



**TOWN OF VINCENT**

---

*"Enhancing and celebrating our diverse community"*

---

# MINUTES

**25 AUGUST 2009**

---

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

## INDEX (25 AUGUST 2009)

ITEM	REPORT DESCRIPTION	PAGE
<b>9.1 DEVELOPMENT SERVICES</b>		
9.1.1	Nos. 378-390 (Lots 332 and 333 D/P: 48702) Beaufort Street, and part dual frontage to McCarthy Street, Perth - Proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty-Nine (59) Multiple Dwellings and Shop (PRO0083; 5.2009.120.1)	74
9.1.2	No. 586 (Lot 52 D/P: 33979) William Street, Mount Lawley - Proposed Satellite Dish Addition to Existing Single House (Retrospective Application) (PRO0241; 5.2009.198.1)	8
9.1.3	No. 15 (Lot 25 DP: 2324) Grosvenor Road, Mount Lawley – Front Fence Addition to Existing Two (2) Two-Storey Single Houses – (Application for Retrospective Approval) (PRO3607; 5.2009.135.1)	45
9.1.4	No. 51 (Lot 801 D/P: 44852) Mary Street, Highgate - Proposed Alterations and Additions to Approved Garage of Approved Three (3) Storey Addition to Existing Single House (PRO4548; 5.2009.162.1)	11
9.1.5	Nos. 434-438 (First Floor) (Lot 7 D/P: 613) William Street, Perth - Proposed Change of Use from Function Centre to Unlisted Use (Nightclub) – Application for Retrospective Approval (PRO0154; 5.2009.186.1)	15
9.1.6	Nos. 95-117 Egina Street, Mount Hawthorn - Proposed Lighting Addition to Menzies Park (PRO2280; 5.2009.233.1)	69
9.1.7	Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage (PRO0464; 5.2008.389.1)	40
9.1.8	Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes (PLA 0197)	49
9.1.9	Road Widening Reservations – Proposed Amendment to the Metropolitan Region Scheme to Remove the Road Widening Reservations along Beaufort Street (Brisbane Street to Walcott Street) and Fitzgerald Street (Carr Street to Walcott Street) (PLA0212)	86
9.1.10	Gnangara Sustainability Strategy – Department of Water (ORG0016)	90
<b>9.2 TECHNICAL SERVICES</b>		
9.2.1	Proposed Naming of the Right of Way Legs off Smith Street (Bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth (TES0276) Forrest Precinct	23
9.2.2	Mindarie Regional Council Strategic Waste Minimisation Plan – Funded Projects – Progress Report No 1 (ENS0008) All Precincts	26
9.2.3	Provision of Energy and Water Audits for Residents in the Town – Progress Report No 3 (ENS0106/PLA0175) All Precincts	32

**9.3 CORPORATE SERVICES**

9.3.1	Investment Report as at 31 July 2009 (FIN0033)	96
9.3.2	Authorisation of Expenditure for the Period 1 – 31 July 2009 (FIN0032)	37
9.3.3	Cappuccino Festival 2009/10 – Approval (CMS0110)	98

**9.4 CHIEF EXECUTIVE OFFICER**

9.4.1	Environmental Health Australia (EHA) 35 <sup>th</sup> National Conference – 2009 (ADM0031)	103
9.4.2	Information Bulletin	106

**10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.	107
------	-----

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)**

Nil.	107
------	-----

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.	107
------	-----

**13. URGENT BUSINESS**

Nil.	107
------	-----

**14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("*Behind Closed Doors*")**

14.1	LATE ITEM: CONFIDENTIAL REPORT: Local Government Structural Reform 2009 – Progress Report No. 4 (ORG0031)	107
------	---	-----

**15. CLOSURE**

110
-----

---

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 25 August 2009, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

Cr Steed Farrell – apologies – arriving late due to work commitments.

The Chief Executive Officer advised that Cr Noel Youngman had submitted his resignation, effective from Friday 21 August 2009.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward (from 6.20pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.05pm)

Approximately 22 Members of the Public

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

Nil.

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

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

1. Paul Kotsoglo of Planning Solutions, Suite 1, 255 Beaufort Street, Perth – Item 9.1.7. Stated he would like the Council to approve this item as it is clear the site has some issues associated with the Masterplan and it is constrained by widenings associated with the Metropolitan Regional Scheme.
2. Joe Iemma of 15 Britannia Road, Leederville – Item 9.1.3. Spoke against the Council Decision to cut the fence back from 1.65m to 1.25m due to an oversight on the issue of the building plans. Submitted documents evidencing buildings in progress in the Town with the same boundary fence at 2.28m in Britannia Road and another in Salisbury Street which is solid and covers the front of two dwellings also 1.8m high erected some 2 weeks ago. Requested the evidence be reviewed and the decision be reversed and allow the fence to remain as neither neighbour has objected and the fence is in keeping with the design of the building. Stated it was built in accordance to the plans issued by the Council to the building and it was not in defiance of the Council rules, again an oversight by the Council. Advised there was a letter to Council asking for a review of the fence before the issue of the building license but the building plans were issued without any changes to the builder and a copy of the plans are available if necessary.

3. Lyn Oliver of 43 Lawler Street, North Perth – Item 9.1.8. Read out the following:  
*“I am in support of the Proposed Amendment No. 43 – Residential Streetscapes. I object to the ‘do not proceed’ recommendation that TOV staff have asked the Council to accept on 25<sup>th</sup> August 2009. I believe that at this stage residents have only been given a couple of days to read, understand and be able to liaise and clarify with TOV staff about what is in the report. For example, I specifically rang and asked a senior Town staff member whether the diluted policy was worth me putting in the work to liaise with Lawler and Doris Street developments like the 2 block, 4 unit, 2 storey with left development that dominates Byron Street in Leederville? I was advised that it would. This is the type of development that strikes fear into the majority of residents. Staff have advised Council that the policy is so dilute “whereby it is no longer an adequate planning tool as it does not offer significant provision for protecting recognised streetscapes”, beyond what the Town’s Residential Design Elements Policy (No. 3.2.1), the Town’s Policy relating to Heritage Management, and the Town’s Town Planning Scheme No. 1, provide. The policy may be diluted but many residents desperately want to protect their privacy, amenity and character in the TOV. The protective policies that exist and that are mentioned in the recommendation to Council are not giving many residents any confidence at all. I would like to ask the Officers for a report that explains how the Policies mentioned specifically apply to and would protect Doris and Lawler Streets – i.e. what can we do that is within the existing framework that protects our streetscape? A copy of such a report to residents in Lawler and Doris Streets would be extremely helpful. Regarding heritage, there is a difference between maintaining a character streetscape and deeming a street ‘heritage listed’. The restrictions on properties in a Heritage listed area are much greater than trying to keep a streetscape intact. Regarding the removal of many streets from the policy, I understand that that is why an opt-in clause was included so that if residents who saw value in having a streetscape protected, they could decide at a later date to do the work to include their street. Regarding the consultation process and responses from owners, I believed it was the policy we were talking about and that we were not at the stage of gathering 80% of signatures on a petition to have our street included in the policy. In my discussions with residents I told them that at this stage they did not have to do anything for the policy to proceed as the working the box under Contact Officer stated that if I did not response that it would be taken I have not objections. Now I find that this has changed and that the proposal. This is simply not true and has misled a lot of residents and it is important that councillors recognise this. I table this document and a statement by two residents of Lawler St who could not be here tonight who believed that a non response meant they supported the policy.”*
4. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.8. Read out the following:  
*“I wish to state that I support the Policy. Given that Council Officers are concluding that the Draft Residential Streetscapes Policy has now been effectively diluted and watered down so drastically that it is almost unworkable we believe that this leaves ratepayers who thought their streetscapes were going to be conserved and protected out on a limb. It is understood that one of the main reasons for this dilution has been due to the greater push for higher density housing, (particularly for recognized streetscapes zoned R80). I would point out that this zoning applies to three recognized streetscapes which earlier were designated CAT 1 streetscapes in Cleaver Precinct, which streetscapes would not be covered under the Town’s Planning Scheme No. 1, because of that zoning only covers streetscapes zoned R30/40. We believe that this leaves the Cleaver Precinct communities who happen to value their streetscapes (which provide them with a distinctive LOCAL SENSE OF PLACE - so important for the health of the community and heavily emphasized by Council’s officers) without any protection whatsoever.*

*I would state that for at least the 10th time that Carr Street (between Cleaver and Charles Streets) is forever being praised by locals and visitors alike who happen to love and appreciate the old houses and the special ambience of this special unique streetscape.*

*Now that the Town has imposed a discriminatory 80% figure in order for these character streetscapes to be retained, saying that so few responses have been from the public when consulted as to really provide a appropriate result on which to determine retention of character streetscapes, I would point out that often an even lower result is reached at Council elections. This low response from the public still permits the Mayor and Councillors to be elected to run the Council which in reality is a extremely inaccurate gauge of public support for those elected, but still it is accepted with no 80% barrier imposed - not even a 50% markdown. So I therefore put to you this same logic will have to be applied (if Council election results are called logical) in relation to responses received from the public with regard to our Residential Streetscape policy. It really is no different.*

*Therefore if Council is to treat its communities fairly in this matter, 50% must be regarded as the standard used. 80% is not only discriminatory but an attack on ratepayers whose communities value their streetscapes.*

*I have been told the Perth City Council now is able to classify distinctive areas and streetscapes for conservation. Perhaps the Town of Vincent should do the same and act quickly to preserve the precious few streetscapes we have in our town, especially Carr (between Cleaver and Charles), Hammond and Janet Streets in Cleaver Precinct before many more members of our communities become disillusioned with what we used to think was our special Town of Vincent. This now unworkable Residential Streetscape Policy makes one wonder why have voluntarily worked so hard for TOV over the years."*

5. Judith Broadway of 102 Carr Street, West Perth (for 19 years) – Item 9.1.8. Advised it is very important for that the current natural streetscape is retained especially the section between Charles and Loftus Streets. Stated there has been quite a lot of building going on in between Charles and Fitzgerald as well as Cleaver and Loftus Streets. Believed that this is a beautiful section of her Street and she would love to keep it the way it is especially the frontage and let people do what they want to do at the back of their properties.
6. Alf Parolo of 76 Cleaver Street, West Perth – Item 9.1.6. Stated his son plays football on Menzies Park and he is keen that the lighting does proceed as per the Agenda. Advised he lives near Beatty Park which is quite often illuminated and he finds it quite handy when it is illuminated as it is a lot safer and gives him more time to play there. Advised he is happy that Mount Hawthorn Cardinals are going ahead with the lighting as it gives the children more flexibility to play a bit latter, gives him more time to spend with them after work and it is a good opportunity for the Town to improve that facility considering that it is public open space. Stated this will give them more use of the Oval when it is dark during winter. Does not believe it creates anymore parking problems or traffic problems it just means you can see a lot better and it is a lot safe.

**Cr Farrell entered the Chamber at approx 6.20pm.**

7. Ben Vance of 77 Carr Street, West Perth – Item 9.1.8. Has some regret in the affirmative of the recommendation as he believed what could have been achieved has fallen short and would be of little benefit to the Town residents and ratepayers however, it would be highly beneficial if the Town addressed the idea of a residential streetscape policy at a future date. Stated the success of similar local government initiatives both domestic and international in ameliorating the neighbourhood lifestyles of residents and non residents alike and this cannot be ignored. The

benefits are directly linked to the enhancement of the residential character in these instances and this drives interest in the locality both internal (people already living in the area) and external (people that visit the area or maybe looking to move there). Stated unfortunately his actions were not helpful in generating a number of responses from the street as it skewed the result of responses from Carr St. Stated he took it in good faith that a petition he submitted on 16 June 2009 with 19 owner signatures including his own as he thought it would aide the process in getting a response from the Street, however no record has been made of it in the Agenda as, because of the format of the submission, it was not counted in the responses tabled on page 52. Advised he individually spoke to each resident/owner in order to seek their approval for the Street to be included in the draft Policy, the majority of the residents had little understanding of the Policy and were therefore apathetic to the amendment. Stated this would have produced a much greater response of 23 in support of the Policy with 7 objecting and 28 non responsive. Stated he took the initiative to speak to the residents to support the Town and submitted their response which lifts the support of response rate in Carr St from 8.62% to just under 40% if each residents signature is counted. Believed there was a high level of interest in the residential streetscapes, particularly in Carr St between Charles and Cleaver Streets and this should not be ignored and perhaps this subject can be revisited in the future in a different manner that Council see beneficial not only to the residents of Carr St but also to the Town. Advised sustainability and the draft Policy have a strong binding relationship and it is important that the Council not only lead well but also strategically plan to preserve the character of the Town so it will have a position amongst its peers and envied as a place people want to live.

There being no further speakers, public question time closed at approx. 6.23pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

4.1 Cr Ian Ker requested leave of absence from the Ordinary Meeting of Council to be held on 8 September 2009 due to local government business commitments.

**Moved Cr Farrell, Seconded Cr Maier**

*That Cr Ian Ker's request for leave of absence be approved.*

**CARRIED (8-0)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

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

Minutes of the Ordinary Meeting of Council held on 11 August 2009.

**Moved Cr Farrell, Seconded Cr Burns**

*That the Minutes of the Ordinary Meeting of Council held 11 August 2009 be confirmed as a true and correct record.*

**CARRIED (8-0)**

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

**7.1 Councillor Noel Youngman – Resignation**

As mentioned by the Chief Executive Officer at the beginning of the Meeting, Cr Noel Youngman has resigned his position of Councillor for the Town of Vincent North Ward. The vacancy will remain unfilled until the Ordinary Elections are held on 17 October 2009.

The Western Australian Electoral Commission has been advised of the resignation and will be conducting the Election for the Extraordinary Vacancy at the same time as the normal Election for the two Ordinary Vacancies for the North Ward.

**7.2 Certificate of Achievement – Mobile Muster**

I am pleased to advise that the Town has been acknowledged by the 'Australian Mobile Telecommunications Association' for helping to protect the planet by collecting phones on behalf of MobileMuster, the mobile phone industry's official recycling program.

The Town of Vincent collected over 13 kilograms of mobile phones, batteries and accessories for recycling between July 2008 and June 2009.

Australia-wide, from July last year, MobileMuster has collected over 122 tonnes of mobile phone components. This is 26% up on the previous period and included 807,000 handsets and batteries as well as 70 tonnes of chargers and accessories. A great result!

The Town, being part of MobileMuster, has helped to prevent over 17 tonnes of batteries, including 290 kilograms of cadmium and 290 kilograms of lead from ending up in landfill.

**7.3 Late Report – Confidential Item**

I have approved of a Late Report - Confidential Item 14.1 - on tonight's Agenda concerning Local Government Structural Reform Strategies 2009 - Progress Report No. 4. This report will be considered "Behind Closed Doors" in accordance with the Council's previous decision.

**8. DECLARATIONS OF INTERESTS**

8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has shares.

8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.

8.3 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.



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

Nil.

**10. REPORTS**

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

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

Items 9.1.7, 9.1.3, 9.1.8 and 9.1.6.

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

Items 9.1.1.

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

Item 9.3.1.

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

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

Cr Farrell	Nil.
Cr Messina	Nil.
Cr Ker	Item 9.1.9.
Cr Doran-Wu	Nil.
Cr Lake	Item 9.3.3.
Cr Burns	Nil.
Cr Maier	Items 9.1.10 and 9.4.2.
Mayor Catania	Nil.

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

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

Items 9.1.2, 9.1.4, 9.1.5, 9.2.1, 9.2.2, 9.2.3 and 9.3.2.

**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 9.1.2, 9.1.4, 9.1.5, 9.2.1, 9.2.2, 9.2.3 and 9.3.2.

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

Items 9.1.7, 9.1.3, 9.1.8 and 9.1.6.

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

**Moved Cr Farrell, Seconded Cr Ker**

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

***Items 9.1.2, 9.1.4, 9.1.5, 9.2.1, 9.2.2, 9.2.3 and 9.3.2.***

**CARRIED (8-0)**

**9.1.2 No. 586 (Lot 52 D/P: 33979) William Street, Mount Lawley - Proposed Satellite Dish Addition to Existing Single House (Retrospective Application)**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO0241; 5.2009.198.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Reynolds, D Bothwell		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S M Sangiacomo on behalf of the owner A R & S M Sangiacomo for proposed Satellite Dish Addition to Existing Single House (Retrospective Application), at No. 586 (Lot 52 D/P: 33979) William Street, Mount Lawley and as shown on plans stamp-dated 4 June 2009.*

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

<b>Landowner:</b>	A R & S M Sangiacomo
<b>Applicant:</b>	S M Sangiacomo
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	311 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves a Satellite Dish Addition to Existing Single House (Application for Retrospective Approval).

**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>
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Domestic Satellite Dishes, Microwave Antennae and Tower Masts Policy No. 3.5.5:	<p>To be less than one metre in diameter.</p> <p>Not to be located on a wall or that portion of the roof of a building which faces or is visible from the street.</p> <p>The satellite dish is coloured in a similar colour to the wall or roof of the building it is erected upon if it is visible from any nearby properties.</p>	<p>Three (3) metres in diameter.</p> <p>The satellite dish is located on a portion of roof which is visible from William Street (northern and southern elevations).</p> <p>The steel frame of the satellite dish is of a black powder coated colour.</p>	<p>Supported – see “Comments”.</p> <p>Supported – see “Comments”.</p> <p>Supported – see “Comments”.</p>
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection (2) Note: 1 letter received representing 6 affected units and 1 objection letter received from strata body representing 12 affected units.	<ul style="list-style-type: none"> <li>• Visibility, size and appearance.</li> <li>• Undue impact on amenity of adjoining property.</li> </ul>		<p>Not supported – see “comments”</p> <p>Not supported – see “comments”</p>
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

It is considered that the subject satellite dish will not have an undue impact on the William Street streetscape or surrounding amenity, as it is not visible when viewing the subject property on the west/front elevation. The satellite dish is only partially visible from the street when viewed on the southern and northern elevations, and given the eclectic mix of development on William Street, it is not considered to negatively impact on the existing streetscape. Moreover, the satellite dish is setback a significant distance from the southern, eastern and northern boundaries, and is surrounded by multiple dwellings immediately to the south and east. The satellite dish is therefore, not considered to have a detrimental affect on the localities public domain.

**Conclusion**

In light of the above, the retrospective application for a satellite dish is recommended for approval.

**9.1.4 No. 51 (Lot 801 D/P: 44852) Mary Street, Highgate - Proposed Alterations and Additions to Approved Garage of Approved Three (3) Storey Addition to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4548; 5.2009.162.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Reynolds		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Bruce Arnold Architects on behalf of the owner R P & M J Gray for proposed Alterations and Additions to Approved Garage of Approved Three-Storey Addition to Existing Single House, at No. 51 (Lot 801 D/P: 44852) Mary Street, Highgate, and as shown on plans stamp-dated 7 May 2009, subject to the following conditions:*

- (i) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ii) the proposed garage and workshop structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (iii) prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the garage roof top garden on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 53 Mary Street, stating no objections to the respective proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

---

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

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

<b>Landowner:</b>	R P & M J Gray
<b>Applicant:</b>	Bruce Arnold Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	413 square metres
<b>Access to Right of Way</b>	South side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

2 December 2008      The Town conditionally approved the Partial Demolition of, and Alterations and Additions, including Three (3) Storey Addition, to Existing Single House at the subject site. Among other conditions, condition (v) was imposed as follows:

“(v)      *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the living room 1 windows on the upper ground floor within the 6.0 metres cone of vision to the western and eastern boundaries, the balcony on the upper ground floor within the 7.5 metres cone of vision to the eastern boundary, the bedroom 1 window on the first floor within the 4.5 metres cone of vision to the western and eastern boundaries being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties at Nos. 49 and 53 Mary Street respectively, stating no objections to the proposed privacy encroachments.*

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

**DETAILS:**

The proposal involves Alterations and Additions to Approved Garage of Approved Three-Storey Addition to Existing Single House. The Applicant advises:

*“The 2 modifications in this application is as follows-*

1.      *A privacy screen along a portion of the western boundary in a response to your departments DA approval – Condition (v).*
  2.      *A vegetable garden on the roof of the approved garage.*
- ...”

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

**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>
Building Height: Garage	2.4 metres	3.4 – 3.943 metres	Supported – The proposed wall height increase will enable the use of a garage roof top garden. The variation is not considered to have an undue impact on and no objections received from the neighbouring properties.
Privacy Setbacks: Garage Roof Top Garden - East	7.5 metres	Nil	Supported – neighbour's consent to variation on file.
- West	7.5 metres	Nil	Not supported – it is noted that the proposed roof top garden has been dedicated as an area of considerable low usage as it is for the infrequent use of growing and maintaining edible plantings. Moreover, the location of the roof top garden and the considerable slope of the natural ground level further reduce the possible overlooking into the adjoining properties habitable rooms and living areas. However, as an objection was received from the western adjoining neighbour at No. 53 Mary Street, a condition has been applied for the western elevation of the roof top garden to be screened.



- South	7.5 metres	7.1 metres	Supported – the southern right of way abutting the rear of the property provides a sufficient buffer between the subject property and the affected property. The minor privacy encroachment is therefore not considered to have an undue impact on and no objections received from the neighbouring property.
<b>Consultation Submissions</b>			
Support (1)			Noted.
Objection (1)	Privacy – objecting to the privacy variation of the roof top garden on the western elevation.		Supported – undue impact on neighbouring property and condition applied for compliant screening to be provided.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

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

**9.1.5 Nos. 434-438 (First Floor) (Lot 7 D/P: 613) William Street, Perth - Proposed Change of Use from Function Centre to Unlisted Use (Nightclub) – Application for Retrospective Approval**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0154; 5.2009.186.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone, M Fallows		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RPS Koltasz Smith on behalf of the owner T H Yuen & Yans Investments Pty Ltd for proposed Change of Use from Function Centre to Unlisted Use (Nightclub) – Application for Retrospective Approval at Nos. 434-438 (First Floor) (Lot 7; D/P 613) William Street, Perth, and as shown on plans stamp-dated 21 May 2009, subject to the following conditions:*

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the total public floor area shall be limited to 213 square metres;*
- (iii) prior to the first occupation of the development, the following bin compounds are required to be provided under the Town's Health Local Law 2004:*

*Commercial Properties*

- General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly); and*
- (iv) the maximum number of persons to occupy the building at any one time shall be 250 persons;*
- (v) a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained; and*

- (vi) *venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies. In particular, display of the Vincent Accord Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details).*

---

**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

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

---

<b>Landowner:</b>	T H Yuen & Yans Investments Pty Ltd
<b>Applicant:</b>	RPS Koltasz Smith
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Function Centre
<b>Use Class:</b>	Unlisted Use – Nightclub
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	486 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- 4 June 1969                      The City of Perth approved an application for alterations and modernisation of the existing building. The plans indicate the building was being used for a function centre with hall and dining room on the upper floor, and kitchen, store room and offices, on the ground floor.
- 20 November 1969              The tenants of the subject property wrote to the City of Perth requesting information on the use of the property. The City of Perth responded advising that the continued use of the property as a hall for functions such as weddings and social gatherings, together with a service kitchen and offices, complies with the zoning at the time for the area which was zone 7 (composite zone comprising shops, offices, showrooms and warehouses).
- 15 October 1976                 The City of Perth approved an application for renovations to showroom/warehouse.
- 2 March 1977                     The City of Perth approved an application for alterations to restaurant (upper floor) and warehouse (ground floor).

**DETAILS:**

The proposal involves the change of use from function room, as per the Planning Approval granted by the City of Perth on 4 June 1969, to unlisted use (nightclub). This application is for retrospective approval as the nightclub has been operating from the premises for a number of years.

The applicant's submission is "*Laid on the Table*" and partly stated below.

*"The research undertaken by RPS Koltasz Smith and information provided under the Freedom of Information act provides clear evidence that the subject premises was originally approved as a Function Centre' and 'Banquet Hall' and since approximately 1978 has been operating as a 'Nightclub'. It also provides clear evidence that the City of Perth and Town of Vincent were aware of the continued operation of the 'Nightclub' through not only various health approvals for maximum patron numbers (issued in 1994 and 1995) but the Building Licence issued in 2003.*

*During the proceeding 15 years since the approvals issued by the Town's Health Services the landowners and lessee's have acted in good faith and in accordance with both health and building approvals issued for the subject premises. It is therefore reiterated that whilst no Planning Approval can be found for a 'Nightclub' the premises have demonstrably been used for this use for a significant period of time and thus this application is retrospective in nature. An appreciation of the history of a locality is paramount in understanding how the urban character of an area has established overtime. Historical analysis demonstrates the nature of the use on site and the ongoing operation of the nightclub use is part of the established urban fabric underpinning the existing and future amenity of the subject site and immediate locality.*

*The Town's Design Guidelines for William Street, Between Bulwer and Newcastle Streets, Perth ('Design Guidelines') describes the portion of William Street between Newcastle and Brisbane Streets as "a gateway into the Perth Central Business District (CBD) from the northern and eastern suburbs". The Design Guidelines also acknowledge as follows:*

*"In recent times development along this section of William Street has largely been 'second placed' to properties within the City of Perth south of Newcastle Street. As a result, development of this area has been limited, resulting in low scale uses, minimal investment and sporadic development. William Street is currently characterised by single and two-storey, unassuming and largely unkempt buildings".*

*The above is re-affirmed by visiting the locality, which demonstrates that whilst there is a large mix of commercial uses, the area remains particularly under utilised considering it is in such close proximity to the Perth Central Business District, the thriving activity corridor along Beaufort Street and the Northbridge Entertainment Precinct.*

*The area surrounding the William Street commercial area contains mixed use medium density residential and hotel development. A large mixed use development is located to the rear of the site and comprises approximately 40 apartments and several office and medical service tenancies. No balconies or outdoor living areas from apartments in the complex are adjacent to the subject site. A small laneway is located between the property and the mixed use complex.*

*It is important to emphasise that a 'Nightclub' has been operating from the subject premises for over 20 years. In doing so, it has become part of the established character of the area and has successfully co-located with numerous business operators and residents in the direct vicinity of the subject site. The mixed use development at the rear of the property was approved in various stages between 1994 and 2000 and therefore the tenants have demonstrated a willingness to co-locate with commercial premises, subject to appropriate mitigation of impacts to ensure their amenity is preserved. Notwithstanding the above, the Beaufort Precinct Planning Policy (the 'Policy') outlines those areas in the direct vicinity of Northbridge need to "...develop further as inner city communities, each with shopping and meeting places (i.e. 'Nightclubs' and entertainment venues), where owners and tenants in a variety of dwelling units will accept commercial neighbours as an advantage".*

*Three bus stops are located within 400 metres of the property, one along William Street, south of Monger Street and two along Brisbane Street adjacent to Lane Street and Barker Avenue. Buses run from the Esplanade Bus Port past the Monger Street stop until 11.15pm Monday to Friday and 11:45pm on Saturdays.*

*Based on our analysis and consideration of Planning Policies underpinning development of the subject site the portion of William Street, between Newcastle and Brisbane Streets is a small commercial and retail precinct that is currently deficient in identity. However, the area is undergoing transition that will see the area develop into a new urban living centre supported by a strong public transport network. Importantly this future character is encouraged in the Town's endorsed Planning Policies which contemplate a new inner-urban precinct that will support a mix of uses that contribute to creating a 'place' for people to live and interact. We therefore contend that the Nightclub has, and will continue to add character, vitality and vibrancy to this urban setting.*

*The Beaufort Precinct Planning Policy's general objective is to develop a mixed-use precinct and "strongly promote...a strong commercial link with Northbridge along William Street". The provisions relating to the Commercial Area, which includes the subject site, further support interactive uses along William Street and the re-use of existing buildings where possible.*

*The Policy encourages 'continuous interactive fronts...along the William Street frontage with awnings and verandahs over footpaths". Finally, the Policy highlights that uses for shops, restaurants and other interactive uses should front William Street and the notes that taverns may be allowed. This Policy is further detailed and addressed in section 4 of this report.*

*Design Guidelines for William Street, Between Bulwer and Newcastle Streets Appendix No. 18.*

*The Design Guidelines key role is to realise the potential of the subject area and provide the framework to facilitate an inner city living precinct which is effectively an extension of Northbridge. The Design Guidelines recognise a number of key opportunities which include the following:*

- *"Establish and support new business and residential growth in the area;*
- *A number of vacant and underutilised properties apt for redevelopment;*
- *Proximity to the Central Business District, public transport and road networks;*
- *The new role of William Street as a Town Centre that offers a range of services and activities;*
- *Support and nurture cultural difference within the area;*
- *Encourage higher density residential and commercial development;*
- *Increase the role of William Street as a tourist destination."*

*The relevant key development objectives to facilitate the above include:*

- *"To provide car parking requirements which are cognisant of the unique nature and range of uses and those attracted to the area;*
- *To maximise opportunities for redevelopment of undercapitalised/underdeveloped properties; and*
- *To build on the sense of place evidenced by the areas history and cultural diversity".*

*The site planning provisions of the Design Guidelines describe the area between Newcastle Street to Brisbane Street as being “characterised by a variety of uses which are indicative of the development of Northbridge over time” with the intention that the area continues as “an extension to Northbridge with shops, restaurants and other interactive uses continuing to be the predominant uses, cementing the link between Northbridge and the surrounding residential areas”.*

*With respect to architectural style, section (iv) of the Design Guidelines provides that:*

*“(iv) Any buildings that have any existing façade deemed worth of retention by the Town of Vincent are to be retained where possible and incorporated into redevelopment proposals. Such Properties include...Nos. 434 – 438 William Street, Perth.”*

*In relation to services, areas for bin storage are not to be visible from the street or adjacent residential properties and any external features are not to be visible from the street and integrated into the design where possible.”*

**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 – no variation.
<b>Car Parking</b>			
Car parking requirement (nearest whole number)			= 56 car bays
<ul style="list-style-type: none"> <li>Nightclub (1 bay per 3.8 square metres of public floor area) Public Floor Area = 213 square metres</li> </ul> Total car bays required = 56.05 car bays			
Apply the adjustment factors.			(0.614125)
<ul style="list-style-type: none"> <li>0.85 (within 800 metres of a rail station)</li> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> </ul>			= 34.39 car bays
Minus the car parking provided on-site			Nil
Minus the most recently approved on-site car parking shortfall.			
Note: See “Comments” for further information regarding the shortfall.			58.96 car bays
Resultant surplus			24.57 car bays
<b>Consultation Submissions</b>			
Support	Nil.		
Objection (8)	<ul style="list-style-type: none"> <li>Noise.</li> <li>Anti-social behaviour.</li> <li>Nightclub opening hours.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – all noise pollution will need to comply with the Environmental Protection (Noise) Regulations. A condition has been applied for noise to be addressed in a management plan and sound attenuation report.</li> <li>Supported – a condition has been applied for anti-social behaviour to be addressed in a management plan.</li> <li>Not supported – this is controlled by the Department for Liquor Gaming and Racing.</li> </ul>	
	<ul style="list-style-type: none"> <li>Excessive rubbish.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – a condition has been applied for waste management to be addressed in a management plan.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Disruption of local businesses.</li> <li>• A nightclub will not fit in with the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the premises will contribute to the local economy and is in accordance with the William Street Design Guidelines which promotes business activity in the area and contribute to the vitality and vibrancy of the locality.</li> <li>• Not supported – notwithstanding that a nightclub has existed at this site for decades, the area is under rejuvenation and the Nightclub land use, providing it is well managed and in accordance with best practice principles, will co-exist with the retail, restaurant and mix of entertainment land uses as espoused in the William Street Design Guidelines.</li> </ul>
<b>Other Implications</b>		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

**COMMENTS:**

**Health Services**

This application has been assessed by Health Services in terms of noise, public building and general hygiene requirements and with consideration of the impacts of the previous operation of this premises as a ‘nightclub’ from 1989 until 2006.

A brief history of Health Services involvement with this premises is detailed below:

30 September 1989 City of Perth records of public building inspections of Nos. 434-438 William Street, Perth commence from this date. The approved maximum accommodation number was 170 persons.

1 February 1994 A ‘Certificate of Approval’ was issued in accordance with the provisions of the Health Act 1911 (as amended) for the premises by the City of Perth to operate as a ‘Nightclub’ with the maximum accommodation number being 170 persons.

18 July 1995 A ‘Certificate of Approval’ was issued for a ‘Bar’ use for a maximum accommodation number of 170 persons by the Town of Vincent. This was issued due to a change of local government authority.

October 2004 – June 2006 Nu Vibe Nightclub commenced trading without the Town’s knowledge during October 2004. The first noise complaint was received on 14 March 2005 from an occupant of the apartments to the rear of the venue (Robinson Avenue, Perth), with a second complainant notifying the Town on 21 March 2005. Prearranged noise measurements were taken from the second complainant’s courtyard and found to be unreasonable. The owner of Nu Vibe

Nightclub was notified of readings obtained and was thereafter required to implement measures to attenuate the premises. Various stop gap measures were undertaken, however, low frequency bass noise was difficult to contain, due to the lightweight construction of the roof. Complaints continued to be received. This resulted in the owner of the nightclub voluntarily closing the premises to work on improving the acoustic attenuation performance of the roof structure. However, it is understood that a dispute between the property manager and lessee/nightclub owner ensued with respect to covering costs to repair the roof structure. The Town later received advice from the property manager on 6 December 2007 that the premises had been leased by a person, with the intention of refurbishing the site. The premises have remained unoccupied since approximately June 2006.

In relation to noise compliance, the applicant has submitted an acoustic report completed by Herring Storer Acoustics, dated 28 April 2009, prepared in accordance with the Town's Policy 3.5.21. Prior to the occupation of the building, the applicant must submit certification from the Acoustic Consultant to confirm that all requirements detailed in the Town's Policy have been complied with in terms of the structure of the premises. The ongoing operations of this business must comply with the *Environmental Protection (Noise) Regulations 1997* and the applicant must detail how noise will be managed in the Venue Management Plan.

The Venue Management Plan must also include a detailed description as to how waste will be managed at the premises. The plans demonstrate that the bin enclosure is located on the first floor with there being no lift to transfer bins to the ground floor for collection. Furthermore, there is external areas available to the applicant preventing there being a more accessible bin area. The *Town of Vincent Health Local Law 2004* details structural and ventilation requirements for the bin enclosure, however, does not prohibit bin enclosures being located on a first floor of a premises. The only concern that Health Services would have in relation to such a set-up would be if the bins had to be transported through food preparation areas in order to be emptied. This is not the case in relation to this application. Health Services would however, require that waste management be thoroughly detailed in the Venue Management Plan.

An initial Public Building Assessment of the plans has been undertaken. It is estimated that the premises will be able to accommodate a maximum of 250 patrons in accordance with the *Health (Public Building) Regulations 1992*. However, it should be noted that this maximum accommodation number is an estimate only, and must be assessed, based on non-obstructed, publicly accessible floor area, upon completion and fit-out of the premises.

### **Building Services**

A Building Licence application was submitted to the Town on 28 April 2008, and an initial Building Code of Australia assessment had been carried out. There are some non-compliances identified; however, the issues will be further addressed and resolved by the applicant, upon granting the Development Approval and prior to finalising the Building Licence.

### **Car Parking**

The existing car parking shortfall for the subject property refers to the Planning Approval granted by the City of Perth on 4 June 1969 for alterations and modernisation of existing building. The plans indicate the building was being used for a function centre with hall and dining room on the upper floor and kitchen store room and offices on the ground floor. The Planning Approval and Council report does not provide comment with respect to car parking. In light of this, the Town's Officers carried out a car parking assessment based on the current requirements from the Town's Parking and Access Policy, and based on the Planning Approval from 4 June 1969. The car parking assessment is as follows:



<b>Car Parking</b>	
Car parking requirement (nearest whole number) • Function Centre (1 bay per 3.8 square metres of public floor area) Public Floor Area = 364 square metres Total car bays required = 95.79 car bays	= 96 car bays
Apply the adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)	(0.614125)  = 58.96 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant shortfall	58.96 car bays

It is noted that the public floor area for the Function Centre is much larger than the proposed Nightclub. This is due to large bar areas, toilet facilities and staff rooms being provided on the upper floor. In light of the above, it is recommended that the Council approve the application subject to standard and appropriate conditions to address the above matters.

**9.2.1 Proposed Naming of the Right of Way Legs off Smith Street (Bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth**

<b>Ward:</b>	South	<b>Date:</b>	10 August 2009
<b>Precinct:</b>	Forrest P14	<b>File Ref:</b>	TES0276
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council*

- (i) *RECEIVES the report on the naming of the Right of Way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth;*
- (ii) *APPROVES the application of the name "Stones Lane" to the Right of Way legs as shown on attached Plan No. A, subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and poles/s;*
- (iii) *REQUESTS the Geographic Names Committee to approve the naming subject to clause (ii) above;*
- (iv) *ADVISES the applicant and all adjacent residents of the approved name once formal approval has been received from the Geographic Names Committee.*

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

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

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the naming of the Right of (ROW) Way legs off Smith Street (bounded by Stirling, Lincoln, Smith and Bulwer Streets), Perth.

**BACKGROUND:**

The Town has previously named those ROWs which are dedicated as public roads with the naming of other ROWs facilitated upon the request from residents (provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee of the Department for Planning and Infrastructure).

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart Directory and are therefore identifiable to FESA, should their attendance be necessary, other emergency services and to the public in general. Also, Australia Post may agree to deliver mail to addresses off named ROWs provided they meet other standards set down by them.

Naming of ROWs is also an effective way of remembering those early residents who have contributed to the richness of the developing suburbs in which they lived.

### **DETAILS:**

The Town has received an application for the naming of the above ROW. The naming of a ROW is for identification purposes only and does not imply any alteration of elevation in the amenity that the ROW currently provides.

The applicant has not suggested a name for the ROW, however, the Town's Heritage Officers have advised as follows:

*The subject right of way is less than 100 metres from Perth Oval, which was established during the 1900s and has been one of the long term premier sporting venues in metropolitan Perth. Therefore it is considered appropriate to find a name for the right of way abutting No. 54 Bulwer Street with some relevance to the history of Perth Oval. Some suggestions are:*

- *Stones Lane - Perth Oval was once part of a reedy edge lake system named Stone's Lake, which was named after Alfred Hawes Stone, the first Crown Solicitor.*
- *Barron's Lane - Edward Barron a farmer and grazier owned a portion of land prior to it being turned into Perth Oval.*
- *Loton's Lane - William Thorley Loton purchased the land from Edward Barron in 1884. It became known as Loton's paddock because it was where Loton grazed his carriage horses. Loton's home, "Dilhorn", was across the road at No. 2 Bulwer Street) and overlooked the area. On 31 October 1904 Loton sold the land to the City of Perth for £8,500 on the proviso that it was used as a public recreation area and named "Loton Park".*
- *Charlie's Lane - a legend grew at Perth Oval that one of the trees could forecast the outcome of premiership matches. Charlies Chandler advised his mates that every time one of the Cape Chestnut trees (known as Charlies tree) flowered before the final the club (east Perth Football Club) won.*

### **Officers Comments:**

It is recommended that the ROW be named Stones Lane. The Geographic Names Committee have not yet provided a preliminary assessment of the name "Stones Lane" however the Council's approval is required before the name can be applied.

### **CONSULTATION/ADVERTISING**

Consultation regarding ROWs, road or place names is not usually undertaken. Such naming is based on the decision of the Council, together with the approval of the Geographic Names Committee.

### **LEGAL/POLICY:**

There are no legal implications to naming the ROWs.

### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."*

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

The applicant will be required to pay the costs of manufacture and installation of the street nameplates estimated to cost \$350.

**COMMENTS:**

The naming of the ROWs will improve the amenity of the adjacent residents. The Town encourages the use of names of early residents for application to ROWs so that they are remembered for their significant contribution to the local culture. The proposed name is a worthy candidate, and it is recommended that the Council approve its application to this ROW.

**9.2.2 Mindarie Regional Council Strategic Waste Minimisation Plan – Funded Projects – Progress Report No 1**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0008
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES Progress Report No 1: Mindarie Regional Council Strategic Waste Minimisation Plan – Funded projects*
- (ii) *NOTES that;*
  - (a) *the Department of Conservation and Environment has allocated \$400,667 of regional funding to the Mindarie Regional Council for the implementation of a number of projects identified in the draft Mindarie Regional Council Strategic Waste Minimisation Plan; and*
  - (b) *the funded projects, together with the Mindarie Regional Council and the Town’s involvement in each of the projects, are listed in the report; and*
- (iii) *RECEIVES further progress reports on this matter as any additional relevant information becomes available.*

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with information on the proposed waste minimisation projects to be undertaken this calendar year, utilising funding available from the Waste Authority.

**BACKGROUND:**

As previously reported to the Council, the Mindarie Regional Council (MRC) received funding from the Waste Authority, on behalf of the member Councils, and engaged a consultant to work with individual member Council officers to develop a Strategic Waste Management Plan (SWMP) for the MRC and individual Strategic Waste Management Plans for each of its member Councils.

At its Ordinary meeting held on 24 March 2009, the Council adopted the Town of Vincent SWMP 2008 -2013.

In late 2008 the MRC submitted its draft SWMP to the Department of Environment and Conservation (DEC) as part of the Waste Authority, Zero Waste Plan – Phase 2 program.

The Waste Authority, through the DEC, recently instigated the Regional Funding Program for the implementation of actions identified in the Local Government Strategic Waste Minimisation Plans.

As part of the pilot phase of the funding program, the MRC, on behalf of its Member Councils, has been allocated \$400,677 and in order for the MRC to access the funds, specific projects, as identified in the MRC SWMP, needed to be nominated and an associated Regional Investment Plan developed for submission to the DEC.

Once the Regional Investment Plan has been approved by the DEC, funds will be allocated to the particular project from the available \$400,677. It is a requirement of the Regional Funding Program that all funds be spent by the end of December 2009.

#### **DETAILS:**

#### **MRC Strategic Waste Minimisation Plan – Funded Projects**

With reference to the draft MRC SWMP that was submitted to, and accepted by, the DEC, the MRC Administration proposed that a number of projects be considered for funding applications.

At the MRC Council meeting held on 5 March 2009, the following decision was subsequently adopted:

*That Council approve the following waste minimisation activities, as described in the above Item, to be put forward for DEC funding:*

- (a) *Bulk Waste Recycling*
- (b) *Public Place and Event Recycling*
- (c) *Local Government Infrastructure Recycling*
- (d) *Transport and Haulage Methodologies*
- (e) *Two Bin Recycling – Wet and Dry Bin Investigation*
- (f) *Bulk Verge Waste Review*
- (g) *Waste Minimisation Project Management*

#### **Bulk Waste Recycling:**

- Waste Audits of bulk waste being delivered to Tamala Park and the Recycling Centre of Balcatta
- Excavator/Grab on tip face at Tamala Park to remove large recyclable pieces of metal, timber and plastic
- Conceptualise recycling activities at Tamala Park and Balcatta and develop design layout

Total estimated cost: \$160,000  
Primary involvement: Tamala Park and City of Stirling

Public Place and Event Recycling:

- Review of current member Council activities
- Review of other local government activities
- Assess the number and size of public events
- Assess the quantity of potential recyclable materials
- Propose possible regional preferred solution(s)
- Meeting of member Councils to agree on regional preferred solution(s)

Total estimated cost: \$20,000

Primary involvement: City of Perth, Town of Cambridge

Local Government Infrastructure Waste Recycling:

- Review all current member Council methodologies/quantities
- Propose possible regional preferred solution(s)
- Meeting of member Councils to agree on regional preferred solution(s)

Total estimated cost: \$20,000

Primary involvement: City of Stirling

Transport and Haulage Methodologies

- Review all current member Council methodologies/quantities
- Consider possible transfer station and AWT locations
- Propose possible regional preferred solution(s)
- Meeting of member Councils to agree on regional preferred solution(s)

Total estimated cost: \$50,000

Primary involvement: City of Stirling, Town of Victoria Park

Two Bin Recycling - Wet and Dry Bin Investigation

- Household and commercial MGB waste
- Assess what other Metro regional Councils are doing
- Identify trial methodology
- Identify trial areas and size
- Set up trial (new bins, collections, audits of collections and process material)

Total estimated cost: \$100,000

Primary involvement: Town of Cambridge, City of Perth

Bulk Verge Waste Review

- Identify all current member Council methodologies/timing/collections/charities
- Compare with other Metro regional Councils
- Propose possible regional preferred solution(s)
- Meeting of member Councils to agree on regional preferred solution(s)

Total estimated cost: \$20,000

Primary involvement: City of Joondalup, City of Wanneroo

### Project Management

- Project management
- Application processing
- Fund accountability
- Project accountability

Total estimated cost: \$30,000

Primary involvement: Tamala Park Operations

### **Meeting with MRC Waste Minimisation Officer:**

On 11 August 2009, the Town's Technical Services officers met with the MRC Waste Minimisation Officer to discuss the MRC Strategic Waste Minimisation Plan – Funded Projects.

At the meeting it was decided that the Town would not participate in the Two Bin Recycling Wet and Dry Bin Investigation at present, due to the fact that it has just recently introduced the separate kerbside recycling collection service and that it is currently focussing on ensuring this service is fully utilised by the Town's residents.

The following projects were also discussed and the MRC and the Town's involvement identified:

### Project: Bulk Verge Collections:

*Aim: MRC wish to outline what all member Councils are currently doing, conduct some on street audits and develop best practice procedures that would be available to Councils across the region. As part of the audit process, MRC will look at materials on the street and at transfer stations.*

The Town to provide the following:

Historical data on past verge collections including

- what the process has been in past years and any changes that may have impacted e.g. more regular collections/tip passes
- a check if data on in the Vincent SWMP is accurate
- any updated data from ensuing years

What the Town's processes for bulk verge collections are at present:

- Collection frequencies and dates
- Processes e.g. if the Town collects anything separately such as metal, cardboard, plastic.
- Method of collection e.g. truck and skid steer/manual loading
- Contractors or Council staff for collections and any issues that you may have here
- Disposal after collection, where, who, how?
- Related issues Illegal dumping/littering/tree lopping contractors using or abusing the green collection process
- Costs of collection
- OH&S and public safety issues
- Copies of your leaflets
- Any other information or suggestions that you may consider relevant to the project
- Contact officer for future enquiries



Project: Events Recycling

*Aim: Work collectively to identify and adopt a best practice waste management and minimisation plan for all major events*

MRC will establish a working group of members drawn from or inclusive of all members of the region's Waste Education Strategic Steering Group

- Appoint a project officer/consultant to complete the tasks associated with the project including:
- Undertake research to identify current "best practice" waste capture and recycling at events and public places
- Identify current waste and recycling requirements set by each member Local Government by way of policy or procedure
- Identify the department, personnel and processes used for the management of events and the management of waste at events
- Identify the perceived reasons for success or failure of litter management and recycling at events in each member Local Government
- Develop a data base of events held throughout the region
- Develop a classification system for events by pre determined criteria e.g. size, private or public, catering provided or "bring your own picnic" etc.
- Develop a model recycling procedure for each class of event.

Project: Local Government Infrastructure Waste Recycling: Engineering and Parks:

*Aim: To detail what is currently happening across the region and work to develop best practice regional processes and common contracts that would be available to Councils across the region.*

Information required:

- Detail of current practices
- Review information in Vincent SWMP
- Greenwaste recycling
- Civil works waste
- Quantities if possible
- Costs
- Officer to attend an initial meeting with other member Council officers
- Contact officer for audits and assistance to undertake some site inspections
- Any suggestions staff may consider relevant to the project

Project: Waste transportation environmental impact

*Aim: To identify current transportation processes, environmental and financial costs and impacts. This information will be used to help identify strategic locations and processes for transporting and processing waste across the region.*

MRC will:

- Appoint consultants to work with me
- Collect relevant information from respective Councils
- Prepare final report

The Town will provide:

- Current data on transport costs
- Some input into the final report and future direction planning

**CONSULTATION/ADVERTISING:**

The Town's Draft Strategic Waste Minimisation Plan 2008-2013 was previously advertised for public comment on 20 January 2009 for a period of 28 days.

**LEGAL/POLICY:**

The Health Act 1911 empowers the Town to collect household refuse.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment "(i) *Adopt and implement the Town's Strategic Waste Minimisation Plan 2008-2013*".

**SUSTAINABILITY IMPLICATIONS:**

The Strategic Waste Minimisation Plan is similar to the action 5.1 "*develop a Waste Management Plan*" in the Town's Sustainable Environment Plan 2007- 2012. The sustainable implications of the management of waste that are covered in the SWMP will move the Town into a new dimension for waste management whereby the environment, community and economics are a concern when collection and generation of all wastes the Town must deal with are managed.

**FINANCIAL/BUDGET IMPLICATIONS:**

The DEC has allocated \$400,677 of Regional Funding to the MRC for the implementation of projects identified in the draft MRC SWMP.

The proposed projects are estimated to cost approximately \$400,000, hence all costs in carrying out the proposed work will be covered by available DEC funding.

Should any additional waste minimisation activities be identified, funding for these projects could be covered by funds remaining from the development of the MRC SWMP (\$80k) or included in future waste minimisation funding applications.

**COMMENTS:**

The Town's SWMP was prepared by a consultant appointed by the MRC and prescribes a baseline, setting out where the Town is positioned with regard to waste management and waste minimisation activities as at mid-2008. This information forms the baseline data from which future successes can be measured. These plans also provide a useful summary document on current waste management activities.

It is therefore recommended that the Council Receives the progress report on the MRC Strategic Waste Minimisation Plan – Funded projects and notes that:

- the Department of Conservation and Environment has allocated \$400,667 of regional funding to the MRC for the implantation of a number of projects identified in the draft MRC Strategic Waste Minimisation Plan;
- the funded projects, together with the Mindarie Regional Council and the Town's involvement in each of the projects, are listed in the report.

**9.2.3 Provision of Energy and Water Audits for Residents in the Town – Progress Report No 3**

<b>Ward:</b>	Both	<b>Date:</b>	19 August 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0106/PLA0175
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Lockley		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the progress report No 3 – for the provision of Energy and Water Audits for residents in the Town*
- (ii) *NOTES;*
  - (a) *that the Town was successful in receiving the Sustainable Energy Development Office (SEDO) grant for \$25,000 for energy and water auditing of the Town's residents;*
  - (b) *that \$25,000 has been allocated in the 2009/2010 Budget as the Town's contribution to energy and water auditing; and*
  - (c) *the progress to date on the actions previously requested as outlined in the report; and*
- (iii) *RECEIVES a further report on the above matters as the audit program and associated actions are further progressed.*

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcomes of the Sustainable Energy Development Office (SEDO) grant funding application for the proposed water and energy audits for the Town's residents.

**BACKGROUND:**

At its Ordinary Meeting held on 25 September 2007, the Council considered a Notice of Motion submitted by Cr Farrell where the Chief Executive Officer was requested to investigate the introduction of a scheme for the provision of Energy and Water Audits for residents and business proprietors in the Town.

A further report was presented to the Council at its Ordinary Meeting held on 6 November 2007, where the Council was advised that to receive funding for the audits the Town would need to match the value of funding requested.

The Council further decided to consider listing funding to progress the following:

- prepare a program and progressively implement Energy and Water Audits of Town owned buildings;
- subject to dot point one, prepare a long term implementation program to make these buildings more sustainable; and
- subject to grant funding being available, approves in principle the holding of sustainability workshops to introduce residents and businesses to the Audit Scheme before they sign up to be considered for inclusion in any such Auditing Scheme.

The Town submitted an application for SEDO funding, however (as reported to the Council at its Ordinary meeting held on 24 February 2009), the Town was not successful in receiving the SEDO grant for energy and water auditing. The Council, however, requested the Chief Executive Officer to reapply for 'appropriate' funding at the next round of Sustainable Energy Development Office (SEDO) grants and the Australian Government Water Fund AGWF (Community Water Grants) were called for conducting Energy and Water Audits for residents in the Town.

The Council also requested that the Town (in part):

- (iv) *FURTHER INVESTIGATES;*
- (a) *the feasibility of preparing an energy and water consumption checklist for all new buildings approved in the Town as part of its approval process to ensure that energy and water saving measures/devices are incorporated in building from the outset;*
  - (b) *the formulation of a procedure for energy and water consumption of all the Town owned buildings to be recorded to enable Town's officers to determine where the consumption is the highest and assess the best applications to achieve the greatest results in lowering consumption at certain site/s; and*
  - (c) *further investigates the State Government "Living Smart Program";*
- (v) *RECEIVES a further report on the above matters as more information becomes available; and*
- (vi) *LISTS appropriate funds for consideration in the 2009/2010 budget for the Town to subscribe to 'Planet Footprint' for the Town's electricity, gas and water costs/consumption data to be collected and benchmarked against other Local Governments in Australia.*

#### **DETAILS:**

##### **Sustainable Energy Development Office (SEDO) Grant:**

In accordance with the Council decision (OMC 24 February 2009) the Town reapplied for a SEDO grant in the February 2009 round of funding.

The grant application and program also proposed the engagement of an Italian interpreter to be present at seminars and audits, where required, and translate the material and hand outs for residents with English as a second language.

If there is sufficient funding, a Mandarin interpreter will also be engaged to carry out the above mentioned actions. These languages are the two most common languages spoken in the Town other than English (as per Australian Bureau of Statistics).

On 29 July 2009, a letter was received from SEDO with information as follows:

*"I am pleased to advise that the funding of \$25,000 has been allocated to support your project. However, please note that the funding is not confirmed until a funding agreement is signed by a representative of the Town Of Vincent and received by SEDO. A copy of this funding agreement will be forwarded to you shortly."*

Note: This proposed specialised engagement of an interpreter contributed to the Town receiving the grant.

### **Energy and Water Audits:**

Now that the Town has received funding, the preparation of a program to progressively implement Energy and Water Audits of Town owned buildings will be progressed.

### **Long term implementation program:**

In addition, a long term implementation program to make Town owned buildings more sustainable will also be progressed.

### **Sustainability workshops:**

The Council resolved that *subject to grant funding being available, approves in principle the holding of sustainability workshops to introduce residents and businesses to the Audit Scheme before they sign up to be considered for inclusion in any such Auditing Scheme.*

Now that the Town has received funding, this matter will also be further progressed.

### **Energy and water consumption checklist**

The Council further requested that the officers *investigate the feasibility of preparing an energy and water consumption checklist for all new buildings approved in the Town as part of its approval process to ensure that energy and water saving measures/devices are incorporated in building from the outset;*

It is considered that the actual energy and water consumption of a building cannot be determined until the building has been occupied, as it may be the unsustainable behaviour of its inhabitants that leads to over consumption. The consumption is also tied to the choice in the appliances installed, for example water saving devices and energy saving appliances.

Energy and water savings can be a design feature, and if architects are guided by the Town's Draft Sustainable Design Policy, which is currently being developed by the Town's Strategic Planning Section, they will achieve more sustainable buildings. The Policy has the potential to be a key document which will guide developers in designing green buildings.

In addition to the Town's Draft Sustainable Design Policy, there are various programs in Australia that have tools for architects and developers to achieve star ratings for their development. For example, star rating tool from a company called "Green Star" ensures that developments are more sustainable than the current minimum ratings set out in the BCA.

If the Town supports and rewards a minimum star rating for multi-development applications, this will ensure that future developments are more sustainable and have less environmental impact.

As there are already tools in place for star ratings at the design stage, it is considered feasible for the Council to adopt the Draft Sustainable Design Policy and reward the developments that have the highest star rating using the highest quality tools available. The tools will need to be reviewed to ensure that the highest quality tool is used.

#### **Energy and water consumption – Town owned buildings:**

The Town is currently subscribed to planet footprint and is waiting on the first report on its energy (electricity and gas) and water consumption. Once this report has been received, the Project Officer – Environmental will assess the report and implement, where required, most applications for lowering the Town's consumption for energy and water.

#### **Living Smart Program**

To be further investigated.

#### **'Planet Footprint'**

The Town has subscribed to 'Planet Footprint' to review the Town's electricity, gas and water costs/consumption.

Part of the Planet Footprint program is to have the Town's consumption benchmarked against other similar Local Governments in Australia.

As the Town only recently joined planet footprint, the first report is due to be received late August 2009 and outcome/actions from the audit will be implemented as part of the ICLEI Water Campaign program for water. To reduce electricity consumption, the Environmental Officer will have to find appropriate measures for implementation.

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

As the Town has received the SEDO grant, opportunity for home auditing must be advertised to the residents in conjunction with seminars on sustainable living to gain interest and inform the residents on what is involved in the auditing.

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

N/A

#### **STRATEGIC IMPLICATIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

Over consumption is a common part of today's society and is readily accepted by the community. Excessive energy consumption results in higher carbon emissions and a waste of resources to produce the energy required. It is also common knowledge that water is increasingly becoming a precious commodity due to the changing climate and the importance of preservation has become a high priority. With the rise in awareness of Global Warming, it has become apparent that water and energy consumption can no longer be sustained at current levels.

The urgent need for action from individuals is apparent, however, making changes alone is not always easy. Leading by example the Town can show the residents and businesses how to make the *small changes* that will make a *big difference* by them carrying out an audit on energy and water consumption and implement changes. However, this is a long term issue which would need long term support from the Council for the future.

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

A grant for \$25,000 has been awarded to the Town from SEDO for Energy and Water Audits. \$25,000 is listed on the Town's 2009/2010 budget for Energy and Water Audits. (Total \$50,000).

It was estimated that the program would cost in the order of \$50,000 with the Town funding 50% of the project and SEDO funding the remaining 50%.

The Town's Project Officer – Environmental is obtaining revised quotes regarding this matter which will include setting up the audit scheme, seeking community interest, seeking funding, implementation of auditing, workshops and implementation and providing the community with appropriate subsidies to encourage savings behavioural change.

### **COMMENTS:**

Helping individuals within the community take the first step to making the changes is extremely important. One way to help the community would be with a sustainable program of Energy and Water Auditing Scheme run by the Town with support of grants. However, auditing energy and water consumption is not enough to make changes.

To ensure changes are achieved, new applications would need to be installed within the property that has been audited which may require the Town's assistance in possibly subsidising suggested fittings to make the changes via available grant funding.

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 July 2009**

<b>Ward:</b>	Both	<b>Date:</b>	3 August 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Ball		
<b>Checked/Endorsed by:</b>	B Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

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

*as shown in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**DECLARATION OF INTEREST**

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

Nil.

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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



**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$233,545.12
<b>Total Municipal Account</b>		<b>\$233,545.12</b>
<b>Advance Account</b>		
Automatic Cheques	66439-66607	\$448,390.09
EFT Batch		\$0.00
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	939, 941-944, 947-948	\$1,264,240.30
Transfer of PAYG Tax by EFT	July 2009	\$181,469.70
Transfer of GST by EFT	July 2009	
Transfer of Child Support by EFT	July 2009	\$1,046.02
Transfer of Superannuation by EFT:		
• City of Perth	July 2009	\$32,429.66
• Local Government	July 2009	\$106,880.85
<b>Total</b>		<b>\$2,034,456.62</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$3,845.46
Lease Fees		\$2,919.63
Corporate Master Cards		\$10,674.74
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$20.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$76,668.11</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,344,669.85</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:**

N/A.

**COMMENT:**

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

**9.1.7 Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage**

<b>Ward:</b>	South	<b>Date:</b>	19 August 2009
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0464; 5.2008.389.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	H Smith, R Lotznicker, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Planning Solutions on behalf of the owner Caltex Oil Aust Pty Ltd for proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage, at Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, dual frontage to The Avenue, Leederville, and as shown on plans stamp-dated 18 August 2008, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
  - (b) *the non-compliance with the Metropolitan Region Scheme Other Regional Road reservation as the proposed development is proposed to be constructed within the Other Regional Road reservation; and*
  - (c) *the proposed layout of the service station is not consistent with future planning of the adjoining land comprising 'The Avenue' and Town owned carpark, which will severely compromise access for tanker/s accessing the site via 'The Avenue' and exiting the site via Vincent Street, as proposed, due to the proposed future planned changes to 'The Avenue' and adjoining Town owned land; and*
- (ii) *the Council ADVISES the applicant and owners that the subject proposal is considered to be an underdevelopment of the site and not consistent with the overall vision for the area of Leederville.*

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

<b>Landowner:</b>	Caltex Oil Aust Pty Ltd
<b>Applicant:</b>	L Calvetti
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS 1): District Centre and Other Regional Road
<b>Existing Land Use:</b>	Service Station
<b>Use Class:</b>	Service Station
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1445 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- 12 May 1997                      The Town under delegated authority from the Council conditionally approved an application for change of use from workshop to shop.
- 26 May 1999                      The Town under delegated authority from the Council conditionally approved an application for proposed alterations to signage and façade of existing service station.
- 19 December 2000              The Council at its Ordinary Meeting conditionally approved an application for proposed signage at the subject property.

**DETAILS:**

The proposal involves the demolition of the existing service station and the construction of a new service station.

**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 – no variation.
Leederville Town Centre Built Form Guidelines: -Oxford Markets Precinct (Vincent Street)	Building height to be three storeys.  The site should incorporate an icon building.	Single storey.  Small scale building with low intensity use.	Not supported – this is considered to be an underdevelopment of a significant site in the Town of Vincent.  Not supported – this is considered to be an underdevelopment of a significant site in the Town of Vincent.

	Buildings are to have nil setbacks to Vincent Street.  The ground floor of any new building is to be activated with a minimum of 70 percent transparent glazing to Vincent Street.	Proposed setback is 5.5 metres to Vincent Street.  Inactive street frontage, with only a small portion of the frontage including transparent glazing.	Not supported – this is considered to be an underdevelopment of a significant site in the Town of Vincent.  Not supported – this results in disassociated development from Vincent Street and the Leederville Town Centre.
	Car Parking is to be located to the rear of the site and accessed from the rear lane.  Awnings are to extend to the full width of the site and to be a minimum height of 3.3 metres.	Car parking is located to the front and the side of the development.  No awnings proposed.	Not supported – this results in disassociated development from Vincent Street and the Leederville Town Centre.  Not supported – this results in a detached streetscape and a development devoid of weather protection for pedestrians.

**Consultation Submissions**

Consultation was not required in this instance as the application is recommended for refusal and cannot be supported by the Town’s Officers.

**Other Implications**

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

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

**COMMENTS:**

**Department of Planning Comments**

*“The subject property abuts Vincent Street, which is reserved as a Category 2 Other Regional Road (ORR) in the Metropolitan Regional Scheme (MRS). Lots 12, 13 and 14 are affected by a 4.9m ORR reservation widening requirement for Vincent Street, including a truncation area, as per the attached Western Australian Planning Commission (WAPC) Land Requirement Plan number 1.3355/2.*

*The development application submitted does not acknowledge the road widening requirement and a portion of the proposed retail building, the relocated freestanding signage, a portion of the canopy structure and one of the fuel bowsers are located entirely within this land requirement area. The Department does not support the construction of any permanent structures within the land reservation area; therefore the Department does not support the proposed development application as submitted.*

*A revised site plan will be required to be resubmitted to the Department to assist in the assessment of this development proposal. It is recommended that the proponent obtain a Clause 42 certificate from the Department's Land Information section (Trevor Servaas, Statutory Mapping, ph 9264 7825) which is a legal document showing the exact dimensions of the Vincent Street ORR reservation, to confirm the extent of road widening requirements affecting the subject land.*

*Further, given the type and nature of the proposed development, the Department is of the view that the proposal might become a significant traffic generator in the future. This proposal therefore justifies the need for a Transport and Parking Assessment to assist the Department in assessing the transport impacts of the development on Vincent Street.*

*The information currently supporting this development application is considered insufficient to enable the Department to assess the transport implications of the proposed development. In this regard, further details are required to clarify the follow issues: -*

- Management of service delivery vehicles and fuel tankers to the site. The plans indicate fuel delivery vehicles will enter the site from the adjacent property and exit onto Vincent Street. There is no space available for trucks to turn within the site to enter and exit from Vincent Street. If the adjacent property access is removed, delivery trucks will be required to reverse onto Vincent Street. There should be provision provided for trucks to turn within the site to accommodate the possible removal of alternative access in the future.*
- The proposed parking appears to provide less car spaces than the existing, although the proposed building is much larger (the actual area of building was not provided on the plans). Based on standard parking demand rates, the provision of parking may be low and inadequate.*
- The proposed crossover, to replace an existing crossover in similar position, is very close to the traffic signalised intersection. Whilst in close proximity, these driveways can operate satisfactorily as long as vehicles are exiting the site only via left turns. It is suggested that 'No Right Turn' be applied to the driveway.*
- The proposed crossover appears to be wider than the existing as well as relocated slightly away from the intersection. Given the previous comments, it is suggested that the driveway be designed in accordance with high-entry angle left turn design to ensure vehicles only turn left and therefore the width of driveway is minimised.*

*The Department therefore requests additional information from the applicant in accordance with the WAPC Transport Assessment Guidelines for Developments, which is available on its website at <http://www.wapc.wa.gov.au/Publications/1152.aspx>.*

*The Department will provide more detailed transport advice regarding the proposal to the Town of Vincent, once the required Transport and Parking Assessment and revised site plan are made available to Urban Transport Systems for further assessment."*

### **Technical Services Comments**

The Avenue is a 10.0 metres wide dedicated roadway which runs from Vincent Street to the north of The Avenue public car park. It currently stops short of Leederville Parade; however, as it currently adjoins the Town owned land which comprises The Avenue Car Park, it would appear that the road extends all the way to Leederville Parade.

With the future proposed redevelopment of The Avenue Car Park land, it is proposed that 'The Avenue' will be extended to Leederville Parade and formalised as a street, with footpaths and a 6.0 metres wide carriageway.

The proposal by Caltex is for large fuel tankers to access the rear of the site via The Avenue Car Park. The proposed swept path of the tankers will extend well beyond the 10.0 metres wide road reserve, and while that may work now (given the current configuration of The Avenue and adjoining carpark), this manoeuvre will not be possible once The Avenue and car park land is reconfigured/subdivided, in the future as part of the Leederville Masterplan.

Therefore, the proposed layout cannot be supported as the tanker/s will not be able to access via The Avenue and exit via Vincent Street, as proposed, in the future due to the proposed changes to The Avenue and the associated adjoining Town owned land (carpark).

### **Leederville Masterplan**

The subject site is zoned Commercial; a service station is an "AA" use within this zone. The site is also located within Precinct 4 - Oxford Markets Precinct (Vincent Street) of the Leederville Masterplan area. The Masterplan vision for the Vincent Street part of the Precinct is:

*To increase the density of mixed use buildings along Vincent Street; and  
To create a new icon building on the south west corner of Vincent and Oxford Street and create a new western gateway.*

The concept plan outlined in the Built Form Guidelines indicates that the subject site could facilitate a maximum development of three storeys accommodating a mix of uses, and reasonably including a service station at the ground floor level.

It is noted that development of the subject site has been discussed at meetings with the owners and applicant, in terms of how landmark sites such as theirs can significantly contribute to the progressing of the required streetscape and urban design improvements in the Town Centre, along with facilitating developer confidence in the Masterplan and encouraging associated development.

Accordingly, the Town's Officers are of the view that construction of a service station only on such an iconic and prime site is underdevelopment of the site and inconsistent with the Leederville Masterplan and the vision for the area. In light of the reasons outlined in this report relating to, the non-compliance with the Metropolitan Region Scheme Other Regional Road reservation, the proposed layout of the service station is not consistent with future planning of the adjoining land comprising 'The Avenue' and Town owned car park, non-compliance with the Built Form Guidelines for the Leederville Masterplan and associated underdevelopment of the site, it is recommended that the Council refuse the application.

**9.1.3 No. 15 (Lot 25 DP: 2324) Grosvenor Road, Mount Lawley – Front Fence Addition to Existing Two (2) Two-Storey Single Houses – (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO3607; 5.2009.135.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Harman		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Iemcon Projects on behalf of the owners J & R & RA Iemma for proposed Front Fence Addition to Existing Two (2) Two-Storey Single Houses (Application for Retrospective Approval) at No. 15 (Lot: 25 DP: 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 21 April 2009, subject to the following conditions:*

(a) *within sixty (60) days of the issue date of this ‘Approval to Commence Development’, revised plans shall be submitted and approved demonstrating the existing development complying with the following requirements:*

(1) *the maximum height of the solid portion of the wall, along the side boundaries within the front setback area being 1.2 metres above the natural ground level, with a minimum of fifty percent visually permeable above 1.2 metres;*

(2) *any new piers having a maximum width of 355 millimetres or a maximum diameter of 500 millimetres;*

(3) *the existing timber battens along the front fence to be a minimum of fifty percent visually permeable; and*

~~(3)~~ *the works described in (1), (2) and ~~(2)~~ (3) above, are to be completely constructed to the satisfaction of the Town within sixty (60) days; and*

(ii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed after this sixty (60) days period.*

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

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

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



<b>Landowner:</b>	J & R & RA Iemma
<b>Applicant:</b>	Iemcon Projects
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	449 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

15 December 2006 The Town, under delegated authority from the Council, resolved to conditionally approve an application for demolition of existing single house and construction of two (2) two-storey single houses at the subject site. Conditions (i) (c) and (d) of the delegated approval state as follows:

“(i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Grosvenor Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

(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;”*

1 November 2007 A Building Licence for construction of two (2) two-storey single houses was issued without revised plans being submitted to address the non-compliant front fence. It is noted, condition (27) of the Building Licence states as follows:

*“All work carried out shall be in accordance with the requirements and conditions as imposed on the Planning Approval (Approval To Commence Development) Serial No. (5.2006.263.1) issued 15 December 2006.”*

4 March 2009 A site inspection was carried out by the Town’s Officers which revealed that the constructed fence within the front/street setback area was non-compliant with the Planning Approval. The applicant was subsequently advised that they had 14 days to modify the fence or alternatively apply to obtain Retrospective Planning Approval.

21 April 2009 A retrospective application for the front fence was received by the Town.

**DETAILS:**

The proposal is for a fence addition to two (2) existing two-storey single houses as an Application for Retrospective Planning Approval.

**ASSESSMENT:**

***\*Note: The following Assessment table was revised 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>
Residential Design Elements Policy No. 3.2.1. Clause SADC 13 and SPC 13.	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level <u>and along the side from setback area</u> and a minimum of fifty percent visually permeable above 1.2 metres.	Maximum height of the solid portion of the fence is up to 1.65 metres above adjacent footpath level, <u>and 1.8 metres along the side front setback area</u> with only a small portion being a minimum of fifty per cent visually permeable.	<u>Supported – the solid portion of the fence up to 1.65 metres above adjacent footpath level, on the basis that the timber battens in the front fence are modified to be 50 per cent visually permeable. A condition has been recommended to this effect.</u>  Not supported – <u>solid wall along the side front setback area</u> – see “Comments” section.
Residential Design Elements Policy No. 3.2.1. Clause SADC 13 and SPC 13.	Posts and piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres.	Piers have a width of 900 – 950 millimetres respectively.	Supported – the piers have each dwelling’s meter box and letterbox located on them; therefore, the width of the piers is deemed appropriate for the purpose of accommodating the meter boxes and letterboxes.
<b>Consultation Submissions</b>			
Advertising not required for retrospective application as the fence was part of the original application which was advertised.			
Support	N/A		Noted.
Objection	N/A		Noted.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

**COMMENTS:**

The Town’s Residential Design Elements Policy 3.2.1 requires that the solid portion of street walls and fences within the primary street setback area, including along the side boundaries are to have a maximum height of 1.2 metres above adjacent footpath level and be a minimum of fifty percent visually permeable above 1.2 metres and that posts and piers have a maximum width of 355 millimetres.

Since construction of the non-compliant front fence, there has been multiple correspondence between the Town and the applicant requesting modification of the front fence to be compliant or obtain retrospective planning approval. The Town is in a position to support the non-compliant piers; however, the timber battens and front fence along the side boundary within the front setback area are required to be amended to be a minimum of 50 per cent visually permeable above 1.2 metres to a maximum height of 1.8 metres.

In light of the above, it is recommended that the Council approve the constructed unauthorised front/street fence subject to the fence being modified to comply with condition (i) (a) of this approval. In addition, in the event that modifications to the fence are not made within the specified timeframe, that the Council authorise the Chief Executive Officer to commence legal proceedings.

**9.1.8 Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2009
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA 0197
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	T Woodhouse, E Lebbos		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report relating to the Draft Residential Streetscapes Policy;
- (ii) **DOES NOT PROCEED** with the Draft Residential Streetscapes Policy in accordance with Clause 47 (5)(b) of the Town’s Town Planning Scheme No. 1 for the following reasons:
  - (a) the document has been significantly diluted during the community consultation process and has therefore substantially reduced the value of the document to such an extent, whereby it is no longer considered an adequate planning tool;
  - (b) the diluted document does not offer significant provisions for protecting “recognised streetscapes”, beyond what is already provided in the Town’s Policy No. 3.2.1 relating to Residential Design Elements, the Town’s Policies relating to Heritage Management and Town Planning Scheme No. 1;
  - (c) the nomination process for streets to be included into the Draft Policy is fundamentally flawed and is considered too unrealistic to achieve;
  - (d) the Town’s existing Policy No. 3.2.1 relating to Residential Design Elements, the Town’s Policies relating to Heritage Management and the Town Planning Scheme No:1 already provide appropriate control measures for the protection of “recognised streetscapes”; and
  - (e) the document, if adopted in its current form, has the potential to cause confusion and ambiguity to the community and the Town’s Officers, whilst at the same time unnecessarily complicating the current Development Approval process; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the Council’s decision to not proceed with adopting the final amended version of the Draft Residential Streetscapes Policy, in accordance with Clause 47 (6) of the Town’s Town Planning Scheme No. 1.

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**Debate ensued.**

The Presiding Member, Mayor Catania asked Cr Maier to move his foreshadowed motion for deferral of the item.

Cr Lake stated that she wanted to speak on the item.

The Presiding Member, Mayor Catania stated that the rule is one speaker “for” the item and one speaker “against” the item.

Cr Lake stated that she wanted to speak on the item and was not aware of this rule.

The Presiding Member, Mayor Catania asked the Chief Executive Officer to advise the relevant clause of the Standing Orders.

The Chief Executive Officer read out Clause 5.4 – Order of Call and Debate of the Standing Orders.

The Presiding Member, Mayor Catania asked Cr Maier to move his foreshadowed motion for deferral of the item.

Cr Lake stated as there has been a speaker for, she would like to speak against the item and she believed the Standing Orders give her that right.

The Presiding Member, Mayor Catania asked the Chief Executive Officer to interpret the Standing Orders as to whether he has a right to call on Cr Maier to move his foreshadowed motion for deferral of the item.

The Chief Executive Officer stated that the Standing Orders allow the Presiding Member to allow speakers to speak and if the Presiding Member calls for Cr Maier to move his foreshadowed motion for deferral of the item, it is at the discretion of the Presiding Member.

The Presiding Member, Mayor Catania called on Cr Maier.

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

The Presiding Member, Mayor Catania stated the point of order has already been addressed by the Chief Executive Officer.

Cr Lake moved dissent with the ruling of the Presiding Member.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Maier**

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

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

**For:** Cr Ker, Cr Lake, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Messina

**PROPOSED PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr .....**

*That the item be DEFERRED to allow the staff to advertise to the broad community.*

**PROPOSED PROCEDURAL MOTION  
LAPSED FOR WANT OF A SECONDER**

Debate ensued.

Cr Messina departed the Chamber at 6.56pm.

Debate ensued.

Cr Messina returned to the Chamber at 6.58pm.

Debate ensued.

#### PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

*That the item be DEFERRED to allow the matter to be discussed at a Forum.*

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

For: Cr Ker, Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Messina

#### MOTION PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: Presiding Member, Mayor Catania (two votes – deliberative and casting vote),  
Cr Doran-Wu, Cr Farrell, Cr Messina

Against: Cr Burns, Cr Ker, Cr Lake, Cr Maier

#### SUBSEQUENT MOTION:

Moved Cr Ker, Seconded Cr Doran-Wu

*That the Council:*

- (a) *ENGAGE with the community to establish views on streetscape management and to develop appropriate policies to support those views;*
- (b) *REQUESTS the Chief Executive Officer to provide a report to the Council on an appropriate process and timeline by September 2009; and*
- (c) *REVIEW the format of the consultation letter and guidelines to accurately reflect how comments are to be considered.*

Debate ensued.

#### SUBSEQUENT MOTION PUT AND CARRIED (7-1)

For: Presiding Member, Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker,  
Cr Lake, Cr Maier

Against: Cr Messina

---

#### PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Policy relating to Residential Streetscapes, and to recommend to the Council that it not proceed with the final adoption of the Policy.

**BACKGROUND:**

- 23 January 2007      The Council at its Ordinary Meeting resolved the following:
- “That the Council;*
- (ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*
- (c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*
- ...”
- 29 March 2007      The Town Planning Scheme Review Committee Meeting considered and discussed residential streetscapes.
- 19 May 2007        The Town Planning Scheme Review Elected Members Meeting considered and discussed residential streetscapes.
- 12 June 2007        The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:
- “That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”*
- 9 October 2007     The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council RECEIVES Progress Report No. 2 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”*
- 12 February 2008   The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council RECEIVES Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”*
- 27 May 2008        The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council;*
- (i) *RECEIVES the Draft Policy relating to Residential Streetscapes, as shown in Attachment 10.1.20; subject to the Draft Policy being amended as follows:*

(a) The list of recognised streetscapes be amended to read as follows:

<i>'Category 1 Streetscapes</i>	<i>Category 2 Streetscapes</i>
<p>Leederville Anzac Road (between Loftus Street and Oxford Street); Salisbury Street; and Muriel Place (Note: separate Guidelines included as Appendix 6).</p>	<p>Leederville Bourke Street (between Oxford Street and Loftus Street); Byron Street; Franklin Street (between Shakespeare Street and Loftus Street); Galwey Street; Marian Street; Rae Street; and Shakespeare Street (between Bourke Street and Salisbury Street).</p>
<p>Mount Hawthorn Faraday Street; Harrow Street ; and Wilberforce Street .</p>	<p>Mount Hawthorn Anzac Road (between Loftus Street and Sasse Avenue); Birrell Street; Blackford Street; Buxton Street; Coogee Street; Dunedin Street; East Street; Edinboro Street; Egina Street; Ellesmere Street; Eucla Street; Fairfield Street; Federation Street; Flinders Street (between Anzac Road and Scarborough Beach Road); Kalgoorlie Street; Killarney Street; Lynton Street; Matlock Street; Milton Street ; Sasse Street; Seabrook Street; Shakespeare Street; and The Boulevarde .</p>
<p>Mount Lawley/Highgate Cantle Street, <del>Perth</del>; Chapman Street, <del>Perth</del>; Chertsey Street, <del>Mount Lawley</del>; Mary Street, <del>Highgate</del>; Pakenham Street, <del>Perth</del>; St Albans Ave, <del>Highgate</del>; Stanley Street, <del>Mount Lawley</del>; Vincent Street, <del>North Perth</del> (between Norfolk Street and William Street); and West Parade, <del>Perth</del>.</p>	<p>Mount Lawley/Highgate Cavendish Street, <del>Highgate</del>; Chatsworth Road, <del>Highgate</del>; Chelmsford Road, <del>Mount Lawley</del>; Gardiner Street, <del>Perth</del>; Grosvenor Road, <del>Mount Lawley</del>; Harley Street, <del>Highgate</del>; Harold Street, <del>Mount Lawley</del> (all single terrace and grouped dwellings between Vincent Street and Lord Street); Hyde Street, <del>North Perth</del>; Raglan Road, <del>Mount Lawley</del>;</p>
<p>North Perth Alfonso Street; Alma Road; Burt Street; Camelia Street; Chamberlain Street; Commonwealth Avenue; Coronation Street; Daphne Street; Doris Street; Lawler Street; Pennant Street; Persimmon Street (Numbers 1-8 inclusive); Vine Street (Numbers 9-26 inclusive); Waugh Street; and Woodville Street.</p>	
<p>Perth Baker Avenue, <del>Perth</del>; Brisbane Street, <del>Perth</del> (between Palmerston Street and Lake Street); Bulwer Avenue, <del>Highgate</del>; Carr Street, <del>North Perth</del> (between Cleaver Street and Charles Street); Fitzroy Street, <del>North Perth</del>; Hammond Street, <del>North Perth</del>; Janet Street, <del>North Perth</del>;</p>	



<p><i>McCarthy Street, Highgate;</i> <i>Myrtle Street, Perth;</i> <i>Strathcona Street, West Perth;</i> <i>Stuart Street, Perth (Numbers 6-22, inclusive);</i> <i>Throssel Street; and</i> <i>Wade Street (Numbers 2-12, inclusive).</i></p>	<p><i>Summers Street, Perth; and</i> <i>Wasley Street, North Perth (between William Street and Norfolk Streets).</i></p> <p><i>North Perth</i> <i>Albert Street (Numbers 16- 41, inclusive);</i> <i>Alma Road (Numbers 89-140, inclusive);</i> <i>Auckland Street;</i> <i>Barnet Street;</i> <i>Clieveden Street;</i> <i>Elizabeth Street;</i> <i>Ethel Street;</i> <i>Eton Street;</i> <i>Farmer Street;</i> <i>Forrest Street (Numbers 82-121, inclusive);</i> <i>Grosvenor Road (between Fitzgerald Street and Norfolk Street);</i> <i>Hobart Street;</i> <i>Knutsford Street;</i> <i>Mabel Street;</i> <i>Marmion Street (Numbers 1-41, inclusive);</i> <i>Monmouth Street (Numbers 90-103, inclusive);</i> <i>Namur Street;</i> <i>Paddington Street;</i> <i>Raglan Road (between Fitzgerald Street and Norfolk Streets);</i> <i>Richmond Street (Numbers 3-48, inclusive);</i> <i>Selkirk Street;</i> <i>Sydney Street;</i> <i>Venn Street (Numbers 18-49, inclusive);</i> <i>Vincent Street, (between Fitzgerald Street and Norfolk Street); and</i> <i>Vine Street (south of View Street).</i></p> <p><i>Perth</i> <i>Bulwer Street, North Perth (between Vincent Street and Fitzgerald Street);</i> <i>Cleaver Street, West Perth;</i> <i>Florence Street, North Perth;</i> <i>Glendower Street, Perth;</i> <i>Grant Street, Highgate;</i> <i>Kingston Avenue, West Perth;</i> <i>Lane Street, Perth;</i> <i>Orange Avenue, Perth; and</i> <i>Palmerston Street, Perth (between Glendower Street and Stuart Street)."</i></p>
--	--

(ii) *ADVERTISES the Draft Policy relating to Residential Streetscapes 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*
- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Residential Streetscapes, having regard to any written submissions; and*
- (b) *DETERMINES the Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with them.”*
- 19 August 2008      The Town’s Officers presented an overview of the Draft Policy, a brief summary of the submissions and options to proceed with the Draft Policy to a Council Members Forum.
- 28 October 2008      The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council;*
- (i) *RECEIVES Amendment No. 43 to Planning and Building Policies – Draft Policy relating to Residential Streetscapes – Progress Report No. 1;*
- (ii) *CONSIDERS the submissions received during the community consultation period regarding the Draft Policy relating to Residential Streetscapes, as “Laid on the Table” and shown at Appendix 7.3;*
- (iii) *DOES NOT ADOPT the Draft Policy relating to Residential Streetscapes in its present form, due to the significant number of objections received;*
- (iv) *REQUESTS a further report on the amendments to the Draft Policy on Residential Streetscapes in response to comments received during the community consultation by no later than April 2009 and provides the Council with some recommendations and timelines as to how any amended Draft Policy would be advertised, including but not limited to;*
- *which streets would be included;*
  - *how any street not automatically included may be included in the consultation period; and*
  - *further provides some recommendations as to how any streets may “opt in” to be bound by the policy at a later date;*
- (v) *NOTES that a number of submissions in some specific streets support their street being the subject of the Draft Residential Streetscapes Policy;*

- (vi) *subject to clause (iii) above being approved, AUTHORISES the Chief Executive Officer to:*
- (a) *FURTHER CONSULT with the owners of properties (in writing) seeking their views as to whether they desire their street to be the subject of the Draft Residential Streetscapes Policy, for the following streets:*
- 1. Wilberforce Street, Mt Hawthorn*
  - 2. Cantle Street, Perth*
  - 3. Chapman Street, Perth*
  - 4. Chertsey Street, Mount Lawley*
  - 5. Pakenham Street, Mount Lawley*
  - 6. St Albans Avenue, Highgate*
  - 7. Summers Street, Perth*
  - 8. Coronation Street, North Perth*
  - 9. Alma Road, North Perth*
  - 10. Daphne Street, North Perth*
  - 11. Doris Street, North Perth*
  - 12. Lawler Street, North Perth*
  - 13. Baker Avenue, Perth*
  - 14. Brisbane Street, Perth*
  - 15. Carr Street, West Perth*
  - 16. Fitzroy Street, West Perth*
  - 17. Hammond Street, West Perth*
  - 18. Janet Street, West Perth*
  - 19. McCarthy Street, Perth*
  - 20. Myrtle Street, Perth*
  - 21. Throssel Street, Perth*
  - 22. Wade Street, Perth; and*
- (b) *FURTHER CONSIDER the matter of adopting the Residential Streetscapes Policy for the streets (where the majority of owners have indicated their support) specified in clause (v)(a) above, based on the submissions received as a result of the further consultation by no later than April 2009; and*
- (vii) *AMENDS the Town's Residential Design Elements Policy to delete reference to "maintaining a single storey presentation to street" or similar wording (wherever it appears) and AUTHORISES the Chief Executive Officer to amend the document accordingly to reflect Council decision."*

28 April 2009

The Council at its Ordinary Meeting resolved the following in relation to the Draft Residential Streetscapes Policy:

*"That the Council;*

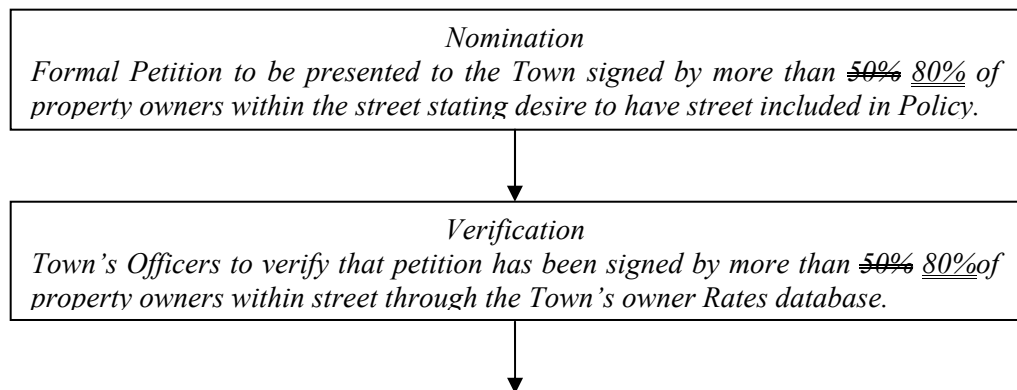
- (i) *RECEIVES the further Amended Draft Policy relating to Residential Streetscapes, as shown at Appendix 9.1.11, resulting from the advertised version having been reviewed and with regard to six hundred and fifty six (656) submissions received during the formal advertising, subject to the Policy being amended as follows;*

(a) *The list of recognised streetscape outlined in Schedule 1 be amended to read as follows:*

1. Alma Road, North Perth (Numbers 89-140, inclusive);
2. Baker Avenue, Perth;
3. Brisbane Street, Perth (Between Palmerston Street and Lake Street);
4. Cantle Street, Perth;
5. Carr Street, West Perth (Between Cleaver Street and Charles Street);
6. Chapman Street, Perth;
7. Coronation Street, North Perth;
8. Daphne Street, North Perth;
9. Doris Street, North Perth;
10. Hammond Street, West Perth;
11. Janet Street, West Perth ;
12. Lawler Street, North Perth;
13. Myrtle Street, Perth;
14. St Albans Avenue, Highgate;
15. Throssel Street, Perth; ~~and~~
16. Wade Street, Perth; and
17. Wilberforce Street, Mount Hawthorn;”

(b) *Figure 1 on page 7 being amended to read as follows:*

“Figure 1: Flow Chart illustrating the process for how streets may nominate for inclusion in the Policy



...”

(c) *Objective 4 being amended to read as follows:*

“(6)4) To ensure that future development within the recognised streetscapes is ~~consistent with~~ sympathetic to the character, rhythm and scale of existing residential development.”;

(d) A new Figure 1 being inserted to clause (iii) (a) as follows:  
“



Figure 1: Example of a Federation Bungalow.”;

(e) Clause (iii) (b) being amended to read as follows:  
“



Figure 2: Example of an Inter-War Bungalow.”;

(f) Clause (iii) (c) being amended to read as follows:  
“



Figure 3: Example of a California Bungalow.”;

(g) Clause (v) being amended to read as follows:

“...  
Where the ~~Performance~~ Acceptable Development Criteria is not met, development will be assessed against the relevant ~~Acceptable Development~~ Performance Criteria...”;

(h) Clause ADC2 (b) being amended to read as follows:

“(b) The ridge and wall heights for new dwellings, when viewed from the street, are to be consistent with the ridge and wall heights of the dominant existing dwellings within the street.”; and

(i) Clause ADC2 (d) being amended to read as follows:

“(d) Variations to the abovementioned ~~table~~ clauses may be considered where it is demonstrated that the variations facilitate traditional ceiling heights, to the satisfaction of the Town.”;

(ii) ADVERTISES the further Amended Draft Policy relating to Residential Streetscapes, as shown in Attachment 001, 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;

(iii) NOTES that during the advertising period, the Town's Officers will be available for one-on-one meetings with affected/interested landowners;

(iv) after the expiry of the period for submissions:

(a) REVIEWS the further Amended Draft Policy relating to Residential Streetscapes, having regard to any written submissions and feedback received from the workshops; and

(b) DETERMINES the further Amended Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with it;

(v) APPROVES the procedure for streets wanting to “opt in” and be bound by the Policy at a later date as outlined in clause 2) iv) of the further Amended Draft Policy relating to Residential Streetscapes; and

- (vi) *FURTHER CONSIDERS the matter of adopting the Residential Streetscapes Policy for the streets specified in Schedule 1 in a further Draft Amended Policy relating to Residential Streetscapes, based on the submissions received as a result of the further consultation by no later than August 2009."*

#### **DETAILS:**

The Draft Amended Policy relating to Residential Streetscapes has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, commencing on 19 May 2009 and closing on 16 June 2009. Following the completion of the advertising period, the Policy was further considered in light of the submissions received.

Since the Draft Residential Streetscapes Policy was first considered by the Council on 27 May 2008, and comments received as a result of the advertising period in 2008 and at the Council Members Form held on 19 August 2008, the Policy was amended significantly. These key amendments were summarised in the 'Details' section of the report considered by the Council on 28 April 2009.

In light of the submissions received from the amended Policy considered by the Council on 28 April 2009 during the advertising period from 19 May 2009 to 16 June 2009, and further review by the Town's Officers, **it is recommended that Council does not proceed with the adoption of the Policy** for various reasons, of which a summary is detailed below.

#### **1. Diluted Policy**

The original intent of the Draft Residential Streetscapes Policy was to direct future development to occur in such a way so as to encourage the retention and enhancement of the Town's many single storey streetscapes, while minimising negative impacts on the community and environment.

However, throughout the community consultation process, the Draft Policy has been diluted to a point whereby it is no longer an adequate planning tool as it does not offer significant provisions for protecting 'recognised streetscapes', beyond what the Town's Residential Design Elements Policy (No. 3.2.1), the Town's Policies relating to Heritage Management, and the Town's Town Planning Scheme No. 1, provide.

Element One in the Residential Design Elements Policy consists of an entire section relating to development guidance in regards to streetscapes. As part of the overview, this section states '*streetscape assessment and site analysis are the first steps in the design process and ensure that the proposal is the most appropriate design solution for both the site and the locality.*' The section goes on to outline guidelines regarding streetscape character in relation to building setbacks, street setbacks, safety and security, street walls and fences, car parking and vehicular access, landscaping, and minor development.

Also, the Town's Planning and Building Policy Manual contains a number of heritage policies, including Policy No. 3.6.1. relating to Heritage Management – Development Guidelines and Policy No. 3.6.2. relating to Heritage Management – Assessment, among others. Although these relate specifically to heritage places, they consist of various provisions to ensure the protection of the impact of development of heritage listed properties and development abutting heritage listed properties. For example, in Policy No. 3.6.1, Acceptable Development Criteria 2.2 states '*an upper storey is sited and massed behind the principal facade(s) so that it is not visible, particularly in intact or consistent streetscapes.*' Also, Acceptable Development Criteria 2.3 states '*where the place is located on a corner site the upper storey addition is sited and massed so that it is visually recessive from the place's main frontage so that the scale of the heritage place is the dominant element in either streetscape.*

*On corner sites the visibility of taller additions should be assessed from both streets'. Clearly, the provisions outlined in the Town's Heritage Policies aim to protect the character of the streetscape. It should also be noted that a number of streets are heritage listed, including Baker Avenue (also identified in Schedule 1 of the Draft Streetscape Policy), Bulwer Avenue (listed in Schedule of 1 of the original version of the Draft Streetscape Policy) and Brookman and Moir Streets. To ensure the retention of both the heritage, and the character of these streetscapes, sound Policies and provisions in the Town's Town Planning Scheme No. 1 are applied.*

Finally, the Town's Town Planning Scheme No. 1 also includes some provisions for the protection and retention of existing development in order to conserve the character of the streetscape. Clause 4 (c) (i) of the scheme states *'Dual Coding: Within the area coded R30/40, development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.'* This provision attempts to protect the streetscape by incentivising the retention of existing development. Clause (20) (2) (b) of the Town's Town Planning Scheme also is designed to facilitate the retention of the character of Vincent. Clause (20) (2) (b) states that *'Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention'.*

Therefore, although the original intent of the Draft Residential Streetscapes Policy was to provide additional provisions for development respectful of existing streetscapes while minimising negative impacts on the community and environment, due to various amendments and changes resulting from consultation, the Draft Policy, as a planning tool, does not provide significant additional provisions to existing planning tools (discussed above) currently utilised in development assessment in the Town.

Further to this, research undertaken into other local governments both in Western Australia and inter-State have indicated that a 'Character Policy' on its own, has very little weighting in effectively controlling development, unless supported by stringent restrictions in a Town Planning Scheme or are linked to heritage policy or heritage overlay control. A more proactive approach was to encourage development to be 'site responsive', which is a key objective of the Town's Residential Design Elements Policy and through encouraging 'sustainable development' which can be readily supported by encouraging the retention of existing housing stock. The Town is currently preparing a Sustainable Building Design Policy and associated Guidelines. Accordingly, there is scope for incentives to be included in the Town's Town Planning Scheme No. 2.

## **2. Flawed Nomination Process**

Besides being an inadequate planning tool, the nomination process for streets to be included in the Draft Policy, according to the flow chart illustrated in Figure 1 of the Draft Policy, is fundamentally flawed.

In accordance with the procedure outlined in the Draft Policy, a minimum 80% support for the Policy of the total properties in the street is required, for a street to be included in Schedule 1 as a recognised streetscape. This is clearly illustrated in the flow chart which states *'Formal Petition to be presented to the Town signed by more than 80% of property owners within the street stating desire to have street included in Policy.'* Therefore, in the first instance, an 80% positive response rate supporting the inclusion of the street into Schedule 1 of the Policy is required to meet this criterion. In accordance with this, all those that did not respond cannot be included as supporting the Policy, and therefore, after collating the responses received, there is a considerably higher proportion of those that do not support the Draft Residential Streetscape Policy.



Also, there was clearly an insignificant amount of responses received to meet the threshold for 80% of owners stating support for the Policy. In fact, based on the data collated (refer to Consultation section), none of the streets met the 80% threshold for their streets to be included in Schedule 1 of the Draft Policy, with the highest percentage of support being Baker Avenue with only 30% support of respondents received.

If this Policy was to be adopted, then in the future, any residents that wish to nominate their street as a recognised streetscape would have to comply with an 80% support rate. This sets an inconsistent process for nomination, as none of the streets currently listed in the Draft Policy achieved 80% support, hence rendering the nomination and inclusion process flawed.

Finally, Schedule 1 in the Policy is flawed as it does not adequately reflect the findings of the street surveys undertaken by the Town's Planning Officers. Many of the streetscapes with character worth retaining were removed off the list after the first round of community consultation in 2008. The reason for removal was based predominately on objection received, rather than on sound planning grounds. In this process, there was no distinction between the original categorisation of streets into Category 1 and Category 2, and the 14 streets in the Draft Policy (down from over 100 recognised streets), were arguably not necessarily those that best met the criteria as recognised streetscapes. Given this, the integrity of the Policy as a planning tool is strongly diminished.

**CONSULTATION/ADVERTISING:**

Any new, 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.

During the consultation period in total, 124 submissions were received. The break down of submissions received is as follows:

- Support: 74
- Object: 50
- Not stated: 366

The following Table summarises the main points/issues raised in the submissions. A full summary of the submissions is 'Laid on the Table.'

Support/Object	Key Points/Issues	Officer Comments
Support	<p>Policy supports principles of <i>Vincent Vision 2024</i>.</p> <p>Policy protection in intact character streetscapes in high zoned areas is important to ensure character of street is maintained.</p> <p>The Policy will ensure maintaining the rarity of some of Vincent's streetscapes.</p>	<p>Noted. Through the community visioning process, the community's desire to see the preservation and enhancement of the residential character of the Town was strongly resonated.</p> <p>Noted. Whilst the zoning of an area assumes a particular development potential of the area, this needs to be considered alongside other Policies and provisions to guide appropriate site responsive development.</p> <p>Noted. It is considered that the Draft Residential Policy will not provide any further protection to streetscapes than the Town's Residential Design Elements Policy, Heritage Policies and the Town's Town Planning Scheme No. 1.</p>

	<p>Community interests need to be considered beyond individual property owners' vested interests.</p> <p>Vincent is recognised for its character streetscapes and people buy and reside in the area for that reason.</p> <p>Policy should include greater neighbour comment and allow for third party appeal rights.</p> <p>Policy assists to maintain the diversity of Vincent's housing stock and provides a proactive approach that goes beyond the wishes of the developer.</p> <p>Opting-in process should be reviewed so as not so restrictive and allow the nomination process to commence without requiring 80 % support. The process is too skewed to those against the Policy.</p>	<p>Noted. The Policy was initiated by a community visioning process <i>Vincent Vision 2024</i> that comprised contribution from a diverse section of the community. However, with 76.09% of owners not responding to the Draft Policy, the interest in the Policy was not shown to be significant.</p> <p>Noted.</p> <p>The Town has a comprehensive community consultation process that encourages input from neighbours regarding proposed development that is factored into the decision making process. There are currently no third party appeal rights under the <i>Planning and Development Act 2005</i> and thus cannot form part of this Policy.</p> <p>Noted; however, it is considered that the Town's existing Policies and provisions seek to recognise and support the diversity of Vincent's housing stock.</p> <p>Noted. As revealed in the statistics from the community consultation, the opting-in process is largely flawed.</p>
<p>Object</p>	<p>Recognised streetscapes do not meet the criteria detailed in the Policy, as a result of existing diversity of infill development.</p> <p>Photographs and description of housing styles are misleading and do not fit exactly with identified streetscapes.</p>	<p>Supported. Whilst the Town's Officers have since furthered surveyed the subject streets and provided more detailed criteria on defining recognised streetscapes, it is agreed that those streets listed on Schedule 1 of the Draft Streetscape Policy are not necessarily the best examples of 'recognised streetscapes' in the Town.</p> <p>Noted and supported.</p>

	<p>Owners should have right to do what they like with their property. The market and diversity of owners will naturally allow a balance of new development and retention and conservation of existing development along a street.</p> <p>Protection of houses in Vincent should be done by heritage measures for individual properties, not whole streetscapes.</p> <p>Policy conflicts with State Policy and projections that promote higher density residential development within inner city suburbs. This has particular ramifications for recognised streetscapes zoned R80.</p> <p>The Town has enough planning policies to guide development and no further policies in this regard are required.</p> <p>Policy inhibits development potential of properties.</p> <p>Town should focus on sustainability from a different angle, such as solar panels, grey water and the like.</p>	<p>Noted. All proposed development requires adhering to the Town's Town Planning Scheme No. 1 and associated Policies and provisions to ensure consistency in managing appropriate development. The Town supports encouraging site responsive design, however does not intend to stifle individual taste or market forces that drive diversity of development.</p> <p>Noted. The Town underwent an extensive review of its Heritage List in 2006, which saw a considerable increase of properties being entered on the Town's Heritage List and offered protection under the Town's Town Planning Scheme. These properties are managed through a series of comprehensive Policies relating to heritage management. Community comments arising from <i>Vincent Vision 2024</i> however, encouraged methods to protect 'character streetscapes' pursued, that goes beyond individual heritage listing.</p> <p>Noted. State Planning documents such as <i>Network City</i> do promote an increase in dwelling density to accommodate greater residential occupancy in existing residential areas. However, whilst the above supports Key Theme 2 of <i>Network City 'Make fuller use of urban land'</i>, this needs to be considered alongside Key Theme 3 '<i>Plan with communities</i>' and Key Theme 6 '<i>Strengthen local sense of place</i>'.</p> <p>Noted. It is acknowledged that the Town's Residential Design Elements does provide comprehensive guidelines to ensure site response design.</p> <p>Noted.</p> <p>Noted. The Town is currently preparing Sustainable Design Guidelines to promote best practice sustainable design and offer techniques on how to accomplish sustainable design.</p>
--	--	---

**Statistical Overview of Submissions Based on Raw Figures**

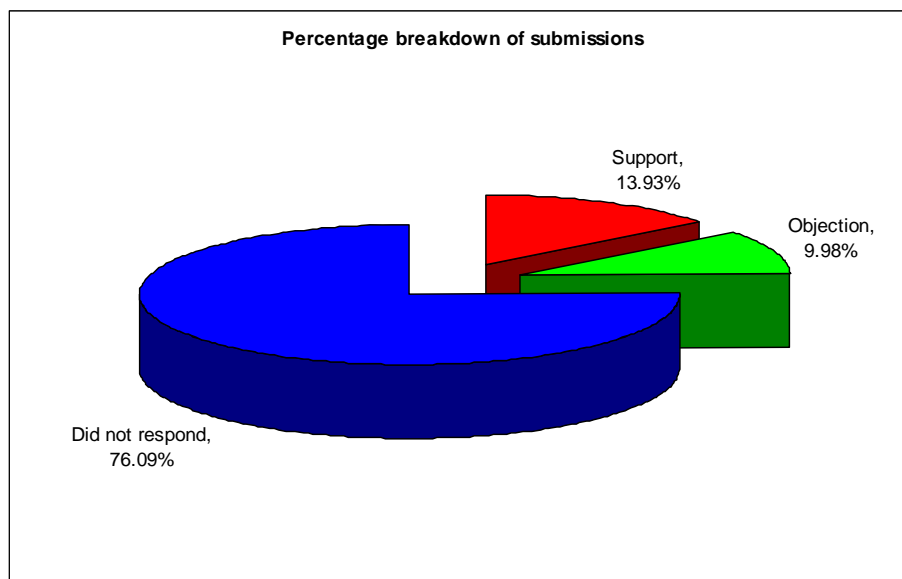
A statistical overview of the submissions received was prepared of which a summary is detailed below. In total, 124 submissions were received. Of these, 74 supported the Policy while 50 objected to it.

A breakdown of the support and objection for the Policy based on the identified streets is set out in the following table. The table also depicts the number of individual letters sent to each of the streets during the consultation. It is noted that in some cases there were multiple submissions received from the same property, as a result of multiple ownership of the same property.

Based on the submissions received, it is evident from the figures that there were ten (10) streets that showed more support for the Policy, four (4) streets showed more objection and two (2) streets had equal support and objection.

Street Name	Support	Objection	No Comment	Total Letters Received	Total Letters Sent = Total Property Owners in Street
Alma Road	5	10	35	15	50
Baker Avenue	3	5	2	8	10
Brisbane Street	1	0	33	1	34
Cantle Street	1	1	10	2	12
Carr Street	5	7	46	12	58
Chapman Street	2	4	12	6	18
Coronation Street	6	3	32	9	41
Daphne Street	2	0	19	2	21
Doris Street	8	4	20	12	32
Hammond Street	6	1	15	7	22
Janet Street	2	0	17	2	19
Lawler Street	16	8	48	24	72
Myrtle Street	2	0	20	2	22
St Albans Ave	0	1	14	1	15
Throssel Street	1	0	9	1	10
Wade Street	2	2	16	4	20
Wilberforce Street	5	2	18	7	25
<b>TOTAL</b>	<b>67</b>	<b>48</b>	<b>366</b>	<b>115</b>	<b>481</b>

The pie graph and table below illustrate that of the 481 individual letters sent, 76.09% of the affected land owners did not respond during the consultation period. Of the 481 letters, there was 13.93% support received and 9.98% objection received.



Street Name	% Support	% Objection	% No Comment
Alma Road	10.00	20.00	70.00
Baker Avenue	30.00	50.00	20.00
Brisbane Street	2.94	0	97.06
Cantle Street	8.33	8.33	83.34
Carr Street	8.62	12.07	79.31
Chapman Street	11.11	22.22	66.67
Coronation Street	14.63	7.32	78.05
Daphne Street	9.52	0	90.48
Doris Street	25.00	12.50	62.50
Hammond Street	27.27	4.55	68.18
Janet Street	10.53	0	89.47
Lawler Street	22.23	11.11	66.66
Myrtle Street	9.09	0	90.91
St Albans Ave	0	6.66	93.34
Throssel Street	10.00	0	90.00
Wade Street	10.00	10.00	80.00
Wilberforce Street	20.00	8.00	72.00
<b>TOTAL</b>	<b>13.93</b>	<b>9.98</b>	<b>76.09</b>

Based on the above data, it is evident that the majority of those people, who were advertised to, did not respond. This second round of advertising however, exhibited a far greater response rate than the initial advertising. When the Draft Policy was advertised in 2008, a total of 6,268 letters were sent, and 656 responses were received, a percentage response of 10.46%. When the Policy was advertised in May and June 2009, there was a 23.91% response rate.

It is noted that a member of the Cleaver Precinct Action Group, submitted a petition to Council on ~~15 December 2008~~ 16 June 2009\*. This was signed by ~~over 30~~ 19\* ratepayers and residents of Carr Street (between Cleaver and Charles Streets), who wanted their street to be considered for inclusion in Schedule 1 of the Draft Residential Streetscapes Policy. This was not included in the statistics, however the petition was read out at the Ordinary Meeting of Council for consideration on 23 June 2009. Of the 19 signatures, 3 presented individual submissions\*. (Replacement Page distributed prior to the meeting.)

### **Statistical Overview of Submissions According to the Procedures Outlined in the Draft Residential Streetscapes Policy**

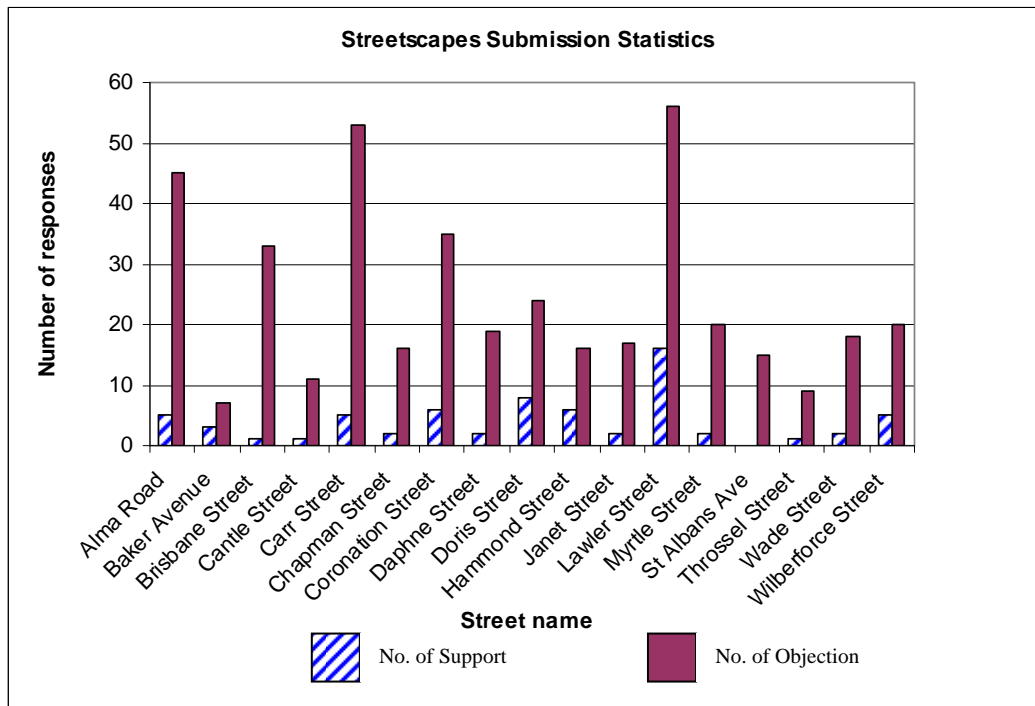
The following statistics are based on the procedures for community consultation according to the provisions outlined in the flow chart of the Draft Residential Streetscapes Policy, which illustrates the process of how streets may nominate for inclusion in the Policy.

In accordance with the procedure outlined in the Draft Policy, of the total properties in the street, there is to be 80% support for the Policy, for a street to be listed in Schedule 1 of the Policy. This is clearly illustrated in the flow chart which states *'Formal Petition to be presented to the Town signed by more than 80% of property owners within the street stating desire to have street included in Policy.'* Therefore in the first instance, an 80% response rate supporting the inclusion of the street into Schedule 1 of the Policy is required to meet this criterion. In accordance with this, all those that did not respond cannot be included as supporting the Policy, and therefore, in this instance, there is a considerably higher proportion of no support to the Draft Policy.

The table and bar graph below illustrate the number of owners that supported/objected to the inclusion of their street into the Draft Policy, for each of the individual streets, assuming that all non-responses are not considered as support for the Policy.

Street Name	No. of Support	% Support	*No. of Objection/ No Response	% Objection/ No Response	Total Letters Sent
Alma Road	5	10.00	45	90.00	50
Baker Avenue	3	30.00	7	70.00	10
Brisbane Street	1	2.94	33	97.06	34
Cantle Street	1	8.33	11	91.67	12
Carr Street	5	8.62	53	91.38	58
Chapman Street	2	11.11	16	88.89	18
Coronation Street	6	14.63	35	85.37	41
Daphne Street	2	9.52	19	90.48	21
Doris Street	8	25.00	24	75.00	32
Hammond Street	6	27.27	16	72.73	22
Janet Street	2	10.53	17	89.47	19
Lawler Street	16	22.23	56	77.77	72
Myrtle Street	2	9.09	20	90.91	22
St Albans Ave	0	0	15	100.00	15
Throssel Street	1	10.00	9	90.00	10
Wade Street	2	10.00	18	90.00	20
Wilberforce Street	5	20.00	20	80.00	25
<b>TOTAL</b>	<b>67</b>	<b>13.93</b>	<b>414</b>	<b>86.07</b>	<b>481</b>

\* No. of objection/no response = number of submissions received that objected to the Draft Policy + the shortfall of owners that did not respond



According to this data (based on the provisions outlined in the flow chart of the Draft Residential Streetscapes Policy), there was clearly an insignificant amount of responses

received to meet the threshold for 80% of owners stating support for the Policy. In fact, based on this data, none of the streets met the 80% threshold for their streets to be included in Schedule 1 of the Draft Policy, with the highest percentage of support being Baker Avenue with a mere 30% support of respondents received.

**LEGAL/POLICY:**

The Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Strategic Objectives: 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".*

**SUSTAINABILITY IMPLICATIONS:**

The original intent of the Draft Residential Streetscapes Policy was to direct future development to occur in a manner that meets the community's changing needs through the provision of appropriate housing, in order to encourage the retention and enhancement of character and heritage in the Town while minimising undue negative impacts on the community and environment.

However, throughout the community consultation process, the Draft Policy has been diluted to a point whereby it does not offer significant provisions for protecting streetscapes above that which the Town's Residential Design Elements Policy, various Heritage Policies, and the Town Planning Scheme provide.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The summary of submissions detailed in the Consultation section of this report demonstrates a balance of those supporting and those objecting to the Policy. The Town's Officers have considered all the submissions received based on:

- raw figures; and
- the process for nomination illustrated in the flow chart in the Draft Residential Streetscapes Policy.

The Town's Officers have also further reviewed the Policy to determine whether it is a sound Policy that can be readily applied in the development assessment process. There are various provisions that assist in protecting the character of streetscapes within the Town of Vincent, including the Residential Design Elements Policy, various Heritage Policies, and the Town Planning Scheme. It is considered that the Draft Residential Streetscapes Policy does not offer significant provisions for protecting streetscapes above that which these various provisions provide. This, together with the inconsistent nomination process illustrated in Figure 1 of the Draft Policy, has resulted in a flawed Policy that is inadequate as an additional planning tool for the assessment of development applications in the Town.

In light of the above, it is recommended that the Council does not adopt the Policy in accordance with the Officer Recommendation.

**9.1.6 Nos. 95-117 Egina Street, Mount Hawthorn - Proposed Lighting Addition to Menzies Park**

<b>Ward:</b>	North	<b>Date:</b>	19 August 2009
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO2280; 5.2009.233.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone, C Wilson, J Van Den Bok		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Cardinals Junior Football Club on behalf of the owner Town of Vincent for proposed Lighting Addition to Existing Recreational Facility (Menzies Park), at Nos. 95-117 Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 22 June 2009, subject to the following conditions:*

- (i) the proposed lighting shall be compliant with AS 4282.1 Control of the Obtrusive Effects of Outdoor Lighting;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed lighting poles being a maximum of 20 metres in height;*
- (iii) the proposed lighting shall be switched off no later than 8:30pm Monday to Friday inclusive with no lighting on Saturdays, Sundays and Public holidays, unless express approval in writing is obtained from the Town's Chief Executive Officer; and*
- (iv) prior the erection of the light poles, a detailed Management Plan that addresses the maintenance and management of the light towers, shall be submitted to and approved by the Town's Chief Executive Officer.*

---

Cr Burns departed the Chamber at 7.04pm.

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Burns returned to the Chamber at 7.06pm.

Debate ensued.



**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

*That a new clause (v) be inserted as follows:*

*“(v) the proposed lighting may only be used by organised sporting groups to three week nights each week.”*

**Debate ensued.**

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

**For:** Cr Lake, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

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

---

<b>Landowner:</b>	Town of Vincent
<b>Applicant:</b>	Cardinals Junior Football Club
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Parks and Recreation
<b>Existing Land Use:</b>	Parks and Recreation
<b>Use Class:</b>	Parks and Recreation
<b>Use Classification:</b>	Not Applicable
<b>Lot Area:</b>	2453 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

**Proposal:** Two light poles of a narrow diameter which extend to a height of 20 metres above the natural ground level. [Originally submitted as 26 metres and subsequently changed to 20 metres.]

**Purpose:** Training purposes.

**Times:** Times and days that the park is used by the Football Club will remain unchanged.

**Lighting Details:** Three light fittings per pole.

**Lighting Diagram:** The light spill diagram for the proposed lighting indicates that the maximum lux level (at ground level) to the adjoining properties is approximately 6.2 lux. This indicates that the lighting level is about half of a normal street light. (As a guide for comparison, clear moon light is 0.2 lux, Main Roads street lighting is 15 lux.)

**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 – no variation.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:****Parks Services**

Parks Services Officers attended several meetings with the Cardinals Junior Football Club to discuss this project in its initial stages. The Club advised that the lights required at Menzies Park were to be of a similar height to those at Les Lilleyman Reserve, which were recently installed by the Town.

The height of the lighting poles at Les Lilleyman Reserve is 20 metres and whilst the Club were of the opinion that these were 26 metres in height, the Town's Officers have previously advised the Club that they would not support the installation of lighting poles at Menzies Park that were any higher than 20 metres. The Club has since advised that the poles will be a maximum of 20 metres.

**Engineering Services**

As indicated above, the original proposal was based upon 26 metres high poles and that the anticipated light spill on surrounding streets, as measured in lux, would be within acceptable limits, and in accordance with the Australian Standards. Therefore, with a reduction in the height of the poles to 20 metres, and whilst a revised light spill diagram has not been provided, it could be expected that there will a proportional reduction in the lux levels at the boundary of the training area, and by association, the surrounding streets.

However, there is some confusion on occasions on the difference between light spill and glare. Generally when looking at light poles, people have an issue with glare, as the light spill at a point adjacent to the property, is usually well within limits. Therefore, it is suggested that the Lighting Consultant consider fitting the lights with a shield to focus the light onto the playing surface (if required).

**Consultation Submissions**

The subject application was advertised for a period of 21 days with a sign located on the Purslowe Street side of the park and approximately 550 letters sent to the residents located two street blocks north, south, east and west of Menzies Park. A total of 121 submissions (21.8% return excluding petition) were received including; **22 (4%) objection** letters, **98 (17.81%) support** letters and a petition of support with **76** signatures.

**Summary of Objections (22 submissions)**

1. Height of poles (5 submissions)

Officer Comment:

Supported. The Club has agreed to the maximum height of the poles being 20 metres, which is the same height as those poles on Les Lilleyman Reserve. A condition has also been included to cover this matter and require revised plans.

2. Impact of traffic, parking and safety of children being collected after the games (5 submissions)

Officer Comment:

Not supported. The Club advises that the number of children playing will be the same. It is considered that the installation of the lights will improve the safety of children whilst on the park and whilst departing to their parents vehicle.

3. Reduction in available area of park for other users/Impact on other park users (7 submissions)

Officer Comment:

Not supported. Some objectors consider that the lights will restrict other users of the park, including dog owners. The Club advises that the area illuminated will not affect the amount of park being used by other persons.

The residents consider that the installation of lights would increase the times that the Football Club would use the park, and potentially attract other sporting clubs to the park. This is not the case as the Club hires the park during certain times and these times are not proposed to be increased. The Town controls the hire of the park and hours of usage.

4. Light "spill" onto adjoining residences (3 submissions)

Officer Comment:

Not supported. The lighting diagram indicates that the illumination will be almost negligible onto adjoining residences. However, a condition has been applied to ensure compliance with the relevant Australian Standard AS 4282.1. A condition has also been imposed for the lights to be switched off by 8:30pm, and not be operated on weekends, or public holidays. Furthermore, a condition has also been applied for the applicants to submit a Management Plan that addresses the maintenance and management of the light towers and for this to be approved by the Town.

5. Possible introduction of night games (1 submission)

Officer Comment:

Not supported. The Club advises that it does not intend to introduce night games. The Town controls the hire of the park and hours of usage.

6. Possible attraction of undesirable elements and/or drinking on the park (3 submissions)

Officer Comment:

Not supported. The lights will be switched off at 8.30pm and a condition has been imposed to this effect. In addition, Club officials will be present during training and the chances of this behaviour occurring are minimal. Rangers are available to carry out patrols if need be.

7. Potential for additional noise when the park is otherwise quiet (1 submission)

Officer Comment:

Not supported. The hours of training are unchanged.

8. Cost of operating and Maintaining the lights (7 submissions)

Officer Comment:

Not supported. This is not a planning consideration. Irrespective, the lights are being funded on a 1/3 basis (Club, Town and State Government) and will become an asset of the Town. The on-going maintenance will be as per any other Town facility or asset.

A number of objections were on the Standard Submission Forms and did not specify any reasons for objection. Several submissions included multiple reasons.

**Support Submissions (98 submissions, petition with 76 signatures)**

These are summarised as follows:

1. Lights will be of major benefit to the children.
2. Lights will allow the park to be better used in winter.
3. Park usage will be better.
4. Lights will provide a safer environment for the children whilst training and for other park users.
5. Lights will be an improvement to the facility and will increase the “social” value of the park.
6. The Management Plan will be strictly enforced and controlled.
7. Lights will have minimal impact on the adjoining residences, whilst enabling the other park users to also enjoy the benefits of the lights.

A number of submissions made no comments. Several submissions stated; *“the lighting of the park was well overdue”*.

It is recommended that the Council approve the application subject to the specified conditions to address the above matters.

**9.1.1 Nos. 378-390 (Lots 332 and 333 D/P: 48702) Beaufort Street, and part dual frontage to McCarthy Street, Perth - Proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty-Nine (59) Multiple Dwellings and Shop**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO0083; 5.2009.120.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall, R Rasiah		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by RAD Architecture on behalf of the owner Duomark Pty Ltd for proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty-Nine (59) Multiple Dwellings and Shop at Nos. 378-390 (Lots 332 and 333 D/P: 48702) Beaufort Street and part dual frontage to McCarthy Street, Perth and as shown on plans stamp-dated 8 April 2009, subject to the following conditions:*

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *a continuous and complementary awning being provided over the adjacent footpath along Block C and the Beaufort Street frontage of the development;*
  - (b) *speed humps being provided on the right of way along the rear (south-east) side of the property;*
  - (c) *appropriate design features being incorporated into the south-west side blank walls of the building;*
  - (d) *design of the exits to the rear right of way to preclude left hand turns from the subject site; and*
  - (e) *fencing on the eastern side of Block B being a minimum height of 1.8 metres (solid), in accordance with the Town's Local Laws, or alternatively higher, if agreed between the affected landowners.*

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

- (ii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
  - (a) *pay a cash in lieu public art contribution of \$150,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$15,000,000); OR*

(b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 150,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*

(1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$15,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*

(2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*

(3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

*In the circumstance where the owner(s)/applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/applicant for the provisions of art works in the Town.*

*The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:*

(aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*

(bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*

(iii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

(iv) *first obtaining the consent of the owners of No. 346 (Lot 5 ) Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 346 (Lot 5) Beaufort Street in a good and clean condition;*

(v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

- (vi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, McCarthy Street and the rear right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (vii) *prior to the first occupation of the development, one (1) class one or two plus one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *the on-site car parking area for the shop/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (ix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
  - (b) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
  - (c) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*
  - (d) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (x) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xi) *doors, windows and adjacent floor areas of the shop fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (xii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

- (xiii) *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;*
- (xiv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating balconies of units A2, A3, A4, A5, A6, A8, A9, A10, A11, A12, B3, B7, C7, C16 and C25, living room windows of units A6, and A12 being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the side right-of-way (ROW) off Beaufort Street, rear ROW and No. 346 Beaufort Street, respectively, stating no objections to the proposed privacy encroachments;*
- (xvi) *the maximum gross floor area of the shop (retail) shall be limited to 138 square metres;*
- (xvii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xviii) *the car parking area shown for the shop/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xx) *any new street/front wall, fence and gate between the Beaufort Street boundary and McCarthy Street boundary and the main building, including along the side boundaries within these street setback areas, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*



- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxi) *a raised central median island shall be provided in Beaufort Street to exclude the right hand turn from vehicle exit from this development at the owner's/applicant's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxii) *prior to the first occupation of the development, the right of way shall be resurfaced from the access point to the development for a distance of approximately 60 metres in the direction of Bulwer Street, at the applicant's/owner(s)' full expense;*
- (xxiii) *a bond and/or bank guarantee for \$10,500 for the resealing and resurfacing of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xxiv) *a bond or bank guarantee for the sum of \$5,000 for the construction of median island in Beaufort Street, so as to prevent the right turn movement into and out of the development, to be paid prior to the issue of a Building Licence;*
- (xxv) *prior to occupation of the development, the submission of and approval of a suitable location for the bin collection nominated by the Town's Technical Services to manage bin collection from the street verge;*
- (xxvi) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$11,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xxvii) *prior to the issue of a Building Licence, a sustainability report on the environmental/sustainable measures and design features proposed by the applicant/owner(s), prepared by a suitably qualified consultant shall be submitted to and approved by the Town. The recommended measures of the sustainability report shall be incorporated into the development design. These measures shall be implemented and certification from the sustainability consultant that the measures have been undertaken shall be submitted to the Town prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*

*(xxviii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).*

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 7.18pm.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (7-0)**

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

<b>Landowner:</b>	Duomark Pty Ltd
<b>Applicant:</b>	RAD Architecture
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial and Residential R80
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Shop and Multiple Dwelling
<b>Use Classification:</b>	Commercial- "P" and "AA"; Residential R80- "SA" and "P"
<b>Lot Area:</b>	3269 square metres
<b>Access to Right of Way</b>	South side, 5.0 metres wide, sealed, Town owned. South-east side, 2.74 metres wide, unsealed and privately owned.

**BACKGROUND:**

9 March 2004      At its Ordinary Meeting, the Council conditionally approved the demolition of the Civic Theatre Restaurant and one (1) single house at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street, Perth, and refused the proposed demolition of the existing single house at No. 1 (Lot 14) McCarthy Street, Perth.

13 April 2004      At its Ordinary Meeting, the Council conditionally approved the construction of a five-storey development comprising twenty-eight (28) serviced apartments and associated office, eating house, gymnasium and basement car parking, three-storey development comprising twenty-six (26) multiple dwellings, and retention of a single house facing McCarthy Street, at Nos. 378-390 (Lots 1, 15, 2 and N118) Beaufort Street and No. 1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth.

- 3 May 2004 The proposal approved at the Ordinary Meeting of Council on 13 April 2004 was also conditionally approved by the Western Australian Planning Commission (WAPC).
- 28 June 2005 At its Ordinary Meeting, the Council conditionally approved the construction of a five-storey development and basement car parking comprising twenty-eight (28) serviced apartments and associated office, eating house, and gymnasium and three-storey development comprising twenty-six (26) multiple dwellings, and retention of single house facing McCarthy Street at Nos. 378-390 (Lots 1, 15, 2, and N118) Beaufort Street and No. 1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth.
- 24 April 2006 The Western Australian conditionally approved the amalgamation of the above properties (Ref:130181).
- 19 September 2006 The matter was presented to an Elected Members Forum, where there was opportunity for Elected Members to provide comments on the current proposal.
- 27 March 2007 The Council at its Ordinary Meeting considered the subject proposal and resolved the following:
- "That the Item be DEFERRED to allow previous concerns to be addressed including the lack of interaction with Beaufort Street at the street level and access from right of way."*
- 24 July 2007 The Council at its Ordinary Meeting, conditionally approved a three (3) and six (6) storey mixed use development comprising fifty-nine (59) multiple dwellings and shop, at Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and part dual frontage to McCarthy Street, Perth.
- 3 July 2008 A Building Licence was submitted for the development approved by the Council at its Ordinary Meeting held on 24 July 2007.
- 4 November 2008 The Council at its Ordinary Meeting, conditionally approved an application for minor revision of the three (3) and six (6) storey mixed use development comprising fifty nine (59) multiple dwellings and shop approved by the Council at its Ordinary Meeting held on 24 July 2007.

**DETAILS:**

The proposal is identical to the amended proposal considered and conditionally approved by the Council at its Ordinary Meeting held on 4 November 2008. This application has been submitted in light of the following condition (i), which was imposed at the above Council Meeting:

*"(i) the planning approval for this proposal serial 5.2008.495.1 is valid until 24 July 2009, to be consistent with planning expiry date of planning approval serial 5.2006.544.1 approved at the Ordinary Meeting of Council held on 24 July 2007;"*

Planning approval is valid for a period of two years only and if the development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development. As the development will not have substantially commenced by the 24 July 2009 expiry date, this application has been submitted to ensure the development has a valid planning approval.

**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>
Density	R 80 (26 multiple dwellings)	R161 (59 multiple dwellings) - 101 per cent density bonus.	Supported – proposal is considered to enhance the amenity of the area given the current state of the site; supported given the context of the site being along Beaufort Street; considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community; and can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council.
Plot Ratio	1.0 or 3269 square metres	1.47 or 4806 square metres	Supported - as the variation will not unduly affect the amenity of the area.
No. of Storeys- Commercial zoned land	3 storeys plus loft	6 storeys	Supported - as there are other similar high rise building in the area. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the four and six storey development and its context with other similar high rise development in the immediate area.
No of storeys- Residential zoned land	2 storeys plus loft	3 storeys	Supported - as above.
Stores	4 square metres and 1.5metres dimension	A few of the stores are less than 4 square metres in area and are not accessible from outside.	Supported - as the variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the

			needs of the residents would not be as great as compared to residents/occupiers within a solely residential development. The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.
Privacy Setbacks	Balconies and bedrooms - 7.5 metres setback to lot boundary	Less than 7.5 and 4.5 metres respectively from the lot boundary.	Not supported - undue impact on neighbouring properties and a condition has been recommended for those affected balconies and windows to be adequately screened.
Building Setbacks: Ground floor- Block A- South elevation	1.5 metres	Nil	Supported - as the setback variations requested are partly due to the height of the proposal. Most of the other high rise developments, if they were to be built under current standards, would also involve setback variations. The variation is not considered to have an undue impact on the affected neighbours.
Ground floor- Block B-North elevation	1.5 metres	1.37 metre	As above.
Ground floor- Block B-East elevation	1.0 metre	Nil	As above.
Ground floor- Block C-West elevation- Beaufort Street	Nil	Nil to 1.6 metres	As above.

First floor-Block A-South elevation	1.9 metres	1.513 metres	As above.
First floor-Block B-West elevation-Beaufort Street	4 metres	3.4 metres	As above.
First floor-Block B-North elevation	2.0 metres	1.37 metres (half width of ROW)	As above. This minor change to the Assessment Table for the first floor setback for Block B was inadvertently omitted in the Officer Report to the Ordinary Meeting of Council on 24 July 2007.
First floor-Block C-South elevation	2.8 metres	Nil	As above.
Second floor-Block A-South elevation	2.6 metres	1.508 metres - 1.513 metres	As above.
Second floor-Block B-West elevation-Beaufort Street	4 metres	3.4 metres	As above.
Second floor-Block B-North elevation-Beaufort Street	2.6 metres	1.37 metres (half width of ROW)	As above. This minor change to the Assessment Table for the first floor setback for Block B was inadvertently omitted in the Officer Report to the Ordinary Meeting of Council on 24 July 2007.
Second floor-Block C-South elevation	3.5 metres	Nil	As above.
Third floor-Block C-South elevation	2.7 metres	Nil to 9.6 metres	As above.
<b>Consultation Submissions, as the proposal was readvertised in accordance with the Town's Consultation Policy.</b>			
Support (1)	Subject to the retention of the condition which prevents left hand turns out of the development into McCarthy Street.		Supported – as condition <i>i(d)</i> stipulates design of the exits to the rear right of way are to preclude left hand turns from the subject site.
Object (1)	Such a dramatic increase in density should only occur through the regular re-visiting of, and amendment to, the relevant Town Planning Scheme.		Not Supported - as previously determined at OMC on 4 November 2008 that the proposed variation was considered acceptable.

	The increased density will have a significant impact from a visual perspective of the surrounding land uses and impacts adversely on current residents where services and traffic flows are not designed to cater for such a sudden increase in numbers.	Not Supported - as previously determined at OMC on 4 November 2008, the development is considered to promote housing affordability and diversity and caters for the changing demographics and housing needs of the community.
	Overshadowing and overlooking will impact on the amenity of the adjacent residences.	Not Supported - the development complies with the overshadowing and overlooking requirements of the Residential Design Codes.
	The current development is not cognizant of the existing streetscapes both the front and rear of the property.	Not Supported - as previously determined at OMC on 4 November 2008, the aesthetics of the development are considered acceptable and furthermore, there are other similar high rise building in the area.

**Other Implications**

Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.
Financial/Budget Implications	Nil

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

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

**Commercial Car Parking**

Shop: 1 car bay per 15 square metres of gross floor area (proposed 138 square metres) = 9.2 car bays. Total 9 car bays To nearest whole number	9 car bays
---	------------

Apply the parking adjustment factors.	(0.5491)	
<ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.80 (contains a mix of uses, with at least 45 per cent of gross floor area residential)</li> <li>▪ 0.95 (provision of bicycle parking facilities)</li> </ul>	4.94 car bays	
Car parking provided on-site for commercial component	6 car bays	
Resultant surplus	1.06 car bays	
<b>Bicycle Parking</b>		
<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
Shop		
<ul style="list-style-type: none"> <li>• 1 space per 300 (proposed 138) square metres gross floor area (Class 1 or 2).</li> <li>• 1 space per 200 (proposed 138) square metres (Class 3)</li> </ul>	0.46 space	Indicated on site plan. As above.
	0.69 space	

### Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In mixed use developments, the residential component requires the provision of 59 car bays, based on the standard of one (1) car bay for each of the 59 proposed multiple dwellings, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 59 car bays plus another 6 visitor car bays.

A total of 71 car bays have been provided for the entire development, therefore, resulting in 6 car bays available for the commercial component.

### Western Australian Planning Commission (WAPC)

This proposal was referred to the WAPC as the proposal abuts Beaufort Street, which is classified as an "Other Regional Road" and given the regional transport planning implications, for comment. The Department for Planning have advised via email on 5 August 2009 that they did not have any objections to the proposed development on regional transport planning grounds.

### Summary

The proposal is identical to the development application submitted and approved by the Council at its Ordinary Meeting held on 4 November 2008. Accordingly and in view of the recently adopted Local Planning Strategy, which identifies Beaufort Street as an "Activity Corridor", it is recommended that the application be approved subject to standard and appropriate conditions not dissimilar to the former 4 November 2008 approval, with the exception of the validity period being deleted and that the Public Art Contribution amount be increased from \$130,000 to \$150,000, based on the current cost of the development as stated on the MRS Form 1.



**9.1.9 Road Widening Reservations – Proposed Amendment to the Metropolitan Region Scheme to Remove the Road Widening Reservations along Beaufort Street (Brisbane Street to Walcott Street) and Fitzgerald Street (Carr Street to Walcott Street)**

<b>Ward:</b>	Both Wards	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	Mt Lawley Centre; P11 and North Perth Centre; P9	<b>File Ref:</b>	PLA0212
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Lebbos		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the proposed Amendment to the Metropolitan Region Scheme to remove the road widening reservations along Beaufort Street (Brisbane Street to Walcott Street) and Fitzgerald Street (Carr Street to Walcott Street);*
- (ii) *AUTHORISES the Chief Executive Officer to submit a Preliminary Assessment to the Western Australian Planning Commission (WAPC) that identifies where specific road widening of road reservations should be retained/removed along with supporting documentation as shown in Attachment 001;*
- (iii) *REFERS a copy of the information to the Department of Planning, Main Roads Western Australia and the Public Transport Authority seeking their comments on the proposal; and*
- (iv) *RECEIVES a further Progress Report on the matter once the responses from the relevant Government Agencies have been received.*

Cr Farrell returned to the Chamber at 7.20pm.

**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.21pm.

Debate ensued.

**MOTION PUT AND CARRIED (7-0)**

(Cr Doran-Wu was absent from the Chamber and did not vote).

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of a request from the North West District Planning Committee to consider the removal of road widening reservations along Beaufort Street (Brisbane Street to Walcott Street) and Fitzgerald Street (Carr Street to Walcott Street).

**BACKGROUND:**

At the Ordinary Meeting held on 10 October 2006, a Notice of Motion was adopted by the Council requesting that the Town approach the Western Australian Planning Commission to review the widening of road reservations on various regional roads within the Town.

At the Ordinary Meeting held on 24 April 2007, the Council received a Progress Report on the matter and resolved to request the Western Australian Planning Commission to review all road widening reservations in the Town. The request for the review was based on the fact that the last review was outdated (1991) and that both, future traffic volumes and community expectations, have changed substantially since. The Council was also advised that since that time, the State Government had developed and adopted targets and strategies for reducing reliance on the private car in Perth, including the Metropolitan Transport Strategy (1995) and Network City (September 2004).

At the Ordinary Meeting held on 27 May 2008, the Council received a Progress Report and was advised of a meeting held with the then Department for Planning and Infrastructure to discuss road widening reservations on the Important Regional Roads within the Town, in particular Charles Street. The report also discussed the negative impact of the existing road widening reserves on development within the Town, particularly the Town Centres, as the Town is in the process of reviewing its Town Planning Scheme. Council was further advised that the Town's Officers were in the process of assessing, which road widening reservations should be retained, and which should be removed.

At the Ordinary Meeting held on 26 August 2008, the Council received a Progress Report setting out an informal review of road widening reservations in the Town. This concluded that the widening of Beaufort Street and Fitzgerald Street would do little to increase traffic capacity. Also, because of the proposed widening of nominally 1.5metres either side, widening of these roads cannot be achieved without wide scale demolition of existing properties, many of which are valued, individually or collectively, by the community for their contribution to the character and sense of place in the Town of Vincent. It was determined that, particularly through the Town Centres of Mount Lawley/Highgate and North Perth, widening of roads would not be feasible without the destruction of the urban fabric and commercial streetscape, as well as loss of amenity.

On 2 February 2009, representatives from the Town of Vincent (the Acting Manager of Planning, Building and Heritage Services, the Director Technical Services, and a Council Member) met with representatives from the Public Transport Authority as well as representatives from the then Department for Planning and Infrastructure (now Department of Planning), including the Department's Traffic and Engineering Consultants. The following issues were raised:

- The reduction of road reservations from 6 metres to 1.5 metres;
- The upgrade of the majority of 'blue' roads within the Town through the Federal Road Funding Programs;
- The significant reduction in traffic through the Town since the opening of the Graham Farmer Freeway in 1991;
- The Town of Vincent's concern regarding road widening along Beaufort and Fitzgerald Streets because of the presence of heritage commercial strips along these streets;

- The logistics of bus routes across Walcott and Charles Streets;
- Fitzgerald and Beaufort Streets were identified as case studies for progress; and
- A number of trade-offs were examined in relation to the reduction of road widening reservations to 1.5 metres in order to support the provision of north/south bus and cycle lanes north of Angove Street to Haynes Street, as well as the provision of cycle lanes along Charles Street.

At a meeting of the North West District Planning Committee held on 9 April 2009, the Town's Director of Development Services, advised that since the road reservations in the Town were last reviewed in 1991, the Town is concerned about the negative impact of these on many of the major streets that bisect the Town. The North West District Planning Committee had previously resolved to support a review; however, since that time, the Department for Planning and Infrastructure has not initiated any major review of the road reservations, apart from those directly affected by development. A number of recommendations emerged from this meeting including:

- To support the initiation of an Amendment to the Metropolitan Region Scheme to remove the road widening reservations along Beaufort Street (Brisbane Street to Walcott Street) and Fitzgerald Street (Carr Street to Walcott Street);
- To support the Town of Vincent's submission, in accordance with the dot point above, of a preliminary assessment to the Western Australian Planning Commission that identifies where specific road widening of road reservations should be retained/removed along with other supporting documentation including a copy of the Local Planning Strategy;
- To provide in-principle support to a request that the Department for Planning examine Charles Street with a review to a reduction of the road reservations; and
- To support the request that the Department of Planning list the submission to be actioned as a matter of priority.

#### **DETAILS:**

The Town is currently reviewing its Town Planning Scheme No. 1. The Draft Local Planning Strategy (LPS), which sets the strategic direction of the new scheme, was considered at the Ordinary Meeting of Council held on 14 February 2009, and then forwarded to the Western Australian Planning Commission on 12 May 2009 for certification.

With respect to the LPS, the maintenance of road widening reserves is not supported from an urban planning perspective with regard to the revitalisation of the identified Town Centres of Mount Lawley/Highgate and North Perth. In fact, major roads traversing the Town Centres will have a negative impact on development in terms of pedestrians being restricted in their ability to cross major roads, increased speed of traffic using the roads, unacceptable destruction of the urban fabric and commercial streetscape, and loss of amenity. In addition, *Vincent Vision 2024* highlighted the community's concerns with respect to these negative outcomes resulting from major roads traversing the Town.

Accordingly, the Town's Officers do not support the retention of road widening reserves on Regional Roads other than to accommodate functional intersections and the provision of central medians to facilitate safe pedestrian movement and streetscape improvements.

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

In the event the Minister resolves to proceed with the Metropolitan Region Scheme (MRS) Amendment and consents to public submissions, the Amendment is advertised for a minimum period of not less than 3 months. All submissions are considered by the Western Australian Planning Commission (WAPC). If the Minister considers a modification to the Amendment and is recommended by the WAPC as being significant, the amendment as modified may be required to be re-advertised so that further submissions can be made.

**LEGAL/POLICY:**

The amendment process for the Metropolitan Region Scheme is regulated by the Planning and Development Act 2005; amendments are made under the provisions of Section 37 of that Act.

**STRATEGIC IMPLICATIONS:**

The matter is in keeping with the Town's Strategic Plan 2006-2011, Objective 1.1 - *"Improve and maintain environment and infrastructure"*, in particular Actions:

*"1.1.3 Enhance and maintain the character and heritage of the Town."*

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

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

*(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by the Council. "*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**COMMENTS:**

The Department for Planning have been working on defining an appropriate widening reservation for Charles Street (currently under the care, control and management of Main Roads WA). Nevertheless, until the Ordinary Meeting of the North West District Planning Committee held on 9 April 2009, no action had been taken with respect to other arterial roads in the Town. However, during this meeting, a number of recommendations were resolved, particularly concerning supporting the initiation of an amendment to the Metropolitan Region Scheme by the Town to remove the road widening reservations along Beaufort Street (Brisbane Street to Walcott Street) and Fitzgerald Street (Carr Street to Walcott Street).

It is considered that the widening of these roads cannot be achieved without wide scale demolition of existing properties, many of which are valued, individually or collectively, by the community for their contribution to the character and sense of place in the Town of Vincent. This amendment therefore will support community expectations as well as the State Government's adopted targets and strategies for reducing reliance on the private car in Perth, including the Metropolitan Transport Strategy (1995), Network City (September 2004), and more recently, Directions 2031 Draft Spatial Framework for Perth and Peel (2009).

Accordingly, it is recommended that the Council receive this report and that its contents be referred to the Western Australian Planning Commission, along with a copy to the North West District Planning Committee.

**9.1.10 Gngangara Sustainability Strategy – Department of Water**

<b>Ward:</b>	N/A	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	N/A	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	E Lebbos		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Gngangara Sustainability Strategy; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Department of Water that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Gngangara Sustainability Strategy as “Laid on the Table”.*

**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.23pm.

Debate ensued.

**PROPOSED AMENDMENT**

**Moved Cr Maier, Seconded Cr .....**

*That a new clause (ii) be inserted and the existing clause (ii) be renumbered (iii):*

*“(ii) AFFIRMS its intention for restoring Hyde Park in the Arcadian style in accordance with the Hyde Park Conservation Plan rather than revert to a managed Terrestrial Landscape; and”*

The Presiding Member, Mayor Catania stated that he believed an answer was received for this prior to the meeting. The Presiding Member, Mayor Catania also stated that there are broad issues, matters relating to the redevelopment of Hyde Park or planting of trees, parks and verges are specific items that are going to be addressed separately which are currently being addressed and does not feel it is appropriate to deal with it under the present report.

The Presiding Member, Mayor Catania ruled that he would not accept the amendment, as the matter is already being dealt with by the staff.

Cr Maier stated that he believed he could move an amendment and it was up to Council to accept or reject it.

The Presiding Member, Mayor Catania asked from advice from the Chief Executive Officer. The Chief Executive Officer advised that any amendments are to be relevant to the item and as the Council had previously considered and determined the matter of Hyde Park Restoration as a separate item, in his opinion, the proposed amendment was not relevant. It should be dealt with as a subsequent motion or a Notice of Motion. The Presiding Member concurred with the Chief Executive Officer’s advice and stated that as the amendment is not relevant to this particular item, he can refuse to accept the amendment, and ruled accordingly.

**Debate ensued.**

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Maier**

*That the item be DEFERRED for further consideration, as she has very strong concerns that some recommendations of the Gnangara Sustainability Strategy are in conflict with what the Town of Vincent is proposing for Hyde Park.*

**PROCEDURAL MOTION PUT AND LOST (2-6)**

**For:** Cr Lake, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

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

**For:** Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

**Against:** Cr Lake, Cr Maier

---

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the Department of Water's draft *Gnangara Sustainability Strategy* currently being advertised for public comment, and to provide a summary of the draft Strategy to the Council.

**BACKGROUND:**

In July 2009, the Department of Water released the *Gnangara Sustainability Strategy*, developed collaboratively by several government agencies including the Departments of Water, Agriculture and Food, Environment and Conservation, Planning; the Forest Products Commission; CSIRO and the Water Corporation. The Strategy provides land use and water management options for the Gnangara groundwater system to ensure the sustainable use of water for drinking and commercial purposes, and to protect the environment into the future.

The Strategy has been released for public comment with submissions closing on 31 August 2009, to ensure that the community has the opportunity to provide feedback on the Strategy prior to it being finalised by the Department of Water.

**DETAILS:**

This Strategy applies to the areas between the Swan River, Gingin Brook, Ellen Brook and the Indian Ocean, all of which lie over the Gnangara Mound. The system is comprised of different aquifers, the main being the Superficial aquifer. This aquifer overlays two confined aquifers, the Leederville and Yarragadee, both of which are used predominantly for public drinking water supply.

Besides being the major sources of drinking water for the Perth Metropolitan Region, the Gnangara groundwater system also supports wetlands and groundwater dependent ecosystems. According to the Strategy, *'the ecological and socio-economic uses of the system are under threat because groundwater levels have fallen significantly since the early 1970s...the rate of this decline has increased since the mid 1990s and climate scenarios predicted by the Indian Ocean Climate Initiative indicate that lower rainfall, higher temperatures, and higher evaporative demand, are likely to continue or worsen in the foreseeable future.'* Consequently, the Strategy addresses the following main issues: managing the environment under a drying climate; managing water and land use under a drying climate; improving future governance of land and water management; and outlines recommended land and water management options and their impacts on the regional water balance of the system by 2030.

The objectives of the Strategy are to:

- maintain representative environmental values within the natural bounds of resilience, function and climate-driven change;
- optimise water values to the local and regional community (environment, drinking water, industry, social);
- optimise land use and land management options to maximise community benefit;
- describe the process for adaptive management of land and water resources, recognizing that we do not fully understand this complex system while at the same time retaining flexibility for future decision making;
- identify and, where possible, balance, risks; and
- describe required land and water management actions and assign responsibility for their delivery.

Because every land use and land management change has an impact on the amount of water entering and leaving the groundwater system, the *Gnangara Sustainability Strategy* has considered the combined impacts of land use and land management change on the groundwater availability and proposed a number of recommended land and water management options including:

- Where wetlands are predicted to dry out despite land and water management interventions, management should centre on transition to a terrestrial ecosystem;
- Recycled water should be seen as an additional water source and be recharged into the Superficial aquifer or used directly, rather than being discharged into the ocean;
- Local-scale use of stormwater that currently discharges to the Indian Ocean and Swan River be encouraged, while protecting flows into the Swan River and its tributaries;
- Opportunities for the accelerated removal of pine plantations be investigated within the economics of existing commercial agreements; and
- Monitoring Carnaby's black-cockatoo populations and habitat usage be continued post-pine harvest to assess the effects of pine removal on population dynamics. Ecological linkages may provide important, additional food resources over time and must be established as soon as possible following pine harvest.

According to the Strategy, the land use recommendations proposed need to be integrated into the Metropolitan Region Scheme, its planning processes and subsequently into local government planning schemes. The Strategy states '*it may be advantageous for the whole of the Gnangara groundwater system to be covered by the Metropolitan Region Scheme or for there to be umbrella provisions that ensure that there is complementary planning processes.*'

### **Relevance to the Town of Vincent**

A review of the Strategy was undertaken by the Town's Officers. This indicated that the recommendations in the Strategy may potentially impact the Town's Policies, practices, and town planning scheme, as the Strategy study area boundary encompasses the Town of Vincent.

In particular, the following issues should be addressed by the Town:

- New infill developments need to consider available water supply, greater run-off and less infiltration, and greater permeable surfaces on Town land (for example, more soak wells in the storm water drainage and living car parks). This is of particular importance as a number of State documents including *Network City* and *Directions 2031*, a strategic planning document that sets out a spatial framework for expected growth in the Perth and Peel regions over the next 20 to 25 years, recommend significant infill for existing inner city suburbs and further development of transport networks, which will reduce the permeability of the ground, causing water run-off from the site;
- Due to the removal of pines (a food source for the endangered Carnaby Cockatoo), the Town should consider street trees as a food source for Carnaby Cockatoos;
- Due to the predicted decrease in the water table (a result of decreased rainfall and increased water demand) wet lands may become drier, and the Town should ensure that these are managed as terrestrial landscapes;
- Green spaces are important to keep the overall temperature of Perth down in summer and therefore playing fields should be watered, however, the outside vegetation should be left to dry out; and
- If, according to the recommendation, monitoring of groundwater levels under Perth is improved and the results made available for local government and backyard bore owners, then the Town should implement measures to ensure that the use of groundwater is modified accordingly.

The Town's Officers are in the process of developing a *Sustainability Strategy*, an overarching document setting out the key sustainability objectives for the Town, involving all of the Town's service areas. It is envisaged that the principles which will assist in defining the Town's *Sustainability Strategy* will support the principles of the *Gnangara Sustainability Strategy*. The draft principles include the following:

- A shared long-term vision for the Town of Vincent based on: sustainability, intergenerational, social, economic and political equity, and our individuality;
- Achieve long term social and economic security;
- Recognise the intrinsic value of the Town of Vincent's geodiversity, biodiversity and natural ecosystems, and protect and restore them;
- Enable the Town of Vincent's community to minimise its ecological footprint;
- Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management;
- Build on the characteristics of ecosystems in the development and nurturing of a healthy and sustainable Town of Vincent;
- Recognise and build on the distinctive characteristics of the Town of Vincent, including its human and cultural values, history and natural systems;
- Build capacity and engage the community;
- Expand and enable cooperative networks to work towards a common, sustainable future; and
- Enable continual improvement, based on accountability, transparency, and good governance.



### **Technical Services Comments:**

In respect of the Town's drainage infrastructure, it is an aging system designed, as was the practice in the past, to convey stormwater as efficiently as possible to its destination, be it the Swan River or Lake Monger. Further, unlike other Local Authorities, the Town does not have a series of sumps by which to store and re-charge the ground water. Ironically, sumps became popular in new subdivisions as they were cheaper than constructing a 'pipe network'.

However, the Town has for some time recognised the benefits of retaining stormwater and for the past 5 years has, where practical, been installing gully soak-wells in-lieu of piped drains. Further, the Town's largest drainage project in this period was the Dunedin Street carpark concealed compensation basin which involved the construction of an 'Atlantis Cell' capable for retaining a 1:5 year storm for the immediate catchment area. The cells, which resemble a lattice of plastic milk grates wrapped in a 'geo-textile; fabric allows the stormwater to soak into the ground. It is only when the storm event exceeds the design capacity that the water gets discharged to the pipe network.

### **CONSULTATION/ADVERTISING:**

The Department of Water is currently advertising the draft Strategy for public comment, which closes on 31 August 2009.

### **LEGAL/POLICY:**

Nil.

### **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

#### *"Natural and built Environment*

*Objective 1.1 Improve and maintain environment and infrastructure*

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

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

### **SUSTAINABILITY IMPLICATIONS:**

The various agencies involved in the development of the *Gnangara Sustainability Strategy* have considered land use and water management options for the Gnangara groundwater system to ensure the sustainable use of water for drinking and commercial purposes, to protect the environment into the future, and to ensure that land and water decisions support the sustainability of the groundwater system, Perth's most important groundwater source.

The various objectives specified in the Strategy aim to achieve a water and land management framework for the groundwater system that address the triple bottom line of sustainability, in order to ensure that management of the system is socially acceptable, economically viable and environmentally sustainable. This is so as to make certain the groundwater system will continue to support the many land and water uses that rely upon it in a more integrated and sustainable way, by improving the governance of integrated land and water management, changing the way parks and sporting grounds are managed, and adopting more efficient commercial and private water use.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The various objectives specified in the *Gnangara Sustainability Strategy* aim to achieve a water and land management framework for the Gnangara groundwater system that is socially acceptable, economically viable and environmentally sustainable. Addressing the objectives and recommendations detailed in the Strategy, will assist in the development of land and water management options which take into account climate trends, water supply demands and land use impacts on the Gnangara groundwater system. According to the Strategy, *'it is important to note that if the recommended land use changes are not made then the storage and water levels will remain static or continue to decline, rather than experiencing the modest annual increase predicted.'*

In light of the above, it is considered that the Council receive the report and support the Officer's Recommendation to advise the Department of Planning that the Town of Vincent supports the intent and content of the *Gnangara Sustainability Strategy*.

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina declared a financial interest in Item 9.3.1. They departed the Chamber at 7.45pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair at 7.45pm.

**9.3.1 Investment Report as at 31 July 2009**

<b>Ward:</b>	Both	<b>Date:</b>	14 August 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Wong		
<b>Checked/Endorsed by:</b>	B C Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 July 2009 as detailed in Appendix 9.3.1.*

**COUNCIL DECISION ITEM 9.3.1**

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

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (5-0)**

(Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)

Mayor Catania, Cr Burns Cr Messina returned to the Chamber at 7.46pm. The Chief Executive Officer advised that the item was carried, 5-0.

Mayor Catania, assumed the Chair.

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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

**DETAILS:**

Total Investments for the period ended 31 July 2009 were \$12,782,999 compared with \$8,782,999 at 30 June 2009. At 31 July 2008, \$9,632,734 was invested.

Total accrued interest earned on Investments as at 31 July 2009:

	<b>Budget</b>	<b>Actual</b>	<b>%</b>
	\$	\$	
Municipal	350,000	12,398	3.54
Reserve	300,000	22,530	7.51

**COMMENT:**

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

The reason for the significant increase in funds held in July 2009 as compared to July 2008 can in part be attributed to the funds of \$1.61 million received from the sale of Mount Hawthorn Pre Primary Centre which settled in early July 2009.

In addition, Rates revenue has been received during the later part of this month as a result of the earlier distribution of the rate notices this year. This has resulted in surplus monies be available for investment. This in turn has contributed to the increase in funds invested at the end of July this year in comparison to the balance at the end of July last year.

The report comprises of:

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

**9.3.3 Cappuccino Festival 2009/10 – Approval**

<b>Ward:</b>	Both	<b>Date:</b>	20 August 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0110
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. Anthony		
<b>Checked/Endorsed by:</b>	M. Rootsey, John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES** the following events as part of the “Cappuccino Festival 2009/10”:
  - (a) *Sunday 29 November 2009 – Angove and Fitzgerald Streets, North Perth; and*
  - (b) *Sunday 28 March 2010 – Oxford Business District, Leederville.*
- (ii) **NOTES** that requests for Festivals have been received from:
  - (a) *the Beaufort Traders Association (Festival for Beaufort and Walcott Street area);*
  - (b) *the owners of the Mezz Shopping Centre (for a Festival in the Mezz/Scarborough Beach Road); and*
  - (c) *Ellington Jazz Club (for a possible Jazz Festival on Weld Square); and*
- (iii) **AUTHORISES** the Chief Executive Officer to investigate the events detailed in clause (ii) above and provide a further report to the Council concerning the possible staging of such events and financial implications.

**Moved** Cr Lake, **Seconded** Cr Farrell

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved** Cr Ker, **Seconded** Cr Farrell

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

“(iii) **AUTHORISES** the Chief Executive Officer to investigate the events, appropriate to each location, detailed in clause (ii) above and provide a further report to the Council concerning the possible staging of such events and financial implications.”

Debate ensued.

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

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Maier, Cr Messina

**Against:** Cr Lake

**COUNCIL DECISION ITEM 9.3.3**

*That the Council;*

- (i) ***APPROVES the following events as part of the “Cappuccino Festival 2009/10”:***
- (a) ***Sunday 29 November 2009 – Angove and Fitzgerald Streets, North Perth; and***
- (b) ***Sunday 28 March 2010 – Oxford Business District, Leederville.***
- (ii) ***NOTES that requests for Festivals have been received from:***
- (a) ***the Beaufort Traders Association (Festival for Beaufort and Walcott Street area);***
- (b) ***the owners of the Mezz Shopping Centre (for a Festival in the Mezz/Scarborough Beach Road); and***
- (c) ***Ellington Jazz Club (for a possible Jazz Festival on Weld Square); and***
- (iii) ***AUTHORISES the Chief Executive Officer to investigate the events, appropriate to each location, detailed in clause (ii) above and provide a further report to the Council concerning the possible staging of such events and financial implications.***

---

**PURPOSE OF REPORT:**

To obtain the Council’s approval for two events as part of “Cappuccino Festival 2009/10” and seek approval to investigate other Festivals.

**BACKGROUND:**

At the Council held on 23 September 2008 the Council considered this matter and resolved as follows:

*“That the Council APPROVES the Town of Vincent “Cappuccino Festival 2008”, which will comprise of two community events as follows:*

- (i) ***18 October – Food Festival “the Mezz” – Mt Hawthorn;***
- (ii) ***The event at “the Mezz” should have a significant number of activities on the Scarborough Beach Road frontage of the shopping centre;***
- (ii) ***30 November – North Perth Community Festival – Angove Street, North Perth; and***
- (iii) ***The “North Perth Community Festival” event should have a significant number of activities on Fitzgerald Street; and”***

The Town organised the Mezz Food Festival, Mt Hawthorn Shopping Centre and Scarborough Beach Road on 18 October 2008 and the North Perth Community Festival, Angove/Fitzgerald Street, North Perth on 30 November 2008 as part of the “Cappuccino Festival 2008”.

Both Festivals were well patronised by the community, with the North Perth Community Festival being extremely successful with over 5,000 people attending on the day. Businesses that were involved with both Festivals were extremely pleased with the turnout and financial benefits from trading at both events. The Town has been actively lobbied by businesses at the Mezz and on Angove Street to continue organising the events on an annual basis.

In view of the success of the Festivals, the Council approved funding for the Cappuccino Festival during 2009/10. The Angove Street Festival is proposed to be held again due to its high success and popularity and a second festival is proposed in the Oxford Business District, Leederville on Sunday 28 March 2010.

#### **DETAILS:**

The Town's Community Development Officers have been in liaison with businesses in the Angove/Fitzgerald Street area to seek their cooperation and support, as this is considered essential for a successful event. Several meetings have been held with businesses in the Oxford Business District to determine level of interest and extent of sponsorship (if any).

In addition, the Officers are sourcing various stallholders to ensure a diversity and variety is obtained in line with community and local business interest. Applications for this close on 11 September 2009.

#### **Sunday 29 November 2009 – Angove Street Festival, North Perth**

A street festival is planned along Angove Street and also fronting Fitzgerald Street, North Perth between 10am and 4pm from Fitzgerald Street to Woodville Street). This section of Angove Street will be closed to traffic from 7am until 5pm on the day. Sponsorship for this event is also being sourced.

The 2009 Festival will be modelled on the 2008 Festival and will include the following:

- Roaming street theatre and entertainment;
- A variety of craft, jewellery, fashion and textile stalls/displays promoting local designers and emerging artists;
- A giant native plant sale;
- Cooking demonstrations and food tastings;
- Sustainability project demonstrations;
- Roving entertainers;
- Short film screening;
- An assortment of children's activities and entertainment;
- Various stages will be set up in strategic locations to provide a diversity and variety of entertainment;
- It is proposed that the Town will also have a stall(s) to promote the Town's services and activities e.g. sustainability and environmental initiatives etc.

#### **Sunday 28 March 2010 – Oxford Business District, Leederville**

A Festival is proposed to be held in the Oxford Business District, Leederville on Sunday 28 March 2010. Planning for this event is still in its infancy and is proposed to include the following:

- Supplier tasting stalls;
- Cooking demonstrations;
- Roaming street theatre and entertainment;
- A variety of craft, jewellery, fashion and textile stalls promoting local designers and emerging artists;

- Cooking demonstrations and food tastings;
- An assortment of children's activities and entertainment;
- Various stages will be set up in strategic locations to provide a diversity and variety of entertainment;
- It is proposed that the Town will also have a stall(s) to promote the Town's services and activities e.g. sustainability and environmental initiatives etc.

### **Possible Festivals**

#### The Mezz

The Town has recently received a letter from the Hawaiian Group, owners of the Mezz Shopping Centre inviting the Town to continue its support of the Food Festival as part of the Town's Cappuccino Festival. They state:

*"Hawaiian is keen to again work closely with the Town of Vincent in order to build on the success of last year's Festival.*

*Partnering with Hawaiian in this year's Food Festival will allow the Town of Vincent to take advantage of the following:*

- *Association with a major community initiative*
- *Branding including logo placement on all promotional and advertising material relating to the Festival*
- *Mentions in any advertising as a sponsor partner*
- *Branding including logo placement on The Mezz website*
- *Opportunity to officially open The Mezz Food Festival 2009*
- *Display opportunity at the Festival to promote council services within the local community*

*In return, we would like the Town of Vincent to commit to the following;*

- *Official ceremonial opening of The Mezz Food Festival to the public*
- *Liaise with local schools to arrange staged entertainment*
- *Organise quality roving street theatre*
- *Provide promotional street banners."*

*Comment:*

Discussions have not yet commenced with Hawaiian Group. No date for this event has been determined at this stage.

#### Beaufort Traders

In early 2009 the Beaufort Street Network (a group of business proprietors in Beaufort/Walcott Street) wrote to the Town concerning a number of items including improvements to the area and promotion of the café strip. This group advises that the Town could promote the area based on Brunswick Street, Melbourne which has a distinctive streetscape design.

*Comment:*

As no funding has specifically been provided for this event, the matter has not been discussed with this group, at this stage.



### Jazz Festival – Weld Square

Recently, Ellington Jazz Club moved into a building at 191 Beaufort Street. In discussions with Mayor Catania, this group floated the idea of a Jazz Festival to be conducted on Weld Square. The group considers that promotion of Jazz will add to the vibrancy of the Town and will also bring entertainment to this part of the Town.

#### *Comment:*

As this request was received after the adoption of the Budget 2009/10, no funding has specifically been provided for this event. The matter has not been discussed with this group, at this stage.

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

A comprehensive promotional strategy is being planned for both festivals which includes advertising in both community newspapers, street banners, letter drop to residents and flyers/posters.

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

Policy 3.8.3 Concerts and Events.

#### **STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2009 – 2014. Strategic Objective 3 - Community Development

*3.1.1 Celebrate and acknowledge the Town's cultural and social diversity.*

- (a) Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the Town, including the development of a program for the holding of an event in each of the Town's main commercial centres.*
- (b) Develop a coordinated Event Plan and issue an Annual Program/Calendar of Events to promote celebrate and acknowledge the Town's cultural and social diversity.*
- (c) Investigate opportunities for an annual "Iconic Event" for the Town and implement events.*

#### **SUSTAINABILITY IMPLICATIONS:**

Whilst the purpose of the Festivals is to provide community events in the Town, it will be an excellent opportunity to promote environmental/sustainability initiatives provided by the Town.

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

The Town's Budget 2009/10 contains an amount of \$60,000 for the Cappuccino Festival in the Community Arts Programs (Page 6.81). Grant submissions have been submitted to Lotteries Commission (\$20,000 for Angove Street Festival) and Healthway (\$10,000 for Oxford Business District, Leederville).

The possible partnering for the events at the Mezz, Beaufort Street, Mt Lawley/Highgate and Weld Square will have financial implications for the Town. The full implications are not known at this stage, until further details have been investigated.

#### **COMMENTS:**

Both community events of the Cappuccino Festival plan to create a wonderful family friendly atmosphere, promote local businesses and celebrate our community. Approval of the Officer Recommendation is requested.

**9.4.1 Environmental Health Australia (EHA) 35<sup>th</sup> National Conference - 2009**

<b>Ward:</b>	-	<b>Date:</b>	18 August 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Devenish, R Boardman		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES the Director Development Services, and up to one (1) Council Member ....., to attend the Environmental Health Australia (EHA) 35<sup>th</sup> National Conference – 2009 “Towards Sustainability – Time to Deliver” to be held in Hobart, Tasmania from 11 to 13 November 2009, at an approximate cost of \$2,968 for the Director Development Services and \$3,168 for the Council Member.*

Cr Burns departed the Chamber at 8.05pm.

Moved Cr Farrell, Seconded Cr Ker

*That the recommendation be adopted.*

The Presiding Member, Mayor Catania called for nominations.

No nominations were received.

**MOTION PUT AND CARRIED (6-1)**

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

**For:** Mayor Catania, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Messina  
**Against:** Cr Maier

**COUNCIL DECISION ITEM 9.4.1**

*That the Council AUTHORISES the Director Development Services, to attend the Environmental Health Australia (EHA) 35<sup>th</sup> National Conference – 2009 “Towards Sustainability – Time to Deliver” to be held in Hobart, Tasmania from 11 to 13 November 2009, at an approximate cost of \$2,968.*

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council's approval for the Director Development Services and one (1) Council Member to attend the Environmental Health Australia (EHA) 35<sup>th</sup> National Conference - 2009, to be held in Hobart, Tasmania from Wednesday, 11 November to Friday, 13 November 2009.

**BACKGROUND:**

The Environmental Health Australia 35<sup>th</sup> National Conference – 2009 will be held at Wrest Point in Sandy Bay, Hobart, Tasmania from 11 to 13 November 2009.

**DETAILS:**

The theme of the 2009 Conference is *“Towards Sustainability – Time to Deliver”* and includes:

- Climate Change and Environmental Health
- Urbanisation and Sustainable Development
- Environmental Health Management and Risk Management
- Capacity Building

The theme for the 2009 National Conference acknowledges that many sustainable innovations and opportunities are still to be effectively considered, supported, funded and implemented. This remains a major challenge for those in the environmental health field. The Conference should allow further identification, analysis and progress innovative and realistic solutions, based on the 2008 International Federation of Environmental Health (IFEH) 10<sup>th</sup> World Congress themes, and highlight the barriers and constraints preventing effective and timely delivery of sustainable outcomes in Australia.

The Conference will include a Trade Exhibition for organisations to participate as an exhibitor to obtain maximum exposure to Conference delegates.

The Keynote Presenter is Walker Smith, Director, U.S. Environmental Protection Agency, USA. Ms Walker Smith is the Director of the Office of Global Affairs and Policy in the Office of International Affairs, United States Environmental Protection Agency (EPA) and is responsible for high-profile program issues of international significance that are multilateral in scope. Ms Walker Smith works with the executive branch of United States Government, including the Departments of State, Treasury, and other Federal agencies engaged in protecting the global environment, and manages EPA’s participation in the environmental programs of multilateral organisations, including the United Nations agencies and the Organisation of Economic Cooperation and Development.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

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

- “(i) When it is considered desirable that the Town of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by Council;”*

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

<u>Cost per person</u>	<u>Director</u>	<u>Council Member</u>
Full Conference registration (Early Bird closes 30 September 2009)	\$ 975.00	\$1,175.00
Economy Airfare (approx)	\$1,000.00	\$1,000.00
Accommodation and meals	\$ 993.00	\$ 993.00
<b>Total:</b>	<b>\$2,968.00</b>	<b>\$3,168.00</b>

**COMMENTS:**

It is recommended that approval be granted for the Director Development Services and up to one (1) Council Member to attend the Environmental Health Australia (EHA) 35<sup>th</sup> National Conference - 2009 to be held in Tasmania from 11 to 13 November 2009.

**9.4.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	18 August 2009
<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 25 August 2009, as distributed with the Agenda, be received.*

Cr Burns returned to the Chamber at 8.07pm.

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

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

**DETAILS:**

The items included in the Information Bulletin dated 25 August 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Changes to Local Government Reform Submission Deadline and Local government Voting System
IB02	Letter from the Minister for Sport and Recreation; Racing and Gaming; Minister Assisting the Minister for Health regarding renewal of extended trading permits relating to licensed premises with the Town of Vincent, with specific reference to Flying Scotsman Tavern
IB03	Letter from Director General of Department of Housing regarding Public Housing – Building Licences
IB04	Letter of appreciation from Mr A. Rose and Ms J. Sterpini of Bikram Yoga
IB05	Conference: 2009 National Local Government Asset Management and Public Works Engineering Conference
IB06	Art Advisory Group Minutes of Meeting held on 20 July 2009
IB07	Local Area Traffic Management (LATM) Advisory Group Meeting held on 9 July 2009

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

At 8.11pm Moved Cr Farrell, Seconded Cr Ker

*That Council proceed “behind closed doors” to consider confidential item 14.1 as this contains matters affecting an employee or employees and a matter that, if disclosed, could be reasonably expected to reveal information that has a commercial value to a person and which relates to a matter to be discussed at the meeting.*

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

There were no members of the public or journalists present.

At 8.11pm the Council proceeded “Behind Closed Doors” to consider the follow items:

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

**14.1 LATE ITEM: CONFIDENTIAL REPORT: Local Government Structural Reform Strategies 2009 – Progress Report No. 4**

Ward:	-	Date:	25 August 2009
Precinct:	-	File Ref:	ORG0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

***OFFICER RECOMMENDATION:***

*That the Council;*

(i) ***RECEIVES:***

(a) *the Progress Report No. 4 as at 24 August 2009 concerning Local Government Structural Reform 2009; and*

(b) *the Town’s checklist No. 1 (as amended on 16 June 2009 and 22 July 2009) and as shown in Appendix 14.1A;*

(ii) *NOTES that:*

- (a) *the Town of Vincent submitted its Checklist No. 1 to the Department of Local Government on 30 April 2009 and received a Category No. 1 Ranking which states that:*

*“The Town of Vincent was placed in Category One: "evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities”;*

- (b) *the Department of Local Government has provided the following comments concerning Checklist No. 1:*

*“The assessment of the Town of Vincent’s checklist and associated documents identified some key strengths, in particular:*

- comprehensive strategic planning in place with identified funding strategies;*
- progress towards a structured asset and infrastructure management framework;*
- demonstrated evidence of a long term financial management plan in place with clear links to the Town's operations and strategic planning;*
- community participation in standing at local government elections;*
- demonstrated ability to efficiently process building applications and meet statutory reporting timeframes;*
- demonstrable evidence of a strategic policy approach to attract investment and business development to the district;*
- demonstrable evidence of significant funding partnerships in place with the State Government and the private sector to attract investment and increase community service provision;*
- demonstrable evidence of a formal consultation policy in place to effectively engage with the community in future planning processes;*
- demonstrable evidence of planning for demographic change and population growth incorporated into key corporate documents;*
- demonstrable evidence of comprehensive environmental management planning undertaken across a range of environmental issues;*
- demonstrable planning and finance strategies in place to provide optimal service delivery in response to community expectations; and*
- demonstrable evidence of partnerships in place to address regional issues.*

*Whilst the checklist and attached documents demonstrate the Town's capacity to implement long term strategic and financial planning processes, areas where improvements are required were identified in relation to;*

- noted delays with processing development applications.”*

- (c) *the Town of Vincent’s Local Government Structural Reform Project Team has met on seven (7) occasions;*

- (d) *the Town of Vincent’s Local Government Structural Reform community consultation closed on 14 August 2009 and at the time of writing this report, the submissions are still being assessed;*

- (e) *on 18 August 2009 the Minister for Local Government issued Circular No. 3-2009 which extends the closing time for lodging the Council's final submission from 31 August 2009 to 30 September 2009;*
  - (f) *the Town of Vincent's Local Government Structural Reform Project Team is still finalising the Town's Reform Submission, which is now proposed to be presented to the Ordinary Meeting of Council 22 September 2009; and*
  - (g) *the Town of Vincent's Chief Executive Officer has already commenced the review of the Town's Development Approval process and adopted a timeline for implementation of various recommendations; and*
- (iii) *ADVISES the Minister for Local Government that the Town is still finalising its Reform Submission and this will be submitted to him by 30 September 2009.*

---

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

---

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains matters affecting an employee or employees and a matter that, if disclosed could be reasonably expected to reveal information that has commercial value to a person. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

In the interests of enabling the Council to engage in free and open debate in determining the Town's response to the Minister's directive of 5 February 2009, it is suggested information which is to be considered during deliberations be prescribed as confidential.

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 to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Chief Executive Officer may wish to make some details available to the public.



**PROCEDURAL MOTION**

**At 8.24pm**     **Moved Cr Ker, Seconded Cr Farrell**

*That an “open meeting” be resumed.*

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

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.24pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 August 2009.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2009