factors relating to future demand and management of car parking areas within the Town. The 2008 Car Parking Strategy Review is to be used as a reference document and covers the entire Town including areas affected by recent boundary changes. Surveys of supply and demand which were last undertaken in 2002 are not part of the scope of this review.*

*The 2002 Car Parking Strategy is a comprehensive, well researched report. With few exceptions, its conclusions and findings are still valid and relevant. It made 33 recommendations for implementation between 2002 and 2012. Many of these were prioritised to be completed by 2008, but this has not occurred.*

*This 2008 Review examines several important parking issues such as the cost of providing parking, minimum parking ratios, and the necessity for a fundamental change in the Town's policy towards parking supply. It also recognises parking as an essential element of an overall integrated transport strategy for the Town and the metropolitan area. All stakeholders need to be made more aware of these sustainability and equity issues and therefore ongoing education is very important.*

*The approach to parking in Vincent has been to 'predict and provide'. This approach assumes that the use of parking resources should generally be free and that increasing supply is more cost effective than reducing demand. The principle of User Pay is examined with which this current demand satisfaction policy is unsustainable. A paradigm change in approach is necessary.*

*While Vincent has implemented some pay parking, in many respects this has not been well considered. We have made recommendations to expand pay parking and introduce flexible pricing variations between different areas. This is to be accompanied by improved technologies to make payment more convenient, to increase the efficiency of enforcement and to improve the wayfinding to parking facilities in the Town. These will all contribute to more effective use of the existing supply of parking, before incurring the expense of providing additional capacity.*

*The cash in lieu system provides developers with a substantial subsidy. It is inequitable, inflexible and impractical and consequently the anticipated funds for building new parking will be generated. Implementation of more market related regulations for assessing cash in lieu and the more flexible utilisation of the funds derived there from, will assist Vincent to improve transport infrastructure.*

*Potential locations for deck parking have been identified together with a financial model for their construction. We have recommended the implementation of a Parking Management and Control Plan which puts the onus on developers to consider the external influences and their proposed method of controlling and managing their parking.*

*By implementing the outstanding recommendations from the 2002 Strategy and those recommended in this 2008 Review, Vincent can ensure sufficient parking in the long term to support prosperous and vibrant commercial and high activity centres and encourage accessibility to these centres by all travel modes including walking, cycling and public transport. Better managed parking will have a positive quadruple bottom line impact.*

*If no action is taken to better manage parking resources, drivers and other stakeholders will continue to expect that they have a right to unlimited free parking and consequently, more and more parking will be demanded by the Town and developers. This cannot be sustained.*

*Any parking strategy will only be as successful as its implementation. Noting the changing nature of both parking policy and local conditions in Vincent, a key finding of this Review is that the opportunities and recommendations identified in the 2002 Strategy have not been sufficiently actioned. Additionally, progress toward implementation does not appear to have been effectively monitored and recorded. It is necessary for Council to ensure the appropriate level of commitment is provided to the recommendations in both the 2002 Strategy and this 2008 Review."*

**CONSULTATION/ADVERTISING:**

As the Draft Car Parking Strategy Review proposes a ‘paradigm shift’ with potential and far reaching implications to the Town, residents, landowners, developers and other stakeholders in the Town, it is considered appropriate that further information be provided by the Town's Administration and the matter be discussed at a Forum, prior to the Council adopting the Strategy and its Recommendations and public consultation being carried out.

**LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No.1 and associated Policies, in particular, the Parking and Access Policy.

**STRATEGIC IMPLICATIONS:**

This matter is contained in the Town's Strategic Plan 2006-2011:

*“Economic Development 2.1.4 (b) Review and update the Town’s Car Parking Strategy, (January 2002) including a timeframe to implement recommendations.” June 2008*

**FINANCIAL/BUDGET IMPLICATIONS:**

A re-allocation of \$30,000 from the Operating Budget - Parking Revenue was approved by the Council at its Ordinary Meeting held 11 March 2008 and an additional amount of \$18,928 was re-allocated to meet the Consultants fee of \$48,928.

**COMMENTS:**

The Draft Car parking Strategy Review comprehensively addresses the required outcomes stated in the Project Brief and includes a series of **Recommendations** as follows:

	<i><b>Proposed Action</b></i>	<i><b>Ref. Section</b></i>
1.	<i>Vincent’s Parking Strategy is to be identified with and coordinated as part of an integrated transport strategy for the Town and the wider metropolitan area</i>	4.1
2.	<i>All stakeholders in the Town including ratepayers, property owners, developers, community representatives, business groups and in fact everyone who drives a car, needs to become aware of the true commercial capital and ongoing costs of parking resources, in addition to its environmental and social burden</i>	4.2
3.	<i>A strategic vision for parking be set out according to the timetable in Figure 2</i>	4.5
4.	<i>Vincent applies a parking user hierarchy and in the short term optimises and maximises the current supply of parking.</i>	4.6.1
5.	<i>A parking user hierarchy is applied to planning decisions</i>	4.7
6.	<i>The following objectives are adopted for the Parking Strategy for Vincent. The strategy should:</i> <ul style="list-style-type: none"> <li>▶ <i>Ensure sufficient parking supply to support prosperous and vibrant commercial and high activity centres</i></li> <li>▶ <i>Provide enforcement resources to ensure safety, adequate turnover of parking spaces to support business activity in the areas and to protect residential amenity</i></li> </ul>	4.8



	<b><i>Proposed Action</i></b>	<b><i>Ref. Section</i></b>
	<ul style="list-style-type: none"> <li>▶ <i>Ensure parking space availability is managed according to the varying needs of businesses, customers and commuters</i></li> <li>▶ <i>Promote 'shared' or publicly available parking in preference to single user parking</i></li> <li>▶ <i>Apply CPTED (Crime Prevention through Environmental Design) principles in the design of off-street parking facilities</i></li> <li>▶ <i>Determine an appropriate amount per space for cash in lieu and allow flexibility in how the resulting funds are best spent.</i></li> <li>▶ <i>Accommodate parking for all vehicles including motorcycles and bicycles</i></li> <li>▶ <i>Support accessibility to the various high activity centres by recognising all travel modes including walking, cycling and public transport</i></li> </ul>	
7.	<i>Rexamine demand, volumes, duration of stay, peak usage and compliance with restrictions in areas that have undergone significant change since 2002 and within 500m of each of the high activity centres being Mount Hawthorn, Leederville, Mount Lawley and Newcastle/Lord Streets Perth.</i>	5.1
8.	<i>The ongoing application of minimum parking ratios are reviewed.</i>	5.2
9.	<i>Access and signage to the Barlee Street car park is upgraded and a pricing differential is introduced between Barlee Street and all of the parking bays at the Raglan Road and Chelmsford Road car parks</i>	5.2
10.	<p><i>The Town develops a wayfinding and parking signage package which brands the Town of Vincent and assists drivers to:</i></p> <ul style="list-style-type: none"> <li>▶ <i>know where to look for parking and wayfinding signage when they need it</i></li> <li>▶ <i>understand the way the information is communicated</i></li> <li>▶ <i>obtain the information quickly and without fuss</i></li> </ul> <p><i>The system should be applied across the entire Town equally to Council and privately owned public car parking areas.</i></p>	5.3
11.	<i>Prior to the potential disposal of any of Vincent's land bank, a review is undertaken to consider whether any site (other than the Brisbane Street car park) may be required at some future stage for either at-grade or deck parking.</i>	5.4
12.	<i>A deck car park be considered for the Raglan Road site and that an initial design and feasibility study is commissioned for this purpose.</i>	5.4.1
13.	<i>Vincent identify the specific sites available for potential construction of deck parking. Initial sketch design drawings for each should be prepared together with viability and feasibility studies. The findings of these initial studies should then be made available to the private sector.</i>	5.4.1
14.	<i>Neither the city nor the private sector should be the only provider and a mix of both is desirable</i>	5.4.1
15.	<p><i>After Vincent confirms its strategic approach to management of parking, then a specific Precinct Parking Management Plan be undertaken for each high activity centre being</i></p> <ul style="list-style-type: none"> <li>▶ <i>Leederville</i></li> <li>▶ <i>Mount Hawthorn</i></li> <li>▶ <i>Mount Lawley/Highgate</i></li> </ul>	5.4.2

	<i>Proposed Action</i>	<i>Ref. Section</i>
	<ul style="list-style-type: none"> <li>▶ <i>William Street</i></li> <li>▶ <i>Newcastle Street east</i></li> <li>▶ <i>Loftus Centre</i></li> </ul>	
16.	<i>Where pay parking is to be applied, it should be implemented throughout a car park without free parking concessions or different priced zones. This does not preclude variable pricing structure e.g. at night or on weekends.</i>	5.5
17.	<i>Technology is purchased to improve the efficiency of enforcement, together with the allocation of additional resources to the enforcement division</i>	5.5.1
18.	<i>Vincent urgently replace all the existing ticket parking machines with more up to date technology linked to a wireless management system.</i>	5.5.7
19.	<i>Vincent first determine its required functionalities for pay parking technology, before committing to purchase any machines</i>	5.5.7
20.	<i>Vincent require a Parking Control and Management Plan (PCMP) to be provided by developers together with their application for all developments requiring more than 5 spaces</i>	6.2
21.	<i>Off-street parking fees as set out in Table 7 are introduced/amended in Vincent</i>	7.2
22.	<i>An additional temporary ranger be employed, to improve the level of service and standard of enforcement in the short term</i>	7.3
23.	<p><i>The Town limit the supply of park and ride or support park and ride only where a paid parking regime is implemented to discourage people who work in Vincent from using park and ride facilities in the area. This charge would also contribute to the cost of providing park and ride facilities and should be higher in Leederville than for park and ride stations further from central Perth.</i></p> <p><i>The recommendation in the Town of Vincent Car Parking Strategy (2002) that residential streets should be protected from non-residential parking and commuters seeking to park for free and ride into the city, with the implementation of residential parking zones and time limits on affected streets, should be upheld.</i></p>	8
24.	<i>Further liaison and discussions between the Town and DPI takes place with regard to the possible extension of the Free Transit Zone into the Town</i>	8
25.	<p><i>The Town expands Conditions of Approval for Parking which will include sections dealing with:</i></p> <ul style="list-style-type: none"> <li>▶ <i>Compliance with minimum configuration and design standards</i></li> <li>▶ <i>The requirement for parking bays to be used in accordance with approved modes of use</i></li> <li>▶ <i>The need to comply with the Parking Management and Control Plan prepared for the development.</i></li> </ul>	9.1
26.	<i>A re-evaluation of the current parking planning ratios is necessary in order for Vincent to ensure it is applying practical relevance to future parking requirements</i>	9.2
27.	<i>The categories and ratios are amalgamated into fewer categories in order to simplify administration while accepting that most are only approximations in any case</i>	9.2

	<i>Proposed Action</i>	<i>Ref. Section</i>
28.	<i>The role of unbundled parking in higher density residential developments and techniques for facilitating it is investigated</i>	9.2
29.	<i>The words “the market rates for the cost of the land and” are inserted before the words “estimated cost of contribution” in Section 11 iii) of Cash in Lieu.</i>	9.3
30.	<i>The range of uses for the Trust Fund be expanded to include Cash in Lieu</i>	9.3
31.	<i>Section 11 xi) of Cash in Lieu Policy should be deleted.</i>	9.3
32.	<i>Section 11 xii) of Cash in Lieu Policy should be deleted.</i>	9.3
33.	<i>A review of recent planning and transport reports should be undertaken. In particular the Leederville Traffic and Services Study (Connell Wagner 2008) and the Leederville Station Study currently being undertaken by consultants on behalf of the DPI. The relevance of older reports reviewed in sections seven and eight of the 2002 Parking Strategy should be considered in the context of the recommendations of the Parking Review.</i>	10.8
34.	<i>A review should be carried out of the West Perth Regeneration Study once this is finalised and required traffic and services study carried out if required.</i>	10.8
35.	<i>That a process to monitor progress towards implementation of these recommendations, and to record where actions and recommendations are deferred, superseded and achieved, should be adopted</i>	11.1

The Consultants have noted that the submitted document is a **draft version** for the purpose of meeting the timeline of the Project Brief and in order to present a set of recommendations to Council Members at a Forum held on 17 June 2008 and at the Ordinary Meeting of the Council to be held on 24 June 2008. They have further advised that the Strategy will be further developed to include further significant resource material in order that the document can be used as an on-going resource by the Town.

In light of the above, it is recommended that the Council receives the Draft Car Parking Strategy Review and further considers the matter at a Forum scheduled for 15 July 2008. A further report detailing the above matters is to be presented to an Ordinary Meeting of the Council in September 2008.

**10.1.9 Sustainability Management System Review and Progress Report  
Relating to the International Council for Local Environmental Initiatives  
(ICLEI)/Cities for Climate Protection (CCP™)**

<b>Ward:</b>	Both Wards	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0096
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Mouritz, H Smith, J Lockley, R Lotznicker		
<b>Checked/Endorsed by:</b>	R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the report relating to the Sustainability Management System Review and the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™);*

(ii) *NOTES;*

(a) *the status of the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™) programs/initiatives undertaken by the Town to date; and*

(b) *that outstanding Cities for Climate Protection (CCP™) Plus ICLEI-A/NZ program matters including an updated Green House Gas Emissions and energy and water inventory (the previous inventory was carried out in 2001 as part of the Cities for Climate Protection (CCP™) Program) will be progressed in 2008/2009 as part of the proposed 'Sustainability Strategy';*

(iii) *ENDORSES the;*

(a) *preparation of a 'Sustainability Strategy' which will set out the sustainability objectives of the Town, and incorporate all initiatives/actions relating to the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™) including the adopted Sustainable Environment Plan 2007-2012;*

(b) *creation of an internal Sustainability Working Group comprising key Town Officers from a number of service areas and jointly Chaired by the Director Technical Services and Director Development Services to oversee the implementation and continuing progression of the Sustainability Strategy;*

(c) *publication of an annual Sustainability Report (as part of the Annual Report) detailing the progression of sustainability objectives and setting out key actions to deliver future progress; and*

(d) *introduction of Sustainability Assessment into the Town's existing decision making processes, including:*

(1) *a Sustainability Appraisal procedure to assess all relevant actions, projects, initiatives and events (and their implications) that could reasonably impact on the sustainability performance of the Town or the community;*

- (2) *a set of Sustainable Design Guidelines to encourage new development along the principles of Sustainable Urban Design;*
- (iv) *NOTES that quarterly reports will be submitted to the Council on the progress of the actions associated with the preparation/development of the 'Sustainability Strategy'; and*
- (v) *AUTHORISES the Chief Executive Officer to implement the above recommendations.*
- 

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**Cr Doran-Wu departed the Chamber at 7.55pm.**

Debate ensued.

**Cr Doran-Wu returned to the Chamber at 7.59pm.**

Debate ensued.

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

**(Cr Ker on approved leave of absence.)**

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**PURPOSE OF REPORT:**

To report to the Council the outcome of a review of the Sustainability Management System (SMS), and suggest a suitable approach to address sustainability; and, to outline the potential principles and procedures that could be involved in the assessment of sustainability issues at the Town.

The report also provides an update of the Town's involvement in the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™) program.

**BACKGROUND:**

25 October 1999: A Notice of Motion was considered where the Council endorsed the aims and objectives of the Cities for Climate Protection Campaign, an International Council for Local Environmental Initiatives (ICLEI) campaign to mobilise Local Government action to reduce greenhouse gas emissions and provide a collective international voice for Local Governments around the world. The Council approved the Town becoming a member of the Cities for Climate Protection Campaign program.

- 22 August 2000: The Council at its Ordinary Meeting received a report relating to the CCP Program and was advised of the successful completion of Milestone 1 of the Program and resolved to endorse the continuation of Milestone 2 and Milestone 3 of the Program which included:
- a corporate greenhouse gas emissions reduction goal of 30 per cent with reference to 1996 levels by the year 2010;
  - the development of a Corporate Local Action Plan;
  - a consultation process with the community to be established in order to set a reduction target for the community sector; and
  - the formulation of an 'Energy Working Group'.
- 24 April 2001: The Council at its Ordinary Meeting received a further report on the CCP Program and noted the endorsement from ICLEI regarding the establishment of the Corporate reduction target of 30 per cent reduction in greenhouse gas emissions, and noted that this met part of Milestone 2 of the CCP Program.
- It also endorsed a Greenhouse Action Plan relating to the CCP Program, and noted that this met part of Milestone 3 of the Program and decided to advertise the Draft Community Greenhouse Strategy for a 4 week period of public comment.
- 11 September 2001: The Council at its Ordinary Meeting adopted the Draft Community Greenhouse Strategy relating to the CCP Program, which included the establishment of a community greenhouse gas emissions reduction target of 30 per cent with reference to 1996 levels by the year 2010.
- 10 September 2002: The Council at its Ordinary Meeting noted the successful completion of Milestone Five of the CCP Program and endorsed the continuation of the Climate Protection Program and decided to participate in the Travel Demand Management Program, which included the Town receiving a \$4,000 assistance package.
- 12 August 2003: The Council at its Ordinary Meeting received the CCP Program - Travel Demand Management Study dated May 2003 from Omega Environmental Pty Ltd and decided to review the recommendations outlined in the CCP Program - Travel Demand Management Study dated May 2003 from Omega Environmental Pty Ltd as part of the Town's Sustainability Management System.
- It also decided to lobby and make representation to the Department for Planning and Infrastructure to investigate previous recommendations relating to better east-west transport services as outlined in the West Vincent Integrated Transport Plan.
- 22 May 2007: The Council at its Ordinary Meeting received a report on the International Council for Environmental Initiative's (ICLEI-A/NZ) - Water Campaign™ Program and endorsed the Program and the actions to achieve the five (5) milestones.
- 12 June 2007: The Council at its Ordinary Meeting adopted the final amended version of the Sustainable Environment Plan 2007 – 2012.

**DETAILS:****Cities for Climate Protection (CCP™) Program:**

The Cities for Climate Protection (CCP™) Program is a worldwide campaign initiated by the *International Council for Local Environmental Initiatives (ICLEI)* in 1993. The CCP™ aims motivate and encourage local government to develop local actions that lead to meaningful and measurable reductions in human induced emissions of greenhouse gasses. The Town became a member of the program on 25 October 1999.

The Town was one of the first local governments in Western Australia to achieve the following five (5) Milestones (in May 2002) and was rewarded by ICLEI for this achievement.

<b>Milestone</b>	<b>Project</b>	<b>Date Completed</b>
1	Preparation of an inventory of greenhouse gas emissions for both Council and Community Activities for a baseline year, and forecast of growth in emissions to the Year 2010 adopting a 'business as usual' scenario.	July 2000
2	Setting of an emissions reduction goal. <i>“A reduction in Council and community greenhouse gas emissions from 1996 levels by 30 per cent by 2010”.</i>	Sept 2001
3	Preparation and adoption of a Local Greenhouse Action Plan documenting measures to be undertaken to achieve the reduction goal.	Sept 2001
4	Implementation of the Local Greenhouse Action Plan.	Oct 2001
5	Monitoring and reporting on the implementation, and review of the Local Greenhouse Action Plan.	May 2002

Milestone five (5):

The Town implemented a number of emission reduction measures since joining the CCP™ program in 1999 as previously reported to the Council.

Although there was a reduction in emissions in the waste sector between the base year (1996) and the re-inventory year 2001, the remaining sectors saw a slight increase in emissions due primarily by a change in the coefficients used in the CCP software to calculate emissions. The emission factor for a given year is determined by examining the energy sources used in that year, and deriving a ‘weighted average’ of their greenhouse intensities. Energy sources commonly used are brown coal (lignite), black coal (anthracite), natural gas and hydroelectricity.

Why did the emission factors change?

CCP™ is committed to continuous improvement and strives to use the most accurate data as it becomes available. Therefore, as more accurate emission factors become available the factors used to calculate the equivalent tonnes of CO<sub>2</sub> coming from local government and community energy use are changed. The program now has a complete set of historical emission factors from the Australian Greenhouse Office (AGO) and these as a result, the level of greenhouse gas emissions in the 2001 re-inventory were higher than they would have been had the 1996 coefficients been used.

There were also several other factors that influenced the level of the Town's emissions since 1996 including:

- A small increase in the Town's vehicle fleet numbers;
- The inclusion of the Town of Vincent depot into the inventory following transfer from the former City of Perth;
- The Installation of five new bores and three new reticulation controllers'; and
- The upgrading of the Town's lighting under the Street lighting Upgrade Program.

Officer Comments:

Since 2001, the Town has joined the carbon neutral program to offset emissions from its vehicle fleet and has purchased a number of smaller vehicles and now 50% of the fleet is LPG powered. In addition, the Town now purchases 25% of its power from green sources through Western Power. Beatty Park Leisure Centre has introduced Pool Blankets to reduce gas use (heating the pools with gas fired boilers), reduce water loss through evaporation, and reduce pool chemical costs (not having to replace chemicals lost through the evaporation process). Water saving shower heads were introduced to reduce water use, and costs for heating water and backwash procedures have been introduced to reduce water use and chemical wastage through excessive backwashing. Therefore, it is considered that a new inventory would be beneficial (Refer CPP Plus below).

It was considered that the following three (3) tasks would be required for the Town to become a more sustainable organisation:

*Task 1- Sustainable Management System (SMS)*

*Task 2 - Sustainability Strategy*

*Task 3- On-the-ground Projects*

Various on ground projects were previously undertaken to aid in the reduction in greenhouse gas emissions within the Town's Corporate Sector as previously reported to the Council.

**ICLEI - Cities for Climate Protection (CCP™) Travel Demand Program (TDP):**

The Town engaged Omega Environmental Pty Ltd to undertake the study which commenced on 10 September 2002 and was completed in May 2003.

After the completion of all 5 CCP milestones the Town joined the CCP Travel Demand Management (TDM) Module which was run by the Australian Greenhouse Office (AGO) in partnership with ICLEI.

The aim of the CCP TDM Module was to develop strategies to reduce single occupant vehicle use, shift to more sustainable transport, and either reduce or remove the need for travel. The Town commenced the CCP TDM Program on 10 September 2002 and the CCP TDM Study was completed in May 2003.

The TDM study and survey resulted in 18 recommendations by Omega Environmental Pty Limited (Omega). Prior to commencement of this study, the Council recognised the need to move toward a more sustainable organisation overall. This was reflected in Council's decision to proceed with development of a Sustainability Management System (SMS) to cover all Council operations.



The Council also acknowledged the importance of promoting sustainable transport options throughout the community, and so planned to incorporate transport issues into the development of a Town of Vincent Community Sustainability Strategy. The Strategy was to commence in July 2003, and was to extend beyond the SMS work being undertaken to include the development and implementation of short, medium and long-term strategies for sustainability within the broader local government area.

Many of the recommendations by Omega from the survey and study that were carried out were recognised to be similar to the Travel Smart Program the Town was already involved in.

The TravelSmart Program was a joint initiative between Federal, State and Local Governments and community-based organisations. The Program was community driven with government bodies coordinating community groups in an attempt to reduce vehicle use and move to more sustainable transport options. The goal of the TravelSmart Program was to reduce the community's reliance on cars as a primary means of transport, and subsequently reduce greenhouse gas emissions and pollution generated from traffic congestion.

The Town's involvement included the allocation of funds for the projects, the supply of residential information to the DPI, support and promotion of community initiatives, increasing the community's awareness of both the TravelSmart Program and sustainable transport use, and the attendance of the Town's TravelSmart Officers at meetings convened by the DPI.

As a result of its involvement in the TravelSmart Program, the Town carried out projects such as;

- Upgrade footpaths and pedestrian facilities,
- Improvements to pedestrian lighting;
- Long-term project to upgrade cycle ways, as well as integrate the cycle ways into a broader Perth bike route;
- Bicycle parking facilities were made available at end of trip locations; and
- A bike-route map which included both the Town and surrounding regions, was developed and made available to staff and the community.

#### **ICLEI – Water Campaign™**

As previously reported to the Council, the Town is a member of the Water Campaign which provides local governments with a tested program model, covering a broad spectrum of water management issues.

The program involves progressing through five (5) milestones, that guide participating local governments through a process of local research, policy making, action planning, implementation and evaluation as follows:

- Milestone 1: Undertake a water consumption inventory and water quality checklist.
- Milestone 2: Establish a water consumption reduction goal and water quality improvement goal.
- Milestone 3: Develop and adopt a local action plan.
- Milestone 4: Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits.
- Milestone 5: Monitor and report on water consumption reductions, water quality improvements and water management initiatives.

Officers Comments:

To date the Town has not progressed this matter due to other priorities (for example, Recycling) however, it is envisaged that this will be progressed in 2008/2009.

**CCP Plus ICLEI-A/NZ program – A further addition to the CPP program**

As previously mentioned, the Town completed Milestone Five in May 2002. In recognition that local governments who have completed Milestone Five will continue to work on reducing greenhouse gas emissions and wish to remain active in the program, the International Council for Environmental Initiatives (ICLEI) initiated the CCP™ Plus which aims to:

- Develop sustainable strategies for continued abatement activities;
- Deepen actual abatement activity by councils and their communities; and
- Create opportunities for knowledge exchange regionally, nationally and internationally.

The Council was previously advised that for the Town to join CCP™ Plus, the Council must commit to allocating appropriate staff time and participating in the annual measures report, which aims to capture information on greenhouse abatement actions taken by CCP™ Campaign Councils, including greenhouse emissions, financial savings and investments. It will also be necessary for the Town to play an appropriate advocacy role for CCP™ as a leading Council committed to greenhouse abatement.

CCP Plus would deliver focused support to the Town in the following three key areas:

Organisational Review:

The Town undertakes the review using an efficient online tool focusing on 10 key internal components identified as levers to assist in greenhouse action. These would include:

- Staff and budget allocations
- Data management systems
- Engagement in the program beyond the environment department and management and political level support.

This process would provide the Council with guidance on working towards a best practice approach to greenhouse action.

Planning and Review:

The Milestone 5 process (*Monitoring and reporting on the implementation, and review of the Local Greenhouse Action Plan*) would be extended through CCP Plus with a two-yearly Planning and Review to assess reduction goal progress and to ensure the local action plan appropriately targets areas where emissions or emissions growth are most significant.

Advancing Action Projects:

Support would need to be provided in community emissions and the more challenging corporate sectors through Advancing Action Projects. This program would work with the Town to identify key areas for attention and would help develop an action plan to address these areas and review implementation and progress.

Officer Comments:

The CCP program was progressed by the Town's Development Services Directorate; however, due to a number of staff changes/movements over the years the continuation of the program was placed on hold. The Town now has an Environmental Officer and the Technical Services Directorate is now responsible for this initiative. An updated inventory would need to be prepared as the previous inventory was carried out in 2001 for Milestone 5. A Sustainable Energy and Water Audit could be carried out and the Sustainable Environment Plan 2007-2012 amended to reflect the results of the audit. New targets for emissions reduction and water reductions could then be set and actions guided by the Sustainable Environment Plan 2007-2012.

**Sustainable Environment Plan 2007 – 2012**

The Sustainable Environment Plan (SEP) adopted by the Council forms a strategic framework for initiatives to be undertaken by the Town and wider community with regard to enhancing and protecting the Town's environment, giving particular attention to five key focus areas; air, water, biodiversity, energy and waste management.

Officer Comments:

Since the adoption of the SEP the Town's Environmental Officer has prepared an Implementation Plan which comprises specific goals, actions, measures and timeframes for achieving these initiatives. It is intended to report this matter to Council in due course.

**Review of the Sustainable Management System (SMS)**

Strategic Planning Services have undertaken a review of the Sustainable Management System. The following list of tasks was outlined to guide the review:

- Consider the brief prepared by Strategic Planning Services for a SMS.
- Consider the Town of Vincent and Omega Environmental documentation in relation to the SMS prepared by the consultants. Establish what has been done to date and whether there are shortfalls in the work completed in terms of the requirements of the brief.
- Research examples of local and interstate sustainable management systems to establish the level of 'user friendliness' of the Town's SMS Framework to the Town's operations and culture.
- Consider the Town's SMS Framework in comparison to the examples above and make recommendations as to how the system needs to be modified to ensure maximum acceptance by the organisation.
- The Way Forward for the Town and its SMS.

History of the SMS

After considering the brief and documentation outlining the initial reasons for pursuing the SMS, it became apparent that there was a clear need for better management of sustainability/environment focused initiatives, as well as a strong desire to improve the Town's sustainability performance within existing operations. The SMS, a 'cutting edge' idea at the time, was considered a feasible option to deliver the desired outcomes, and the Town engaged consultants Omega Environmental to develop the system.

Omega Environmental began developing a framework for the SMS, in consultation with the Town's Strategic Planning Officers, a process which occurred from January 2004 to October 2005. Omega produced a SMS framework in the conventional style of Environmental Management Systems that is guided by the International Organisation for Standardisation Standard ISO 14001.

By late 2005, the SMS project was at the beginning of the implementation stage, and most of the documentation had been produced. The delivery of a SMS for the Town of Vincent stalled, and since this time little development in the progressing of the SMS has been made.

#### SMS Framework/Documentation

A review of the documentation prepared by Omega Environmental, and a comparison with various pieces of literature on environmental management systems, supported the view that the framework prepared by Omega Environmental was not overly user-friendly, and could have been presented in a simpler fashion.

Further hindering the ease at which the SMS could be implemented is the incomplete nature of the documentation. Several documents that the Town should possess, according to an SMS progress report produced by Omega Environmental in July 2005, have not yet been located. There are also a number of documents that were not completed by Omega Environmental.

Furthermore, many of the steps crucial to establishing the SMS within the Town must be started again from the beginning. Most of these involve compiling the data which act as baseline measurements with which to measure the future progress of sustainability objectives and targets against. Starting these processes again would require a significant review of the Town's operations.

There is a view that the management system approach, following the ISO standards, is not the ideal path for local government to take in pursuing sustainability/environmental objectives. The ISO standards were traditionally designed for business, particularly industrial/manufacturing type operations, and may not be well suited to public sector operations. There is a sense that the management system is overburdened with paperwork and does not produce highly tangible outcomes.

#### Examples of Other Approaches

Only a very small number of Local Governments could be identified as having implemented their own SMS. Of these examples, little information was able to be discerned to ascertain the success of these programs. The City of South Perth, for example, is in a situation that closely mirrors the Town. After having a consultant design a SMS, it is finding it challenging to implement it in real terms throughout the organisation.

Throughout Australia there is a noticeable trend of local governments producing operation-wide Sustainability Policies or Strategies. These appear more popular than the management system approach, and there are many examples that have produced outstanding results that the Town can learn from.

#### The Way Forward

While there are certain elements of the SMS that could be applied to the Town's operations to great value, the practical difficulties of applying the management system approach have led to the Town's Officers resolving that another approach towards sustainability be considered.

After extensive research into the way that sustainability is being approached by Local Governments across Australia, three elements have been identified as integral to a successful, practical approach towards sustainability that produces real outcomes. These can be broadly outlined in the following terms as a “three-pronged approach”:

- A Sustainability Strategy that sets out objectives of the Town and suggests actions for meeting them;
- An internal Sustainability Working Group to oversee the implementation and continuing progression of the Sustainability Strategy; and
- An annual Sustainability Report that publishes the results of the Town’s progress towards achieving its sustainability objectives and sets out key actions to deliver future progress.

#### *Sustainability Strategy*

The Sustainability Strategy would be a document that sets out the key sustainability objectives that the Town will focus on. In addition, the Strategy would broadly outline the key actions that will be undertaken to help deliver progress towards the objectives.

The Strategy would include an overarching Sustainability Policy or Charter, similar to the one that was developed as part of the SMS. This Policy would establish the Town’s commitment to improvement of its sustainability performance and become the umbrella document covering and incorporating all aspects relating to the Sustainable Environment Plan 2007-2012 and the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™) Program.

The objectives would be based on key themes like improving governance (for example, sustainability assessment), reducing consumption, (water and energy use), community development (implementing the Vision Ideas of *Vincent Vision 2024*), and managing the natural environment.

The Sustainability Strategy would incorporate many elements from the Sustainable Environment Plan 2007 – 2012. If adopted and successfully implemented, it is anticipated that the Sustainability Strategy would supersede the Sustainable Environment Plan as the relevant Town document detailing the Town’s approach to environmental issues, as well as the social and economic issues that it will also incorporate.

The Sustainability Strategy would initially focus on a five year period, and then be subject to review and adaptation. The annual reporting process will enable a new Strategy, setting out new objectives as appropriate to the Town’s achievements, to be easily developed at the conclusion of the Strategy’s initial timeframe. This will form part of the Council’s Annual Report.

#### *Sustainability Working Group*

The Sustainability Working Group would be an internal, cross-Directorate area group that would meet numerous times throughout the year, say on a bi-monthly or quarterly basis, to monitor the Town’s progress towards achieving the objectives of the Sustainability Strategy. One of the aims of the Working Group is to provide accountability for the sustainability objectives of the Sustainability Strategy.

When the Working Group meet, they would assess the Town's achievements of the sustainability objectives contained in the Sustainability Strategy, and develop more detailed actions for meeting the objectives, if necessary. By meeting on a regular basis, the Working Group is able to closely monitor the Town's sustainability performance, and adjust the Strategy and its key actions as appropriate.

The Sustainability Strategy will encompass the entire organisation, and as such, the Working Group will have cross-service area representation. This will guarantee that all service areas are able to make a contribution to the Town's approach to sustainability issues, and to help ensure that the implementation of key actions spreads through all sections of the Town.

#### *Sustainability Report*

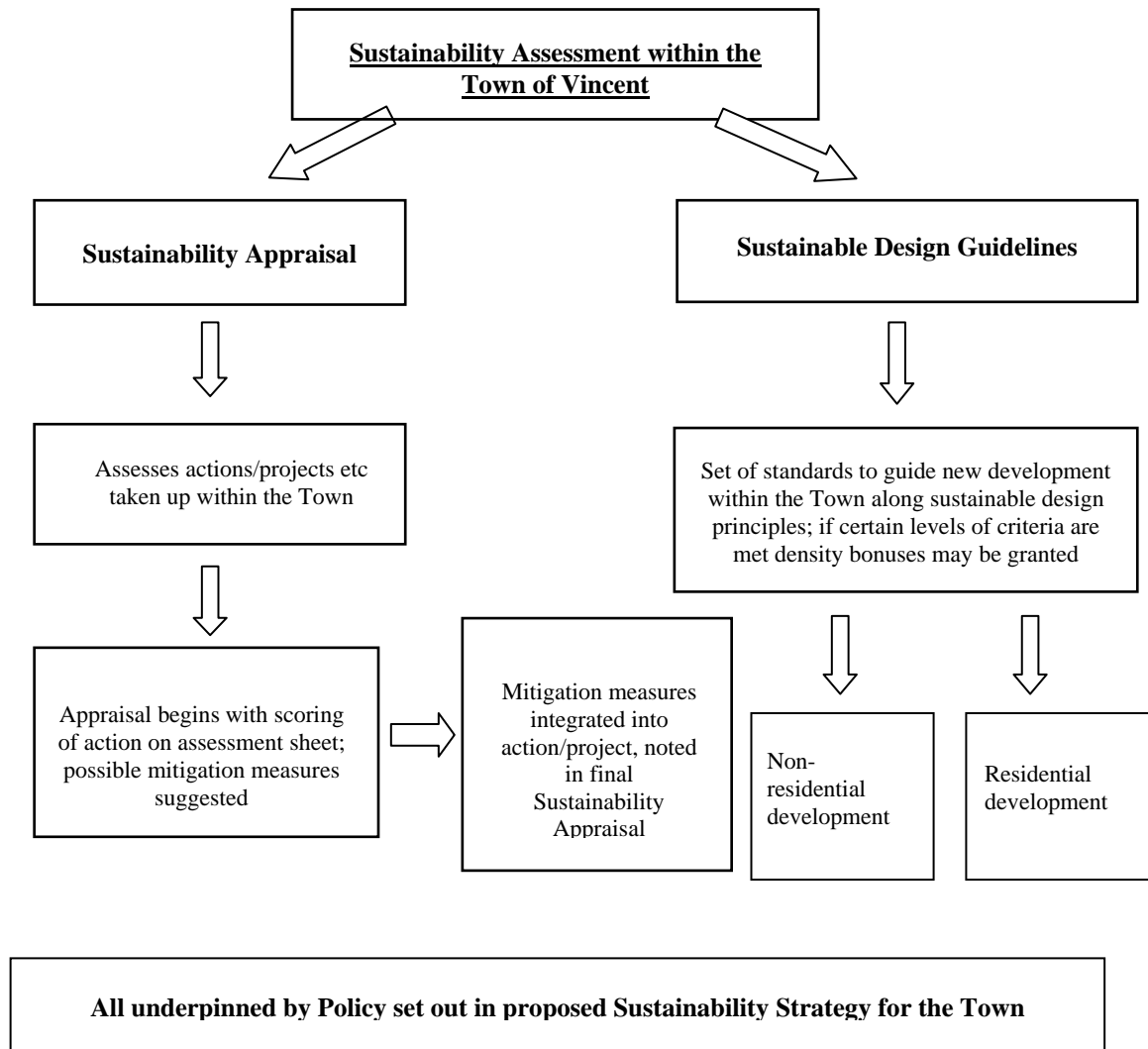
The annual Sustainability Report would provide an incentive for thorough and frequent compilation of the data that indicates the Town's progress in achieving the sustainability objectives set out in the Strategy. Similarly, to one of the main roles of the Working Group, the requirement to regularly publish the results of the Town's actions also acts as a mechanism for accountability. This will form part of the Council's Annual Report.

The Report would provide an opportunity for the Town to publish its sustainability performance on an annual basis, with the progress of the objectives illustrated through the reporting of key performance indicators and case studies. The Report would be made publicly available on the Town's website, and would become the Town's chief sustainability publication. The Report would be the element most crucial to improving the Town's sustainability image, and would allow the Town to be seen as setting a positive example with its approach to sustainability.

Importantly, the Report would also list the specific, short term actions identified by the Working Group as necessary for the upcoming year. The Town's Officers recommend that the "three-pronged approach" be considered as a suitable model for the Town's future management of sustainability issues.

#### Sustainability Assessment

Introducing the assessment of sustainability within the Town's existing decision making procedures has been identified as an important element of the proposed approach for the Town towards sustainability issues in the future. It is considered that this would involve a dual approach, focusing on one hand on improving the consideration of sustainability within the Town's operations, and on the other, requiring applicants for new development to take into account principles of sustainable design when proposing new development in the Town. The proposed approach, proposed to be underpinned by a Policy in the Sustainability Strategy, is illustrated in the following diagram.



*Diagram 1: Proposed Approach for Sustainability Assessment*

Sustainability Appraisal within the Town

Developing a procedure for assessing sustainability implications during the decision making process will help the Town align its own operations with its sustainability objectives. This is especially important if the Town chooses to adopt its own Sustainability Policy.

A Sustainability Appraisal would look to assess the Town's significant actions and major projects that could reasonably impact on the sustainability performance of the Town or the wider community. Implementing sustainability assessment within the Town would help ingrain a mindset where thinking about sustainability issues becomes established as part of everyday considerations.

An assessment sheet would act as the main tool used for performing a Sustainability Appraisal. This would guide the Town's Officers which decisions required an appraisal, and which considerations would be relevant to the particular decision being made. A register of the type of reports and decisions that require sustainability assessment will have to be compiled as appropriate to the Town's operations.

An imperative consideration when designing the framework for Sustainability Appraisal is the ease at which the Town's Officers can operate the tool. An assessment sheet must be able to be easily comprehended and not considered a cumbersome additional chore. Balanced against the importance of ensuring ease of use is the need to guarantee thorough, real, consideration of the issues. Rather than acting as a scorecard or a checklist with boxes to tick, the sustainability assessment tool that is envisaged would facilitate thinking about alternative options and solutions that can help deliver sustainable outcomes.

A model of a Sustainability Appraisal Framework that is considered a good example for the Town in the development of its own tool is shown in the attachment to this report. An assessment sheet of this sort would be the first step in the Sustainability Appraisal process. Scores would only be required in fields that are relevant to the particular action, and would be marked in a simple fashion (positive effect or negative effect).

The most important element of the appraisal process occurs, after the relevant fields have been scored. The assessor is to note the reasons for negative impacts (if they are likely) and consider approaches that may lessen the impact, or prevent it altogether. Once these 'possible mitigation measures' have been developed the assessor should then consider how they can be integrated into the proposed action.

If reasonably feasible these measures would then be incorporated as part of the action. A short explanation detailing the influence of the Sustainability Appraisal and the integration of mitigation measures would act as the final step in the process. Demonstration of a Sustainability Appraisal, real consideration of the issues and an attempt to integrate mitigation measures would eventually be required in order for the action, project, initiative or event to be ratified.

A summary of the Sustainability Appraisal process will be introduced into reports submitted to the Council, under the heading of "**Sustainability Implications**" if the action, project, initiative or strategy is required to be reported to the Council. This summary will outline which sustainability issues were considered, what possible mitigation measures were developed, and how they were integrated into the action.

As well as improving the consideration of sustainability within the Town's operations, it is considered that incorporating a set of Sustainable Design Guidelines would help guide new development within the Town in accordance with the principles of sustainability that the Town itself is embracing.

#### Sustainable Design Guidelines

A set of Sustainable Design Guidelines are seen as an ideal opportunity to act upon some of the themes that arose from the *Vincent Vision 2024* community visioning project. Environment and Sustainability was a key focus area of the project, and a common concern raised by the community was the standard of the built form within the Town in regards to environmental and sustainability performance. Promoting sustainability and implementing sustainable building design and practice was frequently brought up as a Vision Idea for the Future.

The visions and ideas of *Vincent Vision 2024* would be strongly considered in the development of a set of Sustainable Design Guidelines. The approaches of other local government organisations that already assess the sustainability of new development would also help to guide the development of a set of guidelines that is appropriate to the Town.



A specific set of guidelines has not yet been developed; however, it is envisaged that a core set of principles and matters will be included. Principles of sustainable design that could be applied include passive solar design and ventilation, building materials and insulation, water conservation, waste reduction, home safety and security. It is possible that a separate set of guidelines could be developed for residential and non-residential development.

Principles such as those above would be used to develop a set of guidelines to direct the consideration of sustainability within new 'Category 1' (these include: Development Applications of high complex nature or major impact or strategic importance) and 'Category 2' (these include: Development Applications of a moderate complex nature or impact) in the Town. Where appropriate, all new development would have its sustainability performance assessed against these guidelines. It is envisaged that density bonuses could be granted to new development that meets a certain level of criteria within the guidelines. A Sustainability Statement would be required to accompany the development application, showing which criteria have been addressed and how they are to be met. This Statement would be assessed as part of the planning application.

Energy Efficient Design is already included in the Town's Residential Design Elements Policy; however, it is believed that energy efficiency could be more strongly considered within the assessment process. The Sustainable Design Guidelines could be used to ensure that this element of the Policy is applied more effectively.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated policies.

**STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment –

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

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

Economic Development –

*"2.1.6 Develop business strategies that provide a positive triple bottom line return for the Town."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies, and \$9,500 for the implementation of the Sustainability Management System.

The 2008/2009 draft budget has funds included for various initiatives including:

- Energy audits;
- SMS implementation; and
- ICLEI programs.

**COMMENTS:**

The CCP Program was initially progressed by the Town's Development Services Directorate in the first instance; however, due to a number of staff changes/movements over the years, the continuation of the program was placed on hold. The Town now has an Environmental Officer and the Technical Services Directorate is now responsible for the co-ordination of this initiative. Furthermore, the review process of the Sustainability Management System, undertaken by Strategic Planning Services, has led the Town's Officers to consider that a new approach to sustainability issues needs to be established.

The scope of the recommendations of this report will require significant resources and staff allocation. These will relate to the development of the 'fresh' approach to sustainability issues, and the implications of this approach across the organisation.

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

**10.1.10 No. 449 (Lot 103) Charles Street, North Perth – Ouzo Greek Taverna Restaurant - Response to Petition Tabled on 10 June 2008**

<b>Ward:</b>	North	<b>Date:</b>	17 June 2008
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	ENS0092
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Fallows		
<b>Checked/Endorsed by:</b>	A Giles, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the report regarding Ouzo Greek Taverna Restaurant, located at No. 449 (Lot 103) Charles Street, North Perth and acknowledges the action taken by the Town's Officers and WA Police Services to date, in response to the petition tabled at the Ordinary Meeting of Council held on 10 June 2008, which detailed concerns relating to:*

- (a) *unacceptable noise levels;*
- (b) *alleged antisocial behaviour and street drinking; and*
- (c) *parking availability in the area; and*

(ii) *NOTES that;*

- (a) *further monitoring and enforcement action will be taken as appropriate; and*
- (b) *a letter will be sent to all petitioners advising of the enforcement action taken to date, on-going monitoring and relevant contact numbers in the event of a complaint/nuisance.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Messina, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr Burns departed the Chamber at 8.00pm.

Debate ensued.

Cr Burns returned to the Chamber at 8.01pm.

Debate ensued.

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

**(Cr Ker on approved leave of absence.)**

### **PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the action taken to date, following the tabling of a petition on 10 June 2008 regarding unacceptable noise levels being emitted from No. 449 (Lot 103) Charles Street, North Perth (Ouzo Greek Taverna), antisocial behaviour, street drinking, and parking availability in the area.

### **BACKGROUND:**

The City of Perth approved commencement of development for No. 449 (Lot 103) Charles Street, North Perth for use as a restaurant (Eating House) on 19 May 1977. This premises has been trading as Ouzo Greek Taverna since 18 March 2005 when the Town's Health Services granted a *Licence to Conduct an Eating House* to the current proprietor.

At the Ordinary Meeting of Council held on 10 June 2008, a petition (Item 5.1) was reported and is detailed as follows:

*"5.1 - Petition received from Mrs S. Moore of Clieveden Street, North Perth along with 23 signatures from residents in the surrounding area requesting that the Town investigates the unacceptable noise levels issuing from the Greek Restaurant at 449 Charles St, North Perth."*

### **DETAILS:**

The petition that was reported to the Ordinary Meeting of Council on 10 June 2008 detailed the following concerns of nearby residents regarding Ouzo Greek Taverna:

1. Unreasonable noise;
2. Anti-social behaviour and street drinking; and
3. Parking availability in the nearby area.

The Town employs Officers (Environmental Health and Rangers) who are authorised to investigate noise, parking problems and the use of the premises; however, some concerns such as anti-social behaviour and street drinking have been referred for investigation to the Department of Racing, Gaming and Liquor and the WA Police by the complainant and the Town. The action taken to date is detailed in the following paragraphs.

#### **Noise**

The Town's Health Services are authorised to investigate noise complaints, and has taken action under the provisions of the *Environmental Protection Act 1986* (the Act) and the *Environmental Protection (Noise) Regulations 1997*. Health Services is authorised to take action including the issuing of infringement notices depending on whether an offence is proven, and depending on the severity of the offence. Prior to the receipt of the petition, the proprietor was issued a written warning, detailing his obligations with respect to noise levels emitted from the premises, and contacted via telephone by one of the Town's Environmental Health Officers to discuss the matter further.

Mrs S Moore has been given access to the Town's after-hours noise response service so that sound level measurements can be taken to assess compliance with the assigned levels specified in the *Environmental Protection (Noise) Regulations 1997*. To date, Mrs S Moore has utilised the service on three occasions, and on two of those three occasions the Duty Officer was requested to attend. Subsequent measurements were taken of the amplified music emitted from the premises, and the appropriate enforcement action has been taken.

### **Anti-social Behaviour and Street Drinking**

As the Town's Officers are not authorised to investigate and regulate concerns regarding anti-social behaviour and street drinking, the matter has been referred to the Officer in Charge at Wembley Police Station. Both Wembley Police Station Officers and the Central Metropolitan Alcohol and Drug Unit have monitored the premises and taken appropriate enforcement action against the proprietor. Further monitoring of the premises, and the patrons of the premises will be undertaken, particularly on a Friday and Saturday night. The Town's Officers meet with Wembley Police Officers on a three weekly basis, and share a close and successful working relationship to collectively action such matters.

The Department of Racing, Gaming and Liquor (DRGL) have been informed of the residents concerns and have been conducting an independent investigation, to assess compliance with the Liquor Licence issued to Ouzo Greek Taverna. The current licence held by the proprietor is a Restaurant Liquor Licence with no special conditions/restrictions. The Town's Health Services are working in conjunction with DRGL to re-assess occupancy numbers permitted in the premises.

### **Parking Availability**

The Town's Planning, Building and Heritage Services are conducting an archive search to assess compliance with the original Development Approval. The Town's Ranger and Community Safety Services regularly monitor the area for illegal parking, and have issued a number of Infringement Notices in relation to illegal parking on the footpath in the past six to twelve months. Illegal parking in the area has improved since the Infringement Notices have been issued; however, Mrs S Moore has been encouraged to contact the Town's After Hour Service for a Duty Ranger to attend, at the time parking problems are identified, and this will be reiterated to all petitioners.

### **CONSULTATION/ADVERTISING:**

Nil.

### **STRATEGIC IMPLICATIONS:**

Nil.

### **LEGAL/POLICY:**

- *Environmental Protection Act 1986;*
- *Environmental Protection (Noise) Regulations 1997;* and
- *Liquor Control Act 1988.*

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

Nil.

### **COMMENTS:**

The concerns raised in the petition have been promptly, and effectively actioned by both the Town and WA Police Services. The Town's Health Services is in regular contact with the petitioner Mrs S Moore, who has on a number of occasions thanked various Health Services staff members for their assistance with this matter. Mrs Moore advised the Duty Noise Officer on 13 June 2008 that the noise levels had already reduced significantly since the Town had commenced the investigation into the premises. Relevant enforcement action has been, and will continue to be taken, and ongoing monitoring will occur to assess compliance with relevant legislation.

**10.4.2 Amended Draft Policy No. 3.8.3 - Concerts and Events**

Ward:	Both	Date:	17 June 2008
Precinct:	All	File Ref:	ENS0125
Attachments:	<a href="#">001</a>		
Reporting Officer:	A Giles; S Teymant		
Checked/Endorsed by:	R Boardman; J Giorgi	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the amended Draft Policy No. 3.8.3 - Concerts and Events;*
- (ii) *APPROVES;*
  - (a) *the adoption of amended Draft Policy No. 3.8.3 - Concerts and Events, as shown in Appendix 10.4.2; and*
  - (b) *the deletion of Policy No. 4.1.25 - Perth Oval (Members Equity Stadium - Concerts Policy; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the amended Draft Policy for a period of twenty one (21) days, seeking public comment;*
  - (b) *report back to the Council with any submissions received; and*
  - (c) *include the amended Policy in the Town's Policy Manual if no public submissions are received.*

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**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Burns**

*That clause 2.11.6 (page 19) of the draft policy be amended to delete all wording except the first sentence, as follows:*

*“Security Fencing: Fencing shall be designed so that there are sufficient exits for safe evacuation of all patrons throughout the venue in the case of an emergency. Where potential hazards exist with groups of people loitering external to the event venue (for example, concerts at Members Equity Stadium), screening is to be placed on site through fencing to minimise the risk associated with uncontrolled gathering. Screening of a hessian type material is permitted, so long as it is not highly flammable.”*

**Debate ensued.**

**AMENDMENT 1 PUT AND LOST (2-6)**

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

(Cr Ker on approved leave of absence.)

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Burns**

*That clause 3.5.5 (page 23) of the draft policy be amended to remove the wording ‘and Forrest Park’ as follows:*

**“Advertising of the event is to include ~~P~~public parking facilities such as Loton Park and Forrest Park, associated shuttle bus services, and public transport options in the vicinity of the venue.”**

Debate ensued.

**AMENDMENT 2 PUT AND LOST (2-6)**

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

(Cr Ker on approved leave of absence.)

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr Lake**

*That:*

- (i) *clause 3.10.1 (page 27) of the draft policy be amended to include the words ‘[that is, Regulation 18, Environmental Protection (Noise) Regulations 1997]’ as follows:*

**“Where two (2) or more ‘non-complying’ events [that is, Regulation 18, Environmental Protection (Noise) Regulations 1997] are held at the stadium in a 12 month period, community consultation must be carried out every three (3) years”; and**

- (ii) *clause 3.10.2 (page 27) of the draft policy be amended to include the words 'by the Stadium Manager,' after the words 'shall be carried out' as follows:*

*“The content of the community survey is to be determined by the Town's Chief Executive Officer in liaison with the Stadium Manager, and shall be carried out by the Stadium Manager, in the Spring quarter.”*

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-1)

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

(Cr Ker on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

(Cr Ker on approved leave of absence.)

COUNCIL DECISION ITEM 10.4.2

*That the Council;*

- (i) *RECEIVES the report relating to the amended Draft Policy No. 3.8.3 - Concerts and Events;*

- (ii) *APPROVES;*

- (a) *the adoption of amended Draft Policy No. 3.8.3 - Concerts and Events, as shown in Appendix 10.4.2 subject to the following changes;*

- (1) *clause 3.10.1 (page 27) of the draft policy be amended to include the words '[that is, Regulation 18, Environmental Protection (Noise) Regulations 1997]' as follows:*

*“Where two (2) or more 'non-complying' events [that is, Regulation 18, Environmental Protection (Noise) Regulations 1997] are held at the stadium in a 12 month period, community consultation must be carried out every three (3) years”; and*

- (2) *clause 3.10.2 (page 27) of the draft policy be amended to include the words 'by the Stadium Manager,' after the words 'shall be carried out' as follows:*

*“The content of the community survey is to be determined by the Town's Chief Executive Officer in liaison with the Stadium Manager, and shall be carried out by the Stadium Manager, in the Spring quarter.”*

- (b) *the deletion of Policy No. 4.1.25 - Perth Oval (Members Equity Stadium - Concerts Policy; and*



(iii) ***AUTHORISES the Chief Executive Officer to:***

- (a) ***advertise the amended Draft Policy for a period of twenty one (21) days, seeking public comment;***
- (b) ***report back to the Council with any submissions received; and***
- (c) ***include the amended Policy in the Town's Policy Manual if no public submissions are received.***

**FURTHER INFORMATION – Corrections to the Policy:**

Clause 2.3: (page 7)first line should be 'to hold an event'...

Clause 2.3.1: (page 7)last paragraph should read as follows:

'The ~~Town's Council~~ Chief Executive Officer may consider forfeiture of any bond or part thereof paid by the promoter should any condition imposed by the ~~Town Council~~ not be complied with.

Clause 2.7.3: (page 13)second line should be minister's sewer'.

**ADDITIONAL INFORMATION:**

In relation to the proposed Amendment to clause 2.11.6, it should be noted that the use of screening is commonplace at many outdoor venues, and is used to prevent potential issues such as crushing, obstruction of exits and other safety concerns where groups of people congregate unsupervised. This is a condition that has already been implemented by the Town's Health Services during a number of concerts at Members Equity Stadium, to minimise the potential of persons on the southern side of the venue injuring themselves on steep embankments, and damaging vegetation. It has also been introduced more recently as standard practice along the eastern side (Loton Park), where groups of people congregated outside an emergency exit gate, and security/crowd controllers had great difficulty moving them on. Had the exit needed to be used in the case of an emergency, it would have posed a very dangerous situation. It is noted that the Department of Health, Applied Environmental Health Branch also supports the use of screening of fencing for the above safety reasons.

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council that *Policy No. 3.8.3 - Concerts and Events* is due for review, and that the scheduled review has been utilised to modify and amalgamate *Policies No. 3.8.3 - Concerts and Events* and *No. 4.1.25 - Perth Oval (Members Equity Stadium) Concerts Policy*, into a single comprehensive policy.

**BACKGROUND:**

*Policy No. 3.8.3 - Concerts and Events* was adopted by the Council on 18 April 1996 and last reviewed on 22 July 2003, with *Policy No. 4.1.25 - Perth Oval (Members Equity Stadium) Concerts Policy* adopted on 13 September 2005 and scheduled for review in September 2010.

**DETAILS:**

The amended *Draft Policy No. 3.8.3 Concerts and Events* is attached.

Considerable changes have been made to *Policy No. 3.8.3 Concerts and Events*. Many references, processes and procedures throughout the document have been superseded, and standard practices have since been introduced by the Department of Health in the publication '*Guidelines for Concerts, Events and Organised Gatherings*' (September 2004). Due to the many similarities between events held at Members Equity Stadium, and other venues throughout the Town, both policies have been amalgamated, with those items specific to Members Equity Stadium detailed as a subset.

In relation to *Policy No. 4.1.25 Perth Oval (Members Equity Stadium) Concerts Policy*, it is considered that a number of the requirements have proven onerous and in some instances unworkable. However, as a result of the Town's Officers having gained considerable experience in the planning, approval and monitoring of large scale events held at Members Equity Stadium, the proposed amendments detailed in *Draft Policy No. 3.8.3 Concerts and Events* reflect a more pragmatic approach to concert and event governance.

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

The amended *Draft Policy No. 3.8.3 Concerts and Events* was reviewed by the Town's Health Services in consultation with the Town's Community Development Services, Parks Services, Rangers and Community Safety Services, the Department of Health (WA), and Allia Venue Management (Members Equity Stadium).

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

- *Health Act 1911;*
- *Liquor Control Act 1988;*
- *Local Government Act 1995;*
- *Building Code of Australia;*
- *AS/NZS 4360:1999 – Risk Management;*
- *Environmental Protection Act 1986;* and
- *Environmental Protection (Noise) Regulations 1997.*

#### **STRATEGIC IMPLICATIONS:**

*Strategic Plan 2006-2011 - 'Leadership, Governance and Management':*

- 4.1.4 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

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

The financial/budget implications of the *Draft Policy No. 3.8.3 Concerts and Events* are limited to advertising costs associated with community consultation.

#### **COMMENTS:**

With a significant number of large scale concerts and events held within the Town in recent years, the Town's Officers consider the attached *Draft Policy No. 3.8.3 Concerts and Events* to be more comprehensive and practical, and a more effective tool for guiding applicants and the Town's Officers through the involved concert and event application and approval process.

**10.4.3 Statutory Review of Town of Vincent Standing Orders Local Law 2008**

<b>Ward:</b>	-	<b>Date:</b>	18 June 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	LEG0019
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

*That the Council;*

- (i) *pursuant to Sections 3.16 of the Local Government Act 1995 has advertised its intention to review its local laws relating to Standings and NOTES that two (2) submissions were received at the close of the statutory six (6) week public consultation period of the proposed review of the Local Laws Relating to Standing Orders;*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 advertises on a Statewide basis:*
  - (a) *its intention to REPEAL its Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 and amended on 25 June 2004 and 14 January 2005;*
  - (b) *its intention to ADOPT a new Standing Orders Local Law 2008 as shown in Appendix 10.4.3 to provide for rules, procedures and guidelines to assist in the good conduct of meetings of the Council, committees and the standards to be observed by persons attending such meetings;*
  - (c) *advising that a copy of the proposed local law may be inspected or obtained from the Town's Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
  - (d) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Burns**

*That the words "for refusal" be deleted from the Standing Orders clause 3.7.7(3)(b) and it be amended to read as follows:*

*"The Presiding Member however, may accept a foreshadowed alternative recommendation."*

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Youngman**

*That clause 3.6 (vii) be amended to read as follows:*

*“(vii) other speakers for and against and for the motion, alternating in view, if any speakers for and against the motion if any, until all members wishing to speak have spoken;”*

**Debate ensued.**

**AMENDMENT 2 PUT AND LOST (3-5)**

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

(Cr Ker on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED (5-3)**

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

(Cr Ker on approved leave of absence.)

**COUNCIL DECISION ITEM 10.4.3**

*That the Council;*

- (i) pursuant to Sections 3.16 of the Local Government Act 1995 has advertised its intention to review its local laws relating to Standings and NOTES that two (2) submissions were received at the close of the statutory six (6) week public consultation period of the proposed review of the Local Laws Relating to Standing Orders;*
- (ii) pursuant to Section 3.12 of the Local Government Act 1995 advertises on a Statewide basis:*
  - (a) its intention to REPEAL its Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 and amended on 25 June 2004 and 14 January 2005;*

- (b) *its intention to ADOPT a new Standing Orders Local Law 2008 as shown in Appendix 10.4.3 to provide for rules, procedures and guidelines to assist in the good conduct of meetings of the Council, committees and the standards to be observed by persons attending such meetings subject to the following change;*
- that the words “for refusal” be deleted from the Standing Orders clause 3.7.7(3)(b) and it be amended to read as follows:*
- “The Presiding Member however, may accept a foreshadowed alternative recommendation.”*
- (c) *advising that a copy of the proposed local law may be inspected or obtained from the Town’s Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
- (d) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

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## PURPOSE

The purpose of this report is for the Council to consider the two submissions received during the consultation period of the review process concerning the Town of Vincent Local Law Relating to Standing Orders, and seek the Council’s approval to advertise the intention to revoke the current Local Law relating to Standing Orders and adopt a new Local Law in its place.

## BACKGROUND

The Town of Vincent administers a number of Acts, regulations and local laws. The Acts and regulations are prepared by the State Government and proclaimed by Parliament. Local governments prepare their own local laws under the head of power contained in the Local Government Act 1995, Health Act 1911 and Dog Act 1976. To ensure that the local laws do not become antiquated and remain relevant they are legally required to be reviewed every eight (8) years. A number of legislative changes and Council meeting procedures/practices have occurred since the current local law has been introduced, in 2001. These will be reflected in the proposed new local law.

The following table outlines the Town’s current local law, indicating when the Standing Orders local law was gazetted and amended.

<b>Title</b>	<b>Date Gazetted</b>	<b>Date of Amendment</b>
Standing Orders	11 September 2001	25 June 2004 14 January 2005

The review of the existing Local Law Relating to Standing Orders is largely based on the Town’s current local law and has been amended where considered necessary. Where possible, the Western Australian Local Government Association’s (WALGA’s) Model Standing Local Law has been used where an amendment has been proposed.

The relevant changes are shown by strike-thru, where an item has been deleted and underline, when a new item has been included.

Formatting is in accordance with the Department of Local Government Guidelines. Reference to the Local Government Act has been deleted throughout, as this is a formal requirement.

The term “member” has been used to replace “Councillor”, where necessary and the term “employee” to replace “officer”. Lower case lettering has been used for a number of definitions and terms throughout, where necessary. These have not be shown as they do not affect the intent of the Local Law. The relevant changes are as follows;

1. Clause 1.1 – Citation

The correct title, including year of adoption has been included.

2. Clause 1.2 - Objective and Intent

Clause 1.2(1) is **new** and prescribes the objective and intent of the Standing Orders.

3. Clause 1.3 - Commencement

Renumbered from previous Clause 1.2

4. Clause 1.4 - Repeal

Renumbered from previous Clause 1.3

5. Clause 1.5 – Application

This Clause has been re-worded to be consistent with WALGA’s Model Local Law.

6. Clause 1.6 - Interpretation

A number of definitions, which are specified in the Local Government Act have been deleted. Superfluous definitions have also been deleted.

A new paragraph (2) has been added, to be consistent with the Model Local Law.

7. Clause 2.8 – Order of Business

This clause has been amended as follows;

(1)(i) has been changed to (k) and will now be after “Motions of which previous notice has been given”.

(1)(j) correction of typo – delete “*on*” and insert “*of*”.

(1)(n) a new item – “Matters for which the meeting may be closed” – this reflects the Councils’ current practice of dealing with Confidential Items, at the end part of the meeting.

(5)(c) “Special Majority” has been deleted, as the Local Government Act has deleted this requirement.

8. Clause 2.1.4 – Meetings to be generally open to the public

Correction of typo - delete “*and (3)*” in the current local law.

9. Clause 2.19.2 - Minute Book – has been retitled Contents of Minutes

This is copied from the Model Local Law.

A **new** sub-clause 2.19.4 – Preservation of Minutes – copied from the Model Local Law.

10. Clause 3.6.3 - Permissible Procedural Motions

Wording has been tidied up to be consistent with the Model Local Law.

11. Clause 3.6.9 - Unopposed Business / En-Bloc Motions

This is a **new** clause, as per Model Local Law – it specifies the Council’s current practice of dealing with en-bloc reports.

12. Clause 3.7.2 - Amendment to be read

Minor re-wording to “tidy up” the clause which requires the amendment to be read when requested by a member. (not to occur as to interrupt a member whilst speaking).

13. Clause 3.7.7 - Procedure for Dealing with Amendments Which Will Significantly Alter an Officer Recommendation

This is a **new** clause which reflects the Council’s current new Policy Procedure.

14. Clause 3.15 - Motion that the Council (or Committee) meet Behind Closed Doors – Effect of Motion

**New** paragraphs (4) and (5) from the Model Local Law have been included. These will;

(a) require the Presiding Member to read out any motion carried “Behind Closed Doors”, once the Council resumes an Open Meeting – if members of the public are present. (Who may be awaiting such information).

(b) It prescribes conditions for keeping confidential information secure.

15. Clause 4.6 - Appointment of Deputy Members

This is a **new** clause which prescribes the obligations of deputy members.

16. Clause 4.7 - Qualification of Deputy Members

This is a **new** clause, self explanatory.

17. Clause 4.8 - Term of Appointment

This is a **new** clause, which clearly specifies the term for any deputy member.

18. Clause 4.9 - Forums

This has now been renumbered from 4.7.

19. Clause 5.4 - Cases not provided for in Standing Orders

Paragraph (2) has been reworded to be more specific.

20. Clauses 5.9 and 5.10 have been renumbered to be in a more appropriate order.

21. Clause 5.11 – Council may take action

This clause has been deleted as Section 9.24 (2) of the Local Government Act 1995 specifies who can take action for a breach of a local law (including Standing Orders).

The following additional amendments are also recommended (highlighted yellow in the Draft Standing Orders);

Chief Executive Officer's Comments:

**3.2.3 Breaches of Order**

The addition of amended subclause (ii) is more inclusive of other inappropriate and unacceptable language. The addition of new subclause (iii) covers inappropriate conduct, gestures or actions.

This Clause has been amended to read as follows:

The following are ~~to be~~ recognised as breaches of order:-

- (i) discussion of a motion which is not before the Council; or
- (ii) the use of abusive, defamatory, derogatory, insulting, intimidatory, offensive or profane, language ~~or insulting language;~~ or
- (iii) any conduct, behaviour, gestures or actions which causes offence to another person; or
- ~~(iii)~~(iv) any violation of these Standing Orders; or
- ~~(iv)~~(v) a breach of any other written law.

**3.3.6 Personal Explanation**

A **new** subclause (iv) has been inserted as follows;

“(iv) A personal explanation is not open to debate.”

**3.4.2 No adverse reflection on a Council decision or a person**

This heading has been changed to reflect both clauses referring to “adverse reflections”.

**3.4.3 Conduct and behaviour**

A **new** clause has been inserted concerning inappropriate and unacceptable conduct and behaviour. This new clause has been based on a similar clause in the Standing Orders of the Legislative Council of the WA Parliament.

**3.4.5 Withdrawal of offensive language**

The subclause (1) has been amended to require any person who is “*out of order*” or who makes offensive remarks etc. to provide an apology to the “*person being referred to*”.

(Changes shown by strikethrough (for deletions) and underlining for new words).



## PUBLIC CONSULTATION SUBMISSIONS

The proposed review of the Local Law was advertised in late April 2008 for six (6) weeks.

At the close of the public consultation period, two (2) submissions were received as follows:

Julie Mackay of Robinson Avenue Perth WA 6000:

Section 3.16 Local Government Act 1995

In regards to the above mentioned matter I propose that:

“Section 3.6 Motions – be amended to specify that all members, for or against, have the right to speak on a motion:

“3.5(v) (*sic*) members for or against the motion may speak;”

As the Orders read at present there is a degree of ambiguity in regards to the right of a member to speak on a particular motion. I believe that explicit stating that all members have the right to speak on a motion enhances fairness and openness in Government.”

Anne Courtley, [anne.courtley](#) [email address deleted]

“Regarding your invitation to submit comment on the change of council policy relating to “Standing Orders”,

and in particular clause 3.6.1, being the order of call in debate,

I wish to request that clause 3.6.1, part (v) is changed to become worded as or the same in meaning to the following;

“(v) speakers for and against the motion if any, until all members wishing to speak have spoken.” ”

Chief Executive Officer’s Comments:

It is considered that the current clause is adequate. However, both submissions consider that the wording should be changed.

Therefore, it is recommended that the clause be slightly changed to remove any ambiguity, as per the Model Local Law, which reads as follows;

### **3.6 Motions**

#### **3.6.1 Order of call in debate**

The presiding member shall call speakers to a substantive motion in the following order:

- (i) the speaker to ~~move~~ state the motion;
- (ii) a seconder to the motion;
- (iii) the mover to speak to the motion;
- (iv) the seconder to speak to the motion;
- (v) a speaker against the motion;
- (vi) a speaker for the motion;
- ~~(vii) other speakers for and against~~ and for the motion, alternating in view, if any;
- (viii) the mover takes the right of reply, which closes the debate.

(Changes shown by strikethrough (for deletions) and underlining for new words).

## **ADVERTISING/CONSULTATION**

Section 3.16 of the Local Government Act 1995 states:

“3.16(2) *The local government is to give Statewide public notice stating that:*

- (a) *the local government proposes to review the local law;*
- (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

The proposed review was advertised on a Statewide and local basis on 12 April 2008 and 22 April 2008.

## **FINANCIAL/BUDGET IMPLICATIONS**

The cost of an advertisement will be approximately \$250. An amount of \$5,000 has been included in the Budget 2007/08 for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

## **LEGAL/POLICY**

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

The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16) was completed.

The local laws are required to be advertised in their current status for a period of six (6) weeks. At the close of the submission period the Town may make any proposed changes and consider any submissions received and then readvertise for a further six week period.

## **STRATEGIC IMPLICATIONS**

The matter is in keeping with the Council’s Strategic Plan 2006-2011 – *Key Result Area 4.2 – “Manage the organisation in a responsible, efficient and accountable manner”*.

## **COMMENTS**

The review and adoption of a new Standing Orders Local Law will complete the statutory review process of all of the Town’s Local Laws.

In view of the recent legislative change (and the need for a statutory review), it is recommended that the current Local Law be repealed and a new Local Law be adopted in its place.

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

**12.1 WALGA Nominations – WA Local Government Grants Commission; Local Government and Community Road Safety Committee; Mosquito Control Advisory Committee; Tourism Industry Reference Group (Department of Environment and Conservation); Economic Regulation Authority Consumer Consultative Committee; Keep Australia Beautiful Council; Road Freight Transport Industry Council; State Wetlands Coordinating Coordinating Committee; Fluoridation of Public Water Supplies Advisory Committee**

<b>Ward:</b>	-	<b>Date:</b>	17 June 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *be nominated as WALGA Metropolitan Commissioner - Western Australian Local Government Grants Commission (Approval by Minister) - (Re-advertised);*
- (ii) \_\_\_\_\_ *be nominated as WALGA Metropolitan Deputy Commissioner - Western Australian Local Government Grants Commission (Approval by Minister) - (Re-advertised);*
- (iii) \_\_\_\_\_ *and* \_\_\_\_\_ *be nominated as WALGA Member (2) - Local Government and Community Road Safety Committee - (Re-advertised);*
- (iv) \_\_\_\_\_ *and* \_\_\_\_\_ *be nominated as WALGA Deputy Member (2) - Local Government and Community Road Safety Committee) - (Re-advertised);*
- (v) \_\_\_\_\_ *be nominated as WALGA Metropolitan Member - Mosquito Control Advisory Committee - (Re-advertised);*
- (vi) \_\_\_\_\_ *be nominated as WALGA Member - Department of Environment and Conservation (DEC) Tourism Industry Reference Group - (Re-advertised);*
- (vii) \_\_\_\_\_ *be nominated as WALGA Member - Economic Regulation Authority Consumer Consultative Committee - (Re-advertised);*
- (viii) \_\_\_\_\_ *be nominated as WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA) (Panel of 3 required) (Ministerial Approval);*

- (ix) \_\_\_\_\_ *be nominated as WALGA Member - Road Freight Transport Industry Council (Panel of 3 requested);*
  - (x) \_\_\_\_\_ *be nominated as WALGA Member - Wetlands Coordinating Committee; and*
  - (xi) \_\_\_\_\_ *be nominated as WALGA Member - Fluoridation of Public Water Supplies Advisory Committee (Ministerial Appointment - Panel of 3 requested).*
- 

**COUNCIL DECISION ITEM 12.1**

The Presiding Member called for nominations and Cr Doran-Wu nominated for;

- (i) the WALGA Metropolian Commissioner – Western Australia Local Government Grants Commission; and
- (ii) the WALGA Metropolitan Deputy Commissioner – Western Australian Local Government Grants Commission.

**Moved Cr Farrell, Seconded Cr Youngman**

*That the nomination as received be approved as follows, that:*

- (i) *Cr Doran-Wu be nominated as WALGA Metropolian Commissioner – Western Australia Local Government Grants Commission; and*
- (ii) *Cr Doran-Wu be nominated as WALGA Metropolitan Deputy Commissioner – Western Australian Local Government Grants Commission; and*

*that clauses (iii) and (iv) be included on the Agenda for the next Ordinary Council Meeting on 8 July 2008.*

Debate ensued.

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

(Cr Ker on approved leave of absence.)

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**DETAILS:**

Please see Appendix 12.1 for details.

**N.B.:**

**NOMINATIONS CLOSE 4PM THURSDAY 17 JULY 2008**

### 13. URGENT BUSINESS

#### 13.1 Urgent Business – Donation from Bendigo Bank – North Perth

Ward:	-	Date:	23 June 2008
Precinct:	-	File Ref:	
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES** of the donation from Bendigo Bank North Perth for;
  - (a) *Hyde Park Lakes Restoration Fund \$10,000; and*
  - (b) *Purchase of a 20-25 seat Community Bus \$120,000;*
- (ii) *subject to (i)(b) above being approved, AUTHORISES the Chief Executive Officer to;*
  - (a) *prepare the necessary documentation for the purchase of the Community Bus; and*
  - (b) *preparation of Guidelines and Conditions for the use of the Community Bus; and*
- (iii) *subject to (i)(b) above being approved, NOTES that an adjustment to the Draft Budget 2008/2009 will need to be carried out.*

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**COUNCIL DECISION ITEM 13.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

The Presiding Member advised Councillors to provide suggestions regarding the Guidelines and Conditions for the use of the Community Bus to the Chief Executive Officer.

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

(Cr Ker on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to consider and approve of donations from the Bendigo Bank North Perth Branch for the Hyde Park Lakes Restoration Fund and the purchase of a Community Bus.

**BACKGROUND:**

On Friday 20 June 2008 the Bendigo Bank North Perth advised the Town that it wished to make the following donations to the Town:

(i) Hyde Park Lakes Restoration Fund

A donation of \$10,000 is proposed to the Town, which will be placed in the Hyde Park Lakes Restoration Reserve Fund. These monies will be used for the restoration of the two lakes in Hyde Park, which are currently in a poor state.

(ii) Purchase of the Community Bus together with Wheelchair Hoist

A donation of up to \$120,000 for the purchase of a 20-25 seat bus. This bus will be owned by the Town and used for community purposes.

Indicative prices have been obtained which reveal that a price for a 20-25 seat bus vary from \$105,000 and \$120,000 depending on the make and model.

It is preferable that a wheelchair hoist and lifting apparatus be fitted to the bus and this is estimated to cost approximately \$35,000 - \$40,000 (depending upon make and model). The Town will investigate and apply for a grant for this equipment. A bus with a wheelchair hoist and lifting apparatus will enable a wider range of community groups, particularly those with disabled persons, to have access to the community bus.

If the Town is unsuccessful for a grant it is suggested that the Council further consider the matter when it calls for tenders for the purchase of the bus.

As the request was only recently received, only preliminary information is available as follows:

(i) Bus Storage

The bus would be stored at the Town's work depot in Osborne Park when not in use.

(ii) Vehicle Operating Costs (based on 60,000km per annum)

The following costs are indicative:

- Fuel = \$30,000
- Repairs and Maintenance = \$5,000
- Registration and Insurance = \$2,000
- Depreciation = \$5,000
- **TOTAL = \$42,000 per annum**

(iii) Vehicle Driver

The Town does not employ a bus driver. A number of options are available as follows:

- (a) direct employment of a driver, as requested, by the Town – cost would be on an hourly basis (eg. \$30 an hour);
- (b) community groups to provide own bus driver; and/or
- (c) volunteer driver to be engaged.

Further investigations concerning this matter would need to be carried out.

(iv) Conditions of Use

A number of options are available as follows:

- (a) direct hire by the Town – hire cost could be on an hourly cost recovery basis (eg. \$50 an hour plus the cost of a driver);
- (b) direct hire by the Town at a subsidised cost (eg. \$20 an hour, plus cost of a bus driver or community groups to provide own bus driver; and
- (c) free use by the Town for community groups located in the Town to provide services for the Town's residents etc.

Further investigations concerning this matter would need to be carried out.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Town's Strategic Plan 2006-2011;

Key Result Area 1.1.4(b) *"Restore Hyde Park Lakes and Banks Reserve Foreshore"*.

Key Result Area 2.1.2(a) *"Established public/private alliances and partnerships to attract external funding and investment to enhance the strategic direct of the Town"*.

Key Result Area 3.1.2 *"Provide and develop a range of community programmes and community safety initiatives"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

As these matters have only just arisen the donations do not appear in the Draft Budget 2008/2009. Furthermore operating costs have not been budgeted for.

This will be subject of a further report. An adjustment to the Budget will need to be carried out to reflect the operating costs – at the quarterly Budget review.

**COMMENTS:**

It is understood that the donation from the Bendigo Bank North Perth will be made as part of their Community Service Charter and the donation will receive a taxation concession for the Bank.

As the Town and Vincent Community will benefit from the donations, the Council's approval is recommended.

**Cr Messina departed the Chamber at 8.58pm.**

**Cr Messina returned to the Chamber at 8.59pm.**

**PROCEDURAL MOTION**

**At 8.59pm**      **Moved Cr Farrell, Seconded Cr Messina**

*That Council proceed "behind closed doors" to consider confidential item 14.1 as this matter relates to the personal affairs of a person, contain legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and potential financial and legal implications to the Town.*

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

**(Cr Ker on approved leave of absence.)**



**14.1 CONFIDENTIAL REPORT - No. 6 (Lot: 181 D/P: 2355) Burt Street, corner Monmouth Street, Mount Lawley - Proposed Change of Use from Shop to Office with Associated Additions and Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 190 of 2008**

<b>Ward:</b>	South	<b>Date:</b>	16 June 2008
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO4099; 5.2007.394.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Bothwell		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *pursuant to section 5.23 (2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to Confidential Report - No. 6 (Lot: 181 D/P: 2355) Burt Street, corner Monmouth Street, Mount Lawley - Proposed Change of Use from Shop to Office with Associated Additions and Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 190 of 2008, as the matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Farrell, Seconded Cr Maier**

*That the Council;*

- (i) *RECEIVES the report relating to No. 6 (Lot: 181 D/P: 2355) Burt Street, corner Monmouth Street, Mount Lawley –Proposed Change of Use from Shop to Office with Associated Additions and Alterations - State Administrative Tribunal - Review Matter No. DR 190 of 2008; and*
- (ii) *INVITES COUNCILLOR Maier to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Written Papers".*

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

**(Cr Ker on approved leave of absence.)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this Meeting. In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
  - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
    - (a) *the Members; and*
    - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*  
  
*prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
  - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

**At 9.00pm**     **Moved Cr Farrell, Seconded Cr Burns**

*That an “open” meeting be resumed.*

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

(Cr Ker on approved leave of absence.)

**15. CLOSURE**

**The Presiding Member, Mayor Catania, declared the meeting closed at 9.00pm 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 (Deputy Mayor)	North 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

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 June 2008.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2008