



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**25 MAY 2010**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 25 May 2010, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.01pm.

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

**(a) Apologies:**

Cr Taryn Harvey – due to personal commitments.  
Cr Josh Topelberg – apology – arriving late due to work commitments.  
Cr Anka Burns – apology – arriving late due to personal commitments.  
Director Development Services, Rob Boardman – apology due to Council commitments in Canberra.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.34pm)
Cr Steed Farrell	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward (from 6.52pm)
John Giorgi, JP	Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 7.50pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ”

Approximately 13 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. Angie Lionetto-Civa of Fairfield Street, Mt Hawthorn – Item 5.1. Read out the following:  
*“Tonight, we are presenting you with a petition signed by over 770 people opposing the proposal by Optus to install a mobile base station on top of the Mezz car park. Our extreme concerns relate to the questions around the long-term adverse health effects of exposure to Electro Magnetic Radiation (EMR), which is emitted continuously, day and night, by mobile base stations. The World Health Organisation, have just published the results showing the increased incidents of brain cancers in people who use mobile phones for 30 or more minutes per day. How long will it be before we learn of a proven link between EMR emitted continuously by base stations and serious diseases like cancer?”*

*We already have THREE mobile base stations clustered along Scarborough Beach Road near Fairfield St, all concealed as chimneys.*

*The "safe limits" for exposure, which are referred to by Optus do not take into account the hilly terrain and two or more storey residences around the site, which would be in direct line of sight of the base station antennae or of the cumulative effects of having 3 other nearby stations.*

*We are NOT, as Optus' site acquisitions group has described us, in a "COMMERCIAL" precinct. There is a solidly established, RESIDENTIAL precinct.*

*We realise that the Telecommunications Act of 1997, gives inordinate power to the telcos to install so called low impact facilities where they choose.*

*However, we urge you to bring any power and influence you may have or, be able to find, to help protect our community from what is a serious, potential, public health threat.*

*Each Town of Vincent Councillor has the capacity to represent our community to our Federal politicians and Western Australian Senators to demand urgent legislative change on this matter of such great importance.*

*We are asking you as our elected Town of Vincent Councillors, to represent to Optus and to the Hawaiian Group, our strongest possible objections to the proposed mobile base station.*

*We do not want this Mobile Base Station in a heavily populated residential area, now or ever and we deserve your support."*

2. Amanda Thackray of 337 Oxford Street, Leederville – Item 9.1.2. Thanked the Council for reviewing objections and preparing a further report – particularly the amendment regarding air-conditioners (one of their major concerns). Stated if it is so as set out in the report that the wall of the proposed building at the rear of the property will only be the same height as theirs, understands that the Council will not reject the proposed height despite the pitched roof which will rise visibly above their property. Relieved that the roof is in lieu of a swimming pool deck. Understood that they live in a city however, they remain opposed to the nil setback on the basis that their setback is 0.63 to 1.02m. Accepted that the Council will be likely to approve the recommendation in any case however, asked that there be no possibility of structures being built on or over their land. Community Consultation Policy – understood that the Policy is currently being reviewed. Advised that a sign was not placed at the site as there was one already previously erected, presumably in November 2009 and as they have only recently moved into the area, purchasing the property in December 2009 and moved in a couple of months after that. Stated that they did not receive the consultation letter however, this may be due to an Australia Post error as for sometime they were not receiving their mail although, when they received their mail in bulk, there was still no letter to be found. Believed a sign is very important as people come and go and mail is not always received. Accepted that no system is perfect but hoped that improvements can be made to prevent these sorts of issues arising in the future.
3. Karen Manson of 60 Fairfield Street, Mt Hawthorn – Item 5.1. Advised that the radiation emitting panels will be directly onto the bedrooms of her 2 children and there are no trees, walls or anything between them. Stated aside from the strong petition, she speaks on behalf of the 54 closest residents and tenants who signed a separate objection letter to Optus. Advised that she is not claiming that electro magnetic radiation (EMR) is safe or otherwise, as no one can do that. Stated that she has spent every spare minute of the last few weeks researching the topic and the only agreed upon fact she has found is that not enough time has past for anyone to be able to give assurances about the health effects of long term exposure to EMR's. Advised that Austria and Sweden have safety levels that are a tiny fraction of what Australia considers safe therefore when Optus states that her home will only be exposed to 1-2% for the Australia Safety Standard, she has no comfort whatsoever. Stated that serious public health mistakes have been made in the past and sometime problems do not manifest for several decades i.e. asbestos and in the meantime damage is done.

Stated the Telco's themselves even acknowledge that there are potential health issues and have therefore agreed via their own code to adopt a precautionary approach which involves avoiding sensitive use locations. Stated Optus has written to them claiming that they have adopted this precautionary approach by choosing the Mezz because it is in a commercial precinct and has good separation from sensitive use locations which they list as include the Mt Hawthorn Primary School and the Mt Hawthorn Baptist Church. Believed that they have not visited the site as she cannot see how anybody could consider a block of land surrounded on three sides by residential homes to be commercial. Asked why good separation is required to protect a person who attends a Church service 1 hour a week or a child at a school 6 hours a day, 5 days a weeks yet her children are offered no protection when they will be sleeping across the road 10 hours a night, 7 days a week possibly for years on end. Believed the inconsistency to be unacceptable, illogical, unethical and heartbreaking. Understands the need for base stations however, they request to Optus has been simple. Believed the Mezz is an easy and inexpensive option for Optus as it is elevated and is considered low impact so it can slip though quite easily however, they should only ever be placed where people a transient i.e. freeways, railways lines, on stadiums, in the heart of large commercial zones, reserves etc. not opposite children's bedrooms. Believed no one group of people should be forced to be exposed continuously, it is not their choice, they are being forced. Understood that the Town does not have authority to prevent the base station being installed but asked for it to be taken to higher authorities of government to let them know the very real concerns. Asked the Council to use whatever energy/influence to prevent the base stations being erected opposite their homes. Stated that she can only just tolerate that Optus my place her health at risk but not her children.

**The Presiding Member, Mayor Nick Catania advised that the Town will do all it can to advise Optus and the Mezz owners of the petition, number of petitioners, concerns of residents around the area and will also contact the Mezz to see what their view is regarding the Tower.**

4. Angela McGrath of 4/337 Oxford Street, Leederville – Item 9.1.2. Advised that she and her husband have lived at the property for 10 years. Supported the previous speaker on this matter. Thanked the Council for reconsidering the matter. Concerned that the report stated that it was not considered necessary to place a sign notifying of the proposed change and even though the previous proposal was permitted, this should not suggest that all parties agree to the change and this prejudices those that have newly moved in area. Stated apathy is not an excuse, however, they were disappointed to discover that previous proposals and changed to the development schemes have been approved and regardless of objections and they were never notified of the approvals.
5. Ben Randell of the Paddington Ale House, 141 Scarborough Beach Road, Mt Hawthorn – Item 9.1.14. Stated that the Soccer World Cup is the most watched sporting event in the world and this year will not be an exception. Believed it is in the best interest of the public that they open beyond normal trading hours to showcase the event in a safe manner. Believed Australian's are very proud people and even more so when it comes to the nations sporting teams. Believed if 2006 World Cup is anything to go by, this year is certain to once again attract the attention of the nation. Stated the Paddington was granted 12 ETP's for the 2006 World Cup which was shown at the same time as this year, between 12am and 5.30am. Advised that throughout that tournament alcohol sales were relatively small compared to soft drink and kitchen sales with patronage very sufficient at around 400 for each event. Stated overall this proved a huge success to all concerned and no complaints were made to the Policy, RGL or the Council, nor were any incidents recorded – they expect a similar demand this year. Advised that the public will have the option to go to a safe environment with their friends to help cheer on their respected countries. Advised that they are seeking ETP's for 12 separate occasions including all

Australian group games, New Zealand, England and all finals which they believe is in the public's interest as there are many English and New Zealanders in the Town and, like they Australians, are extremely passionate and proud supporters. Stated that the Paddington won the AHA's Best Sports Bar Award in 2008. Advised that they are an extremely popular and safe venue for people to watch live sport and their security team (Security Allied) is one of the best in Perth along with 32 cameras surveying the premises and surrounding streets. Stated that all Bar Staff are trained in RSA, the management team have over 50 years of experience in the industry, they have state of the art sound equipment and tv screens, they show live sport every day and all in all people love going to watch live sport with the World Cup being no exception. Stated their primary focus for the ETP's is for patrons to be able to be in a safe/security environment, not for consumption of alcohol and to ensure this, they will be applying additional strategies over and above the recommendation of RGL:

- (i) employment of extra security to monitor car parks and surrounding street as well as focusing on behaviour of patrons arriving from car, taxis etc.;
- (ii) tea and coffee stations made available free of charge;
- (iii) some hot food available at the kitchen as they thrive on the reputation of their food not just its entertainment;
- (iv) patrons seen drinking on arrival will not be permitted on the premise;
- (v) there will be strictly one entrance and one exit excluding emergencies which will help monitor patrons more effectively;
- (vi) security and staff to extra diligent in assessing behaviours of patrons arriving;
- (vii) no jugs of beer will be served; and
- (viii) local Policy and officials will be encouraged to drop in or drive by.

Stated they seek the opportunity to be open for these intended times as they want to be part of the World Cup as they were in 2006.

There being no further speakers, public question time closed at approx. 6.19pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

- 5.1 A petition was received from Ms K. Manson of Mount Hawthorn, along with 772 signatures, opposing the proposal by Optus Mobile to install a mobile network telecommunications facility with three panel antennae on the roof top of The Mezz Shopping Centre, Mount Hawthorn.

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

- 5.2 A petition was received from Ms M. Da San Martino of Kayle Street, North Perth, along with 24 signatures, requesting that the lights on Smith's Lake Reserve not be switched off at 10.00pm each night, but left on until 2.00am each morning, as the Residents believe that this would add to the security in the area and enable the residents to use the facility at night.

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

**Moved Cr Farrell, Seconded Cr Lake**

*That the petitions be received as recommended.*

**CARRIED (6-0)**

(Cr Harvey was an apology for the meeting. Crs Burns and Topelberg had not yet arrived at the meeting.)

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

6.1 Minutes of the Ordinary Meeting of Council held on 11 May 2010.

**Moved Cr McGrath, Seconded Cr Lake**

*That the Minutes of the Ordinary Meeting of Council held 11 May 2010 be confirmed as a true and correct record.*

**CARRIED (6-0)**

(Cr Harvey was an apology for the meeting. Crs Burns and Topelberg had not yet arrived at the meeting.)

6.2 Minutes of the Special Meeting of Council held on 12 May 2010.

**Moved Cr Lake, Seconded Cr Buckels**

*That the Minutes of the Special Meeting of Council held 12 May 2010 be confirmed as a true and correct record.*

**CARRIED (6-0)**

(Cr Harvey was an apology for the meeting. Crs Burns and Topelberg had not yet arrived at the meeting.)

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

7.1 ME Bank Stadium Redevelopment

I am pleased to announce that on 21 May 2010, the Minister for Sport and Recreation, Hon Terry Waldron, personally notified the Town that the State Government were committing \$82.5 million in the 2010/2011 State budget for the further redevelopment of ME Bank Stadium (Perth Oval).

The Minister stated that "*ME Bank Stadium will become Perth's major rectangular stadium .... [with] construction on the state-of-the-art stadium was expected to start in 2012, with the timetable contingent on the State Government reaching agreement with the Town of Vincent on the future ownership of the facility.*"

*"The success of the move of the Western Force from Subiaco Oval to ME Bank Stadium this year has highlighted the need for a rectangular facility and the Government has moved to meet this need."*

The Minister further stated that *"while the transformation from Perth Oval to the current facility has served its purpose, the ultimate vision for ME Bank Stadium is a modern, state-of-the-art facility for up to 25,000 spectators.*

*The first step will be the development of a business case, which will confirm the Masterplan for the facility and the works that will make up stage one of the development."*

As you are aware, the Town submitted a proposal in January 2009 to the State Government for a new Eastern Stand at an estimated cost of \$73 million. It is understood that the State Government's proposal will be similar.

As advised at the last Council Meeting, the Chief Executive Officer and I have been in negotiations with the State Government since late last year concerning a possible lease of the Stadium to the State Government. The Premier and Minister have both advised the Town that they look forward to a successful finalisation of the lease so that this project can be progressed. As soon as preliminary agreement has been reached, it will be reported to the Council for consideration and determination.

On behalf of the Council, I wish to express my appreciation to the Chief Executive Officer for his continual efforts and hard work to progress the project and also the matter of the lease, which has resulted in the Government's announcement.

#### 7.2 Graffiti Grant

I am pleased to announce that the Town has received a \$20,000 grant from the Office of Crime Prevention to minimise graffiti in the Town by the installation of lighting facilities.

Congratulations to our Ranger and Community Safety Services Section for their efforts in this matter.

#### 7.3 WAFL and VFL State Game – 23 May 2010 – Presentation of Jumper

As you may be aware last Saturday was the State of Origin game at Medibank Stadium between Western Australia and Victoria. Unfortunately, WA were beaten, but I was pleased to receive from the Western Australian Football Commission a signed jumper in recognition of the Town's great contribution in the development of (Medibank Stadium) Leederville Oval.

The Town's facility is recognised as a "Football Centre of Excellence", with the best playing surface in the League. The facility is acknowledged as the best WAFL facility in Western Australia.

#### 7.4 Item 9.1.1 – Development Applications – Request for Deferral (McDonalds)

For information, the applicant has requested that this Item be deferred to the Ordinary Meeting of Council to be held on 8 June 2010.

## **8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Topelberg declared an interest affecting Impartiality in Item 9.1.4 – Nos. 427-429 (Lot 100; D/P 65361) William Street, corner Robinson Avenue, dual frontage to Brisbane Place, Perth – Proposed Construction of Two-Storey Commercial Building Comprising Showrooms, Offices and a Two-Storey Grouped Dwelling to Existing Place of Public Worship. The extent of his interest being that the architect is a former tenant of a building owned by my family. He is also a personal acquaintance. The development is approximately 100m from my place of business.
- 8.2 Cr Burns declared an interest affecting Impartiality in Item 9.1.3 – Nos. 201-207 (Lots: 143 and 146, D/P: 594) Beaufort Street, Perth and Nos. 28-32 (Lots: 144 and 145, D/P: 594) Lindsay Street, Perth – Proposed Change of Use from Offices and Community Hall to Offices, Community Hall and Unlisted Use (Internet Café) and Associated Signage (Application for Retrospective Approval) – Amended Planning Approval. The extent of her interest being that she has represented the landowner in her capacity as a solicitor however, she no longer acts for them.
- 8.3 Cr Lake declared an interest affecting Impartiality in Item 9.2.2 – Robertson Park – Created Wetland. The extent of her interest being that she is a volunteer at the wetland on a monthly basis.
- 8.4 Cr McGrath declared an interest affecting Impartiality in Item 9.2.2 – Robertson Park – Created Wetland. The extent of his interest being that he volunteers at the site planting and weeding as a member of the Claise Brook Catchment Group.

All Councillors stated that as a consequence there may be a perception that their impartiality in the matter may be affected. They declared that they would consider the matter on its merits and vote accordingly.

- 8.5 Chief Executive Officer declared an interest affecting Impartiality in Item 9.3.4 - Lease for Dental Health Services, Western Australia Special Needs Dental Clinic – No. 31 (Lot 100) Sydney Street (Cnr Haynes Street), North Perth. The extent of his interest being that one of his brother-in-laws is a paediatric periodontist consultant to the Dental Health Services WA. He disclosed that he did not have any involvement in the preparation of this report other than his normal role as CEO overseeing the preparation of the Agenda.
- 8.6 Chief Executive Officer declared an interest affecting Impartiality in Item 9.4.1 - Proposed Friendship Charter between City of Harbin, China and the Town of Vincent. The extent of his interest being that Juyan Feng and George Li, who approached the Town for a Charter of Friendship between the two Local Governments are acquaintances of one of his brothers. He disclosed that he had considerable involvement in this matter as CEO, together with the Mayor.

## **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 9.1.2 and 9.1.14.

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:**

Item 9.3.3.

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

Nil.

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 Buckels	Items 9.1.10 and 9.1.12.
Cr McGrath	Items 9.1.7, 9.2.2 and 9.4.3.
Cr Lake	Items 9.2.1, 9.3.4 and 9.4.1.
Cr Maier	Item 9.1.4, 9.1.5, 9.1.8 and 9.1.9.
Mayor Catania	Nil.

### **Cr Burns entered the Chamber at 6.34pm.**

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 9.1.3, 9.1.6, 9.1.11, 9.1.13, 9.3.1, 9.3.2 and 9.4.2.

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

Nil.

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

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

Items 9.1.3, 9.1.6, 9.1.11, 9.1.13, 9.3.1, 9.3.2 and 9.4.2.

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

Items 9.1.2 and 9.1.14.

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

**Moved Cr Buckels, Seconded Cr Maier**

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

*Items 9.1.3, 9.1.6, 9.1.11, 9.1.13, 9.3.1, 9.3.2 and 9.4.2.*

**CARRIED (7-0)**

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

**9.1.3 Nos. 201-207 (Lots: 143 and 146, D/P: 594) Beaufort Street, Perth and Nos. 28-32 (Lots: 144 and 145, D/P: 594) Lindsay Street, Perth – Proposed Change of Use from Offices and Community Hall to Offices, Community Hall and Unlisted Use (Internet Café) and Associated Signage (Application for Retrospective Approval) – Amended Planning Approval**

<b>Ward:</b>	South	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0283; 5.2010.180.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	A Reynolds, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**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 Sands on behalf of the owner Aboriginal Advancement Council of WA Proposed Change of Use from Offices and Community Hall to Offices, Community Hall and Unlisted Use (Internet Café) and Associated Signage (Application for Retrospective Approval) – Amended Planning Approval at Nos. 201-207 (Lots 143 and 146, D/P 594) Beaufort Street, Perth and Nos. 28-32 (Lots 144 and 145, D/P594) Lindsay Street, Perth and as shown on plans stamp-dated 28 April 2010, subject to the following conditions:*

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

(ii) *the maximum public floor area of:*

(a) *the café shall be limited to 18.9 square metres; and*

(b) *the internet/computer area shall be limited to 21 square metres.*

*Any increase in public floor areas or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

(iii) *the signage shall:*

(a) *not have flashing or intermittent lighting; and*

(b) *be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*

(iv) *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 contribution of \$12,012 for the equivalent value of 4.29 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2009/2010 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$12,012 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

- (1) *at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of 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'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (7-0)**

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

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<b>Landowner:</b>	Aboriginal Advancement Council of WA
<b>Applicant:</b>	S Sands
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial and Residential/Commercial R80
<b>Existing Land Use:</b>	Office, Community Hall and Unlisted Use (Internet Café)
<b>Use Class:</b>	Office, Community Hall and Unlisted Use (Internet Café)
<b>Use Classification:</b>	"P", "AA" and "SA"
<b>Lot Area:</b>	802 square metres

**BACKGROUND:**

21 May 1990                      The City of Perth Council approved an application for refurbishment and change of use to offices, restaurant, shops and community recreational facilities at the subject property.

14 August 1995                The Council at its Ordinary Meeting declared the building on Lot 146 to be in a neglected state and ordered that the building should be put in a state of repair and good condition.

14 April 1997                 The Council at its Ordinary Meeting considered a concept plan for the Aboriginal Advancement Council.

- 6 December 2000      The Town under delegated authority from the Council conditionally approved alterations and additions to existing offices.
- 24 May 2009          The Council at its Ordinary Meeting conditionally approved the erection of awnings on the Beaufort Street elevation of the subject property.
- 3 November 2009     The Council at its Ordinary Meeting conditionally approved an application for proposed change of use from Offices and Community Hall to Offices, Community Hall and Unlisted Use (Internet Café) and Associated Signage (Application for Retrospective Approval) at the subject property.
- 14 December 2009    A letter was sent by the Town regarding compliance with condition (vii), pertaining to the cash-in-lieu contribution, for the approved parking shortfall as per the Development Approval granted at the Council Ordinary Meeting held 3 November 2009.
- 20 January 2010      A subsequent letter to the letter dated 14 December 2009 was sent by the Town, requiring compliance with condition (vii) of the Development Approval granted at the Ordinary Meeting of Council held on 3 November 2009.

**DETAILS:**

The proposal involves an amendment to the Planning Approval granted at the Ordinary Meeting of Council held on 3 November 2009 for Proposed Change of Use from Offices and Community Hall to Offices, Community Hall and Unlisted Use (Internet Café) and Associated Signage (Application for Retrospective Approval). The applicant seeks approval for the Retrospective “Awning/Verandah Sign” and a reduction in the café public floor area.

The previous planning approval required the removal of “Sign B”, the subject retrospective sign, within 28 days of the issue of the approval by the Council at its Ordinary Meeting held on 3 November 2009. The retrospective “Sign B” was not supported and did not form part of the planning approval, as the proposed clearance height at the time of 2.4 metres did not comply with the minimum clearance height of 2.75 metres, as required by the Town’s Signs and Advertising Policy and clause 33 of the Building Regulations 1989. The height of the sign’s clearance level from the public footpath has since been increased from 2.4 metres to a height of 2.95 metres and is now compliant.

Additionally, the plans, as per the conditional approved granted at the Ordinary Meeting of Council held on 3 November 2009, indicated that the proposed maximum public floor area of the café was 30 square metres. The public floor area of the café has since been reduced to a maximum of 18.9 square metres. The café public floor area reduction has subsequently reduced the total number of car bays required for the overall development. Previously, the parking shortfall approved was for 5.51 car parking bays, equating to a cash-in-lieu contribution amount of \$15,428. Following the reduction of the proposed café public floor area, the overall parking shortfall has been reduced to 4.29 car parking bays. The cash-in-lieu contribution amount required has subsequently been reduced to a total of \$12,012.

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

**ASSESSMENT:**

<b>Car Parking</b>	
There is no car parking ratio for an internet café in the Town's Parking and Access Policy. The internet area therefore is considered consistent with an Amusement Centre for the purpose of car parking calculation. The requirement for Amusement Centre is 3 spaces plus 1 space per 50 square metres of gross floor area.	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Office (1 space per 50 square metres of gross floor area: 771 square metres - requires 15.42 car bays)</li> <li>• Hall (1 space per 3.8 square metres of public floor area: 280 square metres-requires 73.68 car bays)</li> <li>• Internet Area (amusement centre) (3 spaces plus 1 space per 50 square metres of gross floor area: 21 square metres – requires 3.42 bays)</li> <li>• Eating House (1 space per 4.5 square metres of public floor area: 18.9 square metres – requires 4.2 car bays)</li> <li>• Total required = 96.72 car bays</li> </ul>	= 97 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car park in excess of 75 car bays)</li> <li>• 0.85 (the proposed development is within 800 metres of a rail station)</li> </ul>	0.6141  = 59.57 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors)= 77 x 0.6141 = 47.28  The shortfall of 77 car bays was derived from information contained in the Minutes from the City of Perth Council Meeting held on 21 May 1990.	47.28 car bays
Resultant shortfall	4.29 car bays
<b>Consultation Submissions</b>	
Community Consultation not required, as the current Development Application does not result in any greater variations to the Planning Approval granted at the Ordinary Meeting of Council held on 3 November 2009.	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

**COMMENTS:**

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the abovementioned matters, as the proposed amendments do not result in any greater variations to the Planning Approval granted at the Ordinary Meeting of Council held on 3 November 2009.

**9.1.6 No. 23 (Lot 25; D/P 1744) Gladstone Street, Perth - Proposed Change of Use from Single House to Non-Medical Consulting Rooms (Therapeutic Massage) and Associated Signage – Application for Retrospective Approval**

<b>Ward:</b>	South	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	EPRA (15)	<b>File Ref:</b>	PRO4988; 5.2010.108.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, APPROVES the application submitted by R Voulon on behalf of the owner Biltrad Global Investment Corporation Pty Ltd for proposed Change of Use from Single House to Non-Medical Consulting Rooms (Therapeutic Massage) and Associated Signage - Application for Retrospective Approval, at No. 23 (Lot 25; D/P 1744) Gladstone Street, Perth, and as shown on plans stamp-dated 15 March 2010, subject to the following conditions:*

- (i) *the Non-Medical Consulting Rooms (Therapeutic Massage):*
  - (a) *is valid for a period of six (6) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
  - (b) *any change of use from Non-Medical Consulting Rooms (Therapeutic Massage) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
  - (c) *shall be limited to a maximum of four (4) consulting rooms/consultants operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
  - (d) *the hours of operation shall be limited to the following times: 9:00am to 9:00pm Monday to Friday, and 9:00am to 6:00pm Saturday and Sunday; and*
  - (e) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) *that within 28 days of the issue date of the 'Approval to Commence Development', the applicant shall submit to the Town:*
  - (a) *architectural drawings and building compliance report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a Class 6 Building. The cost of this service shall be borne by the applicant/owner(s);*

- (b) *a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject unauthorised signage, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11A of the Building Regulations 1989;*
- (iii) *the proposed signage shall:*
- (a) *not have flashing or intermittent lighting;*
- (b) *be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (c) *not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;*
- (iv) *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 from Gladstone Street;*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vi) *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.*

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (7-0)**

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

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<b>Landowner:</b>	Biltrad Global Investment Corporation Pty Ltd
<b>Applicant:</b>	R Voulon
<b>Zoning:</b>	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"Preferred Use"
<b>Lot Area:</b>	386 square metres
<b>Access to Right of Way</b>	North-west side, 3 metres wide, sealed, Town owned

**BACKGROUND:**

- 2 February 2010     The Town received an email regarding the operation of a massage business at the subject address.
  
- 5 February 2010     The Town’s Officers conducted a site visit and confirmed that a therapeutic massage business was operating from the site without Planning Approval.
  
- 18 February 2010    A letter was sent to the owner of property advising them that they are required to either cease the use or submit apply for retrospective planning approval within 28 days of the date of the letter.
  
- 15 March 2010       A retrospective application was lodged for the change of use from single house to non-medical consulting rooms (therapeutic massage) and associated signage.

**DETAILS:**

The proposal involves the retrospective application for change of use from single house to non-medical consulting rooms (therapeutic massage) and associated signage.

The plans indicate that there are two consulting rooms; however, a site inspection of the property has revealed that there is a dividing curtain in each room, which effectively creates four separate rooms, which each portion having its own massage table.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>	
The subject application was assessed in accordance to the East Perth Redevelopment Scheme No. 1 and associated policies and was found to completely comply with all requirements as a consulting rooms is a “preferred use” and there are no minimum car parking requirements for the area. However, the maximum car parking for the site is 7.72 car bays.	
<b>Consultation Submissions</b>	
As the application is completely compliant with the EPRA Scheme and associated policies, the application was not required to be advertised to surrounding land owners.	
<b>Other Implications</b>	
Legal/Policy	EPRA Scheme No. 1 and associated Policies.
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:**

The applicant has advised the Town in the submissions that “Massage Mojo” provides massage services which are strictly of a non-sexual nature and that all staff are contracted on this basis. The business provides deep tissue, sports and relaxing massage services only.

The applicant has provided certified copies of the qualifications of three of the staff working at "Massage Mojo". Two of the staff are of French origin and have received different beauty qualifications from the Academy of Marseille and a Master of Kinesitherpay and Rehabilitation from the University of Brussels. The third staff member is of Thai origin and has received a Certificate in Thai Massage from the Phuket Rajabhat University and has completed a training course in Thai Traditional Medicine from Department of Skill Development in Phuket.

The Town's Officers are of the view that the proposed use is not of a sexual nature based on a number of facts:

- The applicant has provided the qualifications of the staff that relate to the proposed use of the site;
- A site visit of the property revealed that there are no beds, only 'fold-away' massage tables; and
- An internet search of "Massage Mojo" demonstrates that they are looking for staff for the business and each advertisement indicates that it is strictly non-sexual in nature and specialises in deep tissue, sports, Chinese and relaxing massage.

In addition to the above comments regarding the use of the property, an assessment of the on-site signage has revealed that the signs are compliant with the EPRA Planning Policy No. 1.13 relating to Advertising Signs.

In light of the above, it is recommended that Council approve the application, subject to standard and appropriate conditions, including limiting the use to a period of six (6) months.

**9.1.11 City of Bayswater Stakeholder and Public Consultation – Morley City Centre Masterplan**

<b>Ward:</b>	N/A	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	N/A	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECIEVES the report relating to the City of Bayswater Stakeholder and Public Consultation of the Morley City Centre Masterplan as shown in attachment 001 and Appendix; and*
- (ii) *ADVISES the City of Bayswater that the Town of Vincent SUPPORTS IN PRINCIPLE the Morley City Centre Masterplan and makes the following comments;*
  - (a) *An integrated approach which incorporates the key elements of each of the themes may be a suitable option for the area as it would take into consideration all best planning principles;*
  - (b) *Greater level of detail and analysis relating to the existing land uses, built form and issues within the area, could be identified and included in the Masterplan, to provide the context and a clearer rationale for the indicative development options proposed;*
  - (c) *Ensure that appropriate measures are taken to investigate whether transport infrastructure, utilities and services will be able to support the level of development proposed under the Masterplan; and*
  - (d) *Ensure recommendations of the Masterplan are consistent with the Draft State Planning Policy relating to Activity Centres for Perth and Peel and Directions 2031- Draft Spatial Framework for Perth and Peel.*

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**COUNCIL DECISION ITEM 9.1.11**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the Morley City Centre Masterplan for the City of Bayswater.

## **BACKGROUND:**

The City of Bayswater has commissioned consultants Hames Sharley to prepare a Masterplan for the Morley City Centre. The area is particularly significant as Morley has been recognised as a Strategic City Centre in the Western Australian Planning Commission's *Directions 2031*.

The Town received a formal invitation from the City of Bayswater, dated 30 April 2010, requesting comment from the Town on the Morley City Centre Masterplan. The comment period closes on 4 June 2010.

It is noted that whilst the Town of Vincent borders the City of Bayswater, the Morley City Centre is approximately 5 kilometres from the Town's northern border and, therefore, will have minimal impact on the Town.

## **DETAILS:**

The Masterplan for the Morley City Centre is summarised below:

The Masterplan looks at revitalising Morley City Centre and focuses on the area around *Centro Galleria* as the central core of the redevelopment. The main objectives of the masterplan are;

- *'Provide a clear long term vision of Morley City as a multi-activity centre*
- *Present a vision to stimulate ongoing dialogue with stakeholders and citizens*
- *Commit to reducing the ecological footprint of the City*
- *Focus on developing more intense, diverse living opportunities*
- *Prioritise the development of 'streets for people' over 'roads for cars'*
- *Improve the quality of the pedestrian environment and increase the provision of high quality open space*
- *Enhance public transport service and introduce parking strategies which seek to minimise car dependency*
- *Honour the Council's "Garden City" branding concept*
- *Acknowledge Centro Galleria as a key stakeholder and economic driver in the Centre*
- *Encourage the development of diverse business activity to balance current retail dominance'*

The consultants propose four themes for the Masterplan, each which are detailed below.

1. **Civic Morley**  
*'Civic Morley will contribute a layer of compact public life to Morley. Central to this theme is the view that people are citizens, not merely consumers. Civic Morley aims to centralise existing fragmented civic uses, consolidating them into a core area.'*
2. **Live Morley**  
*'Live Morley seeks to re-orientate the city centre towards a residential and lifestyle theme. With a focus on increased dwelling choice, Live Morley aims to provide for high levels of amenity for people wishing to live at higher residential intensities.'*
3. **Green Morley**  
*'The Green Morley theme expresses the relationship between the human and natural environments through the creation of eco-friendly places in which natural systems become an integral part of the urban fabric.'*

4. Link Morley

*'Link Morley is characterised by diverse economic activity within a connected city framework focusing on mass transit. Link Morley promotes the development of knowledge intensive services as well as strategic and export orientated business activity generating an economically robust centre of activity.'*

Each of the four themes take a slightly different approach to the area and focus around a particular theme as detailed above in the vision statements. For each of the themes, a concept diagram is provided with a brief overview of the key aspects, the community benefits, the built form character and the priority actions. The document also provides a comparison of the various themes and a comparison of the current and future floorspace and employment profiles. The Town's Officers have spoken to the enquiry Officer at the City of Bayswater who has advised that following the community consultation, the Council will determine whether to proceed with one theme or aspects of multiple themes.

**CONSULTATION/ADVERTISING:**

The City of Bayswater comment period is between 3 May 2010 and 4 June 2010.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

*'Economic Development*

2.1 *Progress economic development with adequate financial resources*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders.'*

**SUSTAINABILITY IMPLICATIONS:**

The City of Bayswater have incorporated many of the principles of sustainability into the Masterplan such as improving public transport links, promoting sustainable design, promotion of the wetlands and using sustainable design.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Morley City Centre Masterplan is still very much at a concept stage and was to act as a means of stimulating community and stakeholder engagement. Given the significance of the Morley City Centre and its 'strategic city centre' status as identified in *Directions 2031*, it is considered appropriate for the City of Bayswater to investigate methods of redevelopment.

Following discussions with an Officer at the City of Bayswater, it was determined that following the consultation, the Council would determine whether to proceed with one Masterplan theme or a combination of themes. The Town's Officers have reviewed the theme options and believe that an integration of the key elements of each of the themes is a more appropriate approach, rather than opting for one theme over another.

Important principles such as Transit Oriented Development, improvements to the public transport, environmental and sustainable design principles, reduction in reliance on cars, diversity of housing and creating communities, which can be identified in the various themes, should be encouraged in the final Masterplan design.

*Directions 2031* has identified six strategic themes to guide future urban growth; these being 'a liveable city', 'a prosperous city', 'an equitable city', 'an accessible city', 'a green city' and 'a responsible city'. It is considered that the Morley Masterplan should be considerate of these themes, as well as those already identified in the current Masterplan document.

It is also suggested that some context including current land use, built form, services, transport and specific issues experienced in the area, could be included in the Masterplan, to gauge an understanding of the rationale behind the indicative development options proposed. It is considered that this information would provide the community and stakeholders a greater understanding of the rationale of the proposal development options and the perceived outcomes.

In light of the above, it is recommended that the Council adopt the Officer Recommendation and forward the Town's comments and a copy of this report to the City of Bayswater for their consideration.

**9.1.13 Economic Development Strategy - Appointment of Consultant**

<b>Ward:</b>	Both	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0067
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the quotation submitted by SGS Economics and Planning at a cost of \$32,904 as being the most acceptable quotation and the preferred consultant to carry out the Economic Development Strategy 2011-2016, together with an Implementation and Action Plan for the Town of Vincent, subject to the adoption of the 2010/2011 Budget to fund the preparation of the Strategy.*

**COUNCIL DECISION ITEM 9.1.13**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)

**PURPOSE OF REPORT:**

The purpose of the report is to obtain the Council’s approval of the quotation for the Economic Development Strategy.

**BACKGROUND:**

The *Economic Development Strategy 2005-2010* was prepared as a result of a priority initiative from the Town of Vincent’s *Strategic Plan 2003-2008*. This Plan identified economic development as one of the four key result areas for the Town of Vincent.

23 February 2010 At its Ordinary Meeting, the Council resolved to authorise the Chief Executive Officer to call a quotation for the preparation and delivery of an *Economic Development Strategy*.

10 March 2010 The Town’s Officers sent out a request for quotation to five (5) consultants, relating to the preparation of an *Economic Development Strategy*.

15 March 2010 Following direction from the Chief Executive Officer, an additional four (4) consultants were invited to provide quotation on the preparation of an *Economic Development Strategy*.

17 March 2010 An advertisement was placed in *The West Australian*, inviting quotations for the preparation of an *Economic Development Strategy*.

**DETAILS:*****Scope***

The broad objectives of preparation of the *Economic Development Strategy* for the Town of Vincent have been identified as follows:

1. Assess Regional, State and Federal economic development and related strategies that impact on the Town or provide opportunities for economic development in the future;
2. Quantify and categorise the current level of economic activity including identifying the target markets for Town of Vincent businesses, optimal retail floor area, home occupations and home businesses;
3. Review and revise internal policies and procedures, and evaluate the Town's resourcing capacities to participate in economic development programs;
4. Identify strategies including any potential strategic alliances which the Town of Vincent can implement or support which will boost economic development in the Town and Region and incorporate these into a five year strategy from 2011-2016;
5. Promote the Town of Vincent as a 'location of choice' to facilitate economic development;
6. Develop goals and objectives, together with an incorporated Implementation and Action Plan, that addresses the Town's five town centres and the four (4) major regeneration projects, notably the Leederville Masterplan, the West Perth Regeneration Masterplan, the Glendalough Station Precinct, and the ME Bank Stadium Precinct;
7. Develop economic rationale to achieve the Town's vision for the above areas, in line with the Local Planning Strategy;
8. Develop an Implementation and Action Plan simultaneously with the *Economic Development Strategy*; and
9. Address the following main themes in order to ensure that an integrated/whole of local government approach is adopted:
  - Development and Construction;
  - Branding;
  - Employment and Skills Development;
  - Integrated Transport;
  - Tourism and Entertainment;
  - Sports and Recreation Facilities;
  - Business Development; and
  - Business Support and Facilitation.

***Quotations Received***

The quotation was advertised state-wide, in *The West Australian Newspaper* on 17 March 2010. In addition, requests for quotation were invited from nine (9) consultants. At the close of the quotation period (12 April 2010), six (6) written submissions were received as follows:

<i>NO</i>	<i>COMPANY</i>	<i>QUOTED AMOUNT (Incl. GST)</i>
1	AECgroup Level 18 Central Park, 152-158 St Georges Terrace, Perth WA 6000	\$43,803
2	CAM Management Solutions Suite 5, 531 Hay Street, Subiaco WA 6000	\$44,055

NO	COMPANY	QUOTED AMOUNT (Incl. GST)
3	SGS Economics and Planning Suite 4, 1327 Hay Street, West Perth WA 6005	\$32,904
4	Syme Marmion & Co Level 1, 50 Ord Street, West Perth WA 6005	\$54,934
5	Economics Consulting Services Unit C3, 1 The Esplanade, Mount Pleasant WA 6153	\$29,975
6	ACIL Tasman C2 Centa Building, 118 Railway Street, West Perth WA 6005	\$43,496.20

**Evaluation Criteria**

The consultants were provided with a Project Brief and the following evaluation criteria:

Criteria	%	Weighting
<p>1.1 <b>Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>Represents the "best value" for money</li> <li>Application of a reasonable fee structure in proportion to the service provided</li> </ul>	20	<b>20%</b>
<p>1.2 <b>Relevant experience, expertise and project team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>experience, expertise and project team</li> <li>capacity to address the range of services required</li> <li>role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> <li>understanding of the required service associated with delivering the services to the Town</li> </ul>	40	<b>40%</b>
<p>1.3 <b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>Detail your history and viability</li> <li>Include any comments received from referees</li> <li>Demonstrate your capacity to deliver</li> <li>Demonstrate your capacity and depth to effectively address the range of requirements of the Town</li> </ul>	20	<b>20%</b>
<p>1.4 <b>Methodology</b></p> <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget</li> <li>Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA</li> <li>Demonstrated experience in projects of a similar nature, particularly in WA</li> </ul>	20	<b>20%</b>
<b>TOTAL</b>	100	<b>100%</b>

*Evaluation*

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

Most of the quotations received were of a high calibre, with the key variations between the quotations relating to the proposed methodologies, relevant experience, and level of understanding of the Town's needs. A detailed assessment for each of the consultants, based on the above evaluation criteria, ~~is shown in Attachment 001,~~ was undertaken and is held by the Director Development Services.

Furthermore, the Town's Officers have carried out reference checks with the various referees outlined in the quotation documents. All applicants received high commendation from their industry referees.

Based on the evaluation criteria, consultants SGS Economics and Planning were selected for the following reasons:

- the quotation submitted by the consultants addressed all the requirements detailed within the Project Brief, and displayed a clear understanding of the required service associated with preparing the Town's *Economic Development Strategy*;
- the consultants identified workable and practical actions as an important outcome, in addition to the preparation of the *Economic Development Strategy*;
- they are the only consultants who have gone the extra step of researching and incorporating information relating to each of the Town's four major regeneration projects, as opposed to merely listing them;
- the project team is highly qualified in relation to both economic development and town planning;
- the consultants have demonstrated a great deal of experience with Local Government Authorities;
- weighing up the proposal in its entirety, it is considered that the methodology proposed is comprehensive and will provide a detailed *Economic Development Strategy* and *Implementation and Action Plan* for the Town on time and within budget; and
- overall, the consultants are probably the best value for money, as they have provided one of the most detailed quotation documents, at the second lowest price.

No.	Company	Quoted Amount (Incl. GST)	Score
1	AECgroup Level 18 Central Park, 152-158 St Georges Terrace, Perth WA 6000	\$43,803	95%
2	CAM Management Solutions Suite 5, 531 Hay Street, Subiaco WA 6000	\$44,055	81%
3	SGS Economics and Planning Suite 4, 1327 Hay Street, West Perth WA 6005	\$32,904	<b>96%</b>
4	Syme Marmion & Co Level 1, 50 Ord Street, West Perth WA 6005	\$54,934	56%
5	Economics Consulting Services Unit C3, 1 The Esplanade, Mount Pleasant WA 6153	\$29,975	79%
6	ACIL Tasman C2 Centa Building, 118 Railway Street, West Perth WA 6005	\$43,496.20	94%

### **CONSULTATION/ADVERTISING:**

The quotation was advertised in *The West Australian* Newspaper on 17 March 2010, with submissions closing on 12 April 2010.

In addition, requests for quotation were invited from nine (9) consultants, five (5) of which were sent on 10 March 2010, and four (4) of which were sent on 15 March 2010.

### **LEGAL/POLICY:**

It is not a legal requirement to have an *Economic Development Strategy*; however, it is considered "*Best Practice*" management that a Strategy be adopted, in order to complement the Council's *Strategic Plan 2009-2014* and the Annual Budget.

### **STRATEGIC IMPLICATIONS:**

*Strategic Plan 2009-2014* states:

#### "Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure*
  - 1.1.1 *Capitalise on the Town's strategic location, its centres and commercial areas."*

#### "Economic Development

- 2.1 *Progress economic development with adequate financial resources*
  - 2.1.1 *Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.*
  - 2.1.3 *Promote business development.*
  - 2.1.4 *Identify the needs and expectations of the business community and facilitate outcomes in the Town."*

### **SUSTAINABILITY IMPLICATIONS:**

The development of an *Economic Development Strategy*, together with an *Implementation and Action Plan*, will have dividends in the long term, in relation to providing clear guidance for economic and social sustainability within the Town.

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

The current 2009/2010 Budget allocates \$10,000 for the *Economic Development Strategy*. Based on quotations received however, it is evident that additional funding will be required.

It is noted that in the report presented to the Council at its Ordinary Meeting held on 23 February 2010, the Council adopted the Officer Recommendation to list for consideration an amount of \$30,000 in the 2010/2011 budget to fund the *Economic Development Strategy*, and associated *Implementation and Action Plan*.

### **COMMENTS:**

The preparation of an *Economic Development Strategy 2011-2016* will provide future direction to the Council over the next five (5) years. When prepared together with an *Implementation and Action Plan*, this will ensure the operational success of the Strategy.

Following a detailed analysis of the six (6) quotation documents received, it is considered appropriate at this time to secure the services of SGS Economics and Planning in the preparation of the Town's *Economic Development Strategy*. Therefore, it is recommended that the Council appoint consultants SGS Economics and Planning to carry out the preparation of the Town's *Economic Development Strategy*, together with an *Implementation and Action Plan*.

### 9.3.1 Financial Statements as at 30 April 2010

<b>Ward:</b>	Both	<b>Date:</b>	11 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	B. Wong, Accountant;		
<b>Responsible Officer:</b>	M. Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Statements for the month ended 30 April 2010 as shown in Appendix 9.3.1.*

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**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 30 April 2010.

**BACKGROUND:**

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 30 April 2010:

- Income Statement;
- Summary of Programmes/Activities ( pages 1-17);
- Income Statement by Nature & Type Report ( page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-43);
- Monthly Financial Positions Graph (page 44-46).

Comments on the financial performance are set out below:

**Income Statement and Detailed Summary of Programmes/Activities****Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$2.8 million
YTD Budget	-	\$4.8 million
Variance	-	-\$2.0 million
Full Year Budget	-	\$12.9 million

**Summary Comments:**

The current unfavourable variance is due to a difference on the receipt of revenue from Capital Grants and Contributions.

**Operating Revenue**

YTD Actual	-	\$33.2 million
YTD Budget	-	\$32.9 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$34.7 million

**Summary Comments:**

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 74% over budget;

Law Order and Public Safety – 29% below budget;

Health – 16% over budget;

Other Property and Services – 89% over budget;

Administration General – 43% over budget.

More details variance comments are included on the page 34 – 43 of this report.

**Operating Expenditure**

YTD Actual	-	\$31.2 million
YTD Budget	-	\$31.2 million
YTD Variance	-	\$0 million
Full Year Budget	-	\$36.2 million

**Summary Comments:**

The operating expenditure is currently on budget.

The major variance for expenditure is located in the following programmes:

Education and Welfare – 29% below budget;

Transport – 14% over budget;

Other Property and Services – 16% over budget;

Administration General – 66% below budget.

Detailed variance comments are included on the page 34 – 43 of this report.

**Income Statement by Nature and Type Report**

This income statement shows operating revenue and expenditure are classified by nature and type.

**Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2009/10 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 30 April 2010 of \$7,223,348 which represents 58% of the revised budget of \$12,414,350.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date (Include commitment)</b>	<b>%</b>
Furniture & Equipment	\$132,900	\$141,261	\$85,616	61%
Plant & Equipment	\$1,229,450	\$1,317,450	\$904,010	69%
Land & Building	\$12,659,500	\$3,699,724	\$3,338,870	90%
Infrastructure	\$7,570,415	\$7,255,915	\$2,894,852	40%
<b>Total</b>	<b>\$21,592,265</b>	<b>\$12,414,350</b>	<b>\$7,223,348</b>	<b>58%</b>

**Balance Sheet and Statement of Changes in Equity**

The statement shows the current assets of \$17,827,275 and non current assets of \$141,795,314 for total assets of \$159,622,589.

The current liabilities amount to \$7,824,329 and non current liabilities of \$13,772,957 for the total liabilities of \$21,597,286. The net asset of the Town or Equity is \$138,025,303.

**Restricted Cash Reserves**

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

The balance as at 30 April 2010 is \$8.9m. The balance as at 30 June 2009 was \$7.3m.

### **General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$289,106 is outstanding at the end of April 2010.

Of the total debt \$119,776 (41%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

### **Rate Debtors**

The notices for rates and charges levied for 2009/10 were issued on the 14 July 2009.

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

First Instalment	18 August 2009
Second Instalment	20 October 2009
Third Instalment	5 January 2010
Fourth Instalment	9 March 2010

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$7.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 30 April 2010 including deferred rates was \$423,142 which represents 2.11% of the outstanding collectable income compared to 2.75% at the same time last year.

### **Statement of Financial Activity**

The closing surplus carry forward for the year to date 30 April 2010 was \$2,020,668.

### **Net Current Asset Position**

The net current asset position as at 30 April 2010 is \$10,931,150.

### **Beatty Park – Financial Position Report**

As at 30 April 2010 the operating deficit for the Centre was \$236,805 in comparison to the year to date budgeted deficit of \$252,901.

The cash position showed a current cash surplus of \$139,301 in comparison year to date budget estimate of a cash surplus of \$203,317. The cash position is calculated by adding back depreciation to the operating position.

### **Variance Comment Report**

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 30 April 2010**

<b>Ward:</b>	Both	<b>Date:</b>	10 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	K. Ball, Finance Officer – Accounts Payable; B. Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M. Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 April – 30 April 2010 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 Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

**DECLARATION OF INTEREST**

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

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 – 30 April 2010.

**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>		
Automatic Cheques	067939-068099	\$241,666.20
Transfer of Creditors by EFT Batch	1051-1053, 1055-1057, 1059-1061	\$1,388,097.46
Transfer of PAYG Tax by EFT	April 2010	\$199,479.80
Transfer of GST by EFT	April 2010	
Transfer of Child Support by EFT	April 2010	\$1,278.10
Transfer of Superannuation by EFT:		
• City of Perth	April 2010	\$29,092.13
• Local Government	April 2010	\$98,371.58
<b>Total</b>		<b>\$1,957,985.27</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$8,162.00
Lease Fees		\$2,514.93
Corporate Master Cards		\$10,102.89
Loan Repayment		\$60,316.91
Rejection Fees		\$20.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$81,116.73</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,039,102.00</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management:

*“Adopt best practice to manage the financial resources and assets 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.

**9.4.2 Amended Policy No. 4.1.25 – Media**

<b>Ward:</b>	-	<b>Date:</b>	18 May 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the amended Policy No. 4.1.25 - Media as shown in Appendix 9.4.2.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

**PURPOSE OF REPORT:**

To obtain the Council’s approval to adopt the amended Policy No. 4.1.25 – “Media”.

**BACKGROUND:**

Policy No. 4.1.25 – Media was adopted by the Council on 23 January 2007 and last reviewed and re-adopted on 1 February 2010.

At the Ordinary Meeting of Council held on 13 April 2010 the Council considered a Notice of Motion concerning a local newspaper circulating within the Town and resolved in part as follows:

*“That:*

- ...(v) the Council REQUIRES that reporters from “The Perth Voice” be bound by the Media Entertainment and Arts Alliance “Media Code of Ethics”;*
- (vi) the Council requests that “The Perth Voice” respect the Town’s Media protocols and procedures; and*
- (v) the Council REQUESTS that reporters from “The Perth Voice” be given the same privileges as reporters from any other media organisation.”*

On 23 April 2010, the Chief Executive Officer wrote to the newspaper concerned advising them of the Council’s decision.

It is considered that the amended Policy change from “Media Statements” to “Media” incorporates the wider aspects of communication with the media and also formalises the current process used by the Town’s Administration.

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of 21 days seeking comments from the public however, in this case, the changes mainly relate to internal procedures for the Town's Administration. As such, it is recommended that community consultation not be carried out on this occasion.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2009-2014 – Key Result Area – *Leadership, Governance and Management – 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The amendments to the original Media Policy No. 4.1.25 together with the new Guidelines and Procedures will avoid any ambiguity and will formalise what actually occurs when dealing with a media enquiry and/or media statements/releases.

**9.1.1 Further Report - Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street, Perth - Proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds)**

<b>Ward:</b>	South	<b>Date:</b>	18 May 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3329 5.2009.583.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER 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 REFUSES the application submitted by TPG on behalf of the owner Sunswept Corporation Pty Ltd & McDonalds Australia Ltd for proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) at Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street, Perth, and as shown on the revised plans stamp-dated 28 April 2010, for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the development is considered an under utilisation of the site in accordance with the Town of Vincent Policy 3.1.13 relating to the Beaufort Precinct;*
- (iii) *the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising;*
- (iv) *the development will result in an undesirable precedent for the area and the Beaufort Precinct; and*
- (v) *consideration of the objections received.*

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Farrell, Seconded Cr McGrath**

*That the item be DEFERRED at the request of the applicant to the Ordinary Meeting of Council to be held on 8 June 2010.*

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

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

**FURTHER REPORT:**

The Council considered the subject application at its Ordinary Meeting held on 23 February 2010, and resolved as follows:

*“That the item be DEFERRED to enable the applicant to provide the following additional information:*

- (i) *a further Transport Statement incorporating assessment of traffic loads, and intersection performance, based on Beaufort Street being a two way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;*

- (ii) *the development of a single storey restaurant is seen as a significant underutilisation of the subject site. The Council strongly encourages the applicant to consider options to allow for the site to be developed into a modern three storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; and*
- (iii) *a Social Impact Statement being provided as part of any proposed development of this site for a fast food outlet.”*

The applicant submitted amended plans and additional information on 8 March 2010 and 10 March 2010 which demonstrated the following changes, and provided the following information:

- Reduced the crossover width of the most eastern crossover on-site from 9.0 metres to 7.5 metres in width to achieve compliance with Town’s Policy 2.2.4 relating to Crossover specifications;
- Reduced the height of the ‘M - McDonalds’ Sign on the corner of Beaufort and Stirling Streets from 8.9 metres in height and 2.8 metres wide to 7.0 metres in height and 2.7 metres in width;
- Provided a further Transcore Statement incorporating assessment of traffic loads, and intersection performance, based on Beaufort Street being a two-way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;
- Provided a response to reasons for refusal;
- Provided a response to the objections received from Public Consultation;
- Provided a Social Impact Statement and McDonalds Corporate Social Responsibility Report; and
- Provided a response to comments of the Police and the Nyoongar Patrol.

Following on from the above, the applicant has submitted amended plans following a presentation to the Council Forum on 20 April 2010. These plans specifically address the following:

- Redesign of the built form along Parry Street, which incorporates a car park façade structure on the southern elevation;
- The structure along Parry Street to be constructed of similar materials to the remainder of the building;
- Includes a large lifestyle graphic over the entry statement representing social settings subject to Council approval;
- Increase in the height of the building on the southern side (Parry Street) and the west (Beaufort Street) elevations to 8.5 metres and an increase in the height the feature blade wall containing the ‘M’ McDonalds, Monolith sign to 9.5 metres and 2.7 metres in width;
- An increase in the size of the “McDonalds” wall sign along the Beaufort Street frontage and “McCafe” sign along Parry Street, as well an additional McCafe sign on the northern elevation and street frontage of Beaufort Street; and
- The number of car bays provided on site remains unchanged at 13 bays.

#### **AMENDED ASSESSMENT:**

The Assessment Table has been amended to reflect changes to Signs and Advertising, Consultation Submissions and Car Parking.

<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>
Signs and Advertising	Monolith Signs  Not exceed 6 metres in height or 2 metres in width.	The monolith sign is <del>8.9metres in height and 2.8metres wide.</del> 9.5 metres in height and 2.7 metres wide.	<del>Not supported</del> The height of the sign should comply with the provisions of the signage policy. <u>Not Supported – The Monolith Sign has been amended in the plans dated 28 April 2010 by increasing the overall height of the sign 0.6 metre from the original proposal. In effect, with the design of the building creating a false two storey façade, the increase in height of the signage and the blade wall itself has been designed to fit in with this wall, which does not comply with the provisions of the Town’s signage policy.</u>
<b>Consultation Submissions</b>			
Support (1)	No comments provided		Noted.
Objections (9)(11)	Comments Previously Included		Noted.
<b>Car Parking</b>			
Car Parking Requirement (nearest whole number)		16 car bays	
Queuing Area – 10.5 square metres – 4.2 car bays (1 space per 2.5 square metres of Queuing Area with a minimum of 4 car bays)			
Seating Area - 54.4 square metres - 12.088 car bays (1 space per 4.5 square metres of seating area)			
Total= 16.288 = 16 car bays			
Apply Adjustment Factors			
0.85 (the proposed development is within 400 metres of car park in excess of 75 car parking spaces)		(0.7225)	
0.85 (the proposed development is within 400 metres of bus stop/station)		11.56	
Minus the Car Parking provided on -site		13 car bays	
Minus the most recently approved on-site car parking shortfall		Nil	
Resultant Surplus		1.44 car bays	

### **ADDITIONAL COMMENTS:**

The revised plans and the additional information address two of the main points of the resolution of the Ordinary Meeting of Council held on 23 February 2010, through the provision of an additional Traffic Statement that discusses both traffic loads and intersection performance in the subject area, as well as a Social Impact Statement from *McDonalds*.

#### **Transport Statement**

An excerpt from the Transcore Transport Statement reads *“the addendum identifies that the level of service of the intersection will not change after construction of the McDonald’s Restaurant and the trip generated by the development will have insignificant impact on the operation of the intersection during the critical PM peak hour. The increased queues and delays along Parry Street and Beaufort Street north bound are expected to be marginal thus the impact of the proposed development traffic on the intersection of Beaufort Street and Parry Street would be minimal.”*

#### **Social Impact Statement**

The submitted Social Impact Statement from *McDonalds* provides information on hours of operation, waste and litter management, patron management, security, lighting, vandalism, odour management, environment and the presence of the restaurant in the community as an employer and centre for community interaction. The statement goes on to mention that *“McDonalds believe that a new store in Beaufort Street will have a positive influence on the area for the following reasons, the improved visual amenity on site, the increase in employment opportunities within the local community, improved family eating facilities and community involvement.”*

#### **Beaufort Street Precinct**

The applicant has redesigned the façade of the building by increasing the height in order to better represent part 2 of the resolution of the Council at its Ordinary Meeting held on 23 February 2010, relating to the development being effectively an underutilisation of the site in the Beaufort Street Precinct. In the revised plans, the building has been increased in height from 6.0 metres to a maximum of 8.5 metres and included a wall façade extending the whole length of the Parry Street frontage of the site, spanning the car park entrance to a maximum height of 8.5 metres.

The applicant has provided the following comments in support of the revised plans. The applicant states *“The plan includes a car park façade structure on the south elevation. The car park façade structure will be constructed of similar materials to the remainder of the building and includes a large lifestyle graphic over the entry to the car park in response to Councillor requests.”*

The applicants have also argued in their submission the merits of the proposed use, and that design of the premises meets the provisions of the Town of Vincent Town Planning Scheme and fits in with the existing Beaufort Street Precinct. The applicant states *“the subject site is a vacant site which has been vacant for a period exceeding 10 years. The site is zoned commercial. The Commercial area under the Beaufort Precinct policy identifies that this area is to form an extension to Northbridge with Shops, Restaurants and other interactive uses continuing to be the predominant uses. The McDonalds Restaurant is consistent with this intent.”*

The further information submitted by the applicant is *“Laid on the Table”* and included as Attachment 002.”

### **Signage**

In the previous report to the Ordinary Meeting of Council held on the 23 February 2010, the height of the large “McDonalds” sign along Beaufort Street was stipulated as a reason for refusal in the previous Officer Recommendation. In the revised plans submitted 28 April 2010, the sign has been increased in height from 8.9 metres to 9.5 metres. This is due to the increase in height of the whole building, which has been designed to more appropriately fit in with the requirements of the Beaufort Precinct. However, as this false second storey effect is not supported and the overall height of the sign is a 3.5 metre variation to the Signs and Advertising Policy, the sign is not supported in its current state.

### **Bicycle Requirements**

The assessment of the application noted that the provision of bicycle facilities on - site was inadequate, based on the requirement for Take – Away Food Premises. The requirement for 15 bike racks and the need to provide end of trip facilities, as more than 10 bike racks were needed.

The applicant in their submission noted that: *“From the assessment of bicycle parking it would appear that the bicycle parking is being determined based on a Take Away Food Outlet, however given that the use is a Restaurant with drive through takeaway we would suggest that bicycle parking should be determined based on the Restaurant requirement as the main use will be for Restaurant.”* The applicant further states: *“Based on the Restaurant bicycle parking requirement and that the public area is less than half the floor space, then 2 bays are required for employees and 4 spaces are required for visitors. This equates to 6 bays which does not result in the requirement for end of Trip Facilities.”*

However, it is noted in the assessment of the proposal, that the definition of Take Away Food Outlet more adequately defines the use of the premises rather than restaurant; hence, the bicycle requirements were assessed on that basis. Therefore, the shortfall of 3 bike racks, and the need for end of trip facilities, would be required as a condition in the event the application was supported.

### **Consultation**

From the time between the Ordinary Meeting of Council held on 23 February 2010 and the drafting of this Agenda Report, the Town received two (2) additional objections. The objections related to the previous neighbours concerns of traffic, noise and the hours of operation of the premises. The addition of two further objections to the public consultation results in a total of eleven (11) objections and one (1) comment of support received for this proposal.

### **Technical Services**

Technical Services have reiterated that three (3) existing street bays would be lost along Parry Street with the proposed two crossovers for the development.

### **Health Services**

Following an assessment of the revised plans, the Town’s Health Services have advised that the plans require the standard regulations to be followed with regard to food preparation, as well as an inspection of the premises to be carried out when the premises are completed.

In conclusion, the Town's Officers are of the view that although further information has been furnished and adjustments have been made to the design of the premises, the proposal is still not supportable. These revisions to the plans in respect of the height of the building and the façade along Parry Street generally, as well as previous amendments to the width of crossovers, the single storey nature of the development (which the Council has endorsed and stated as a valid reason for deferral in its 23 February 2010 resolution), is of significant concern in respect of the long term development of the locality. It is reiterated that the proposed development effectively at one storey, with a false second storey which essentially creates a two storey facade, is considered an underutilisation of the site in the Beaufort Precinct. The Council has strongly encouraged the applicant to consider options to allow for the site to be developed into a modern three or four storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; however, to no avail. Further, the presence of eleven (11) objections to the development indicates community opposition to a development of this nature. In view of the above, it is recommended that the application be refused.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 February 2010.

*“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, REFUSES the application submitted by TPG on behalf of the owner Major Holdings Pty Ltd & G T Gunning for proposed Demolition of Existing Building and Construction of a Drive-In Fast Food Outlet/Restaurant and Associated Signage (McDonalds), at Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street, Perth, and as shown on plans stamp-dated 1 February 2010, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the development is considered an under development of the site in accordance with the Town of Vincent Policy No. 3.3.13 relating to the Beaufort Precinct;*
- (iii) the non-compliance with the Town's Policy No. 2.2.4 Relating to Crossover Specifications;*
- (iv) the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising Policies; and*
- (v) consideration of the objections received.*

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*PROCEDURAL MOTION*

*COUNCIL DECISION ITEM 9.1.14*

*Moved Cr McGrath, Seconded Cr Farrell*

*That the item be DEFERRED to enable the applicant to provide the following additional information:*

- (i) a further Transport Statement incorporating assessment of traffic loads and intersection performance, based on Beaufort Street being a two way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;*

- (ii) *the development of a single storey restaurant is seen as a significant underutilisation of the subject site. The Council strongly encourages the applicant to consider options to allow for the site to be developed into a modern three storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; and*
- (iii) *a Social Impact Statement being provided as part of any proposed development of this site for a fast food outlet.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

<i>Landowner:</i>	<i>Major Holdings Pty Ltd &amp; McDonalds Australia Ltd</i>
<i>Applicant:</i>	<i>TPG Town Planning and Design</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Vacant Site</i>
<i>Use Class:</i>	<i>Drive-In Fast Food Outlet</i>
<i>Use Classification:</i>	<i>"AA"</i>
<i>Lot Area:</i>	<i>3048 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*19 October 2007 The Town approved under Delegated Authority demolition of the existing building on-site and extension of approved fee paying Car Park.*

*17 December 2009 The Town recommended approval to the Western Australian Planning Commission under Delegated Authority for a plan to subdivide the existing site into two lots and a boundary realignment of the eastern half of the adjoining property with Nos. 173-179 Stirling Street.*

**DETAILS:**

*The proposal involves the development of the vacant site on the corner of Beaufort and Parry Streets, Perth for a "McDonalds" take-away restaurant and associated drive-thru. The development of the site includes the main restaurant building, terrace and playground fronting Beaufort Street, with a drive-thru area and car park fronting Parry Street, at the rear of the site. The restaurant provides seating for 98 persons and is proposed to open 24 hours a day, 7 days per week.*

*The land uses within the immediate locality along Beaufort Street are a mixture of commercial, office and residential uses. The height of buildings in the surrounding area ranges from single storey to a maximum of four storeys in height. The property is adjacent to Weld Square.*

*The applicant's submission for the proposal, including a transport statement, is "Laid on the Table and as Attachment 002" and summarised below:*

- The development is for a Fast Food Take Away Restaurant.*
- The site is currently vacant and contains the remnants of a previous commercial building.*
- The proposed layout of the site takes advantage of the active commercial strip of Beaufort Street and sensitively locates parking to the rear of the site.*
- The site is located in close proximity to various transport options including bus services on Beaufort Street and nearby William Street and the Perth Train Station.*

- *Restaurant offers patrons the full range of services and facilities found in the company's other Restaurants.*
- *The proposal will provide a suitable transition of scale between the central city and nearby residential areas and will develop a currently underutilised site.*
- *The scale of the development is consistent with surrounding uses.*
- *The proposed access has been specifically designed from Parry Street as opposed to Beaufort Street to take access away from major streets.*
- *The proposed use will provide convenience to visitors and residents of the locality.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Beaufort Street Precinct  - Commercial Area</i>	<i>The Beaufort Precinct is designed to become a mixed- use area of predominately Residential Uses. A diverse range of dwelling types to be incorporated with compatible commercial activities. A sensitive mix of uses, built form and development intensity is to be attained through the establishment of residential/commercial areas.</i>	<i>Single Storey Commercial – Fast Food Take Away Outlet</i>	<i>Not Supported – The Beaufort Precinct encourages development to accommodate a mix of uses and of a height of two to four storeys.</i>
<i>Parking and Access  -Bicycle Parking  - End of Trip Facilities</i>	<i>5 Class 1 or 2 Bicycle Facilities  10 Class 3 Bicycle Facilities  Total= 15 Bike Racks  As there are more than 10 Bike Racks required, end of trip facilities are required as per the Town's Policy.</i>	<i>12 Bike Racks    No end of trip facilities Proposed.</i>	<i>Not Supported – An adequate number of Bike Racks should be provided for the development.   Not Supported – As per the Town's Parking and Access Policy for Bicycles, where 10 or more bicycles are required for any development, end of trip facilities are to be provided.</i>
<i>Awnings</i>	<i>Continuous Awnings are encouraged over the adjoining footpaths.</i>	<i>A continuous awning over the south western corner of the building fronting Parry Street is not provided.</i>	<i>Supported – The proposed awning along the corner of Beaufort and Parry Street provides adequate cover for pedestrians and provides interaction with the streetscape.</i>

<p><i>Signs and Advertising</i></p>	<p><i>Monolith Signs</i></p> <p><i>Not to be located within 1.0 metre of lot boundaries.</i></p> <p><i>Not exceed 6 metres in height or 2 metres in width.</i></p> <p><i>Be limited to no more than one Monolith sign per lot in relation to a business, shop or premises unless it is a corner lot where one sign per lot frontage may be permitted.</i></p> <p><i>Be the only freestanding sign permitted on the lot.</i></p>	<p><i>The monolith sign in the south western corner of the site abuts the boundary.</i></p> <p><i>The monolith sign is 8.9metres in height and 2.8metres wide.</i></p> <p><i>There are four examples of Monolith Signs proposed as part of the development.</i></p>	<p><i>Not supported – The design of the building could be amended to ensure that the sign is located 1.0 metre off the site boundary.</i></p> <p><i>Not supported – The height of the sign should comply with the provisions of the signage policy.</i></p> <p><i>Supported – The main monolith sign “McDonalds” facing north/south is the only major sign on site. The other three monolith signs are minor in nature and can be supported.</i></p> <p><i>As above</i></p>
<p><i>Consultation Submissions</i></p>			
<p><i>Support (1)</i></p>	<p><i>No comments provided</i></p>		<p><i>Noted.</i></p>
<p><i>Objections (9)</i></p>	<p><i>One comment provided</i></p> <ul style="list-style-type: none"> <li><i>• Traffic Congestion – Traffic Congestion is a problem along Parry Street between Beaufort and Stirling Streets. There are repeated congested delays travelling off Beaufort into Parry Street and then across Stirling Street. The bus routes will also increase due to a denser mass of persons accessing the area.</i></li> </ul>		<p><i>Supported - The proposed development will increase the amount of patronage to the area significantly as the existing site is vacant. However the DoP has provided comment that the existing road network and the entry and exit paths are adequate for the use.</i></p>
	<ul style="list-style-type: none"> <li><i>• Hours of Trade – 24 hour opening of Restaurant will present continual traffic noise throughout the night to the existing Residential and soon to be residents in the area.</i></li> </ul>		<p><i>Supported- In any mixed use area, the presence of people at night will be a by product of any retail area. This adds to the ambience of the area. However, having a commercial activity open 24 hours a day 7 days a week will facilitate in some form a reduction in amenity of the area.</i></p>

	<ul style="list-style-type: none"> <li>• <i>Encouragement of Wrong Element – At night time especially, this style of restaurant in this location to Northbridge will attract people who have been to Entertainment Area with the potential to cause noise and violence, causing greater Police presence with the potential to effect Residents enjoyment of their property.</i></li> </ul>	<p><i>Supported- In any mixed use area, the presence of people at night will be a by product of any retail area. This adds to the ambience of the area. However, having a commercial activity open 24 hours a day 7 days a week will facilitate in some form a reduction in amenity of the area.</i></p>
	<ul style="list-style-type: none"> <li>• <i>An acceptable commercial application should be presented on the site including shops and offices.</i></li> </ul>	<p><i>Supported – The proposed development is an under utilisation of the site and a mixed use development would be preferred on the site in accordance with the Beaufort Precinct Policy which encourages this type of development.</i></p>
<p><i>Department of Planning – (DoP) Urban Transport Systems</i></p>	<p><i>In its letter dated 12 January 2010 – the DoP noted:</i></p> <ul style="list-style-type: none"> <li>• <i>The subject property abuts Beaufort Street, and is affected by an ORR reservation widening requirement for Beaufort Street.</i></li> <li>• <i>The submitted plans shows the accesses are from Parry Street (Local Road). The Local Government’s Engineering Department is to ensure the design and compliance of the proposed crossover is to the desired standard.</i></li> <li>• <i>It is noted that a subdivision application is with the WAPC and hence any condition imposed by the WAPC on the subdivision application needs to be taken into consideration.</i></li> <li>• <i>Given the type and nature of the proposed development, the Department is of the view that the proposal might become a significant traffic generator for the future.</i></li> </ul> <p><i>In its letter dated 10 February 2010 following amendments to the plans and the provision of a Transport Statement, the DoP advised;</i></p>	<p><i>Noted.</i></p> <p><i>Supported – Any approval of the proposed application will be conditional on the Town’s Engineering Policies being adhered to.</i></p> <p><i>Supported – Any approval of the application will be conditional on the WAPC’s conditions of approval being adhered to.</i></p> <p><i>Noted.</i></p>

	<ul style="list-style-type: none"> <li>• <i>It is noted that two accesses proposed from Parry Street are dedicated entry and exit only. It is recommended that proper line marking and signage are placed to complement the proposed access arrangement.</i></li> <li>• <i>Advertising Signs- Given the type and nature of the proposed signage, the Department would be prepared to support the placement of advertising signage on the condition that:</i> <ul style="list-style-type: none"> <li>- <i>The advertisements do not interfere with sightlines, distract drivers or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy DC 5.4, Paragraph 3.3.1; and</i></li> <li>- <i>If the signage is within the land reserve, the proponent agrees to remove the signage structure without seeking compensation.</i></li> <li>- <i>All signage should comply with the requirements of Main Roads (Control of Advertising) Regulations 2007. Please liaise with the Technical Advertising Officer prior to erecting any signage.</i></li> </ul> </li> </ul>	<p><i>Supported – A condition may be imposed in the event the application is supported.</i></p> <p><i>Supported – Any signage proposed would have to be referred to Main Roads before the issue of a Building Licence.</i></p>
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*Other Implications*

<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>	<i>Nil</i>
<i>Sustainability Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>

*Car Parking*

<i>Car Parking Requirement (nearest whole number)</i>	<i>16 Car Bays Required</i>
<i>Queuing Area – 10.5m<sup>2</sup> – 4.2 bays</i> <i>Seating Area - 54.4m<sup>2</sup> - 12.088 bays</i>	
<i>Apply Adjustment Factors</i>	<i>(0.7225)</i>
<i>0.85 (Within 400m of Car Park)</i> <i>0.85 (Within 400m of Bus Stop)</i>	<i>11.768 (12 Car Bays Required)</i>
<i>Minus the Car Parking provided on Site</i>	<i>13 Car Bays</i>
<i>Minus the most recently approved on-site car parking shortfall (apply above adjustment factors to shortfall)</i>	<i>Nil</i>
<i>Car Bay Surplus</i>	<i>1 Bay</i>

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

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

*As noted above, the provision of car parking on the site complies with the provisions of clause 3.7.1 of the Town's Policy relating to Parking and Access. The provision of parking on-site is a total of 13 car bays, including 4 bays for staff and one ACROD Bay, with the remainder specifically for patrons of the Fast Food Restaurant. A calculation of the available parking on site, indicates a surplus of one car bay. In addition, it is anticipated that a significant number of persons will access the site, via walk up, or public transport.*

*COMMENTS:*

*TPG Planning and Design, on behalf of McDonalds, have submitted a report providing justification for the application, in addition to a transport statement, prepared by Transcore.*

*Transport Statement*

*The Transport Statement provided by the applicant details the existing nature of the site in terms of access and traffic ability, and the impact of the development on the existing road network. It also details the likely traffic flows into the site and how they can be disbursed upon leaving the area.*

*The site currently has two crossovers on Parry Street, with one crossover on the eastern lot boundary and the other crossover in the middle of the Parry Street lot frontage. The proposal is to have two crossovers to Parry Street, with the crossover adjacent to the eastern boundary designated as the entry only crossover (servicing entry traffic to the car park and drive thru), whilst the second crossover is designed for exit only traffic. The one way circulation through the site is designed "to provide for efficiency, legibility and improving safety."*

*In addition to parking, the site is well accessed by public transport in the form of bus services, which pass the site at various times of the day. Pedestrian access is available to the site via the extensive footpath networks within the vicinity, and a pedestrian crossing available along Beaufort Street. Cycling access is catered for on the site through the provision of bike racks, as well as extensive Perth Bicycle Network Pathways.*

*Transcore, in their transport statement for the site, note that "the site has satisfactory access by the existing road network, bus services and footpaths and that no particular transport or safety issues are presented by the development."*

*Technical Services Comments*

*The Town's Technical Services have reviewed the plans and have highlighted two issues presented by the development:*

- Firstly, the loss of on-street parking presented by the development, which through the creation of entry and exit paths necessitates the loss of three street bays. These bays are currently free but are time restricted bays.*
- Secondly, the provision of an entry and exit crossover as well as an extra width entry crossover, to allow for two entry paths to the drive thru, provides for a variation to the Town's Engineering Policies in terms of width of the crossover proposed. The Town's Policy relating to Crossovers stipulates that a maximum of a 7.5metre wide crossover is allowed on lots. The proposed development provides for a 9.0 metre wide crossover, as well as a 5.0 metre wide crossover.*

*Heritage*

*The site has previously been subject to a Heritage Assessment in 2007, where it was revealed that the subject building on the site, built in 1963 was used for various uses including offices, shops, warehouse and consulting rooms. ~~The subject place is considered to have minimal aesthetic value, architectural merit and is not considered as a place for entry on the Town's Municipal Heritage Inventory. Heritage Services has no objection to the proposal subject to a Demolition Licence being obtained prior to the commencement of any demolition works on site. The building was demolished in 2009.~~*

### *Strategic Planning*

*The Beaufort Precinct (P13) Commercial area is seen as an extension to the Northbridge area and is characterised by its mix of shops, restaurants and other interactive uses continuing to be the predominant uses creating a link to Northbridge.*

*The Beaufort Precinct Policy indicates that the subject site could facilitate a maximum development of the site of three storeys accommodating a mix of uses. Accordingly, the proposed single storey development of the site as a Fast Food Take Away Outlet is considered to be an underdevelopment of the site. It is not discounted however, that when considering the surge in development and the urban design improvements in the East Perth Redevelopment Authority Area, to the south and west of the subject site, the proposed development could be considered to not detrimentally affect developer confidence or the holistic vision for the area.*

~~*It is acknowledged that the proposal only covers half of the substantial 3048 square meters lot, which is currently subject to a subdivision application with the WAPC. Therefore, the opportunity remains on the balance of the land for development of a more intense nature, which could offer a range of uses and housing types. The application also incorporates landscaping within the car parking area as well as providing articulation and a variety of material finishes, which whilst conforming to the franchise 'brand' requirements, is compatible with the new contemporary surrounding environment.*~~

*Overall, it is noted that the proposed development at one storey, covering less than half of the site with built area is considered an underutilisation of the site in this precinct, and the intended development potential under the Beaufort Precinct Policy.*

### *Site Issues*

*Given the site's proximity to Weld Square, it is important to note that any future use of the subject property provides an active surveillance role, and does not add to, or promote, undesirable elements in the area.*

*The presence of an open car park area and the nature of the fast food premises being open 24 hours a day, 7 days per week will also likely promote a reduction to the amenity of the area and the Residential/Commercial mix being pursued by the Town.*

*In general, the proposal is not supportable, as the development of a single storey fast food restaurant and drive-thru, is an under development of the site and does not meet the development potential of the area. In addition, the presence of nine (9) objections to the development indicates community opposition to a development of this nature. In view of the above, it is recommended that the application be refused."*

**9.1.2 Further Report- No. 335 (Lots 10 and 11;D/P 2554) Oxford Street, Leederville - Proposed Partial Demolition of and Alterations and Additions to Existing Single House to Create Two (2) Multiple Dwellings, One (1) Grouped Dwelling and Associated Basement Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	18 May 2010
<b>Precinct:</b>	Leederville, P 3	<b>File Ref:</b>	PRO0050; 5.2010.85.1
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a> , <a href="#">003</a>		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER 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 J Spaseski on behalf of the owner V & J Spaseski for Proposed Partial Demolition of and Alterations and Additions to Existing Single House to Create Two (2) Multiple Dwellings, One (1) Grouped Dwelling and Associated Basement Car Parking, at No. 335 (Lots 10 and 11 D/P 2554) Oxford Street, Leederville, and as shown on revised plans stamp-dated 17 May 2010 , subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;*
- (ii) *first obtaining the consent of owners of No. 333 and No. 337 Oxford Street, Leederville for entry onto their land, the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 333 and No. 337 Oxford Street, Leederville, in a good and clean condition;*
- (iii) *any new street/front wall, fence and gate within the Oxford Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
  - (a) **Screening**

*The balconies to Units A and B on the ground and first floors, on the northern and southern elevations 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 that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 333 and 337 Oxford Street, Leederville, stating no objection to the respective proposed privacy encroachment.*

*All screens provided shall comply with the definition of the Residential Design Codes 2008.*

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

**(b) Refuse and Recycling Management**

*A Refuse and Recycling Management Plan shall be submitted and approved by the Town prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications, Residential:*

*General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and*

*Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly);*

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

**(c) Store**

*A store with minimum dimension of 1.5 metres and minimum area of 4 square metres being provided for the existing building (grouped dwelling).*

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

**(d) Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. Dilapidation Reports of nearby properties;*
- 6. air and dust management;*
- 7. stormwater and sediment control;*
- 8. soil excavation method (if applicable);*
- 9. waste management and materials re-use;*
- 10. traffic and access management;*
- 11. parking arrangements for contractors and subcontractors;*
- 12. Consultation Plan with nearby properties; and*
- 13. any other matters deemed appropriate by the Town;*

(e) **Amalgamation of the Lot**

*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);*

(f) **Transfer of Land Act – Section 70A**

*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:*

- 1. the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- 2. the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(g) **Landscape and Reticulation Plan**

*A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

(h) Air-conditioning

*Air conditioners shall be shown on the Building Licence plans. They are required to be located on the ground level and if located on the roof they should be screened from the adjoining properties to the satisfaction of the Town; and*

(v) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

(a) Screened outdoor area

*Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*

(b) Heritage Management

*An interpretative plaque or another appropriate form of interpretation medium that recognises the former use and history of the site, and is visible to the public along the Oxford Street frontage, shall be installed prior to the occupation of the development. The design and wording on the plaque or the interpretative medium shall be submitted.*

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

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

**(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)**

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**FURTHER REPORT:**

The Council considered the subject application at its Ordinary Meeting held on 11 May 2010, and resolved as follows:

*“That the item be DEFERRED to allow for the Town’s Officers to investigate the objections received during Public Question/Speaking Time and the extent of the consultation.”*

A copy of a letter of objection 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>
Density	4 multiple dwellings or one grouped dwelling and 3 multiple dwellings (R60)	2 multiple dwellings and one grouped dwelling (R 43)	Noted.

Plot Ratio	Multiple Dwellings-0.7 (481.6 square metres)	Multiple Dwellings-1 (688 square metres)	Supported- The proposal conserves the existing building (single house). Plot ratio variations were approved by the Council at its Ordinary Meetings held on 14 September 2004 (0.73) and 11 October 2005 (1.18).
Building Setbacks:  Multiple Dwellings: <u>Basement</u>  North	1.5 metres	Nil	Supported- The building on the adjoining northern property is setback <del>only 0.4 metre</del> <del>0.63 metre</del> to <u>1.02 metres</u> to the boundary. It is considered that no unreasonable undue impact will result in respect of ventilation and overshadowing on the northern property.
South	1.5 metres	Nil	Supported- A three storey development with nil setbacks was approved on the adjoining southern property. It is considered that no unreasonable undue impact will result in respect of visual impact and ventilation on the adjoining property. No objection was received from the <u>southern</u> neighbours.
West	1.5 metres	0.5 metre	Supported- It is considered that the variation will not have any undue impact, as the wall will face the right of way. Moreover, the existing building on No. 337 Oxford Street has a nil setback with the right of way and the development approved for No. 333 Oxford Street, was approved at 0.5 metre from the right of way; therefore, the variation will not unduly impact on the streetscape.

<u>Ground Floor</u>			
North	5.1metres	Nil to 1.2 metres	Supported- As above.
South	3.7 metres	Nil to 1.2 metres	Supported- As above.
West	2 metres	0.5 metre	Supported- As above.
<u>First Floor</u>			
North and South	5.1 metres	Nil to 1.2 metres	Supported- As above.
West	Balcony= 2.5 metres	0.5 metre	Supported- As above.
Existing Grouped Dwelling			
<u>First Floor</u>			
Front East	A minimum of two metres behind each portion of the ground floor setback	Nil	Supported- No impact on the streetscape and no objections from the surrounding neighbours.
South	1.3 metres	1 metre	Supported- No undue impact on the adjoining neighbour. No objection was received and in this instance, the variation is supported.
Boundary Wall	Average Height= 3 metres  Maximum Height= 3.5 metres  Boundary wall on one side boundary only	North  Average Height= 5.85 metres  Maximum Height= 8.3 metres  South  Average Height= 5.45 metres  Maximum Height= 8.4 metres  Boundary walls on both sides of boundaries	Supported- A three storey development with nil setbacks was approved on the adjoining southern property. It is considered that no unreasonable impact will result in respect of visual impact and ventilation on the southern adjoining property. <u>No objection was received from the adjoining southern neighbour.</u> With regard to the northern property, no unreasonable impact will result in respect of ventilation and overshadowing on the adjoining site. <del>No objection was received from the adjoining neighbours relating to the boundary walls.</del>

Overshadowing	50 per cent= 282.5 square metres	71 per cent= 401square metres	Supported- A three storey development was approved by the Council on the adjoining lot at No. 333 Oxford Street. Accordingly, in the event the development goes ahead, the overshadowing will not have an undue impact. Moreover, given the adjoining southern site is a narrow east-west oriented site and of a similar topography to the subject site, and the southern site slopes steeply; in such a case, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour.
Number of Storeys	A general height limit of two storeys	Two storeys plus basement. Building is two storeys from Oxford Street; however, effectively three storeys (including basement) from the rear right of way.	Supported- A building approved for No. 333 Oxford Street <del>and an existing building to the north of the development at No. 337 Oxford Street</del> is of three storeys of similar height and bulk. <del>No objections from the adjoining neighbours relating to the number of storeys.</del> Refer to <u>“Comments”</u> below.
Building Height	Multiple Dwellings  Maximum Pitched Roof Height= 9 metres  Wall Height= 7 metres	10.2 metres  8.4 metres	Supported- The proposed pitched roof height of the multiple dwellings at the rear will be less than the height of the front existing building as shown on the northern and southern elevations. Moreover, given the steep slope of the land it is difficult to comply with the required height. <del>No objections received from the adjoining neighbours relating to the height.</del> Refer to <u>“Comments</u> below.

	Existing Dwelling Feature Wall= 7 metres	8.9 metres	Supported- It is considered that no unreasonable undue impact in respect of visual amenity on the surrounding area.
Open Space	Grouped Dwelling=45 per cent Multiple Dwelling=50 per cent	Overall open space= 47 per cent	Supported- As previously determined at the OMC held on 11 October 2005, a variation of 39 per cent was supported.
Privacy Setbacks	Balcony and the like= 7.5 metres	Balconies to Multiple Dwellings (ground and first floors)= 1.2 metres to north and south boundaries	Not supported- Privacy screen is required.
Store	Minimum dimension= 1.5 metres Minimum Area= 4 square metres	Not provided for the proposed grouped dwelling (existing building)	Not supported- A store is required to be provided.
Pedestrian Access/ Service Corridor	Minimum width of 1.5 metres	1 metre	Supported- Given it is an existing building, the Town's Technical Services support the 1 metre width.
<b>Consultation Submissions</b>			
Support(3)	Nil "No objections in principle, except for the use of street parking throughout the construction phase."		Noted- The applicant is required to submit a Construction Management Plan at Building Licence stage, which requires matters of parking and traffic to be addressed.
Objection (1)	Nil-Refer to "Comments" below.		Noted. Refer to "Comments" below.
<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:**

Further to the objections raised at the Ordinary Meeting of Council held on 11 May 2010, two (2) objectors have submitted an objection letter which is addressed below. It is noted that the two (2) objectors are one of the owners of the six units located at No. 337 Oxford Street, Leederville.

The objections are addressed below as per the headings in the objection letter.

### Consultation

The application was advertised as per the Town's Consultation Policy No. 4.1.5. With regard to No. 337 Oxford Street, the Town's records show that advertising letters were sent to both the owners and occupiers of the six units at No. 337 Oxford Street. The submissions received by the Town are as detailed in the Agenda Report on 11 May 2010. With regard to the sign on-site, it was considered not necessary as this new application is generally the same as the previous application approved by the Council at its Ordinary Meeting held on 18 November 2008 which is still valid till 18 November 2010. This new proposal has less impact as compared to the previous approval as the roof terrace with swimming pool has been removed. It is noted that for the previous application, there was a sign on-site.

For the previous three-storey application, an objection was received from a person representing the owners of No. 337 Oxford Street. The main concern was about drainage and damage that may be caused to the building at No. 337 Oxford Street which was addressed in the Council report on 18 November 2008. As per the Town's records, it shows that letters have been sent to adjoining neighbours for all previous proposals as per the Town's Consultation Policy No. 4.1.5.

### Height of Structure

When viewed from the right of way, the rear unit at No. 337 Oxford Street facing the right of way looks like a three storey building (photograph attached). However, a search of the approved plans at No. 337 Oxford Street shows the old squash court converted into a two storey building. Moreover, there is also a three-storey building within close proximity at No. 2 Benelong Place. As shown on the rear elevation, the proposed wall height at No. 335 Oxford Street will match with the existing wall height at No. 337 Oxford Street. Therefore although it is a three storey building, it will have the same wall height with the adjoining building, except for the pitched roof. It is also confirmed that the proposed wall addition to the existing front building will be higher than the adjoining property; however, it is setback to 1.5 metres from the northern boundary.

As per the R-Codes, overshadowing is assessed on the southern property and not on the northern property. Therefore, the new height of proposed building and the existing building will not impact on the northern property at No. 337 in terms of overshadowing.

This proposed development will be consistent with the evolving character of Oxford Street and the surrounding area.

### The Zero Setback

As per the survey plan dated 29 April 2010, the building at No. 337 Oxford Street is shown to be setback 0.4 metre. However, the applicant has submitted an amended survey plan showing the building at No. 337 Oxford Street is setback 0.63 metre to 1.02 metres from the boundary. As shown on the plan, the proposed wall will be on the boundary and not encroaching on the property at No. 335 Oxford Street.

Matters relating to overshadowing are as per above comments.

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

Given the proposed northern boundary wall does not occupy the whole length of the boundary facing No. 337 Oxford Street, is staggered, with the proposed wall on the existing front building being setback ~~1.2~~ 1.5 metres from the boundary, it is considered that there will be no undue impact on the adjoining northern property in terms of ventilation.

#### Proposed Balconies

As part of the planning approval, the applicant is required to screen all the balconies facing No. 337 Oxford Street. Furthermore, the proposed building at No. 335 Oxford Street will be facing a blank wall at No. 337 Oxford Street; therefore, there will be no issue of overlooking.

#### Placement of Air-conditioners, etc

Given the concerns with fixtures, a condition has been imposed for any air conditioners to be located on the ground level or if placed on the roof, they are required to be screened from the adjoining northern property to the satisfaction of the Town. The noise from air-conditioners will be required to be compliant with relevant Noise regulations.

#### Our Proposal

The R-Codes allows for variations to setbacks, subject to the Council being satisfied that there will be no adverse impact on the adjoining property.

With regard to amending condition (i), the Town will be going beyond its powers by restricting all external fixtures. However, with air-conditioners, as outlined above, a condition will be imposed to minimise the impact on the adjoining property.

With regard to the State Administrative Tribunal, there is no third party appeal.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 11 May 2010.

*“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 J Spaseski on behalf of the owner V & J Spaseski for Proposed Partial Demolition of and Alterations and Additions to Existing Single House to Create Two (2) Multiple Dwellings, One (1) Grouped Dwelling and Associated Basement Car Parking, at No. 335 (Lots 10 and 11) Oxford Street, Leederville, and as shown on plans stamp-dated 29 April 2010 , subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;*
- (ii) first obtaining the consent of owners of No. 333 and No. 337 Oxford Street, Leederville for entry onto their land, the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 333 and No. 337 Oxford Street, Leederville, in a good and clean condition;*

- (iii) *any new street/front wall, fence and gate within the Oxford Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences.*
- (iv) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*

(a) Screening

*The balconies to Units A and B on the ground and first floors, on the northern and southern elevations 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 that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 333 and 337 Oxford Street, Leederville, stating no objection to the respective proposed privacy encroachment.*

*All screens provided shall comply with the definition of the Residential Design Codes 2008.*

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

(b) Refuse and Recycling Management

*A Refuse and Recycling Management Plan shall be submitted and approved by the Town prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications, Commercial:*

*General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and*

*Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly);*

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

(c) Store

*A store with minimum dimension of 1.5 metres and minimum area of 4 square metres being provided for the existing building (grouped dwelling).*

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

(d) Construction Management Plan

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(e) Amalgamation of the Lot

*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);*

(f) Transfer of Land Act – Section 70A

*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:*

1. *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
2. *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(g) Heritage Management

*An interpretative plaque or another appropriate form of interpretation medium that recognises the former use and history of the site, and is visible to the public along the Oxford Street frontage, shall be installed prior to the occupation of the development. The design and wording on the plaque or the interpretative medium shall be submitted;*

(h) Landscape and Reticulation Plan

*A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services Section for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

(v) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

- (a) *each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.*

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Moved Cr Topelberg, Seconded Cr Farrell

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Topelberg foreshadowed a Procedural Motion to DEFER the item, to clarify the objections received and consultation process.*

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

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr McGrath, Cr Maier

Against: Cr Harvey, Cr Lake, Cr Topelberg

*(Cr Burns was on approved leave of absence.)*

*Due to Cr Topelberg foreshadowing a Motion to Defer the item during debate, the Presiding Member, Mayor Nick Catania requested the Item be recommitted.*

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Topelberg

That Item 9.1.2 be recommitted.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Burns was on approved leave of absence.)

PROCEDURAL MOTION - COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, Seconded Cr Farrell

That the item be DEFERRED to allow for the Town's Officers to investigate the objections received during Public Question/Speaking Time and the extent of the consultation.

PROCEDURAL MOTION PUT AND CARRIED (5-3)

For: Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Topelberg

Against: Mayor Catania, Cr Lake, Cr Maier

Landowner:	V & J Spaseski
Applicant:	J Spaseski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling, Grouped Dwellings
Use Classification:	"P"
Lot Area:	Lot 10= 564 square metres; Lot 11= 124 square metres Total Area= 688 square metres
Access to Right of Way	Western side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

14 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve the partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4), three storey multiple dwellings and associated undercroft car parking, at No. 335 (Lots 10 and 11) Oxford Street, Leederville.

11 October 2005 The Council at its Ordinary Meeting resolved to conditionally approve change of use and partial demolition of and alterations and additions to existing office and incidental showroom to create two (2) two-storey multiple dwellings and construction of additional four (4) three-storey multiple dwellings and associated undercroft car parking at No. 335 (Lots 10 and 11) Oxford Street, Leederville.

13 March 2007 The Council at its Ordinary Meeting resolved to conditionally approve demolition of existing single house, and construction of mixed use development comprising one (1) grouped dwelling, two (2) single bedroom and eight (8) multiple bedroom, multiple dwellings, office building and associated basement car parking and associated facilities at Nos. 333 and 335 Oxford Street, Leederville.

8 April 2008 *The Council at its Ordinary Meeting resolved to conditionally approve demolition of existing single house and construction of two-three storey mixed use development comprising one (1) office, two (2), two-storey multiple dwellings, two (2) single bedroom multiple dwellings and associated basement car parking at No. 333 Oxford Street, Leederville.*

18 November 2008 *The Council at its Ordinary Meeting resolved to conditionally approve demolition of and alterations and additions to existing single house to create four (4) multiple dwellings, one grouped dwelling and associated basement car parking.*

6 February 2009 *The Western Australian Planning Commission conditionally approved the amalgamation of Lots 10 and 11, Oxford Street, Leederville.*

23 June 2009 *The Council at its Ordinary Meeting resolved to conditionally approve additions to the existing single house to create one single-storey and one two-storey multiple dwelling.*

**DETAILS:**

*The proposal involves the partial demolition of, and alterations and additions to the existing single house, to create two multiple dwellings, one grouped dwelling and associated car parking.*

*This application is generally the same as the previous application conditionally approved by the Council at its Ordinary Meeting held on 18 November 2008, with the exception of the following:*

- *Previously 4 multiple dwellings were approved, whereas this application is proposing two multiple dwellings; and*
- *New alterations and additions to the existing single house.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>4 multiple dwellings or one grouped dwelling and 3 multiple dwellings (R60)</i>	<i>2 multiple dwellings and one grouped dwelling (R 43)</i>	<i>Noted.</i>
<i>Plot Ratio</i>	<i>Multiple Dwellings-0.7 (481.6 square metres)</i>	<i>Multiple Dwellings-1 (688 square metres)</i>	<i>Supported- The proposal conserves the existing building (single house). Plot ratio variations were approved by the Council at its Ordinary Meetings held on 14 September 2004 (0.73) and 11 October 2005 (1.18).</i>

<p><i>Building Setbacks:</i></p> <p><i>Multiple Dwellings:</i></p> <p><u><i>Basement</i></u></p> <p><i>North</i></p> <p><i>South</i></p> <p><i>West</i></p>	<p><i>1.5 metres</i></p> <p><i>1.5 metres</i></p> <p><i>1.5 metres</i></p>	<p><i>Nil</i></p> <p><i>Nil</i></p> <p><i>0.5 metre</i></p>	<p><i>Supported- The building on the adjoining northern property is setback only 0.4 metre to the boundary. It is considered that no unreasonable undue impact will result in respect of ventilation and overshadowing on the northern property.</i></p> <p><i>Supported- A three storey development with nil setback was approved on the adjoining southern property. It is considered that no unreasonable undue impact will result in respect of visual impact and ventilation on the adjoining property. No objection was received from the neighbours.</i></p> <p><i>Supported- It is considered that the variation will not have any undue impact as the wall will face the right of way. Moreover, the existing building on No. 337 Oxford Street has a nil setback with the right of way and the development approved for No. 333 Oxford Street, was approved at 0.5 metre from the right of way; therefore, the variation will not unduly impact on the streetscape.</i></p>
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<u>Ground Floor</u>			
North	5.1metres	Nil to 1.2 metres	Supported- As above.
South	3.7 metres	Nil to 1.2 metres	Supported- As above.
West	2 metres	0.5 metre	Supported- As above.
<u>First Floor</u>			
North and South	5.1 metres	Nil to 1.2 metres	Supported- As above.
West	Balcony= 2.5 metres	0.5 metre	Supported- As above.
<i>Existing Grouped Dwelling</i>			
<u>First Floor</u>			
Front East	A minimum of two metres behind each portion of the ground floor setback	Nil	Supported- No impact on the streetscape and no objections from the surrounding neighbours.
South	1.3 metres	1 metre	Supported- No undue impact on the adjoining neighbour. No objection was received and in this instance, the variation is supported.
Boundary Wall	Average Height= 3 metres  Maximum Height= 3.5 metres  Boundary wall on one side boundary only	North  Average Height= 5.85 metres  Maximum Height= 8.3 metres  South  Average Height= 5.45 metres  Maximum Height= 8.4 metres  Boundary walls on both sides of boundaries	Supported- A three storey development with nil setbacks was approved on the adjoining southern property. It is considered that no unreasonable impact will result in respect of visual impact and ventilation on the southern adjoining property. With regard to the northern property, no unreasonable impact will result in respect of ventilation and overshadowing on the adjoining site. No objection was received from the adjoining neighbours relating to the boundary walls.

<p><i>Overshadowing</i></p>	<p><i>50 per cent= 282.5 square metres</i></p>	<p><i>71 per cent= 401 square metres</i></p>	<p><i>Supported- A three storey development was approved by the Council on the adjoining lot at No. 333 Oxford Street. Accordingly, in the event the development goes ahead, the overshadowing will not have an undue impact. Moreover, given the adjoining southern site is a narrow east-west oriented site and of a similar topography to the subject site, and the southern site slopes steeply; in such a case, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour.</i></p>
<p><i>Number of Storeys</i></p>	<p><i>A general height limit of two storeys</i></p>	<p><i>Two storeys plus basement. Building is two storeys from Oxford Street; however, effectively three storeys (including basement) from the rear right of way.</i></p>	<p><i>Supported- A building approved for No. 333 Oxford Street and an existing building to the north of the development at No. 337 Oxford Street is of three storeys of similar height and bulk. No objections from adjoining neighbours relating to the number of storeys.</i></p>
<p><i>Building Height</i></p>	<p><i>Multiple Dwellings</i>  <i>Maximum Pitched Roof Height= 9 metres</i>  <i>Wall Height= 7 metres</i></p>	<p><i>10.2 metres</i>  <i>8.4 metres</i></p>	<p><i>Supported- The proposed pitched roof height of the multiple dwellings at the rear will be less than the height of the front existing building as shown on the northern and southern elevations. Moreover, given the steep slope of the land it is difficult to comply with the required height. No objections received from the adjoining neighbours relating to the height.</i></p>

	<i>Existing Dwelling</i>  <i>Feature Wall= 7 metres</i>	8.9 metres	<i>Supported- It is considered that no unreasonable undue impact in respect of visual amenity on the surrounding area.</i>
<i>Open Space</i>	<i>Grouped Dwelling=45 per cent</i>  <i>Multiple Dwelling=50 per cent</i>	<i>Overall open space= 47 per cent</i>	<i>Supported- As previously determined at the OMC held on 11 October 2005, a variation of 39 per cent was supported.</i>
<i>Privacy Setbacks</i>	<i>Balcony and the like= 7.5 metres</i>	<i>Balconies to Multiple Dwellings (ground and first floors)= 1.2 metres to north and south boundaries</i>	<i>Not supported- Privacy screen is required.</i>
<i>Store</i>	<i>Minimum dimension= 1.5 metres</i>  <i>Minimum Area= 4 square metres</i>	<i>Not provided for the proposed grouped dwelling (existing building)</i>	<i>Not supported- A store is required to be provided.</i>
<i>Pedestrian Access/Service Corridor</i>	<i>Minimum width of 1.5 metres</i>	1 metre	<i>Supported- Given it is an existing building, the Town's Technical Services support the 1 metre width.</i>
<i>Consultation Submissions</i>			
<i>Support(3)</i>	<i>Nil</i> <i>"No objections in principle, except for the use of street parking throughout the construction phase."</i>		<i>Noted- The applicant is required to submit a Construction Management Plan at Building Licence stage, which requires matters of parking and traffic to be addressed.</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Sustainability Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

*\* The 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:*

*A similar type of development was approved for the subject site and adjoining lot at No. 333 Oxford Street, Leederville. It is considered that this proposed development will be consistent with the evolving character of Oxford Street and the surrounding area.*

*The Council has previously approved variations to density and plot ratio for the subject site because the development retains the former RSL building. This proposal still conserves the former RSL building and the variations in the "Assessment Table" are supportable.*

*The application is considered generally acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters."*

**9.1.14 Nos. 639 – 643 (Lot 1) Beaufort Street, Mount Lawley (Flying Scotsman) and No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn (Paddington Alehouse) – 2010 FIFA World Cup Extended Trading Permit Applications**

<b>Ward:</b>	Both	<b>Date:</b>	19 May 2010
<b>Precinct:</b>	Mount Hawthorn Centre, P2; Mount Lawley Centre, P11	<b>File Ref:</b>	ENS0053
<b>Attachments:</b>	-		
<b>Reporting Officers:</b>	M Fallows, Acting Senior Environmental Health Officer; S Teymant, Acting Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **SUPPORTS WITH CONDITIONS** *the one-off Extended Trading Permit Applications, from the Flying Scotsman Tavern, located at Nos. 639 – 643 Beaufort Street, Mount Lawley and for the Paddington Alehouse, located at No. 141 Scarborough Beach Road, Mount Hawthorn 2010 FIFA World Cup subject to the following:*
- (a) *support will be given to each venue for a maximum of eleven (11) Extended Trading Permit dates only during the period 12 June 2010 and 12 July 2010;*
  - (b) *the maximum accommodation numbers for the Flying Scotsman shall be limited to eighty (80) patrons and the Paddington Alehouse shall be limited to two-hundred (200) patrons;*
  - (c) *the Licensee of the Flying Scotsman and Paddington Alehouse agreeing to abide by the Code of Conduct of the Vincent Accord;*
  - (d) *the applicants complying with the policies of the Department of Racing, Gaming and Liquor, particularly in relation the 2010 FIFA World Cup, including security, responsible service of alcohol and lock out provisions; and*
  - (e) *resident notification of the proposed dates and times must be issued to all residences within a 200 metre radius via a letter-box drop, within two weeks of the first extended trading period, including duty contact details of the Licensed Premises; and*
  - (f) *that the Town reserves the right to withdraw its support of the Extended Trading Permit applications, at any stage during 12 June 2010 to 12 July 2010, should significant justifiable complaints be received;*
- (ii) **NOTES** *that a further report will be submitted following completion of the 2010 FIFA World Cup ETP trial, with the view of adopting a formal policy position in relation to the approval of Extended Trading Permits for future sporting and/or other nationally significant event;*

- (iii) *REQUESTS the Department of Racing, Gaming and Liquor provide at least two (2) months notice (wherever possible) to the Town of future sporting events and the Department's policies where extended trading for televised sporting events is concerned; and*
- (iv) *ADVISES the Department of Racing, Gaming and Liquor, WA Police, the proprietor of the Flying Scotsman and Paddington Alehouse of its decision.*

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**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT NO 1

**Moved Cr Maier, Seconded Cr Burns**

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

*“(i)(a) support will be given to each venue for a maximum of equivalent to the number of Australian matches plus final matches or a maximum of eleven (11), whichever is greater, Extended Trading Permit dates only during the period 12 June 2010 and 12 July 2010;”*

**AMENDMENT NO 1 PUT AND CARRIED (5-2)**

**For:** Mayor Catania, Cr Burns, Cr Farrell, Cr Lake, Cr Maier

**Against:** Cr Buckels, Cr McGrath

(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)

Debate ensued.

AMENDMENT NO 2

**Moved Cr Buckels, Seconded Cr McGrath**

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

*“(i)(a) support will be given to the Paddington Alehouse for a maximum of fourteen (14) and to the Flying Scotsman Tavern for a maximum of nineteen (19) each venue for a maximum of eleven (11) Extended Trading Permit dates only during the period 12 June 2010 and 12 July 2010, subject to the Town of Vincent having the right to withdraw their support for the Extended Training Permit applications at any stage during 12 June 2010 and 12 July 2010, should significant justifiable complaints be received;”*

Debate ensued.

Cr Topelberg entered the Chamber at 6.52pm.

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

**For:** Cr Buckels, Cr Farrell, Cr McGrath, Cr Topelberg

**Against:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Lake, Cr Maier

(Cr Harvey was an apology for the meeting.)

**Debate ensued.**

**AMENDMENT NO 3**

**Moved Cr Burns, Seconded Cr Farrell**

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

*“(i)(b) the maximum accommodation numbers for the Flying Scotsman shall be limited to fifty (50) ~~eighty (80)~~ patrons and the Paddington Alehouse shall be limited to two-hundred (200) patrons;”*

**AMENDMENT NO 1 PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Burns, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier,  
Cr Topelberg

**Against:** Cr Buckels

**(Cr Harvey was an apology for the meeting.)**

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

**(Cr Harvey was an apology for the meeting.)**

**ADDITIONAL INFORMATION:**

Health Services have further advised that WA Police have similarly not objected to the Paddington's FIFA World Cup applications and supports the Town's recommendations, particularly in relation to the reduction in approved numbers.

**COUNCIL DECISION ITEM 9.1.14**

*That the Council;*

(i) ***SUPPORTS WITH CONDITIONS the one-off Extended Trading Permit Applications, from the Flying Scotsman Tavern, located at Nos. 639 – 643 Beaufort Street, Mount Lawley and for the Paddington Alehouse, located at No. 141 Scarborough Beach Road, Mount Hawthorn 2010 FIFA World Cup subject to the following:***

(a) ***support will be given to each venue for a maximum equivalent to the number of Australian matches plus final matches or a maximum of eleven (11), whichever is greater, Extended Trading Permit dates only during the period 12 June 2010 and 12 July 2010;***

(b) ***the maximum accommodation numbers for the Flying Scotsman shall be limited to fifty (50) patrons and the Paddington Alehouse shall be limited to two-hundred (200) patrons;***

(c) ***the Licensee of the Flying Scotsman and Paddington Alehouse agreeing to abide by the Code of Conduct of the Vincent Accord;***

(d) ***the applicants complying with the policies of the Department of Racing, Gaming and Liquor, particularly in relation the 2010 FIFA World Cup, including security, responsible service of alcohol and lock out provisions; and***

- (e) *resident notification of the proposed dates and times must be issued to all residences within a 200 metre radius via a letter-box drop, within two weeks of the first extended trading period, including duty contact details of the Licensed Premises; and*
- (f) *that the Town reserves the right to withdraw its support of the Extended Trading Permit applications, at any stage during 12 June 2010 to 12 July 2010, should significant justifiable complaints be received;*
- (ii) *NOTES that a further report will be submitted following completion of the 2010 FIFA World Cup ETP trial, with the view of adopting a formal policy position in relation to the approval of Extended Trading Permits for future sporting and/or other nationally significant event;*
- (iii) *REQUESTS the Department of Racing, Gaming and Liquor provide at least two (2) months notice (wherever possible) to the Town of future sporting events and the Department's policies where extended trading for televised sporting events is concerned; and*
- (iv) *ADVISES the Department of Racing, Gaming and Liquor, WA Police, the proprietor of the Flying Scotsman and Paddington Alehouse of its decision.*

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that the Flying Scotsman located at Nos. 639 - 643 (Lot 1) Beaufort Street, Mount Lawley; and the Paddington Alehouse located at No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn have both applied to the Department of Racing, Gaming and Liquor (DRGL) for one-off Extended Trading Permits (ETP) to extend the premises' trading hours during the FIFA World Cup Season between 12 June and 12 July 2010.

**BACKGROUND:**

The Town received notification from the Department Racing, Gaming and Liquor (DRGL) in relation to an application by the Flying Scotsman Tavern requesting nineteen (19) Extended Trading Permits, to allow trading between the hours of Midnight and 5.00am for the 2010 FIFA World Cup. The FIFA World Cup is to be held in South Africa during the period of 12 June to 12 July 2010.

The FIFA World Cup is being hosted in South Africa and live coverage of the matches will occur between 10.00pm and 5.00pm AWST. The Paddington Alehouse has applied for fourteen (14) Extended Trading Permits during this period, with the Flying Scotsman having applied for nineteen (19) one-off Extended Trading Permits during the same period.

Following the belated notification of this application the Town's Health Services contacted all Vincent Accord members on 7 May 2010 to determine if there were any other Licensed Premises that intended to apply, so that the Town could commence community consultation. It was also established that the Paddington Alehouse had submitted an application to the DRGL requesting the approval of fourteen (14) Extended Trading Permits, during the same period.

**DETAILS:**

The Town's Health Services received full confirmation of the Flying Scotsman's intention to apply for these one-off Extended Trading Permits on 5 May 2010 and the Paddington Alehouse's application was received on 6 May 2010. The following table details the dates and times that each Licensed Premises has applied for Extended Trading Permits:

	<b>Paddington Alehouse</b>	<b>Flying Scotsman</b>
12 June 2010	-	1.00am – 5.00am
13 June 2010	Midnight – 5.30am	1.00am – 5.00am
14 June 2010	10.00pm – 5.30am	Midnight – 5.00am
15 June 2010	-	1.00am – 5.00am
16 June 2010	-	1.00am – 5.00am
18 June 2010	-	1.00am – 5.00am
19 June 2010	Midnight – 5.30am	1.00am – 5.00am
21 June 2010	Midnight – 5.30am	Midnight – 5.00am
24 June 2010	Midnight – 5.30am	1.00am – 5.00am
26 June 2010	Midnight – 5.30am	-
27 June 2010 – Round 16	Midnight – 5.30am	1.00am – 5.00am
28 June 2010 – Round 16	10.00pm – 5.30am	Midnight – 5.00am
29 June 2010 – Round 16	-	1.00am – 5.00am
30 June 2010 – Round 16	-	1.00am – 5.00am
3 July 2010 – Quarter Finals	Midnight – 5.30am	1.00am – 5.00am
4 July 2010 – Quarter Finals	Midnight – 5.30am	1.00am – 5.00am
7 July 2010 – Semi Finals	Midnight – 5.30am	1.00am – 5.00am
8 July 2010 – Semi Finals	Midnight – 5.30am	1.00am – 5.00am
11 July 2010 – Third Place	Midnight – 5.30am	1.00am – 5.00am
12 July 2010 - Final	10.00pm – 5.30am	Midnight – 5.00am

The Paddington Alehouse is applying for Extended Trading Permits applicable to the entire premises – maximum accommodation of 470. The Flying Scotsman is applying for Extended Trading Permits applicable to the 'Velvet Lounge' only. The 'Velvet Lounge' is restricted to a maximum accommodation number of 50 patrons.

**Paddington Alehouse**

The Paddington Alehouse's application included a 'Public Interest Assessment' (PIA) as required by the DRGL. The PIA provided the following information:

- The Paddington Alehouse believes that it is in the best interest of the public, that they open beyond their normal trading hours to showcase this event in a safe manner.
- The Paddington Alehouse was granted 12 Extended Trading Permits for the 2006 FIFA World Cup between the hours of Midnight and 5.30am. Alcohol sales were relatively small compared to soft drinks and food sales. Patronage was approximately 400 people on average and no complaints were made, nor were there any incidents recorded.
- Extended Trading Permits are only being applied for Australian group games, New Zealand games, England games and all finals.
- The security team is one of the best in Perth, 32 cameras have been installed to survey the premises and bar staff have completed the ICCWA Safer Bars program.
- More people are choosing to go somewhere to watch sport that provides a 'live' atmosphere and other services that can not be experienced at the home.
- The primary focus is for patrons to watch the World Cup, not for the consumption of alcohol.

- The strategies adopted by the Paddington Alehouse include security monitoring of streets within a 200 metre radius; a tea and coffee station and a food service will be provided; patrons seen drinking before arriving will not be permitted entry and only one exit and entry will be used so that patrons are monitored; extra security will be employed to monitor inside the venue; jugs of beer will not be served; and local Police and officials will be encouraged to monitor the premises.

### **Health Services Comment**

Extended Trading Permits were conditionally approved by the Town's Officers for the 2006 FIFA World Cup, with trading hours extending from Midnight to 5.00am. The Town's records revealed that only one complaint was received during the Paddington Alehouse' 2006 World Cup ETP period. The complaint was in relation to alleged vehicle and people noise during the ETP period.

### **Flying Scotsman**

A 'Public Interest Assessment' (PIA) was not provided by the Flying Scotsman despite requests by one of the Town's Officers. However, the Manager of the premises did advise the Officer that he was keen to provide a suitable venue to cater for football enthusiasts in the local community.

The Flying Scotsman has not applied for an ETP for previous World Cup Soccer events.

### **Department of Racing, Gaming and Liquor Policies**

The Department of Racing, Gaming and Liquor advised the Town on 7 May 2010 that they have implemented a policy for the assessment and determination of Extended Trading Permit applications relating to the coverage of FIFA World Cup matches at licensed premises. The Policy details the following restrictions on FIFA World Cup ETP approvals, as detailed below:

1. During permitted hours authorised under an ETP or a variation of conditions, the licensee is authorised to sell liquor on the licensed premises for consumption on the licensed premises only ancillary to the provision of televised coverage of FIFA World Cup 2010 matches.
2. There is to be no liquor discounting or advertising of cheap liquor during the period covered by the permit.
3. Live entertainment by one or more artists present in person, or performing by way of recorded music is prohibited.
4. For special facility licences required to provide food during permitted hours, this condition will not be varied. For other licence types, as a minimum, light food and non-alcoholic beverages such as tea and coffee, must be available during the hours authorised under an ETP or a variation of conditions.
5. The licensee and/or an approved manager must contact the Officer In Charge of the Police Station closest to the licensed premises within 24 hours prior to the extended trading permit and advise that trading will occur.
6. Subject to condition 7, patrons are prohibited from entering or re-entering the licensed premises twenty (20) minutes after the kick-off of each match. Patrons will not be permitted to re-enter the premises should they leave the premises after twenty (20) minutes from the kick-off of each match.

7. In the instance where the permitted hours under an ETP or a variation of conditions has been approved to accommodate the games scheduled to commence at 10.30pm and 2.30am the following day, patrons may be permitted to enter or re-enter the licensed premises during the interval between the conclusion of the 10.30pm match and twenty (20) minutes after the kick-off of the 2.30am match.
8. Patrons must vacate the licensed premises within 30 minutes of the conclusion of the game/s covered by the permit, or the time stipulated in the permit, whichever is the later.

### WA Police Comments

The WA Police Liquor Enforcement Unit was contacted in relation to these ETP applications. The WA Police advised that they have taken the approach of assessing application on a case-by-case basis. It is confirmed that no objection has been lodged by WA Police against the Flying Scotsman's application, so long as the DRGL policy is fully complied with. WA Police have not yet provided comment on the Paddington Alehouse's application.

### Public Comments

Due to a high level of community interest in licensing matters relating to both the Paddington Alehouse and Flying Scotsman in recent times, it was considered appropriate to consult the community in relation to the ETP applications received.

During the community consultation period, the Town received nine (9) objections to the Paddington Alehouse's application. With respect to the Flying Scotsman application, the Town received seven (7) objections and one (1) statement of support.

### Paddington Alehouse

Consultation Comments	Officer Comments
<p><b>Litter – 3 objectors</b></p> <ol style="list-style-type: none"> <li>1. <i>Every Monday morning before commencement of work I need to firstly tidy up and remove rubbish from outside of my premises.</i></li> <li>2. <i>The local community is likely to experience more safety concerns with discarded bottles etc around verges, carparks and laneways.</i></li> </ol>	<ul style="list-style-type: none"> <li>• The Paddington have advised that there will be strictly one entrance and exit to help monitor patrons effectively, including ensuring that alcohol is not removed from the premises.</li> <li>• Extra security will be employed to monitor within a 200 metre radius.</li> </ul>
<p><b>Patron Noise – 6 objectors</b></p> <ol style="list-style-type: none"> <li>3. <i>Patrons who smoke regularly, leave the building through the front entrance and Eastern entrance to smoke... ..They are often intoxicated and loud... ..Patrons also regularly leave the premises to go across the road to order kebabs... ..generally because the Paddington closes their kitchen at a certain time.</i></li> <li>4. <i>Almost every weekend after closing times, groups of young adults make huge amounts of noise, leave beer bottles everywhere etc. The thought of this happening at 5.30am when they've had even longer to get drunk is unthinkable.</i></li> </ol>	<ul style="list-style-type: none"> <li>• DRGL policy states a lock out must be enforced from twenty (20) minutes after the kick-off of the match. The Paddington Alehouse kitchen will be open for the duration of the extended trading period.</li> <li>• Extra security will be employed to monitor within a 200 metre radius.</li> <li>• The Town will stress the importance to both Licensees that all security personnel are appropriately briefed on their role in positively influencing the behaviour of patrons, particularly external to the venue.</li> </ul>

Consultation Comments	Officer Comments
<p>5. <i>There have been instances in the past where the patrons leaving the pub create loud noise.</i></p> <p>6. <i>People leaving the pub now cause damage, noise and nuisance after the current closing times. I do not want to be woken up throughout the night by drunken people leaving the Paddington.</i></p> <p>7. <i>Vehicles leaving the Paddington regularly make a lot of noise.</i></p> <p>8. <i>Residents are likely to be disrupted by patrons leaving in groups and returning to carparks.</i></p>	
<p><b>Lack of Public Interest – 5 objectors</b></p> <p>9. <i>If they were proposing to sell only non-alcoholic beverages or low alcohol until 5.30am then it may be regarded as a safe manner but the primary objective can only be to sell large quantities of alcohol to meet the cost/benefit for the licensee.</i></p> <p>10. <i>It is our view that an extension beyond 1.00am during midweek is not in the public interest, whose amenity and quiet enjoyment will be substantially impacted upon.</i></p> <p>11. <i>In our experience hotel responsibility has been less than adequate.</i></p> <p>12. <i>The application appears contrary to the Vincent Accord particularly in relation to the principles of responsible drinking culture and decrease in alcohol related anti-social behaviour.</i></p> <p>13. <i>Given the hours of the event and the availability of coverage on paid television, there would be sufficient options for most people to view the events in the safety and comfort of their own homes or with close family and friends, without needing the Alehouse.</i></p>	<ul style="list-style-type: none"> <li>● DRGL policy states that the sale of liquor for consumption on the premises is 'ancillary' to the provision of televised coverage of FIFA World Cup 2010 matches.</li> <li>● The Paddington Alehouse claims that the uptake of alcohol by patrons during the 2006 World Cup Soccer event was "<i>relatively small</i>" compared to soft drink and food sales. It is further claimed that the interest in attending licensed venues for such an event is to create a 'live, at the game atmosphere', and not primarily to drink alcohol. The Town's Officers are of the opinion that the small number of complaints received in relation to the 2006 World Cup Soccer event, lend to this statement.</li> <li>● Prior to 2006 World Cup Soccer, events were well covered live by free to air television stations. The only difference between the services now provided by paid television is that viewers may have a greater choice of which match they wish to watch. However, this is not considered to be plausible argument detracting from public showing of the event being in the Public Interest.</li> </ul>
<p><b>Lack of Transport options – 2 objectors</b></p> <p>14. <i>Games played on a Saturday evening will mean a lack of transport options for patrons needing to get home on Sunday morning. The buses do not start until several hours after the match finishes.</i></p> <p>15. <i>There is a risk of loitering and patrons being unable to access sufficient transport.</i></p>	<ul style="list-style-type: none"> <li>● Supported.</li> <li>● Extra security will be employed to monitor within a 200 metre radius. In the event of the Council approving the above Officer Recommendation, the Licensees of both venues will be requested to appropriately brief their security personnel.</li> </ul>

Consultation Comments	Officer Comments
<p><b>Parking – 1 objector</b></p> <p>16. <i>There is already a significant parking issue on the streets immediately around the Paddington Alehouse. It is common knowledge that parking inspectors do not work after a certain time in the evening so parking issues will become the problem of the residents.</i></p>	<ul style="list-style-type: none"> <li>● Parking concerns could be allayed within the vicinity of the Paddington Alehouse by making the Town's approval on their Extended Trading Permits conditional on the capacity of the venue being reduced by 50% during this period. Designated Parking Facilities should be adequate to cope with 50% capacity and make it easier for security to patrol.</li> </ul>
<p><b>Loss of Amenity – 3 objectors</b></p> <p>17. <i>It is the nearby residents of Mt Hawthorn who have to put up with the effects of the venue and its patrons, some of whom do not respect that it is also a residential area.</i></p> <p>18. <i>There are problems and concerns with patrons under existing hours. Additional trading hours will exacerbate these problems.</i></p> <p>19. <i>We have school aged children and at 5.30am they are starting to wake up for the day and we feel that being exposed to the rowdy, foul-mouthed crowd who regularly leave the Paddington Alehouse is not in their best interests.</i></p>	<ul style="list-style-type: none"> <li>● It is anticipated that the restrictive conditions to be placed on the Extended Trading Permits will abate these concerns. In addition, the small number of complaints received in relation to the 2006 World Cup Soccer event (at 3 venues within the Town), suggest that the Venues will operate in a significantly different form than is the case for normal operations. The age demographic is expected to be broader at both venues than normally accustomed.</li> <li>● Extra security will be employed to monitor within a 200 metre radius.</li> </ul>
<p><b>Security – 1 objector</b></p> <p>20. <i>There have been several instances where security have attended and declined to become involved in moving on rowdy patrons.</i></p>	<ul style="list-style-type: none"> <li>● The Town will stress the importance to both Licensees that all security personnel are appropriately briefed on their role in positively influencing the behaviour of patrons, particularly external to the venue.</li> </ul>

**Flying Scotsman**

Consultation Comments	Officer Comments
<p><b>Noise – 6 objectors</b></p> <p>1. <i>The hotel continues to belt out music which seems to have become louder in the past 6 months.</i></p> <p>2. <i>Current closing hours still result in noisy patrons in Grosvenor Road creating disturbances.</i></p> <p>3. <i>Soccer supporters will be returning to their cars at all hours of the morning for a period of four weeks.</i></p> <p>4. <i>The prospect of rowdy, drunken patrons potentially coming and going the entire night is the stuff of nightmares!</i></p>	<ul style="list-style-type: none"> <li>● Live entertainment and recorded music will be prohibited.</li> <li>● DRGL policy states a lock out must be enforced from twenty (20) minutes after the kick-off of the match.</li> <li>● Due to a reduced number of patrons for which the Extended Trading Permits would apply (50 people) and given the lock out requirement imposed by DRGL, normal noise levels produced by patrons coming and going from the venue are unlikely to be experienced.</li> </ul>

Consultation Comments	Officer Comments
<p>5. <i>We can anticipate noisy exits from the pub extended to the middle of the night as patrons go back to their cars.</i></p> <p>6. <i>The noise from the patrons leaving the hotel is enough to wake us. The regular squealing of tyres, people shouting, bottles being smashed and noisy conversations make for a night we don't look forward to.</i></p>	
<p><b>Parking – 3 objectors</b></p> <p>7. <i>Parking in the street is already a problem, particularly Wednesday and the weekends, including Sunday night.</i></p> <p>8. <i>There is a lack of parking in Grosvenor Road already and this situation will be exacerbated if extended trading hours were granted.</i></p> <p>9. <i>Parking on most nights recently has been almost impossible anywhere close to my property.</i></p>	<ul style="list-style-type: none"> <li>• The maximum accommodation number for the 'Velvet Lounge' is 50 people. 151 car parking bays are available in the Chelmsford Road and Raglan Road car parking areas located west of the venue. As a result, parking is not likely to present a significant impost.</li> </ul>
<p><b>Anti-Social Behaviour and amenity – 2 objectors</b></p> <p>10. <i>When they (the patrons) return to their vehicles or walk home, we have had many frequent occasions of loud and disorderly conduct.</i></p> <p>11. <i>The abandoned and broken bottles and glasses, the vandalism to vehicles parked on the street, and the general disregard for residents' peace and quiet in the middle of the night can only be made worse by a bunch of football fans drinking until 5.00am and then being turned out onto the streets.</i></p> <p>12. <i>With the Flying Scotsman's current record and the extremely close proximity of residential homes, we urge this licence not be granted. Residents put up with enough drunken and disorderly behaviour from the venue as it is.</i></p>	<ul style="list-style-type: none"> <li>• DRGL policy states a lock out must be enforced from twenty (20) minutes after the kick-off of the match.</li> <li>• The venue should employ security to monitor within a 100 metre radius of the Flying Scotsman.</li> <li>• The Town will stress the importance to both Licensees that all security personnel are appropriately briefed on their role in positively influencing the behaviour of patrons, particularly external to the venue.</li> </ul>
<p><b>Litter – 2 objectors</b></p> <p>13. <i>There is commonly empty stubbies and general litter scattered along Grosvenor Road.</i></p> <p>14. <i>In recent months the litter problem has once again increased.</i></p>	<ul style="list-style-type: none"> <li>• There are many venues within the area that litter could be attributed to, however, should the Council support the Flying Scotsman's application, a condition of approval will be to ensure that appropriate cleaning within a 150metre radius of the venue is undertaken.</li> </ul>
<p><b>Serving of Alcohol – 1 objector</b></p> <p>15. <i>The serving of alcohol between these hours is excessive and unnecessary in my opinion.</i></p>	<ul style="list-style-type: none"> <li>• DRGL policy states that the sale of liquor for consumption on the premises is ancillary to the provision of televised coverage of FIFA World Cup 2010 matches.</li> </ul>

Consultation Comments	Officer Comments
<p><b>Lack of Public Interest – 2 objectors</b></p> <p>16. <i>If people so desperately want to watch these games in the middle of the night, let them stay home to do it, and leave the residents of Mount Lawley with what little peace remains to them.</i></p> <p>17. <i>With Foxtel available to everyone, why does the hotel need to stay open all hours?</i></p>	<ul style="list-style-type: none"> <li>• Refer to corresponding comments made in relation to the Paddington Alehouse.</li> </ul>
<p><b>Supporting Statement</b></p> <p>18. <i>I have lived (near to the Flying Scotsman) for 3 years and have had no problems due to the proximity of the Flying Scotsman or any other establishment in the area.</i></p>	

The Town's Officers fully understand the concerns expressed in the objections provided above. However, the Town's records relating to identical Extended Trading Permits relevant to the Paddington Alehouse, Leederville Hotel and ME Bank Stadium for the 2006 FIFA World Cup Soccer event demonstrate an absence of objective facts supporting the claim that a range of significant problems will be experienced.

In view of the above, and in taking into consideration the perceived concerns of a number of residents into consideration, it is recommended that Extended Trading Permits be supported on a trial basis only, and the number of approved dates be reduced to eleven (11) for each venue, with the recommendation of a fifty percent (50%) restriction being applied to the Paddington Alehouse's maximum accommodation numbers (200 patrons). Furthermore, a letterbox drop to the surrounding community (200metre radius) shall be undertaken at least fourteen (14) days prior to the first Extended Trading Permit period.

Should justifiable complaints be received by the Town or by WA Police in conjunction with the Town, the Town's Officers should immediately report any concerns to the Department of Racing, Gaming and Liquor and request that the approvals be withdrawn immediately.

**CONSULTATION/ADVERTISING:**

Whilst not specifically required by Town of Vincent Policy 4.1.5 - 'Community Consultation', a letter drop to residents seeking comment on the Extended Trading Permit applications received was undertaken to all owners and occupiers within a 200 metre radius of both premises on 10-11 May 2010. Submissions were requested by close of business 17 May 2010, to enable the matter to be reported to the Ordinary Meeting of Council on 25 May 2010.

**LEGAL POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2009 – 2014:

*“Natural and Built Environment:*

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

*Community Development*

*3.1.3 Determine the requirements of the community and focus on needs, value, engagement and involvement.*

**SUSTAINABILITY IMPLICATIONS:**

It is essential for sustainable coexistence that the Town supports the needs of both residents and business', whilst facilitating a compromise where conflicts that arise from mixed land use interface exists.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Officers recommend that the Council support the 2010 FIFA World Cup ETP applications for the Flying Scotsmen Tavern and the Paddington Alehouse.

**9.1.4 Nos. 427-429 (Lot 100; D/P 65361) William Street, corner Robinson Avenue, dual frontage to Brisbane Place, Perth – Proposed Construction of Two-Storey Commercial Building Comprising Showrooms, Offices and a Two-Storey Grouped Dwelling to Existing Place of Public Worship**

<b>Ward:</b>	South	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0495; 5.2009.587.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**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 John Silbert and Associates Pty Ltd on behalf of the owner Perth Mosque Inc. for proposed Construction of Two-Storey Commercial Building Comprising Showrooms, Offices and a Two-Storey Grouped Dwelling to Existing Place of Public Worship, at Nos. 427-429 (Lot 100; D/P 65361) William Street, corner Robinson Avenue, dual frontage to Brisbane Place, Perth, and as shown on plans stamp-dated 19 March 2010 and 13 May 2010, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from William Street, Robinson Avenue and Brisbane Place;*
- (ii) *any new street/front wall, fence and gate within the Brisbane Place setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of No. 441 William Street and No. 6 Brisbane Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 441 William Street and No. 6 Brisbane Place in a good and clean condition;*
- (iv) *the subject proposed development of this application shall not be used as a Place of Public Worship;*
- (v) *the maximum gross floor area:*
  - (a) *of the showrooms shall be limited to 306 square metres; and*
  - (b) *of the offices shall be limited to 425 square metres.*

*Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the Town;*

- (vi) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting William Street shall maintain an active and interactive relationship with this street;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$18,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,800,000); and*
- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (ix) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
- (a) **Acoustic Report**
- An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;*

(b) Construction Management Plan

*A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:*

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. dilapidation Reports of nearby properties;*
- 6. air and dust management;*
- 7. stormwater and sediment control;*
- 8. soil excavation method (if applicable);*
- 9. waste management and materials re-use;*
- 10. traffic and access management;*
- 11. parking arrangements for contractors and subcontractors;*
- 12. Consultation Plan with nearby properties; and*
- 13. any other matters deemed appropriate by the Town;*

(c) Refuse Management

*A Refuse Management Plan shall be submitted and approved by the Town prior to commencement of works. The Plan should include details of refuse bin location, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications,*

*Commercial:*

- 1 x mobile garbage bin per unit; and*
- 1 x paper recycle bin per unit, or per 200 square metres of floor space;*

(d) Landscape and Reticulation Plan

*A detailed landscape and reticulation plan for the development site ~~and adjoining road verge~~ shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(e) Schedule of External Finishes

*A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted;*

(f) Awnings

*Continuous and complementary awnings being provided over the William Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of William Street;*

(g) Section 70A Notification

*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 dwelling that:*

- 1. the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- 2. the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. 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 dwellings;*

(x) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

(a) Bicycle Parking Facilities

*A minimum of 2 class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of 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;*

(b) Car Parking

- 1. 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;*
- 2. A minimum of 10 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*
- 3. A minimum of 2 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;*

4. *The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component and the Place of Public Worship outside normal business hours; and*
5. *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*

(c) Power Pole

*The power pole on Brisbane Place shall be relocated to accommodate the proposed crossover at the expense of the developer.*

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

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Cr Farrell departed the Chamber at 7.02pm.

Moved Cr Maier, Seconded Cr Lake

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell returned to the Chamber at 7.04pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr McGrath

“(v) *the maximum gross floor area:*

- (a) *of the showrooms shall be limited to 306 square metres. As per the definition in the Town of Vincent’s Town’s Planning Scheme No.1, a showroom means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature; and*

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

(Cr Harvey was an apology for the meeting.)

Debate ensued.

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

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.4**

*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 John Silbert and Associates Pty Ltd on behalf of the owner Perth Mosque Inc. for proposed Construction of Two-Storey Commercial Building Comprising Showrooms, Offices and a Two-Storey Grouped Dwelling to Existing Place of Public Worship, at Nos. 427-429 (Lot 100; D/P 65361) William Street, corner Robinson Avenue, dual frontage to Brisbane Place, Perth, and as shown on plans stamp-dated 19 March 2010 and 13 May 2010, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from William Street, Robinson Avenue and Brisbane Place;*
  - (ii) any new street/front wall, fence and gate within the Brisbane Place setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
  - (iii) first obtaining the consent of the owners of No. 441 William Street and No. 6 Brisbane Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 441 William Street and No. 6 Brisbane Place in a good and clean condition;*
  - (iv) the subject proposed development of this application shall not be used as a Place of Public Worship;*
  - (v) the maximum gross floor area:*
    - (a) of the showrooms shall be limited to 306 square metres. As per the definition in the Town of Vincent's Town's Planning Scheme No.1, a showroom means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature; and*
    - (b) of the offices shall be limited to 425 square metres.*
- Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the Town;*
- (vi) the doors, windows and adjacent floor areas on the ground floor and first floor fronting William Street shall maintain an active and interactive relationship with this street;*
  - (vii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

(viii) *The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*

(a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$18,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,800,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

*prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*

**OR**

(2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(ix) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Acoustic Report**

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;*

(b) **Construction Management Plan**

*A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:*

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. dilapidation Reports of nearby properties;*
- 6. air and dust management;*

7. *stormwater and sediment control;*
8. *soil excavation method and de-watering (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(c) **Refuse Management**

*A Refuse Management Plan shall be submitted and approved by the Town prior to commencement of works. The Plan should include details of refuse bin location, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications,*

*Commercial:*

*1 x mobile garbage bin per unit; and*

*1 x paper recycle bin per unit, or per 200 square metres of floor space;*

(d) **Landscape and Reticulation Plan**

*A detailed landscape and reticulation plan for the development site shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

1. *the location and type of existing and proposed trees and plants;*
2. *all vegetation including lawns;*
3. *areas to be irrigated or reticulated;*
4. *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
5. *separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(e) **Schedule of External Finishes**

*A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted;*

(f) **Awnings**

*Continuous and complementary awnings being provided over the William Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of William Street;*

(g) Section 70A Notification

*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 dwelling that:*

1. *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
2. *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. 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 dwellings;*

(x) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

(a) Bicycle Parking Facilities

*A minimum of 2 class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of 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;*

(b) Car Parking

1. *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;*
2. *A minimum of 10 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*
3. *A minimum of 2 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;*
4. *The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component and the Place of Public Worship outside normal business hours; and*
5. *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*

(c) Power Pole

*The power pole on Brisbane Place shall be relocated to accommodate the proposed crossover at the expense of the developer.*

<b>Landowner:</b>	Perth Mosque Inc
<b>Applicant:</b>	J L Silbert
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial and Residential R80
<b>Existing Land Use:</b>	Place of Public Worship and Vacant Land
<b>Use Class:</b>	Place of Public Worship, Showrooms, Offices and Grouped Dwelling
<b>Use Classification:</b>	“AA” and “P”
<b>Lot Area:</b>	2028 square metres
<b>Access to Right of Way</b>	Not Applicable.

**BACKGROUND:**

- 25 September 2001 The Council conditionally approved the demolition of the existing buildings.
- 5 November 2002 The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house.
- 27 May 2003 The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house.
- 13 February 2007 The Council at its Ordinary Meeting refused an application for construction of four (4), single storey showrooms fronting William Street and 22 car parking bays with vehicle access from Brisbane Place on the subject property. The proposed car park was to be for use by the congregation of the Perth Mosque located on an adjoining property.
- 27 May 2008 The Council at its Ordinary Meeting conditionally approved an application for proposed two-storey mixed-use development comprising showrooms and administration, library and office associated with the adjacent place of public worship, one multiple dwelling and three two-storey grouped dwellings and associated car parking.
- 9 March 2009 The Western Australian Planning Commission conditionally approved the amalgamation of the subject site.
- 19 October 2009 The Western Australian Planning Commission endorsed the deposited plan for the amalgamation of the subject site.

**DETAILS:**

The proposal involves the construction of a commercial building comprising of showrooms on the ground floor and an administration centre of the Mosque and Offices on the upper floor. This building will be located on the “Commercial” zoned portion of the land. The “Residential R80” portion of the land will involve the construction of a grouped dwelling that fronts onto Brisbane Place, with car parking associated with the residential and commercial components, located at the rear of the dwelling, in the centre of the site.

**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:	11.28 grouped dwellings at R60	1 grouped dwelling at R60	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Dwelling Upper Floor -North-West (Brisbane Place) Balcony	1 metre behind the ground floor main building line.	1 metre in front to 1 metre behind the ground floor main building line.	Supported – The Brisbane Place streetscape is characterised by ‘nil’ street setbacks and sides of dwellings, with their front to other streets. In this instance, this variation will not result in an undesirable outcome for the area and streetscape.
Main Building	2 metres behind the ground floor main building line.	In line to 3.3 metres behind the ground floor main building line.	Supported – The Brisbane Place streetscape is characterised by ‘nil’ street setbacks and sides of dwellings, with their front to other streets. In this instance, this variation will not result in an undesirable outcome for the area and streetscape.
Open Space: Dwelling	45 percent of the site area.	29 percent of the site area.	Supported – The proposed open space for the exclusive area of the grouped dwelling is 29 percent; however, in terms of open space on the site, the percentage is much greater due to the open car park located in the centre of the site.
Outdoor Living Area:	Provided behind the street setback area.	Provided within the Brisbane Place setback area.	Supported – Due to the variation in the open space requirement, it is desirable for the open outdoor living area to be located in the front setback area to give an openness illusion of the dwelling on the Brisbane Place streetscape.
<b>Car Parking</b>			
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Office – 1 space per 50 square metres of gross floor area Gross Floor Area = 425 square metres (requires 8.5 car bays)</li> <li>• Showroom – 3 spaces for the first 200 square metres of gross floor area and 1 space per 100 square metres thereafter Gross Floor Area = 306 square metres (requires 4.06 car bays)</li> </ul> Total car bays required = 12.56 car bays			13 car bays

Apply the adjustment factors. <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>	(0.6141)  = 7.98 car bays
Minus the car parking provided on-site	10 car bays for commercial
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant surplus	2.02 car bays

The subject vacant land has been recently amalgamated with the neighbouring place of public worship (mosque); however, the car parking assessment does not include the Mosque as there has never been any onsite car parking for the Mosque.

<b>Bicycle Parking</b>		
Showroom – N/A		
Office (425 square metres proposed)		
<ul style="list-style-type: none"> <li>• 1 space per 200 square metres of gross floor area for employees (class 1 or 2) = 2.13 spaces</li> <li>• 1 space per 750 square metres of public area for visitors over 1000 square metres (class 3) = N/A</li> </ul>		
Total class one or two bicycle spaces = 2.13 spaces = 2 spaces		
Total class three bicycle spaces = Nil spaces		
<b>Consultation Submissions</b>		
Support	Nil	Noted.
Objection (1)	No comments provided.	Noted.
<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 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:

### Department of Planning

The Department of Planning have assessed the application and have no objections to the development, as the development takes the Other Regional Road reservation into account and that all vehicular access is provided from Brisbane Place.

Furthermore, the applicant was required to submit a transport report, in which the Department have also assessed and has no objections on regional transport grounds.

### Heritage

At the Ordinary Meeting of Council held on 13 February 2007, an application for proposed four single-storey showrooms and car park at Nos. 433-437 (Lots: 12 and 15) William Street, and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge was refused. The following clause was included by the Council in the refusal:

*‘(ii) the Town SUPPORTS, in principle, an Islamic streetscape for the site given its location albeit with the provision of an awning.’*

Subsequent to this, the Council at its Ordinary Meeting held on 27 May 2008 approved an application for Two-Storey Mixed Use Development Comprising Showrooms; Administration, Library and Office Associated with Adjacent Place of Public Worship, One (1) Multiple Dwelling, Three (3) Two-Storey Grouped Dwellings and Associated Car Parking. The front façade of this development was reflective of the adjacent Islamic Mosque architectural detailing.

On 22 December 2009, a further development application was received for the subject site. This application was similar in architectural design to the one previously approved; however, its land use composition had changed. It is noted that since the approval of the previous development application, the landowner had amalgamated the subject land with that of the adjacent Mosque.

The Mosque is on the Town's Municipal Heritage Inventory and on the Heritage Council of Western Australia's State Register of Heritage Places Assessment Program. As the subject site was amalgamated, it now falls within the curtilage of the heritage listed Mosque, and hence was referred to the Heritage Council of Western Australia for comment. Prior to the amalgamation, the subject site simply abutted the Mosque and no referral was required.

In a letter dated 4 February 2010, the Heritage Council recommended that *"the façade of the new build on William Street be redesigned. It would be our preference if the new build's design was of a more simplistic and modern nature that does not mimic the architectural details of the mosque. This would be a more sympathetic and favourable approach to the adjacent heritage building."*

The Town has liaised with the Architect in response to the Heritage Council's advice. It is to be noted that as the place has not been formally adopted onto the State Register, the Town is not bound by the advice of the Heritage Council.

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

**9.1.5 No. 3 (Lot 117, D/P 12521) Deague Court, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings with Loft**

<b>Ward:</b>	North	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO4723; 5.2010.106.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**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 Bransby on behalf of the owner A Kisiel for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings with Loft, at No. 3 (Lot 117, D/P 12521) Deague Court, North Perth, and as shown on amended plans stamp-dated 12 March 2010 and 22 April 2010, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Deague Court;*
- (ii) *any new street/front wall, fence and gate within the Deague Court and Bourke Street setback areas, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of Nos. 1 and 5 Deague Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 1 and 5 Deague Court in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vi) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

**(a) — Screening**

~~*The balconies to Nos. 3A and 3B Deague Court on the first floor, on the eastern and western elevations 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 that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1 and 5 Deague Court, North Perth, stating no objection to the respective proposed privacy encroachment.*~~

~~*All screens provided shall comply with the definition of the Residential Design Codes 2008.*~~

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

**(ab) Landscaping and Reticulation Plan**

*A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated and such method;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

**(be) Car Parking**

*All car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*

**(cd) Lofts**

*The proposed dormer windows to the lofts are to have a maximum aggregate length of 3.54 metres (20 per cent), of the length of the dwellings on the east and west elevations;*

**(de) Essential Facilities**

*An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres, for each group dwelling; and*

**(ef) Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. Dilapidation Reports of nearby properties;*
- 6. air and dust management;*
- 7. waste management and materials re-use;*
- 8. parking arrangements for contractors and subcontractors;*
- 9. Consultation Plan with nearby properties; and*
- 10. any other matters deemed appropriate by the Town;*

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

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Maier, Seconded Cr Lake**

*That a new subclause (vi)(f) be inserted as follows:*

*“(vi)(f) revised plans demonstrating the ground floor finished floor level being raised to the satisfaction of the Town.”*

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

(Cr Harvey was an apology for the meeting.)

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

(Cr Harvey was an apology for the meeting.)

COMMENTS:

As the balconies overlook into the front yards of the adjoining two properties, screening is not required in this instance, as the condition was incorrectly imposed.

**COUNCIL DECISION ITEM 9.1.5**

*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 Bransby on behalf of the owner A Kisiel for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings with Loft, at No. 3 (Lot 117, D/P 12521) Deague Court, North Perth, and as shown on amended plans stamp-dated 12 March 2010 and 22 April 2010, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Deague Court;*
- (ii) any new street/front wall, fence and gate within the Deague Court and Bourke Street setback areas, including along the side boundaries within this street setback area, shall comply with the Town’s Policy provisions relating to Street Walls and Fences;*
- (iii) first obtaining the consent of the owners of Nos. 1 and 5 Deague Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 1 and 5 Deague Court in a good and clean condition;*

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vi) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Landscaping and Reticulation Plan**

*A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.*

*For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:*

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated and such method;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of materials to be used).*

*The Council encourages landscaping methods and species selection which do not rely on reticulation.*

*All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(b) **Car Parking**

*All car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*

(c) **Lofts**

*The proposed dormer windows to the lofts are to have a maximum aggregate length of 3.54 metres (20 per cent), of the length of the dwellings on the east and west elevations;*

(d) **Essential Facilities**

*An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres, for each group dwelling;*

(e) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *waste management and materials re-use;*
8. *parking arrangements for contractors and subcontractors;*
9. *Consultation Plan with nearby properties; and*
10. *any other matters deemed appropriate by the Town; and*

(f) *revised plans demonstrating the ground floor finished floor level being raised to the satisfaction of the Town.*

<b>Landowner:</b>	A Kisiel
<b>Applicant:</b>	S Bransby
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Existing Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	357 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

28 July 2009 Council refused the application at its Ordinary Meeting, for the following reasons:

- “(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town’s Policy No. 3.2.1 - Residential Design Elements requirements for the number of storeys, lofts, building height, street setbacks and setback of garages and carports; and*
- (iii) consideration of the objections received.”*

**DETAILS:**

The proposal involves the demolition of the existing single house and the construction of two (2), two-storey grouped dwellings with loft.

This new proposal includes the following modifications to the original application, which was refused by the Council on 28 July 2009.

- Second floor now removed and transformed to a loft which has been incorporated within the roof space of the two storey dwelling;
- Ground floor entry amended to bring forward the main building line of the dwellings to ensure the garage is setback a minimum of 500 millimetres behind the main building line;

- Building height reduced to comply with a maximum wall height of 6 metres and top of roof pitch height of 9 metres;
- Privacy variations from the first and second floors which affect the privacy of the adjoining properties have been amended to comply; and
- The hydraulic car stackers have been removed and replaced with single car garages and brick paved driveways, which provide the required two (2) car parking bays for each proposed dwelling.

The applicant has submitted a comprehensive justification (attached) in support of the development, which is also "*Laid on the Table*".

**ASSESSMENT:**

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

<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>
<b>Density:</b>	<p>1.983 grouped dwellings.</p> <p>Average 180 square metres per grouped dwelling.</p> <p>Total site area of 360 square metres.</p>	<p>2 grouped dwellings.</p> <p>Average of 178.8 square metres per grouped dwelling.</p> <p>Total site area of 357.6 square metres.</p>	<p>Supported – The proposed development has a site area of 357.6 square metres, with an average site area per dwelling of 178.8 square metres. Therefore, the proposed two (2), two-storey grouped dwellings with loft is 0.67 per cent (2.4 square metres) less in area than that required to achieve the average site area per dwelling required of 180 square metres.</p> <p>Whilst the proposed development does not comply with the density requirement for average site area, it satisfies the performance criteria of Clause 6.1.3 of the Residential Design Codes relating to variation of site area requirements as the variation is no more than five (5) per cent less in area specified in Table 1 (R Codes) and facilitates the development of lots with separate and sufficient frontage to more than one public street.</p>

<p><b>Street Setbacks – Deague Court:</b></p>			
<p><i>Upper Floor</i></p>	<p>Upper floor to be setback a minimum of 2 metres behind the ground floor setback.</p>	<p>Upper floors are not setback the required 2 metres behind the ground floor setback.</p>	<p>Supported – Not considered to have undue impact on neighbouring properties or surrounding amenity as along the street, there are other two-storey dwellings. Therefore, the streetscape is not considered to be predominately single storey.</p> <p>Whilst the previous application was two (2), three-storey grouped dwellings; this new application is for two (2), two-storey grouped dwellings with loft, which better complements the existing style and height of housing in the street.</p> <p>In addition, varying finishes and staggering of the upper floor walls facing Deague Court, have been utilised to moderate the impact of the building on the existing streetscape, and the lesser setback of the upper floor walls and balconies, in relation to the ground floor, helps in the contemporary design of the development.</p>
<p><i>Balcony</i></p>	<p>Balconies on upper floor are to be setback a minimum of 1 metre behind the ground floor setback.</p>	<p>Balconies on upper floor are not setback the required 1 metre behind the ground floor setback.</p>	<p>As above.</p>
<p><b>Boundary Setbacks: Ground Floor 3A Deague Court</b>  (West) - Garage</p>	<p>1 metre</p>	<p>Nil</p>	<p>Supported – Not considered to have an undue impact on the amenity of the adjoining property.</p>

(West) – Bed 2/Bathroom	1 metre	Nil	Supported – Not considered to have an undue impact on the amenity of the adjoining property.
<i>3B Deague Court</i>			
(East) - Garage	1 metre	Nil	Supported – Not considered to have an undue impact on the amenity of the adjoining property.
(East) – Bed 2/Bathroom	1 metre	Nil	Supported – Not considered to have an undue impact on the amenity of the adjoining property.
<b>Upper Floor</b> <i>3A Deague Court</i>			
(West) - WIR	1.2 metres	0.75 metre	Supported - Not considered to have an undue impact on the amenity of the adjoining property as the proposal is now only for a two-storey dwelling with loft. The loft is not constituted as an additional storey as it is contained within the roof space; thus, the visual impact of bulk and scale on adjoining properties is reduced as a result of this, along with maintaining openness to the rear.
(West) – Meals/Kitchen	1.2 metres	0.75 metres	Supported - Not considered to have an undue impact on the amenity of the adjoining property as the proposal is now only for a two-storey dwelling with loft. The loft is not constituted as an additional storey as it's contained within the roof space thus the visual impact of bulk and scale on adjoining properties is reduced as a result of this along with maintaining openness to the rear.

<p><i>3B Deague Court</i> (East) - WIR</p>	<p>1.2 metres</p>	<p>0.75 metre</p>	<p>Supported - Not considered to have an undue impact on the amenity of the adjoining property as the proposal is now only for a two-storey dwelling with loft. The loft is not constituted as an additional storey as it is contained within the roof space; thus, the visual impact of bulk and scale on adjoining properties is reduced as a result of this, along with maintaining openness to the rear.</p>
<p>(East) Meals/Kitchen</p>	<p>– 1.2 metres</p>	<p>0.75 metres</p>	<p>Supported - Not considered to have an undue impact on the amenity of the adjoining property as the proposal is now only for a two-storey dwelling with loft. The loft is not constituted as an additional storey as it's contained within the roof space thus the visual impact of bulk and scale on adjoining properties is reduced as a result of this along with maintaining openness to the rear.</p>
<p><b>Buildings on Boundary:</b></p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>Four boundary walls proposed on two side boundaries for both 3A and 3B Deague Court.</p> <p><i>3A Deague Court</i></p> <p>Two Parapet Walls on Western Boundary: Wall Height – 2.82 metres Wall Length – Required: 2/3 = 17.84 metres Proposed length = 12.56 metres (total)</p>	<p>Supported – No undue impact on neighbouring properties or surrounding amenity and wall heights and length comply with requirements.</p>

		<p><i>3B Deague Court</i></p> <p>Two Parapet Walls on Eastern Boundary: Wall Height – 2.82 metres Wall Length – Required: <math>\frac{2}{3} = 17.84</math> metres Proposed length = 12.56 metres (total)</p>	
<b>Garage Doors:</b>	Garage door facing the primary street is not to occupy more than 60% of the frontage where an upper floor or balcony extends for the full width of the garage.	61.37% for both units.	Supported – Extensive glazing of the first floor façade along with differing materials on the front elevation, facing Deague Court, enhances the appearance of the dwelling and ensures that the garage doors do not dominate the streetscape.
<b>Open Space:</b>	45% minimum total of site.	<p>44.23% for 3A Deague Court</p> <p>43.67% for 3B Deague Court</p> <p>Total Open Space of site is 44.02%.</p>	<p>Supported – Minor variations and both dwellings provide ground floor front setbacks which are compliant, along with more than the required 16 square metres of outdoor living area at the rear of the dwellings (36.3 square metres).</p> <p>This minor open space variation still allows the prominent characteristics of the streetscape, in particular, the front setbacks of the ground floor, to be compliant with the Town’s requirements.</p>
<b>Vehicular Access:</b>	Driveways are not to exceed 40 per cent of the frontage.	Proposed driveways occupy 44.9 per cent of the frontages for both proposed lots.	Supported – No undue impact on streetscape or surrounding amenity as proposed lots have a narrow frontage of 6.68 metres.



<b>Essential Facilities:</b>	An enclosed lockable storage area, constructed in a design and material matching the dwelling, accessible from the outside of the dwelling, with a minimum dimension of 1.5 metres with an internal area of 4 square metres.	No storage area proposed.	Not Supported – Condition placed for an enclosed, lockable storage area, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres, for both grouped dwellings.
<b>Consultation Submissions</b>			
Support (1)	No Comments.		Noted.
Objections (2)	Upper floors not setback required 2 metres.		Not Supported – Upper floors are not considered to have an undue impact on neighbouring properties amenity as along the street, there are other two-storey dwellings; thus, the streetscape is not considered to be predominately single storey. In addition, varying finishes and staggering of the upper floor walls facing Deague Court, have been utilised to moderate the impact of the building on the existing streetscape. In addition, the lesser setback of the upper floor walls and balconies helps in the contemporary design of the development.
	Balconies on upper floor are to be setback 1 metre behind the ground floor setback.		Not Supported – As above.
	Although top floor plan is classified as a so called “loft”, it is obvious that it is a third storey to accommodate owners living and not consistent with the meaning as given by Town of Vincent.		Not Supported – Top floor is considered as a ‘loft’ as it is contained between the roof pitch and the top of the ceiling of the storey immediately below it.
	Western ground floor boundary walls to be setback 1 metre.		Not Supported – Western ground floor boundary walls are not considered to have an undue impact on the amenity of the adjoining property.
	Parapet wall on western boundary setback as required by the Council.		Not Supported – Parapet walls comply with “Buildings on Boundary” requirements.

	Proposal interrupts existing streetscape comprising of single and two storey developments.	Not Supported – Proposal is now for two (2), two-storey grouped dwellings with loft, not three storeys, as previously Refused by the Council on 28 July 2009. Therefore, the two-storey grouped dwellings complement the other two storey developments within the streetscape.
	Proposed 3 storey development will significantly overshadow onto neighbouring property (1 Deague Court) outdoor courtyard.	Not Supported - Proposed development complies with the overshadowing requirements of the Residential Design Codes.
	Garage door more than 60% frontage.	Not Supported - Extensive glazing of the first floor façade along with differing materials on the front elevation, facing Deague Court, enhances the appearance of the dwelling and ensures that the garage doors do not dominate the streetscape.
	Driveways not exceed 40% frontage.	Not Supported – The driveways do not result in undue impact on the streetscape or surrounding amenity of nearby properties and the proposed lots have a narrow frontage of 6.68 metres.
	Loss of privacy due to loft window overlooking.	Not Supported – Loft windows have a sill height of 1.6 metres above the upper floor (second storey) level; therefore, are not classified as major opening windows and do not require visual privacy setbacks.

**Other Implications**

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

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

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

## COMMENTS:

### Demolition

The subject brick and tile dwelling at No. 3 Deague Court, North Perth was constructed circa 1977 features typical of a Late Twentieth Century Conventional Suburban Style Bungalow. The light brown brick house has a main hipped roof which is covered with earth colour tiles and supported by four brick columns.

The subject dwelling at No. 3 Deague Court, North Perth is not listed in the Wise's Post Office Directories when the Directories ceased its publication in 1949. There is limited information available that documents the ownership or development of the place. A full Heritage Assessment was undertaken for No. 3 Deague Court, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory, and as such the demolition is supported.

### Building Heights

The plans that were refused at the Ordinary Meeting of Council on 28 July 2009 for the subject site had an overall top of roof pitch height of 9.92 metres. It is the Town's practice to assess skillion roofs as concealed roofs, with a maximum height requirement of 7 metres; however, the skillion roof did possess some characteristics of a pitched roof which have a height requirement of 9 metres. As such, the proposed height was non-compliant with the Town's Residential Design Elements Policy (RDE's), and was subsequently not supported.

The plans as part of this application have addressed the building height issues by sinking the finished floor level of the dwellings below the natural ground levels on-site. This has resulted in the proposal complying with the maximum wall height of 6 metres and top of roof pitch height of 9 metres, from natural ground level.

### Lofts

In the original application refused by the Council on 28 July 2009, the proposed lofts were inconsistent with the provisions of the RDE's relating to lofts, and were therefore considered a third storey, which was not supported. As part of this proposal, the loft is contained within the roof space, does not increase the bulk of the building and does not resemble a third storey. However, the dormer windows on the east and west elevations of the lofts exceed the allowable length of 20 per cent of the length of the dwellings on those elevations. In *Frank Iemma and the Town of Vincent* [2008] WASAT 523, the State Administrative Tribunal (SAT) concluded that:

*“In regard to the dormer windows, the Council has a clear policy on the matter. This policy has, on the evidence provided to the Tribunal, been applied with some consistency in the locality, and there do not appear to be any circumstances in the present case to warrant deviation from the policy.”*

The proposed lofts are consistent with the provisions of the RDE's relating to lofts except, for the length exceeding the allowable 20 per cent of the length of the dwellings. Therefore, the lofts are supported at Officer level, with a condition placed that prior to the issue of a Building Licence, the dormer windows to the lofts to have a maximum aggregate length of 3.54 metres (20 per cent), of the length of the dwellings on the east and west elevations.

### Summary

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

**9.1.7 Construction Management Plans - Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	19 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Woodhouse, Coordinator Strategic Planning; R Rasiah, A/Manager Planning, Building & Heritage Services; C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES:**

- (a) *the Progress Report No. 1 concerning the utilisation of Construction Management Plans for new developments in the Town of Vincent; and*
- (b) *a copy of the Construction Management Plan Pro-Forma that is currently utilised by the Town, as shown in Attachment 001;*

(ii) **NOTES that a Progress Report relating to Construction Management Plans will be presented to Council by no later July 2010 comprising the following matters:**

- (a) *A summary of further research into best practice utilisation of Construction Management Plans;*
- (b) *A Draft Policy relating to Construction Management (for adoption);*
- (c) *A revised Pro-Forma for Construction Management Plans (for adoption);*
- (d) *Guidance Notes for applicants relating to preparing Construction Management Plans; and*

(iii) **REQUESTS that:**

- (a) *the following condition be applied to all development applications, which involve demolition of a building, excavation (such as basement parking, cellars), compaction of soil etc. as follows:*

**Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*

- 7.\* *stormwater and sediment control;*
- 8.\* *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
- 10.\* *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town.*

- (b) *a condition (modified to suit the purpose) be applicable to all new residential development applications (excluding minor alteration/additions) (\* may not be applicable for residential developments).*

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**Moved Cr McGrath, Seconded Cr Maier**

*That the recommendation, together with the following changes, be adopted:*

*“(ii) NOTES that a Progress Report relating to Construction Management Plans will be presented to an Ordinary Meeting of Council by no later than July 2010, comprising the following matters:*

- ...(b) A Draft Policy relating to Construction Management (for adoption) or recommendations about how a Construction Management Plan can be incorporated within the Town's existing Policies;...*

*and*

*(iii)(a)8\*. soil excavation method and de-watering (if applicable);”*

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

*(Cr Harvey was an apology for the meeting.)*

**COUNCIL DECISION ITEM 9.1.7**

*That the Council;*

*(i) RECEIVES:*

- (a) the Progress Report No. 1 concerning the utilisation of Construction Management Plans for new developments in the Town of Vincent; and*
- (b) a copy of the Construction Management Plan Pro-Forma that is currently utilised by the Town, as shown in Attachment 001;*

*(ii) NOTES that a Progress Report relating to Construction Management Plans will be presented to an Ordinary Meeting of Council by no later than July 2010, comprising the following matters:*

- (a) A summary of further research into best practice utilisation of Construction Management Plans;*
- (b) A Draft Policy relating to Construction Management (for adoption) or recommendations about how a Construction Management Plan can be incorporated within the Town's existing Policies;*
- (c) A revised Pro-Forma for Construction Management Plans (for adoption);*
- (d) Guidance Notes for applicants relating to preparing Construction Management Plans; and*

(iii) **REQUESTS that:**

- (a) *the following condition be applied to all development applications, which involve demolition of a building, excavation (such as basement parking, cellars), compaction of soil etc. as follows:*

**Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

1. *public safety, amenity and site security;*
  2. *contact details of essential site personnel;*
  3. *construction operating hours;*
  4. *noise control and vibration management;*
  5. *Dilapidation Reports of nearby properties;*
  6. *air and dust management;*
  - 7.\* *stormwater and sediment control;*
  - 8.\* *soil excavation method and de-watering (if applicable);*
  9. *waste management and materials re-use;*
  - 10.\* *traffic and access management;*
  11. *parking arrangements for contractors and subcontractors;*
  12. *Consultation Plan with nearby properties; and*
  13. *any other matters deemed appropriate by the Town.*
- (b) *a condition (modified to suit the purpose) be applicable to all new residential development applications (excluding minor alteration/additions) (\* may not be applicable for residential developments).*

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with a copy of the current Construction Management Plan Pro-Forma utilised at the Town, and an overview of associated practices proposed and currently implemented at the Town, relating to Construction Management Plans.

**BACKGROUND:**

As a result of the development currently being carried out at No. 602-610 Beaufort Street, Mount Lawley and the subsequent complaints received, the Chief Executive Officer has directed that the Town's Officers urgently review the conditions applicable to developments and in particular, the conditions pertaining to a Construction Management Plan. The Chief Executive Officer requested this be reported to the Council in May 2010, including what also is applicable in other similar local governments.

The City of Melbourne Construction Management Plan has been used as a basis for the Town's review, as it appears to be comprehensive and similar to the Town's requirements.

Further to the above, it is noted that effective from the Ordinary Meeting of Council held on 11 May 2010, a more detailed condition relating to Construction Management Plans is now applied to large scale development applications and those that comprise demolition, compaction and excavation, such as basement car parking. It is noted that currently the condition is applied on a case - by - case basis, and not determined against any set criteria, to allow for variations dependent on the extent of the development and location of the site and other variables. However, this should change, effective immediately, as outlined in this report.

**DETAILS:**

The Town's current Construction Management Plan Pro-Forma was developed by the Town and is based largely on the Pro-Forma that was developed by the City of Perth. The Pro-Forma is made available to applicants at their request, and is submitted as part of a Building Licence Application. On receipt of the Construction Management Plan, it is forwarded to the Town's relevant service areas, for review as part of the finalisation of the Building Licence Application.

The key items listed in the Pro Forma are as follows:

- Road and/or Footpath Closures
- Pedestrian and Vehicle Access
- Storage of Materials and Equipment on Site
- Provisions for Parking
- Wash Down Areas for Trucks
- Storage and Disposal of Rubbish
- Control of Sand and Dust
- Noise Management
- Work Zones
- Access to Site
- Condition of Footpath and Road Reserve
- De-Watering
- Underpinning and Ground Anchors
- Vibrations and Dilapidation Survey

The above items are listed by way of checkpoint headings with lines for notation, and a site plan is also required to be submitted, providing further details relating to the measures that will be taken during the construction period.

Preliminary research into the review of the content of the Construction Management Plan has indicated that additional information and more specific sub-headings could be included in the Construction Management Plan, to ensure all relevant information is made available to the Town in a standardised manner.

In terms of sheet-piling, it is considered that the section in the Construction Management Plan titled, '*Vibrations and Dilapidation Survey*', be amended to require applicants to list the type of works that may cause damage by vibration or settlement to the property of an adjoining owner (for example, sheet-piling), and also specify in this section for applicants to attach engineering certification for works, Geo-Technical Reports and appropriate monitoring equipment where required. As an interim measure, the Construction Management Plan can be amended in this regard accordingly.

Preliminary research into the matter has also indicated that the standard of Construction Management Plans submitted varies widely. As part of the review process, it is recommended that further information is developed to guide an appropriate standard of Construction Management Plans being submitted. It is considered that this guidance may be provided for in a Planning Policy in conjunction with the expansion and amendment to the Construction Management Plan Pro-Forma.

**CONSULTATION/ADVERTISING:**

The Construction Management Plan Pro-Forma will be circulated for comment within the relevant Service areas of the Town's Administration. If it is established that a Planning Policy is prepared in conjunction with the Pro-Forma, the draft Planning Policy will be advertised in accordance with Clause 47 of the Town's Town Planning Scheme No. 1 and consultation with the building industry, community and other stakeholders will occur.

**LEGAL/POLICY:**

- Town Planning and Development Act 2005;
- Town Planning Scheme No. 1;
- Australian Standards, as appropriate;
- Local Government Act 1995;
- Town of Vincent Local Laws, as appropriate; and
- Environmental Protection Noise Regulations 1997.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

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

**SUSTAINABILITY IMPLICATIONS:**

The Construction Management Plan will have positive sustainability initiatives for the Town. It will now require the applicant to specify materials re-use (e.g. timber, concrete). It will also identify water use and re-use etc.

**FINANCIAL/BUDGET IMPLICATIONS:**

If further research indicates that a Planning Policy is prepared in conjunction with the Pro-Forma, the current 2009/2010 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

It is considered that the opportunity exists to further review the Town's current Construction Management Plan Pro-Forma and associated practices, to ensure that appropriate information is made available to the Town relating to the construction phase of development, prior to the issuing of a Building Licence.

The way forward in this regard, is for the existing Construction Management Plan Pro-Forma to be made available to comment and review from all relevant Service areas within the Town. In addition to this, further research will be undertaken on the approaches taken by other Local Government Authorities both in Western Australian and inter-state (e.g. City of Melbourne), in monitoring the construction of developments for inner city local governments.

Over the years, from time to time, complaints of a varying nature have occurred for a variety of developments e.g. noise, dust, vibration, indiscriminate policy, obstructed access and so on. As the Town is an inner city local government, with a dense development, it is considered appropriate that NEW Construction Management Plan conditions be applied (effective immediately) to all developments involving demolition of an existing building, site compaction, excavation and so on. In particular, parking for subcontractors will need to be specified. In order not to be too onerous for residential development, the condition will be modified so that information can be readily provided by the applicant.

It may also be appropriate that a specific Policy and associated Guidelines relating to Construction Management are prepared and adopted pursuant to clause 47 of the Town's Town Planning Scheme No. 1 to provide further guidance to applicants and consolidate the Town's practices in utilising the Construction Management Plan, in addition to the Pro-Forma being amended and made available on the Town's website.

**9.1.8 Department of Planning - Implementing Development Assessment Panels in Western Australia – Progress Report**

<b>Ward:</b>	Both	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES:**

- (a) *the report regarding Implementing Development Assessment Panels in Western Australia; and*
- (b) *a copy of the Policy Statement on Development Assessment Panels in Western Australia, as shown in Attachment 001;*

(ii) **NOTES that the:**

- (a) *Policy Statement on Development Assessment Panels in Western Australia is proposed to form the basis for the draft regulations under the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, to enable the establishment and operation of Development Assessment Panels;*
- (b) *Department of Planning intends to release a Report on Submissions received during the advertising period at a later date, to expand on the Policy Statement on Development Assessment Panels in Western Australia and to provide more detail on the submissions received; and*
- (c) *final fee structure for the proposed Development Assessment Panels is still being progressed by the Department of Planning; and*

(iii) **ADVISES the Department of Planning of the key concerns raised at the Council Member Forum held on 18 May 2010 relating to the following matters:**

- (a) *the absence of a clear rationale for the proposed introduction of Development Assessments Panels in Western Australia;*
- (b) *the recognised limitation in providing the opportunity for proper community representation;*
- (c) *the interpretation of the Town's Town Planning Scheme No. 1 and associated Policies and Provisions, in particular relating to the application of discretion provided in Clause 40 of the Town's Town Planning Scheme No. 1;*
- (d) *clarification of who will be responsible to cover costs required in the event that a decision of the Development Assessment Panel is appealed to the State Administrative Tribunal (SAT);*

- (e) *the powers of the Local Government Authority in determining the appropriateness of applicants selecting the optional threshold for a development application to be determined by the Development Assessment Panel;*
- (f) *the powers of the Local Government Authority to influence the selection of the members within the Development Assessment Panels; and*
- (g) *the lack of appropriate consideration of existing requirements of Local Government Authorities in the assessment of development applications, including community consultation, referrals to State Government and other relevant agencies, Design Advisory Groups and consideration by the Council.*

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**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation, together with the following change, be adopted:*

*“(iii)(h) concerns that local government proxies will not be used unless there is a failure to reach a quorum.”*

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

**(Cr Harvey was an apology for the meeting.)**

**COUNCIL DECISION ITEM 9.1.8**

*That the Council;*

- (i) **RECEIVES:**
  - (a) *the report regarding Implementing Development Assessment Panels in Western Australia; and*
  - (b) *a copy of the Policy Statement on Development Assessment Panels in Western Australia, as shown in Attachment 001;*
- (ii) **NOTES that the:**
  - (a) *Policy Statement on Development Assessment Panels in Western Australia is proposed to form the basis for the draft regulations under the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, to enable the establishment and operation of Development Assessment Panels;*
  - (b) *Department of Planning intends to release a Report on Submissions received during the advertising period at a later date, to expand on the Policy Statement on Development Assessment Panels in Western Australia and to provide more detail on the submissions received; and*
  - (c) *final fee structure for the proposed Development Assessment Panels is still being progressed by the Department of Planning; and*

- (iii) *ADVISES the Department of Planning of the key concerns raised at the Council Member Forum held on 18 May 2010 relating to the following matters:*
- (a) *the absence of a clear rationale for the proposed introduction of Development Assessments Panels in Western Australia;*
  - (b) *the recognised limitation in providing the opportunity for proper community representation;*
  - (c) *the interpretation of the Town's Town Planning Scheme No. 1 and associated Policies and Provisions, in particular relating to the application of discretion provided in Clause 40 of the Town's Town Planning Scheme No. 1;*
  - (d) *clarification of who will be responsible to cover costs required in the event that a decision of the Development Assessment Panel is appealed to the State Administrative Tribunal (SAT);*
  - (e) *the powers of the Local Government Authority in determining the appropriateness of applicants selecting the optional threshold for a development application to be determined by the Development Assessment Panel;*
  - (f) *the powers of the Local Government Authority to influence the selection of the members within the Development Assessment Panels;*
  - (g) *the lack of appropriate consideration of existing requirements of Local Government Authorities in the assessment of development applications, including community consultation, referrals to State Government and other relevant agencies, Design Advisory Groups and consideration by the Council; and*
  - (h) *concerns that local government proxies will not be used unless there is a failure to reach a quorum.*

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the Department of Planning 'Implementing Development Assessment Panels in Western Australia – Policy Statement', to provide a summary of this document and its implication to the Town.

**BACKGROUND:**

As part of a commitment to improve and streamline the planning approvals process, the State Government introduced the *Approvals and Related Reform (No. 4) (Planning) Bill 2009* which, among other planning reforms, contains the heads of power required to introduce Development Assessment Panels in Western Australia.

The Department of Planning (DoP) released a discussion paper, 'Implementing Development Assessment Panels in Western Australia', on 10 September 2009, which set out the proposed policy direction and operation of development panels.

The Town's Officers attended two information sessions on 25 September 2009 and 8 October 2009 respectively, in relation to the operation proposed Development Assessment Panels.

The Council at its Ordinary Meeting held on 20 October 2009 considered a report relating to the *'Implementing Development Assessment Panels in Western Australia – Discussion Paper'* and determined the following:

*"That the Council;*

- (i) RECEIVES the report regarding Implementing Development Assessment Panels in Western Australia - Discussion Paper;*
- (ii) RECEIVES a copy of the Discussion Paper as 'Laid on the Table';*
- (iii) RECEIVES a copy of the Department of Planning 'Development Assessment Panels - Questions and Answers' publication, as shown in Attachment 001 to this report; and*
- (iv) DOES NOT SUPPORT the purpose and intent of the Development Assessment Panels as outlined in the Discussion Paper for the following reasons:*
  - (a) the perceived purpose and intent of the panels will not assist to improve the efficiency of determining development applications;*
  - (b) the deliberate shift of decision making relating to planning matters from Council Members, elected by the community, to representatives selected by the State, at the expense of transparent community involvement in the planning process and a breach of section 2.10 of the Local Government Act 1995;*
  - (c) the lack of quantifiable evidence underlying the rationale of the proposal;*
  - (d) the considerable additional costs and resources to be incurred by the Local Government Authorities;*
  - (e) the arbitrary threshold selected as a criterion for the Development Assessment Panels;*
  - (f) the omission of other government agencies within the development assessment process, such as the East Perth Redevelopment Authority, the Heritage Council of Western Australia and the Swan River Trust;*
  - (g) adequate provisions already exist within the Planning and Development Act 2005 and State Planning Policies to ensure consistency and transparency in decision-making of matters relating to planning by Local Government Authorities;*
  - (h) the decision of the Development Assessment Panel to be defended, and costs incurred, by the Local Government Authority, in the case an Appeal to the State Administrative Tribunal;*
  - (i) the lack of local knowledge of members within the proposed Development Assessment Panels;*
  - (j) the inequitable ratio (3:2) towards State representation within the proposed composition of the Development Assessment Panel;*
  - (k) the absence of consideration towards funding local government authorities in the administration of Development Assessment Panels;*

- (l) *the absence of an open forum to provide applicants and/or other interested parties to present comments on Development Applications to the Development Assessment Panel; and*
- (m) *the nature in which the Development Assessment Panels have been presented as a fait accompli.”*

On 26 October 2009, the Town made a submission to the DoP and the Western Australian Planning Commission in relation to Implementing Development Assessment Panels in Western Australia, with the above recommendations.

On 22 April 2010, the State Government released ‘*Implementing Development Assessment Panels in Western Australia – Policy Statement*’, which addressed the key issues raised by the submissions received in relation to the Discussion Paper. The Policy Statement will be used to draft regulations under the ‘*Approvals and Related Reforms (No. 4) (Planning) Bill 2009*’ to enable the establishment and operation of Development Assessment Panels.

#### **DETAILS:**

The Discussion Paper, ‘*Implementing Development Assessment Panels in Western Australia*’, released for public comment on 10 September 2009, received 177 submissions. The submissions received focused on a number of key issues of the Development Assessment Panels proposed for Western Australia. The following key issues were raised in the Policy statement:

- Financial thresholds and class categories to determine which applications will be referred to the development assessment panels for determination;
- The composition of the panel and the balance between local government elected members and technical specialist members;
- Appointment of proxies for panel members;
- Sitting fees;
- Development Assessment Panel application fees; and
- Appeals process for decisions made by a development assessment panel.

The Policy Statement addressed these key issues in detail, and as a result of the submissions received, outlines any amendments made to the model proposed in the Discussion Paper. The following gives an overview of the above key issues and the resultant amendments.

#### Financial Thresholds

The Discussion Paper proposed that Development Assessment Panels would determine applications of a prescribed class with a total development value of greater than or equal to \$2 million in the metropolitan area and greater than or equal to \$1 million in non-metropolitan areas. In addition, it was proposed that non-metropolitan local governments had the option of referring all their development applications, regardless of the monetary value or class to the relevant Development Assessment Panel on a voluntary basis.

In light of the feedback regarding this issue, the DoP have further investigated scenarios across a number of financial thresholds. The financial thresholds prescribed for which development applications must be determined by a Development Assessment Panel have been modified to greater than or equal to \$15 million for the City of Perth and greater than or equal to \$7 million for all other local governments across the State.

Additionally, under the new Development Assessment Panel model, a new optimal threshold has been set. Applicants will have the option to choose whether to have the application assessed and determined by the Local Government or by the DAP for an application that is not of the mandatory financial threshold as discussed above. This amendment acknowledges that there are some applications of a lower development value that may be appropriate for consideration by a Development Assessment Panel. This process will apply on the following basis:

- Applications (excluding the City of Perth) where the development proposed is of a value of between \$3 million and less than \$7 million (and not one of the exempt categories of development); and
- Applications lodged in the City of Perth where the development proposed is of a value of between \$10 million and less than \$15 million (and not one of the exempt categories of development).

In addition, the local governments now also have the option of choosing to delegate their DA's to a DAP should they meet the above optional threshold of between \$3 million and less than \$7 million.

#### Class Categories

The Discussion Paper prescribed a set of class categories to determine which applications above the appropriate financial threshold should be determined by a Development Assessment Panel. Following the submissions received, a significant number of respondents believed that the prescribed class categories would capture applications that are not complex enough to warrant determination by the panel, and would complicate the process of identifying which applications are to be assessed by the Development Assessment Panel.

The proposed class categories have been amended to focus on applications that are exempt from Development Assessment Panels only. This will result in a concise and simplistic process for determining which applications will be subject to a Development Assessment Panel. The refined exempt list of development is as follows:

- Applications for approval for the purpose of one or more single houses;
- Applications for approval for ten (10) or less grouped or multiple dwellings, including aged and dependant persons dwellings; and
- Minor applications such as carports, sheds, house extensions, outbuildings.

#### Panel composition

The Development Assessment Panels proposed in the Discussion Paper consisted of:

- The chairperson (a specialist member);
- Two other specialist members; and
- Two local government representatives from the relevant local government.

Eighty six (86) respondents commented on the panel composition; however it is not proposed to amend the panel composition from that proposed in the Discussion Paper, as the emphasis on technical expertise is the key element of the model.

As outlined in the Discussion Paper a quorum will consist of the chair or deputy chair, one local government elected member and one specialist member.

### Panel Proxies

The question and answer section of the discussion paper proposed two main options in regards to proxies.

The first advocated that specialist member proxies and local government proxies (for each local government) be appointed to individual panels. The second option proposed the creation of a centralised pool of proxy panel members for different panels to draw from.

Following the public comment period, a refined model has been determined. The new model will require one local government proxy from each local government to be appointed to each Development Assessment Panel, in addition to the two permanent local government members on the panel. In the metropolitan area, the Minister will appoint three (3) specialist member proxies to a centralised pool, from which all metropolitan member panels can draw from.

The new model has also taken into account the concerns raised regarding the travel distances of regional panel members. The Minister will appoint one specialist member proxy for each non-metropolitan panel.

To ensure minimal complexity and disruption of bringing proxies on and off the panel, proxies will only be used when there is a failure to reach a quorum.

### Sitting Fees

In the Discussion Paper it was proposed to pay the specialist panel members a sessional sitting fee by the relevant local government. The fees are comparable to the fees paid to members of WAPC committees. The sessional fees proposed were \$400 for specialist members and \$500 for the chairperson. It was not proposed to pay the local government elected members a sitting fee as it was considered that this role was an extension of their current duties.

Based on the feedback following the public comment period, it is not proposed to alter the sitting fees from those proposed above. However, given that the local government members will be undertaking the same responsibility as the specialist members it was considered appropriate to amend this element of the model to ensure that local government panel members are paid sitting fees equivalent to the specialist members.

### Development Assessment Panel Application Fee

The model outlined in the Discussion Paper proposed that the relevant local government would cover the costs incurred by the development assessment panel, when the application is determined. It was proposed that the development application fee that would ordinarily be paid to the local government under the *Planning and Development Regulations 2009* would be used to cover the additional costs incurred by the panel.

There was some concern raised on this proposed model. In light of this, the Department of Planning engaged financial consultants to undertake a financial modelling exercise to develop an appropriate Development Assessment Panel application fee. It is proposed that the additional fee will be paid by the applicant to the local government to cover the sitting fee and travel expenses of the panel members determining the application. As such, the fees will vary between metropolitan and non-metropolitan Development Assessment Panels to allow for differences in travel costs. This additional fee will be established through an amendment to the *Planning and Development Regulations 2009*.

Appeals

Under the Development Assessment Panel model proposed in the Discussion Paper, the local government would be the respondent for any appeal against a decision made by the relevant Development Assessment Panel under the local planning scheme. Similarly, the WAPC would be the respondent for any application for review lodged for a panel decision made under a region planning scheme.

Following a review of the comments received during the public consultation period, the new model proposes that the relevant Development Assessment Panel defend their decision at the State Administration Tribunal (SAT). Therefore, the Development Assessment Panel will be the respondent in SAT proceedings regarding their determinations.

**Implications for the Town of Vincent**

The Town's Officers have reviewed the *Implementing Development Assessment Panels in Western Australia – Policy Statement* and have highlighted points of note considered most relevant to the Town.

Financial Threshold

Section 2.0.1 of the Policy Statement details what applications that Development Assessment Panels will determine. In the Town of Vincent, to meet the mandatory threshold for the Development Assessment Panels, development is to be equal to and/or over \$7 million. Single houses and minor nature development are exempt from the Development Assessment Panels. The proposed criteria have been applied to the applications determined by the Town in the 2007/2008 and 2008/2009 financial years as follows:

<b>2007 - 2008 Financial Year</b>		
Total No. of Applications Determined	Total No. of Applications that would meet criteria	% of Applications that would meet criteria
<b>561</b>	<b>3</b>	<b>0.5%</b>
<b>2008 - 2009 Financial Year</b>		
Total No. of Applications Determined	Total No. of Applications that would meet criteria	% of Applications that would meet criteria
<b>610</b>	<b>14</b>	<b>2.3%</b>

**NB:** The above figures include those applications that were determined cancelled and withdrawn.

Under the new development assessment model, for applications between \$3 million and less than \$7 million within the Town, the applicant will have the option to have their DA assessed and determined by the Local Government or the DAP. Additionally, the local government will have the ability to choose to delegate all their development applications between this financial value to the Development Assessment Panel for determination. This amendment to the model to include an optional threshold will mean that the Town will have the option to choose to have complex developments or developments of particular state, regional or local significance considered by a Development Assessment Panel. The proposed criteria have been applied to the applications determined by the Town in the 2007/2008 and 2008/2009 financial year as follows:

<b>2007 - 2008 Financial Year</b>		
Total No. of Applications Determined	Total No. of Applications that would meet criteria	% of Applications that would meet criteria
<b>561</b>	<b>13</b>	<b>2.3%</b>
<b>2008 - 2009 Financial Year</b>		
Total No. of Applications Determined	Total No. of Applications that would meet criteria	% of Applications that would meet criteria
<b>610</b>	<b>10</b>	<b>1.6%</b>

It is noted that with proposed redevelopment of the Leederville, West Perth and Glendalough areas, it is anticipated that there will be a higher percentage of developments proposals falling within this mandatory threshold.

#### Composition of Development Assessment Panels

The composition of Local Development Assessment Panels will be determined by the Minister for Planning. The local government membership of the panel will depend on the location of the development applications being determined at the time. It is intended that the local government members will rotate on and off the panel accordingly. The Development Assessment Panels will consist of the following 5 members;

- the Chairperson (a specialist member);
- two local government representatives from the relevant local government; and
- two specialist members.

In light of this, it will be the Town's responsibility to appoint two local government representative members to the Development Assessment Panel from the Town's current pool of Council Members. If the Town fails to successfully nominate two elected representatives to the relevant Development Assessment Panel, then the Minister will have the power to appoint two members who are considered to represent the interests of the local community.

#### Proxies

Based on the new proposed model, the Town will be required to appoint one proxy to the relevant development assessment panel in addition to the two permanent elected representatives.

#### Sitting Fees

The new proposed model for the Development Assessment Panels have been amended in relation to sitting fees paid to local government elected members. Given that the local government members will be undertaking the same responsibility as the specialist members, it was considered appropriate to amend this element of the model to ensure that local government panel members are paid sitting fees equivalent to the specialist members. In light of this, the Town's elected member representatives will be paid \$400 sitting fees for each meeting they attend.

It was originally proposed that the local governments would cover the costs incurred by the DAP in determining applications. This cost included provision of the venue, sitting fees and secretariat support. Considerable concern was raised in relation to this, during the consultation period which resulted in the Department of Planning engaging consultants to undertake a financial modelling exercise to determine an appropriate application fee. As outlined in the policy Statement, *'The additional fee will be paid by the applicant to the local government to cover the sitting fee and travel expenses of the panel members determining the application...'* As a result of this decision, an amendment to the *Planning and Development Regulations 2009* will be undertaken. In light of this amendment, it is not anticipated that the DAP's will result in any budget implications for the Town.

#### Appeals

Following a review of the comments received during the public consultation period, the new model proposes that the relevant Development Assessment Panel will defend their decision at the State Administration Tribunal (SAT). Therefore, the Development Assessment Panel will be the respondent in SAT proceedings regarding their determinations rather than the local government.

This means that the Town will be exempt from defending any decisions that have been made by the Development Assessment Panel, should the decision be appealed.

### **Town's concerns in relation to Development Assessment Panels**

Following a review of the Policy Statement document, it is acknowledged that the Town's concerns outlined in the Council decision at the Ordinary Meeting of Council held on 20 October 2009 that were forwarded to the Department of Planning for consideration, have only partly been addressed in the Policy Statement. The Policy Statement has either failed to address the concerns, or has not amended the DAP model significantly to alleviate these concerns. A summary of the matters only partially addressed is detailed below:

- The shift in the decision making on Planning Matters from a Local level to a State level has not been adequately addressed. Whilst there is Elected Member representation on the panel (2 Local representatives: 3 State representative), there is some concern that the power of Elected Members to represent the needs of the local community is not equitably matched to the State representation. The new proposed model for DAP's, as addressed above, does not propose a change in the composition of the panel in terms of the ratio between Local and State representation.
- The Policy Statement has not specifically addressed the Town's concerns in relation to the omission of other government agencies within the Development Assessment Panel process, such as the East Perth Redevelopment Authority, the Heritage Council of Western Australia and the Swan River Trust.
- In relation to the Town's opinion on the general need for Development Assessment Panels, it is considered that adequate provisions already exist within the *Planning and Development Act 2005* and State Planning Policies to ensure consistency and transparency in decision-making of matters relating to planning by Local Government Authorities.
- In relation to the composition of the panel, there is still some concern that majority State representation will have a lack of local knowledge to effectively represent the needs of the community.
- The Policy Statement still fails to provide a model for an open forum to provide applicants and/or other interested parties to present comments on Development Applications to the Development Assessment Panel.

### **Where to from here**

As the key policy issues for Development Assessment Panels have been finalised by the DoP, the drafting of the *Planning and Development (Development Assessment Panels) Regulations 2010* has commenced. The *Implementing Development Assessment Panels in Western Australia - Policy Statement* will be used to draft regulations under the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* to enable the establishment and operation of Development Assessment Panels. These regulations will not come into effect until the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* has been proclaimed, which is anticipated to be in late 2010. The DoP have indicated that the establishment of Development Assessment Panels will not commence until 2011.

The DoP will develop guidance documents to assist in the operation of panels across the State. These documents will include, but not be limited to:

- development assessment panel guidance manual;
- code of conduct;
- standing orders;
- a series of procedural templates (for example, agenda's, minutes, officer reports, decision notices);
- training manual; and
- policy reference manual (specific to each local government and panel).

It is anticipated that nomination for specialist Development Assessment Panel members and nominations from local government, are anticipated to be requested in late 2010, depending on when the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* is proclaimed.

The nomination for all Development Assessment Panels members will be set out in the *Planning and Development (Development Assessment Panels) Regulations 2010*.

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

The Policy Statement has been released to provide details in relation to the submissions received during the public consultation period in 2009, and to outline the key changes to the Development Assessment Panel Model. The Policy Statement will be used to draft regulations under the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* and to establish the operation of DAP's. It is noted that there is no further formal consultation proposed within the Policy Statement documentation.

The DoP will be developing guidance documents to assist in the operation of panels across the State. Expressions of interest for specialist Development Assessment Panel members and nominations from local government are anticipated to be requested in late 2010, pending the *Approvals and Related Reforms (No. 4)(Planning) Bill 2009*.

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

- Town Planning and Development Act 2005;
- Town Planning Scheme No. 1;
- Planning and Development (Development Assessment Panels) Regulations 2010; and
- Approvals and Related Reforms (No. 4) (Planning) Bill 2009.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

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

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

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

Section 2.4 of the Policy Statement has indicated that a finance model has been prepared to fund the introduction of Development Assessment Panels. It has been proposed that the funding will be paid by the applicant to the local government to cover the sitting fees and travel expenses of the panel members determining the application. The final fee structure modelling work and analysis is still being progressed by the Department of Planning. Given the above, it is still not entirely sure of the financial ramifications for the Town, given that the Development Assessment Panels can be activated in one of three scenarios:

- Mandatory Threshold to DAP
- Optional Applicant Threshold to DAP
- Local Government Delegate to DAP

It is unclear as to whether the Applicant covers the fees in all three scenarios above.

Pending the progress of the *Approvals and Related Reforms (No. 4)(Planning)Bill 2009*, the Department of Planning have indicated that the proposed *Planning and Development (Development Assessment Panels) Regulations 2010* will not come into effect until the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* has been proclaimed, which is anticipated to be in late 2010. The Department of Planning have indicated that the establishment of Development Assessment Panels will not commence until 2011 and, therefore, matters relating to budget requirements should not have implications for the 2010 - 2011 Budget.

**COMMENTS:**

In reviewing the *Development Assessment Panels in Western Australia – Discussion Paper*, that was released for public comment on 10 September 2009 it was considered that the proposal had not been properly thought through with regards to the impact on Local Government Authorities. It is also considered that the above would not assist in streamlining the Development Assessment process.

As outlined above, a review of the *Development Assessment Panels in Western Australia – Policy Statement* indicates that following the public consultation period, a significant number of respondents (predominately local governments), had similar concerns to those raised by the Town. In light of the number of concerns raised, significant changes have been made to the proposed model for Development Assessment Panels in Western Australia as have been addressed in this report. It is however, noted in the 'Details' section of this report, that some matters have not been included in the proposed modelling of the Development Assessment Panels.

Whilst it is acknowledged that the amended model addresses some of the Town's concerns, it is still questionable as to whether the Development Assessment Panels will improve the efficiency of assessing Development Applications at the Town. Furthermore, there is still some concern that the proposal would see a shift from a system emphasising decisions made by Council Members responsible to the local community, to that of a majority of technical specialists who are appointed by the State Government who may not be responsible to the local community.

In light of the above, it is recommended that the Council receive the report in relation to Development Assessment Panels in Western Australia.

As an addendum, it is noted that the Town's Officers have also prepared a report in relation to the establishment of a Design Advisory Group for consideration at this Ordinary Meeting of Council being held on 25 May 2010. The establishment of Development Assessment Panels may pose some implication to the function and operation of a Design Advisory Group at the Town.

**9.1.9 Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 10**

<b>Ward:</b>	Both	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 10 relating to the Town Planning Scheme Review;*
- (ii) *APPROVES the Draft Project Brief for the Peer Review of the Draft Town Planning Scheme No. 2, as shown in Attachment 001;*
- (iii) *ENDORSES the:*
  - (a) *Draft Local Planning Strategy as shown in Attachment 002, as a working document, to be used in the development of the Policy Manual; and*
  - (b) *amended Gantt chart as shown in Attachment 003; and*
- (iv) *NOTES that the Peer Review Brief will be finalised and forwarded to the Consultants for requests to quote, at the time of endorsement of the Draft Town Planning Scheme No. 2 and associated documents.*

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr McGrath**

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

*“(ii) APPROVES the Draft Project Brief for the Peer Review of the Draft Town Planning Scheme No. 2, as shown in Attachment 001, subject to page 3 of the Brief being further amended as follows:*

*(a) ‘Part 2.0 – BACKGROUND’:*

*“ ...*

*The Council at its Ordinary Meeting held on 9 October 2007 resolved as follows;*

*~~“That the Council;~~*

- ~~(i) — RECEIVES Progress Report No. 6 relating to the review of the Town of Vincent Town Planning Scheme No. 1;~~*
- ~~(ii) — NOTES that;~~*
  - ~~(a) — the Town’s Officers do not support the approach of a Peer Review of the Draft Town Planning Scheme text and supporting documentation at this point in time due to the unique nature of the town planning scheme review and that any Peer Review is expected to be extensive, time consuming and ultimately expensive;~~*
  - ~~(b) — the Chief Executive Officer will be obtaining quotations for a Peer Review of the Draft Town Planning Scheme No. 2 text and supporting documentation in the Draft 2008/2009 Budget for consideration as part of the 2008/2009 Budget; and~~*
  - ~~(c) — a Peer Review of the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation will be carried out prior to or during the three months formal advertising period of TPS 2 (which is the more appropriate and beneficial).”~~*

*~~Following the Council’s decision to undertake a Peer Review of the Draft Town Planning Scheme No.2 text and supporting documentation, a Notice of Motion was proposed on 9 March 2010 as follows;~~*

*~~“That the Council;~~*

- ~~(i) — NOTES that on:~~*
  - ~~(a) — 22 April 2008 the Council endorsed a timeline for the review of the Town Planning Scheme subject to a report being presented to Council following the Peer Review of the Town Planning Scheme Review and prior to forwarding Town Planning Scheme No. 2 to the Honourable Minister for Planning and the Western Australian Planning Commission; and~~*
  - ~~(b) — 28 October 2008 the Council endorsed the timeline for the review of the Town Planning Scheme which indicated that the Peer Review of the Town Planning Scheme Review would occur prior to forwarding Town Planning Scheme No. 2 to the Honourable Minister for Planning and the Western Australian Planning Commission; and~~*
- ~~(ii) — REQUESTS that the Terms of Reference for the Peer Review of the Town Planning Scheme include a review of how the Town Planning Scheme No. 2 and associated policies:~~*
  - ~~(a) — reflects the findings of Vincent Vision 2024;~~*
  - ~~(b) — responds to and supports the Western Australian Planning Commission’s Directions 2031;~~*

~~(c) — supports the Town’s Draft Affordable Housing Strategy by encouraging a diversity of housing stock; and~~

~~(d) — provides mechanisms to protect valued streetscapes such as those identified in the “Heritage Survey and Review of the Municipal Heritage Inventory” conducted by Hocking Planning and Architecture, and the Draft Residential Streetscapes Policy.”~~

~~...”~~

Debate ensued.

**AMENDMENT PUT AND LOST ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

**Against:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Farrell, Cr Topelberg

(Cr Harvey was an apology for the meeting.)

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

(Cr Harvey was an apology for the meeting.)

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**PURPOSE OF REPORT:**

This report seeks the support of the Council to:

- Approve the Draft Project Brief for the Peer Review of the Draft Town Planning Scheme No. 2 and associated documentation;
- Endorse the amended Gantt chart; and
- Endorse the draft Local Planning Strategy (LPS) to be used in the development of the Policy Manual.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 24 June 2003, initiated a review of the Town’s Town Planning Scheme No. 1. Since this time, significant work has been undertaken to progress the review, including the extensive community visioning process, *Vincent Vision 2024*. Following *Vincent Vision 2024*, the Town’s Draft Local Planning Strategy was prepared in accordance with the outcomes of the visioning process, and was adopted by the Council at its Ordinary Meeting held on 14 April 2009. This Strategy, and the provisions outlined in the *Model Scheme Text (MST)* contained in the *Town Planning Regulations 1967*, subsequently informed the preparation of the Draft Town Planning Scheme No. 2 (TPS 2) text and Scheme maps.

The Council at its Ordinary Meeting held on 9 October 2007, resolved to undertake a Peer Review of the Draft TPS 2 text and supporting documentation. In June 2009, letters were sent to five (5) consulting groups to request quotations to undertake the Peer Review.

The quotations received for the undertaking of the Peer Review was scheduled to be considered by the Council at its Ordinary Meeting held on 13 April 2010. However, the above matter was withdrawn at the request of the Chief Executive Officer as additional information was required, as a result of a Notice of Motion, which was considered by the Council at its Ordinary Meeting held on 9 March 2010.

The Council at its Ordinary Meeting held on 9 March 2010, considered a Notice of Motion, which provided further direction on the extent of analysis required for the Peer Review. Specifically, the Council requested that the:

*'Terms of Reference for the Peer Review of the Town Planning Scheme include a review of how the Town Planning Scheme No. 2 and associated policies;*

- (a) reflects the findings of Vincent Vision 2024;*
- (b) responds to and supports the Western Australian Planning Commission's Directions 2031;*
- (c) supports the Town's Draft Affordable Housing Strategy by encouraging a diversity of housing stock; and*
- (d) provides mechanisms to protect valued streetscapes such as those identified in the "Heritage Survey and Review of the Municipal Heritage Inventory" conducted by Hocking Planning and Architecture, and the Draft Residential Streetscapes Policy.'*

The original brief for the Peer Review, prepared in 2009 did not specify that the planning policies would be required to be analysed or that above points (a) to (d) would specifically need to be taken into consideration. It is noted that above points (a) to (d) were addressed in part in the original brief. Accordingly, it was considered that the quotations submitted no longer adequately reflect the requirements of the project, and the item was withdrawn prior to consideration by the Council at its Ordinary Meeting held on 13 April 2010.

#### **DETAILS:**

For the purpose of this report, the Peer Review, Gantt Chart, Policy Manual and Local Planning Strategy (LPS) will be discussed individually below.

#### **Peer Review**

As outlined in the above background, quotations were obtained for the undertaking of a Peer Review of the Draft TPS 2 text and supporting documentation in 2009. In the preparation of the Project Brief, the supporting documentation was taken to mean, the Draft Scheme Maps and the LPS.

Given the Notice of Motion, considered by the Council at its Ordinary Meeting held on 9 March 2010, the scope of work involved in the Peer Review has significantly increased. As a result, the Town's Officers have prepared a revised Project Brief to reflect the Notice of Motion as shown in Attachment 001.

For the purpose of the Peer Review and the revised Project Brief, the term 'supporting documentation' is considered to refer to the following documents:

- Draft Local Planning Strategy;
- Draft Town Planning Scheme No. 2 Text;
- Draft Town Planning Scheme No. 2 Maps;
- Draft Planning Policies; and
- Vincent Vision 2024.

It is considered that the Peer Review will examine the above documentation in accordance with the scope and outcomes listed in Section 3.0 of the Project Brief. This list has been updated to further address the matters raised in the 9 March 2010 Notice of Motion, and includes the following:

- a. Whether the Draft Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies, are considered to support the principles of Vincent Vision 2024;*
- b. The extent to which the principles of the Draft Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies are considered appropriate for the Town of Vincent;*
- c. Whether the Draft Town Planning Scheme No. 2 text and maps, and Draft Planning Policies are consistent with the principles and ideas proposed in the Local Planning Strategy, and address the objectives of the Local Planning Strategy;*
- d. The Draft Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies supports best planning principles and practices, including but not limited to, Transit Oriented Development, Sustainable Design, diversity of housing choice, and provision of employment, education and services;*
- e. The Draft Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies are consistent with State Planning Policies and provisions;*
- f. The Draft Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies respond to and supports the Western Australian Planning Commission's Directions 2031, and associated central sub-region urban growth management strategy;*
- g. The Local Planning Strategy provides scope and guidance for effective implementation within realistic timeframes;*
- h. The proposed zonings and densities detailed in the Draft Scheme Maps and Draft Local Planning Strategy are considered appropriate in relation to the proposed population and demographic information and best planning principles and practices;*
- i. The identified Activity Nodes and identified Town Centres support the principles and recommendations of Directions 2031 and Draft State Planning Policy Activity Centres Policy;*
- j. The Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies, supports the Town's Draft Affordable Housing Strategy by encouraging a diversity of housing stock; and*
- k. How the Town Planning Scheme No. 2 text and maps, Draft Local Planning Strategy and Draft Planning Policies provides mechanisms to protect valued streetscapes such as those identified in the "Heritage Survey and Review of the Municipal Heritage Inventory" conducted by Hocking Planning and Architecture, and the Draft Residential Streetscapes Policy.'*

It is noted that in relation to the Hocking Planning and Architect (2004) "Heritage Survey and Review of Municipal Heritage Inventory", outlined in clause (k) above, it is taken to mean providing a list of streets only.

### **Policy Manual**

The Town's Planning and Building Policy Manual is adopted pursuant to the Scheme, and therefore forms part of the Scheme Review.

The review of the Town's Planning and Building Policy Manual is being guided by the following principles:

- Update Policies to reflect the recommendations within the Local Planning Strategy and *Vincent Vision 2024*;
- Update Policies to reflect the Town Planning Scheme No. 2;
- Remove redundant policies;
- Ensure existing and proposed policies have a clear planning purpose;
- Distinguish between a policy and a procedure;
- Minimise replication of requirements, especially where a requirement may be subject to separate and adequate legalisation;
- Ensure consistency amongst the Town's Policies; and
- Address issues identified in the application of the policies.

The Town's Officers are currently compiling the first two (2) of the five (5) proposed Precinct Policies, for the Mount Hawthorn and Perth Precinct. It is anticipated that once the drafts have been completed, the two Precinct Policies will be presented to the Council for consideration at a Council Member Forum. Any comment received in relation to the draft Policies, would guide the development of the remainder of the Precinct Policies and the Policy Manual.

The Town has already commenced the review of the Policy Manual through Amendment No. 69, which the Council endorsed for advertising at its Ordinary Meeting held on 23 March 2010. This involved the rescission and amending of a number of the Town's existing Planning Policies.

### **Local Planning Strategy**

The Town's Draft LPS was adopted by the Council at its Ordinary Meeting held on 14 April 2009. Since this time, the Town has received preliminary comments from the Department of Planning in regards to the content of the document. The Town's Officers have made the appropriate amendments in accordance with the comments received. It is noted that the comments do not change the intent or rationale of the LPS, rather, addresses the layout and content of the "*Local Planning Manual*" (Western Australian Planning Commission 2010) for developing local planning strategies.

Further to the above, it is noted that minor changes have resulted from the Council Member Forum held on 16 March 2010. These amendments include;

- Updating the information relating to Amendment No. 25 – 'No multiple dwellings' in light of the Council decision on 9 March 2010;
- Additional information relating to the retention of 'Clause 40'; and
- Amending the zonings of the area west of Oxford Street between Britannia Road and Melrose Street from R100 to R80.

The Draft LPS will be used as a working document to guide the development of the local planning policies and scheme provisions and zonings. Following the development of the local planning policies, the LPS will be considered by the Council for endorsement for the Peer Review.

### **Gantt Chart**

The Council at its Special Meeting held on 28 October 2008 considered the Gantt Chart relating to the Scheme Review. Given the significant time lapse, the chart has been amended. It is noted that the timeline is only an approximation and will be updated accordingly when key milestones have been met.

### **CONSULTATION/ADVERTISING:**

Following the endorsement of the Town's Draft Town Planning Scheme No. 2 and associated Policies, the Peer Review Project Brief will be advertised for expressions of interest to quote.

### **LEGAL/POLICY:**

- Town of Vincent Town Planning Scheme No. 1 and associated Policies;
- Town Planning Regulations 1967; and
- Planning and Development Act 2005.

### **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2006-2011 states;

*"Natural and Built Environment*

*Objective 1.1 Improve and maintain environment and infrastructure*

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

### **SUSTAINABILITY IMPLICATIONS:**

The proposed TPS No. 2 incorporates the sustainability principles contained in *Vincent Vision 2024*, and when adopted, the TPS No. 2 is to be read in conjunction with the Local Planning Strategy. Some of the more detailed sustainability objectives are integrated throughout the Local Planning Strategy. These include, but are not limited, to transit oriented design, affordable housing, review of residential densities, environmentally sustainable design, and provisions for facilitating economic development. The Town promotes development that maximise social, environmental and economic benefits, and the draft TPS No. 2 enables such sustainable developments to proceed.

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

The current 2009/2010 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

### **COMMENTS:**

Following the Council's endorsement of the Local Planning Strategy at its Ordinary Meeting held on 14 April 2009, the Town's Officers have been able to progress Town Planning Scheme No. 2 text and maps to include content and recommendations contained within the Local Planning Strategy. The preparation of the associated Planning Policies to support the Scheme Text is considered the next important task to be undertaken.

Accordingly, it is recommended that the Council receives this report in relation to the Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 10 and specifically endorses the Draft Local Planning Strategy as shown in Attachment 002, as a working document, to be used in the development of the Policy Manual.

To reflect the recommendations within the Notice of Motion considered by the Council at its Ordinary Meeting held on 9 March 2010, it is recommended that the Council endorse the amended Project Brief, however notes that the invitation to quote will not occur until the Planning Policy Manual and all the relevant information is endorsed by the Council to be reviewed by the selected Consultant.

It recommended that the Project Brief be provided to the Consultants following the Council's endorsement of the documentation for the Peer Review to avoid unnecessary delays being placed on the Consultants.

**9.1.10 Amendment No. 68 to Planning and Building Policies – Policy No. 3.1.4  
Relating to the Oxford Centre Precinct**

<b>Ward:</b>	South	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PLA0218
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct as shown in Attachment 001, resulting from the advertised version having been reviewed and with regard to four (4) written submissions received during the formal advertising, as shown in Attachment 002, in accordance with Clauses 47(4), and (5)(a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 001 in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 001, in accordance with Clause 47(6) of the Town's Town Planning Scheme No. 1.*

Moved Cr Buckels, Seconded Cr Maier

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

Moved Cr Maier, Seconded Cr Topelberg

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

*“(ii) ADOPTS the final amended version of the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 001 in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1, subject to the Policy being further amended as follows:*

(a) *clause 2 of the Draft Policy, being amended as follows;*

2) *DEVELOPMENT GUIDELINES FOR  
RESIDENTIAL/COMMERCIAL AREAS OUTSIDE THE  
LEEDERVILLE TOWN CENTRE MASTEPLAN*

...

~~(iii) — Setbacks — Front~~

~~*Developments within 7 metres of the Vincent Street boundary is subject to approval from Western Power.*~~

(b) *clause 3 of the Draft Policy, being amended as follows;*

3) **COMMERCIAL AREA OUTSIDE THE LEEDERVILLE TOWN CENTRE MASTEPLAN**

....

iv) **Building Form**

....

(c) **Setbacks - Front**

~~*Mandatory front setbacks to be nil to any street reserve boundary, with the exception of lots that directly abut Bourke Street, whereby development within 7 metres of the Vincent Street boundary is subject to approval from Western Power*~~

*Buildings are to address the street and reinforce the traditional relationship of buildings to the street (i.e., building facades are to be parallel to the street, buildings are to be accessed from the street and should overlook the footpath and street).*

*The Town of Vincent may consider variations to the nil front setback where an applicant demonstrates compliance of the development with the traditional town centre design principles described above. ....”*

Debate ensued.

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

(Cr Harvey was an apology for the meeting.)

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

(Cr Harvey was an apology for the meeting.)

**ADDITIONAL INFORMATION:**

During the consultation period, information was received from Western Power advising that:

*“Western Power have two High Voltage Transmission lines traversing the Oxford Centre Precinct:*

- *The Herdsman to Shenton Park (71) 66kV transmission traverses Bourke Street; and*
- *The Cook Street to North Perth (81) 132kV transmission traverses Vincent Street.”*

Following further investigation it has become apparent that the above two transmission lines are located on the north side of Bourke Street and the south side of Vincent Street, respectively. As such, the remaining areas that are still to comply with the Town's Policy No. 3.1.4 relating to the Oxford Precinct, are not affected by the location of the above transmission lines and therefore clauses 2 (iii) and 3 (iv) (c) of the Policy No. 3.1.4 relating to the Oxford Centre Precinct, have been proposed to be amended accordingly. Adequate provision relating to the above transmission lines is included in the Leederville Masterplan Built Form Guidelines.

**COUNCIL DECISION ITEM 9.1.10**

*That the Council;*

(i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct as shown in Attachment 001, resulting from the advertised version having been reviewed and with regard to four (4) written submissions received during the formal advertising, as shown in Attachment 002, in accordance with Clauses 47(4), and (5)(a) of the Town's Town Planning Scheme No. 1;*

(ii) *ADOPTS the final amended version of the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 001 in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1, subject to the Policy being further amended as follows:*

(a) *clause 2 of the Draft Policy, being amended as follows;*

2) *DEVELOPMENT GUIDELINES FOR  
RESIDENTIAL/COMMERCIAL AREAS OUTSIDE THE  
LEEDERVILLE TOWN CENTRE MASTEPLAN*

...

~~(iii) — Setbacks — Front~~

~~Developments within 7 metres of the Vincent Street boundary is subject to approval from Western Power.~~

(b) *clause 3 of the Draft Policy, being amended as follows;*

3) *COMMERCIAL AREA OUTSIDE THE LEEDERVILLE TOWN  
CENTRE MASTEPLAN*

....

iv) *Building Form*

....

(c) *Setbacks - Front*

~~Mandatory front setbacks to be nil to any street reserve boundary, with the exception of lots that directly abut Bourke Street, whereby development within 7 metres of the Vincent Street boundary is subject to approval from Western Power~~

*Buildings are to address the street and reinforce the traditional relationship of buildings to the street (i.e., building facades are to be parallel to the street, buildings are to be accessed from the street and should overlook the footpath and street).*

*The Town of Vincent may consider variations to the nil front setback where an applicant demonstrates compliance of the development with the traditional town centre design principles described above. ...."; and*

(iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 001, in accordance with Clause 47(6) of the Town's Town Planning Scheme No. 1.*

**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 Amended Policy relating to the Oxford Centre Precinct, to present to the Council the final amended version of the Draft Amended Policy, and to seek final adoption of the Policy.

**BACKGROUND:**

- 16 March 2009      The Council adopted the Built Form Guidelines, subject to a number of amendments, as stipulated in Clause (iv) of the report.
- 4 February 2010      The final amended version of the Leederville Town Centre Masterplan and Built Form Guidelines were received, following numerous amendments as outlined in clause (iv) of Item No. 7.2 that was presented to the Council at its Special Meeting held on 16 March 2009, as well as implications relating to Western Power requirements.
- 23 February 2010      The Council received the final amended version of the Leederville Town Centre Masterplan and Built Form Guidelines, and the Draft Amended Policy No 3.1.4 relating to the Oxford Centre Precinct, and authorised the Chief Executive Officer to advertise the final Amended version of the Leederville Town Centre Masterplan and Built Form Guidelines, along with the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct for public comment once a week for four consecutive weeks.
- 30 March 2010      Final advertising of the Leederville Town Centre Masterplan and Built Form Guidelines, and beginning of the four (4) week advertising of the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct.
- 19 April 2010      A submission was received from the City of Perth in relation to the Draft Amended Policy No. 3.1.4.
- 21 April 2010      A submission was received from the City of Subiaco in relation to the Draft Amended Policy No. 3.1.4.
- 30 April 2010      A submission was received from the Heritage Council of Western Australia in relation to the Draft Amended Policy No. 3.1.4.
- 3 May 2010      Closing date for submissions relating to the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct.

**DETAILS:**

Submissions Received:

The Draft Amended Policy relating to the Oxford Centre Precinct has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, commencing on 30 March 2010 and closing on 3 May 2010. Following the completion of the advertising period, the Policy was further considered in light of the submissions received (summarised in Attachment 002).

In general, the proposed amendments were considered superfluous to the existing provisions within the Oxford Centre Precinct Policy and other associated policies and provisions adopted pursuant to the Town Planning Scheme No. 1. However, some proposed amendments have been incorporated into the Draft Amended Policy No. 3.1.4, shown via strikethrough and underline in Attachment 001. The Officer Comments in relation to the feedback received is outlined in the Section below, as well as in Attachment 002.

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

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 30 March 2010 and closed on 3 May 2010.

In total, four (4) submissions were received, the breakdown of which is as follows:

- two (2) of which supported the proposed Amendment No. 68; and
- two (2) of which did not state either support or objection to the proposed Amendment No. 68.

The City of Perth and City of Subiaco both supported the Draft Amended Policy. However, the Heritage Council of Western Australia, although not stating either support or objection, made the following suggestions relating to amending the Policy No. 3.1.4:

- Policy No. 3.1.4 should make specific reference to Policy No 3.6.1 relating to Heritage Management – Development Guidelines, to ensure that when assessing Development Applications, the significance of heritage places is conserved and enhanced.

#### Officer Comment

The Town's Officers did not support this as it is currently the Town's practice to assess all Development Applications in line with all of the relevant Town Policies. In addition, it is noted that reference is made to all of the Town's Policies in Sections 2 (ii) and 3 (ii) of Policy No. 3.1.4 and, therefore, it is considered superfluous to make specific reference to Policy No. 3.6.1;

- The diagram relating to Section 3(iv) (h), which outlines the requirements for new development that 'abuts buildings of heritage value.' appears to illustrate a rather featureless glazed shopfront which is at odds with the prescribed design requirements to 'exhibit similar articulation and form.'

#### Officer Comment

The Town's Officers did not support this either, as it is considered that the diagram is merely a guide/suggestion relating to the bulk and scale of a building, and good design is encouraged for all development in the area; and

- The Town may want to consider amending Section 3(iv) (h) of the Policy to read 'new development adjacent to buildings...', as this allows planners to apply the standards to development that may impact a heritage place, but does not abut the building.

#### Officer Comment

The Town's Officers did not support this also, as it is considered that the existing Policies and procedures relating to heritage development in place at the Town, adequately provide for ensuring that all new development abutting, and/or in close proximity to places of heritage value, are cognisant of recognised heritage values.

In addition, Western Power, who made a late submission, although not stating either support or objection to the Draft Amended Policy No. 3.1.4, identified the following two High Voltage Transmission lines traversing the Oxford Centre Precinct:

- The Herdsman to Shenton Park (71) 66kV transmission line traverses Bourke Street; and
- The Cook Street to North Perth (81) 132kV transmission line traverses Vincent Street.

Similar to the comments made in relation to front setbacks from the street boundary for lots within the Leederville Town Centre Masterplan area affected by the High Voltage Transmission lines, Western Power have identified the need for setbacks for properties within the Oxford Centre Precinct fronting onto the streets affected by the High Voltage Transmission lines. The Town's Officers have supported the comments made by Western Power and have added new provisions, in Sections 2 (iii) and 3 (iv) (c) of Policy No. 3.1.4, with similar wording to the Leederville Town Centre Masterplan and Built Form Guidelines, stating '*Development within 7 metres of the Vincent Street boundary is subject to approval from Western Power,*' and '*Development within 7 metres of the Bourke Street Boundary is subject to approval from Western Power.*'

A summary of the comments received in the submissions can be found in Attachment 002.

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

Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

##### "Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure.*
  - 1.1.1 *Capitalise on the Town's strategic location, its centres and commercial areas.*
  - 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

##### "Economic Development

- 2.1 *Progress economic development with adequate financial resources.*
  - 2.1.1 *Promote the Town as a place for investment, appropriate to the vision for the Town.*
  - 2.1.3 *Promote business development.*
  - 2.1.7 *Implement the Leederville Masterplan..."*

#### **SUSTAINABILITY IMPLICATIONS:**

Policy No. 3.1.4 relating to the Oxford Centre Precinct addresses aspects of environmental and social sustainability.

Section 3 (iv) (n) relates to energy efficiency, and outlines provisions relating to orientation, shade structures, and bicycle storage facilities in order to discourage commuting by motor vehicle.

In addition, Sections 3 (iv) (f) and (j) which relate to the ground floor level of buildings and pedestrian access respectively, stipulate compliance with ACROD standards (disabled access). This addresses aspects of social sustainability.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The Draft Amended Policy No. 3.1.4 has been initiated as a result of the Town's adoption of the Leederville Town Centre and Masterplan Built Form Guidelines. This has necessitated the amendment of the current Oxford Town Centre Precinct Policy in regard to its application area, by the exclusion of provisions relating to land now within the Leederville Masterplan area, and the inclusion of provisions specifically relating to the residential/commercial and commercial areas outside of the Leederville Masterplan area, but still within the Oxford Centre Precinct.

It is considered that the Draft Amended Policy will result in a comprehensive and transparent Oxford Centre Precinct Policy that provides clear and detailed information to the public with regard to development requirements within the subject area.

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

**9.1.12 Design Advisory Committee – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0067
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	R. Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 1 relating to a Design Advisory Committee (DAC) for the Town of Vincent;*
- (ii) *DEFERS making a decision on a proposed DAC until the State Government's Development Assessment Panels are established and operational for a period of twelve (12) months;*
- (iii) *NOTES that further investigations into a DAC is required in order to provide full details in order for the Council to make an informed decision; and*
- (iv) *prior to making a decision on a DAC, REQUESTS the Chief Executive Officer to further investigate:*
  - (a) *the impact of the proposed Development Assessment Panels in Western Australia which may have some overlap and implications on a Design Advisory Committee established within the Town; and*
  - (b) *the implications of a DAC on the current processing timeframes for development applications; and*
  - (c) *the extent of its current delegations to the Town's Administration considered necessary so as to enable the prompt and efficient processing of development applications, within the statutory timeframes.*

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**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr McGrath**

*That clause (ii) and (iv) be amended to read as follows;*

- “(ii) DEFERS making a decision on a proposed DAC ~~until the State Government's Development Assessment Panels are established and operational for a period of twelve (12) months~~ three (3) months until the information specified in Clause (iv) below has been researched and the matter presented to a Forum no later than August 2010;*
- (iv) *prior to ~~the Forum in August 2010 making a decision~~ on a DAC, REQUESTS the Chief Executive Officer to further investigate:...*

**Debate ensued.**

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

**(Cr Harvey was an apology for the meeting.)**

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

**(Cr Harvey was an apology for the meeting.)**

**COUNCIL DECISION ITEM 9.1.12**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 1 relating to a Design Advisory Committee (DAC) for the Town of Vincent;*
  - (ii) *DEFERS making a decision on a proposed DAC for a period of three (3) months until the information specified in clause (iv) below has been researched and the matter presented to a Forum no later than August 2010;*
  - (iii) *NOTES that further investigations into a DAC is required in order to provide full details in order for the Council to make an informed decision; and*
  - (iv) *prior to the Forum in August 2010 on a DAC, REQUESTS the Chief Executive Officer to further investigate:*
    - (a) *the impact of the proposed Development Assessment Panels in Western Australia which may have some overlap and implications on a Design Advisory Committee established within the Town; and*
    - (b) *the implications of a DAC on the current processing timeframes for development applications; and*
    - (c) *the extent of its current delegations to the Town's Administration considered necessary so as to enable the prompt and efficient processing of development applications, within the statutory timeframes.*
- 

**PURPOSE OF REPORT:**

The purpose of this Progress Report No. 1 is to provide the Council with preliminary information concerning Design Advisory Committees.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 23 February 2010, considered and adopted the following Notice of Motion in relation to a Design Advisory Committee:

*“That the Council:*

- (i) *CONSIDERS the establishment of a Design Advisory Committee in accordance with Clause 36 of the Town of Vincent Town Planning Scheme No. 1;*

- (ii) *REQUESTS that the Chief Executive Officer provide a report to the Council by May 2010 which includes, but is not limited to:*
- (a) *Terms of Reference for the Design Advisory Committee including the recommended membership and criteria for determining which development applications should be considered by the committee;*
  - (b) *the potential for the committee to assist in policy development as well as the assessment of development applications;*
  - (c) *possible staffing and financial implications; and*
  - (d) *possible impact on development approval times; and*
- (iii) *REQUESTS the Chief Executive Officer to consult with other local governments and the Office of the Government Architect to determine the current best practice and experiences with similar committees.”*

**DETAILS:**

In order to meet the requirements of the above, the Town’s Officers have undertaken extensive research into the establishment of a Design Advisory Committee (DAC).

**Examples of Design Advisory Committees:**

In accordance with the Notice of Motion adopted at the Ordinary Meeting of Council held on 23 February 2010, the Town’s Officers have undertaken research and consulted with other local governments and the Office of the Government Architect to determine how other Design Advisory Committees are currently operating. A summary of Local Government comparisons for the Town of Victoria Park, City of Perth, City of South Perth and City of Fremantle and an outline of the comments received from the Office of the Government Architect, is shown below.

Local Government Comparison

Local Government	Name of Committee
Town of Victoria Park	Design Review Committee (DRC)
City of South Perth	Design Advisory Consultants (DAC)
City of Perth	Design Advisory Committee (DAC)
City of Fremantle	Design Advisory Committee (DAC)

Local Government	Composition of Committee
Town of Victoria Park	<ul style="list-style-type: none"> <li>- Up to 8 professional external members (a mix of architects and/or urban designers, landscape architects, building service Engineers and assessment/auditing of Energy Efficiency of Building);</li> <li>- Director of Sustainable Development;</li> <li>- Manager Planning Services; and</li> <li>- Relevant Planning Officer.</li> </ul>
City of South Perth	<ul style="list-style-type: none"> <li>- Five External Consultants (only consisting of architects);</li> <li>- The Manager of Planning;</li> <li>- Secretary; and</li> <li>- Senior Statutory Planning Officer (presents all the Development Assessments (DA’s)).</li> </ul> <p>In accordance with the City’s Policy relating to Design Advisory Consultants, not all the external consultants are present at all meetings.</p>

<b>Local Government</b>	<b>Composition of Committee</b>
City of Perth	<ul style="list-style-type: none"> <li>- The Chair (an independent body, usually an architect);</li> <li>- External Consultants (architects, urban designers, landscape architect etc.);</li> <li>- The Chief Executive Officer;</li> <li>- City Architect;</li> <li>- Director of Planning;</li> <li>- Relevant Planning Officers dealing with the DA's; and</li> <li>- Applicant (they have the opportunity to present their point of view in relation to their application).</li> </ul>
City of Fremantle	<ul style="list-style-type: none"> <li>- Up to 8 External Consultants (consisting of members having expertise in Architecture and/or Urban Design);</li> <li>- Director Planning and Development Services;</li> <li>- Manager Development Services; and</li> <li>- Responsible Planning Officer</li> </ul>

<b>Local Government</b>	<b>Type of DA's referred to the Committee</b>
Town of Victoria Park	All DAs involving developments of 3 storeys or higher are dealt with, even if they are compliant with all the Town's Policies.
City of South Perth	Generally, all DAs with a design aspect (in terms of design compatibility with existing development in the area, architectural form and function etc) are dealt with.
City of Perth	Generally, all DAs with a design aspect (in terms of how the design impacts the street, etc) are dealt with. There is no set criterion for DA's that are referred to the DAC.
City of Fremantle	Not available.

<b>Local Government</b>	<b>Frequency of Meetings</b>
Town of Victoria Park	Once every three weeks.
City of South Perth	Once a month.
City of Perth	Once every three weeks.
City of Fremantle	Once every month.

<b>Local Government</b>	<b>Meeting Times</b>
Town of Victoria Park	Meetings are held during normal office hours.
City of South Perth	Meetings are held after office hours.
City of Perth	Meetings are held at 4 pm and generally run through to 6pm.
City of Fremantle	It is anticipated that meetings are held during normal office hours.

<b>Local Government</b>	<b>Fees</b>
Town of Victoria Park	<ul style="list-style-type: none"> <li>- \$100 - \$190 per hour (fee set by external members at time of appointment) for hours spent on role as Committee member outside scheduled meetings.</li> <li>- Members are not paid for attending meetings.</li> </ul>
City of South Perth	The fee paid to the architects for attending the meetings is a flat fee, currently set at \$180; however, this does not represent a commercial rate.
City of Perth	Membership is on a voluntary basis. In this regard, there is no specific annual budget amount for sitting fees for meeting attendance.
City of Fremantle	Sitting fee based on an hourly rate of approximately \$200 per hour. The amount will be determined by the Council at the time of determining the Committee membership.

<b>Local Government</b>	<b>Annual Budget Amount</b>
Town of Victoria Park	\$90,000
City of South Perth	An annual budget allocation is \$7500, which is to cover the sitting fees for attending meetings. There are other costs, such as Officers time attending meetings and meals costs, which is sourced from other budgets.
City of Perth	No budget amount allocated.
City of Fremantle	No budget amount allocated as yet; however, it is likely to be in the vicinity of \$30,000.

<b>Local Government</b>	<b>Pre DA or Post DA</b>
Town of Victoria Park	<ul style="list-style-type: none"> <li>- Meeting pre DA stage are encouraged. About 50 percent of proposals are referred to DRC pre DA stage.</li> <li>- \$60 fee is paid for initial pre DA consultation with Committee.</li> <li>- DAs are also referred back to DRC regardless of if they have had a pre DA referral.</li> </ul>
City of South Perth	A proposal is submitted to Development Advisory Consultants once a DA has been submitted.
City of Perth	<ul style="list-style-type: none"> <li>- 90 percent of applications considered by DAC are considered post DA submission once they have been initially assessed by a Planning Officer. The relevant Planning Officer presents the DA to the Committee Meeting.</li> <li>- A small number of proposals are presented pre DA stage. No fee is charged for this.</li> </ul>
City of Fremantle	<ul style="list-style-type: none"> <li>- Applicants encouraged to meet with committee pre DA stage.</li> <li>- Cost of referral to DAC \$2000. Fee will be credited towards normal DA fees if DA is submitted within a 60 day period.</li> </ul>

<b>Local Government</b>	<b>Applicants Present at Meeting</b>
Town of Victoria Park	<ul style="list-style-type: none"> <li>- Yes, if required in relation to their proposal only.</li> <li>- Applicant can liaise and negotiate directly with the DRC members.</li> </ul>
City of South Perth	<ul style="list-style-type: none"> <li>- No applicant present at meetings.</li> <li>- Applicant is not permitted to liaise directly with the Development Advisory Consultant members.</li> </ul>
City of Perth	If required the applicants are invited to discuss their proposal at the Committee meeting.
City of Fremantle	<ul style="list-style-type: none"> <li>- Yes, if required.</li> <li>- Applicant can liaise through Council staff in relation to DAC, not directly with DAC members.</li> </ul>

<b>Local Government</b>	<b>Additional Comments</b>
Town of Victoria Park	<ul style="list-style-type: none"> <li>- The DRC has built a good rapport with the Council that has seen only two DA in eight (8) years go against the recommendation of the DRC, one of which was upheld at appeal.</li> <li>- The process is started with the applicant at early sketch/concept stage and the DRC works through the design with applicants until it is ready for lodgement.</li> </ul>
City of South Perth	<ul style="list-style-type: none"> <li>- Four (4) of the current Development Advisory Consultant members have been members for approximately 22 years. In March 2009, they were reappointed for a further period of four years, in addition to a fifth new member.</li> <li>- No additional time is spent outside the meeting times in relation to the role. Applicants are not permitted to contact the external committee members in relation to the DA.</li> </ul>

Local Government	Additional Comments
	<ul style="list-style-type: none"> <li>- It should be noted that the City of South Perth has a Design Advisory Consultants Policy, as shown in Attachment 002, which should be examined in relation to further detailed information relating to the City's Design Advisory Committee, including matters the Committee deals with, membership, meetings, code of conduct, conflict of interest, etc.</li> </ul>
City of Perth	<p>Formal minutes of the meeting are prepared following the DAC meeting with the recommendation of the Committee being summarised and included in the agenda of the Ordinary Meeting of Council. Recommendations are not for approval or refusal of the application, but are in the form of support or non-support or include recommendations of additional matters for consideration.</p>
City of Fremantle	<p>Minutes of the City of Fremantle Council Ordinary Meeting held on 24 February 2010 can be viewed as Attachment 003 to this report, which includes the adopted Terms of Reference for the DAC.</p>

### Office of the Government Architect

The Town's Officers have contacted the Office of Government Architect in order to gather information in relation to the operation of Design Advisory Committees at a State and Local level. The Office of Government Architect provided the following information and examples:

Committee	Comments
Leighton Design Review Committee	<ul style="list-style-type: none"> <li>- Established to provide advice on submitted design within regard to the Leighton Development Area Structure Plan and Design Guidelines.</li> <li>- Panel provides advice only and has no delegation of power function.</li> <li>- Comprises the WA State Government Architect, Community representative, consultant Urban Designer, Landscape Architect, Quality Surveyor, Representatives from the City of Fremantle and LandCorp.</li> </ul>
Board of Urban Places – Queensland Government	<ul style="list-style-type: none"> <li>- Board of Urban Places was established to advise the Queensland State Government on design aspects of major infrastructure and urban planning projects in Queensland.</li> <li>- The Board advises the Queensland State Government, through the Minister for Infrastructure and Planning.</li> <li>- Membership is drawn from a pool of approximately 23 members. When sitting, the Board will consist of at least five (5) and not more than twelve (12) members. Members are rotated on a project by project basis at the discretion of the chair.</li> <li>- The Board will be chaired by the Queensland Government Architect.</li> <li>- The Board is expected to meet 4 – 6 times a year.</li> </ul>
City of Sydney – Design Advisory Panel	<ul style="list-style-type: none"> <li>- Comprises seven (7) external members with demonstrated expertise and experience in urban design, architecture, landscape architecture, sustainable design or the arts.</li> <li>- Advisory Panel meets six (6) times per year on dates and at places to be set out in advance for a year.</li> <li>- Panel provides advice only and has no delegation of power function.</li> </ul>

Committee	Comments
State Environmental Planning Policy (SEPP) 65 Design Review Panels	<ul style="list-style-type: none"> <li>- Provides independent expert advice to Councils about the design and quality of residential flat development proposals and draft policy with regard to SEPP 65 Design Quality Principles.</li> <li>- Committee comprises a representative from each council.</li> <li>- A register of suitably qualified professionals is maintained and used by the NSW Planning Department and Local Governments when establishing panels.</li> </ul>

**Proposed Format, Function and Operation Design Advisory Committee at the Town:**

Function and Operation of Design Advisory Committee:

The expected function of a DAC established by the Town would be as follows:

- to examine the plans of developments and proposals referred to it in order to assist the Council in its deliberation.
- consider the merits and adverse affects of the proposal in terms of the objectives and intentions of the Town of Vincent Town Planning Scheme No. 1 and associated policies and provisions and the potential impact of the proposal on the surrounding locality.
- to examine documents referred to it in order to assist the Council in its strategy and policy development.
- provide recommendations for consideration by the Council on proposed DAs.
- provide recommendations for consideration by the Council on proposed Masterplan and other strategic documents.

It is anticipated that the Town's DAC would comprises independent design professionals (including architects, urban designers, landscape architects and any other relevant professionals) to assess major projects, designs or other strategic planning projects that meet certain criteria.

The preferred approach is for the DAC to meet with applicants at concept stage prior to a development application being submitted. The design plans and/or final development application will be considered by the DAC and with the DAC recommendations being included as part of the Officer's report for consideration by the Council.

Recommended Membership of the Town's DAC:

Within the Town's staff resources, expertise is available in relation to town planning, building, environmental health, landscaping, sustainability, heritage and engineering matters. With this in mind, the Town's Officers consider that in selecting the membership of the Advisory Group, consideration is to be given to the Town's own expertise.

The membership of the Committee shall comprise of the relevant Town of Vincent staff, together with up to three (3) members selected by the Council and appointed by the Chief Executive Officer, selected from a Panel of eight (8) experts, as follows:

- (i) Three (3) technical experts, including but not limited to architects, urban designers, engineers, town planners, etc;
- (ii) Director Development Services;
- (iii) The Manager of Planning, Building and Heritage Services; and
- (iv) Planning Officer where appropriate.

Council Members will not be eligible for appointment to the DAC Committee. The reasoning for this has resulted from information received from the City of Fremantle and the City of South Perth. These local governments have identified that some problems have existed in the past where Council Members are also members of DAC's. In their experience, this has resulted in Council Members significantly influencing the committee recommendations. This effectively means that Councillors are advising Council, therefore, limiting the role of the Committee as an independent representation of the community and design professionals in the decision making process. As is the case with the other Local Governments investigated, it is considered most appropriate that where a Design Advisory Committee operates in the Town, it shall comprise external independent members and the Town's Officers only, thus providing a fully independent review of proposals and recommendation to the Council.

Criteria for which Development Applications are to be referred to DAC:

In determining which development applications should be referred to the DAC for consideration and recommendation, the Town's Officers have liaised with other Local Governments. The Town's Officers consider that development applications having the following criteria could be referred to the DAC for consideration:

*Development Application:*

- (i) Non-residential and mixed used development, 4 storeys and higher, which is likely to have significant impact on the Town;
- (ii) 10 or more residential dwellings;
- (iii) Development in the Leederville and West Perth Masterplan areas;
- (iv) Two storey and above development directly abutting the Swan River Trust area;
- (v) Development, not of the kind referred to in items (i-iv) above, but which, in the opinion of the delegated officer, is contentious or likely to be of significant community interest;
- (vi) Minor development proposals which, in the opinion of the delegated officer, should be referred to the DAC due to unusual or unconventional design elements; and
- (vii) Commercial development directly abutting land zoned residential.

Suggested meeting format and schedule:

*Pre DA submission:*

The initial design review meeting with the proponent should consist of:

- A verbal and visual presentation of the design proposal by the proponent to the DAC.
- A question and answer session to enable the DAC to clarify its understanding of the proposal.
- A closed-door session where the DAC members can discuss aspects of the design proposal without the presence of the proponent.

It is anticipated that the DAC meetings will take approximately 2 hours in total. After the meeting, minutes of the DAC meeting will be prepared (by the allocated officer of the Statutory Planning Services) and written feedback will be provided to the applicant (via the Town's administration).

*Post DA Submission:*

Subsequent DAC meetings with the proponent (following the submission of a DA) will consist of:

- Distribution of updated design drawings and rationale by the proponent to the DAC at least 4 days prior to the meeting.

- A questions and answers session to enable the DAC to clarify its understanding of the proposal.
- A closed door session where the DAC members can discuss aspects of the DA without the presence of the proponent.
- Recommendations of the DAC will be compiled and included in the Officers report for consideration by the Council.

### **Terms of Reference:**

A draft Terms of Reference has been developed and incorporated into the Draft Policy attached to this Report has been based on the research undertaken by the Town's Officers and what is considered to be the best practice for the Town. The Terms of Reference sets out the following:

- Statutory basis for the Design Advisory Committee;
- Functions of the Design Advisory Committee;
- Matters to be referred to the Design Advisory Committee;
- Membership;
- Meetings; and
- Remuneration.

A copy of the Draft Policy, including Terms of Reference for the Town of Vincent Design Advisory Committee can be viewed in Attachment 001.

### **Staffing and Financial Implications:**

#### Staffing

It is anticipated that the DAC is to consist of a minimum of one member of staff which may include the Director Development Services, the Manager of Planning Building and Heritage Services or the Co-ordinator Statutory or Strategic, where appropriate. If a Development Application (DA) has been allocated to a Statutory Planning Officer, for assessment, it would be most appropriate for the Statutory Planning Officer dealing with the proposal to present the DA to the Committee.

If staff is required to attend meetings after hours, remuneration will be in the form of overtime, additional hours or time in lieu, as determined by the Chief Executive Officer.

#### Administrative Support

A proposed DAC would need to be provided with adequate administrative support for the preparation of agendas, minute taking, preparation of minutes, copy of plans and records etc. At the time of writing this report, the full extent of administrative support has not been researched however, it is envisaged that it would require an Administration Officer with 50% of their time allocated.

#### Financial

As can be seen from the below table, the financial implications differ significantly between Councils. Whilst the City of Perth operates as a voluntary committee, the City of South Perth and City of Fremantle pay an amount to their members for attendance at meetings. The Town of Victoria Park pay members an hourly rate for hours spent in their role as Committee members (reviewing design proposal, meetings with Council staff and applicants); however, do not pay for attendance at meetings. A summary of the financial implications is outlined below:

	<b>Sitting Fee</b>	<b>Annual Budget</b>
Town of Victoria Park	\$100 - \$190 per hour (set by external members at time of appointment) for hours spent on role as Committee member outside scheduled meetings.	\$90,000 (current budget). Has previously been as high as \$120,000.
City of South Perth	\$180 flat fee for attending the Council meetings.	\$7,500 for meeting fees. Other costs such as Officers time attending the meeting and post meeting dinner are sourced from other budgets.
City of Perth	Not applicable – membership is on a voluntary basis. Staff are paid additional hours or have time in lieu for hours spent at meetings.	No budget amount allocated for operation of the Committee. Payment to staff for additional hours are sourced from other overtime budgets as required.
City of Fremantle	The amount will be determined by Council at the time of determining the Committee membership; however, it is anticipated that it will be in the order of \$200 per hour of sitting for each member.	The Council has not allocated exact funding at this stage; however, it is anticipated that an annual amount of \$30,000 will be considered.

At the City of Fremantle, if a proposal is referred to the DAC prior to the submission of a DA for preliminary advice, a \$2000 fee will be charged. If a DA for the proposal previously considered by DAC is submitted within a 60 day period of last consideration by DAC, this fee will be credited towards the normal fee for that application. No refund of fees occurs in the event that an application is not submitted within the prescribed timeframe. The Town's Officers consider that it may be appropriate for the Town to consider a similar fee structure for proposals referred to the Town prior to a DA submission.

Based on the research undertaken in relation to the operation and financial implications of the Design Advisory Committees at other Councils, the Town's Officers have anticipated the annual cost of the DAC, based on the following estimation:

Member Costs

*Monthly Meeting*

Cost based on a maximum of three (3) members attending 12 meetings per year at an average of 2 hours for each meeting would be:

$$3 \text{ members} \times \$200/\text{hour} \times 2 \text{ hours} = \$1,200 \text{ (per meeting)*}$$

$$\$1,200 \times 12 \text{ meetings per year} = \$14,400 \text{ (per year)}$$

*Fortnightly Meeting*

Cost based on a maximum of three (3) members attending 26 meetings per year at an average of 2 hours for each meeting would be:

$$3 \text{ members} \times \$200/\text{hour} \times 2 \text{ hours} = \$1,200 \text{ (per meeting)*}$$

$$\$1,200 \times 26 \text{ meetings per year} = \$31,200 \text{ (per year)}$$

\* excludes travel time.

In addition, depending on when meetings are to be conducted, there will be an additional cost for staff attendance; however, it is preferable for meetings to be undertaken during normal office hours. Costs of the Town's administration to support the proposed DAC have not been calculated, but is estimated to be approximately \$25,000/year (costs would be charged against the DAC Operating Account).

#### Summary

<b>Item</b>	<b>Monthly Meeting</b>	<b>Fortnightly Meeting</b>
Consultant Member Fees	\$14,400	\$31,200
Administrative Support	\$15,000	\$25,000
Stationery/Copying/Records	\$2,500	\$2,500
<b>TOTAL</b>	<b>\$31,900</b>	<b>\$58,700</b>

#### **Possible Impact of Development Approval Times**

Applicants will be encouraged to refer the proposal to the DAC prior to the submission of a DA. The preferred approach is for the proponent to attend a DAC meeting at the earliest possible stage and explore design approaches at a concept stage prior to any significant design work being undertaken or a DA submission being finalised. Ideally, the applicant will be invited to attend the relevant part of the Committee meeting, giving them an opportunity to present the proposed development, answer any questions of the Committee and obtain feedback from the Committee in order to address any design issues.

Following this, design plans and/or final DA will again be viewed by the DAC (with additional meetings where necessary to further improve the design), where it is hoped that any design issues have been addressed, making for a smoother path at DA stage. It is anticipated that this approach will result in fewer modifications being required at the final DA stage as applicants and designers have had an opportunity to modify designs and work through issues, prior to the final DA submission, effectively reducing the possibility of a DA being held up if significant modifications are required.

It is highly likely there will be an impact on the time of assessment where applications are referred to the DAC following the submission of a DA. The Town will still endeavour to process the application in line with the 60 day time frame of the Scheme, as is the case for any DA. As with the other Local Governments investigated, where DAC meetings are held every 2 weeks applications are not unduly delayed. The Local Governments investigated advised that there was minimal impact on approval times as applications to be considered by DAC were referred to a meeting at the earliest opportunity and in many instances prior to the submission of a DA. However, it should be noted that fortnightly meetings will result in a higher cost to the Town.

#### *CEO's Comments – Department of Local Government Structural Reform Feedback:*

The CEO advises that currently the Town endeavours to process DA's within the statutory timeframe of 60 days however, at present, this is a very tight timeframe. Should a DAC be introduced, this will add a further step to the approval process and this mechanism will need to be carefully considered so as not to add to the approval processing timeframe. As the Council is aware, the Department of Local Government Structure Reform Checklist dated 23 July 2009, whilst providing the Town with a No. 1 Ranking, identified "*delays in processing of development applications*". Following this notification and as a result of the Internal Organisational Review, a Working Group has been formed to identify improvements and efficiencies in the approval process. By and large, these have been successfully implemented.

### **The Potential for the Committee to Assist in Policy Development as well as the Assessment of Development Applications**

The Town's investigations to date have revealed that the role of the DAC's operating in other Local Governments has been limited to examination of plans and development applications and have not become involved in policy development. As the Council is aware, as part of the State Government's Planning Reform Process, it is their intention that the number of policies in place (whether at State or Local Government level) should be reduced.

The Town currently has extensive policies and guidelines relating to planning, development, heritage and the like, and it is the role of the Council to determine these. The Local Government Act 1995 Section 2.7 prescribes the role of the Council as:

*“(1) The council –*

*(a) governs the local government's affairs; and*

*(b) is responsible for the performance of the local government's function.*

*(2) Without limiting subsection (1), the council is to –*

*(a) oversee the allocation of the local government's finances and resources; and*

*(b) determine the local governments policies.”*

#### *CEO's Comments:*

Whilst it is considered that the members of a DAC could provide feedback on the Town's policies, it is considered that to further involve them to assist in policy development would not be cost effective and would also complicate the current process whereby the Council engages specific consultants where required. Accordingly, it is recommended that the DAC's role concerning policy development be restricted to brief feedback to the Town's administration which may arise out of their assessment of a development application.

### **Development Assessment Panels**

On 11 September 2009, the Minister for Planning announced the release of the Discussion Paper *'Implementing Development Panels in Western Australia'*. This Discussion Paper outlines the Development Assessment Panel model that the Government is committed to implementing in Western Australia. Development Assessment Panels are proposed to be a mix of independent experts and elected representatives, created to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value.

The Council at its Ordinary Meeting held on 20 October 2009 considered a report (Item 9.1.8) relating to *'Department of Planning - Implementing Development Assessment Panels in Western Australia'*. Following this meeting, the Town made a written submission to the Department of Planning (DoP) outlining their concerns.

Following this, in April 2010, the DoP released a Policy Statement *'Implementing Development Assessment Panels in Western Australia'*. This Policy Statement addresses six key issues raised in submissions regarding the Discussion Paper, and provides the Government's response to these issues.

The Policy Statement has addressed a number of concerns raised in the report to the Council considered at 20 October 2009. In particular, concerns relating to the financial thresholds for which applications will be determined by a development assessment panel and the sitting fees for local government elected members appointed to the panels has been addressed and amended.

Following the consultation and consideration of the submissions received relating to the Development Assessment Panels, the DoP have commenced drafting the *Planning and Development (Development Assessment Panels) Regulations 2010*. The Policy Statement will be used to draft regulations under the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* to enable the establishment and operation of Development Assessment Panels. These regulations will not come into effect until the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* has been proclaimed, which is anticipated to be in late 2010. the DoP have indicated that the establishment of DoP's will not commence until early 2011.

The Town's Officers note that there may be some overlap between the function and operation of the Design Advisory Committee within the Town, and the State's Development Assessment Panels.

**CONSULTATION/ADVERTISING:**

No consultation or advertising is required at this time.

**LEGAL/POLICY:**

Clause 36 of the Town of Vincent Town Planning Scheme No. 1 requires that:

- "1) *The Council is to appoint a design advisory committee for the purpose of considering, and advising the Council with respect to, applications.*
- 2) *The design advisory committee may be consulted on design matters relating to development."*

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

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

**SUSTAINABILITY IMPLICATIONS:**

It is considered that a DAC could provide a holistic approach to the assessment of Development Applications. The panel of expertise will aim to ensure that the best design outcome is achieved for the environment, the community and the applicant.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2009/2010 Budget and the proposed Draft 2010/2011 Budget, does not contain funds for a Design Advisory Committee.

Indicative Costing:

Item	Monthly Meeting	Fortnightly Meeting
Consultant Member Fees	\$14,400	\$31,200
Administrative Support	\$15,000	\$25,000
Stationery/Copying/Records	\$2,500	\$2,500
<b>TOTAL</b>	<b>\$31,900</b>	<b>\$58,700</b>

**COMMENTS:**

As outlined above, there is evidence that Design Advisory Committees are successfully in operating, at least three Local Governments in Western Australia. However, it is noted that 2 of these Local Governments have extensive delegation to their administration and only major developments are reported to the Council. This is not the case with the Town and if a DAC is to be introduced, the Chief Executive Officer considers it essential that the Council review its current delegations to the Town's administration. Research undertaken by the Town's Officers has been valuable in considering best practice for the proposed operation of a DAC within the Town, and in drafting a Terms of Reference for the function and operation of such a Committee.

It is noted that the State Government's Development Assessment Panels may have some overlap and implications on a Design Advisory Committee established within the Town. It is therefore also recommended that the Council **defers making a decision** on the proposed Design Advisory Committee until the Development Assessment Panels are established and operational for a period of 12 months and this matter be again reviewed in late 2011.

*CEO's Comments:*

The State Government's introduction of Development Assessment Panels (due to commence in early 2011) will need to be considered as part of the Town's approval process. In addition, a Town DAC would likewise need to be further carefully considered.

A DAC will have financial cost to the Town and to applicants and it is, therefore, important that the DAC provide improvements and not just be an impediment and financial burden.

Accordingly, the CEO supports the recommendation of the Director Development Services that a proposed DAC be deferred and again reviewed after the DAP's have been in operation for at least 12 months. In the interim, further investigations will be carried out to clarify the financial implications and the impact on approval times.

**9.2.1 ICLEI Water Campaign – Progress Report**

<b>Ward:</b>	Both	<b>Date:</b>	13 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0578
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Chaudhry, Project Officer - Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council NOTES that;*

- (a) *milestone one (1) is in progress and due for completion in December 2010 with the corporate inventory completed and the community inventory in progress;*
- (b) *milestone two (2) cannot be progressed until Milestone One has been completed;*
- (c) *milestone three (3), comprising the Water Conservation Plan, has been completed;*
- (d) *milestone four (4) cannot be progressed until milestones one (1) and two (2) have been completed;*
- (e) *milestone five (5) cannot be commenced until milestones one (1), two (2) and four (4) have been completed;*
- (f) *the expected completion date for all of the ICLEI Water Campaign Milestones is January 2012; and*
- (g) *the Department of Water has produced a series of brochures designed to be adapted by local councils to promote water conservation and improved fertiliser practices to their local residents (refer Appendix 9.2.1); and*
- (h) *that further progress reports will be submitted to the Council at the conclusion of each milestone.*

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation, together with the following change, be adopted:*

- “(c) *milestone three (3), comprising the Water Conservation Plan, has been completed, however, the plan does not incorporate community water use and the Plan will be reviewed when the community data has been collected and analysed.*”

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

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.2.1**

*That the Council NOTES that;*

- (a) *milestone one (1) is in progress and due for completion in December 2010 with the corporate inventory completed and the community inventory in progress;*

- (b) *milestone two (2) cannot be progressed until Milestone One has been completed;*
- (c) *milestone three (3), comprising the Water Conservation Plan, has been completed, however, the plan does not incorporate community water use and the Plan will be reviewed when the community data has been collected and analysed;*
- (d) *milestone four (4) cannot be progressed until milestones one (1) and two (2) have been completed;*
- (e) *milestone five (5) cannot be commenced until milestones one (1), two (2) and four (4) have been completed;*
- (f) *the expected completion date for all of the ICLEI Water Campaign Milestones is January 2012;*
- (g) *the Department of Water has produced a series of brochures designed to be adapted by local councils to promote water conservation and improved fertiliser practices to their local residents (refer Appendix 9.2.1); and*
- (h) *that further progress reports will be submitted to the Council at the conclusion of each milestone.*

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**PURPOSE OF REPORT:**

The purpose of this report is to provide information to Council on the current progress of the International Council for Environmental Initiative's (ICLEI) - Water Campaign™ Program Milestones.

**BACKGROUND:**

At its Ordinary Meeting held on 22 May 2007, the Council considered a report on the ICLEI - Water Campaign™ Program.

The Council was advised that the ICLEI Water Campaign is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality.

The campaign was introduced and piloted in Australia in 2002, with the assistance of five ICLEI Member Councils - the Shire of Sutherland and City of Wollongong in NSW, and the Cities of Melbourne, Mitcham and Port Phillip in Victoria.

The program has since expanded and there are now 88 local governments participating in the program in South Australia, Victoria, New South Wales, Western Australia and Tasmania.

The Water Campaign is delivered by ICLEI in collaboration with local and state governments, water authorities and the Australian Government. In Western Australia the program is delivered with the support of the state government.

After considering the report, the Council made the following decision (in part):

*"That the Council;*

- (ii) *ENDORSES the Town of Vincent joining the International Council For Environmental Initiative's (ICLEI-A/NZ) - Water Campaign™ Program and commencing actions to achieve the five (5) milestones at a cost of \$1,650;*
- (iii) *LISTS \$1,650 for consideration in the 2007/2008 draft budget to enable the Town to become a member of the ICLEI-A/NZ - Water Campaign™ Program; and*
- (iv) *RECEIVES progress reports on the program as the respective milestones are achieved."*

The Water Campaign™ is a sustainability initiative from the International Council for Local Environmental Initiatives (ICLEI) and the Australian Government.

The Water Campaign™ provides local governments with a framework and structured approach to actively assess their consumption of water and how their activities affect water quality within their area. Council progression through this program framework is marked by milestones which progress the water management initiative through a series of steps. These steps are referred to as Milestones.

## **DETAILS:**

### **Overview:**

The Water Campaign provides local governments with a tested program model, covering a broad spectrum of water management issues. The program involves progressing through five (5) milestones, that guide participating local governments through a process of local research, policy making, action planning, implementation and evaluation as follows:

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

### **Progress to date:**

#### Milestone One:

- Conduct a water consumption inventory, analysis and checklists for Corporate and Community consumers.

#### *Officer's Comment:*

The corporate inventory data has been collected and entered into the ICLEI data base. Corporate accounts which are in conflict with Water Corporations have been sent away for verification. The community water inventory data (domestic, commercial and business) is being collected (meter reading) by the Water Corporation, for the Town of Vincent Region. This data will be verified by the Water Corporation through cross checking it against bills paid by the community. The purpose of receiving community data for the ICLEI Water Campaign Town of Vincent inventory is to establish how the Council can encourage water conservation to its inhabitants. Once a full set of inventory data (both community and corporate) has been obtained, water check list and gap analysis will be conducted and a further report presented to the Council. The predicted completion date for Milestone One is December 2010.

Milestone Two

- Develop water goals in four action areas.

*Officer's Comment:*

Not yet progressed as it requires the completion of Milestone One.

Milestone Three:

- Produce a Water Action Plan.

*Officer's Comment:*

This milestone requires completion of Milestones One and Two. A Water Conservation Plan was produced by the Town of Vincent in August 2008. The document is currently under review and further changes will be made based on completion of Milestones One and Two.

Milestone Four

- Undertake implementation of the Water Action Plan, assessment and reporting of the quantitative and qualitative benefits resulting from the implemented actions.

*Officer's Comment:*

This milestone requires the completion of Milestones One, Two, Three and Five.

Milestone Five

- Review and evaluate Council's progress in the Water Campaign™.

*Officer's Comment:*

Requires completion of Milestones One, Two, Three and Four

**Community Education Materials for WA Local Governments:**

Correspondence was received on 19 May 2010 from the Water Campaign Manager WA Metropolitan ICLEI Oceania as follows:

*"The Department of Water have produced a series of brochures designed to be adapted by local councils to promote water conservation and improved fertiliser practices to their local residents.*

*Local governments can place their own logos on the brochures and make minor text changes if necessary to adapt the messages to their local community with the assistance of the Department of Water. Using these brochures will ensure you are promoting a message to your community that is consistent with the State Government's. It will also save your council the significant cost of developing these brochures in house.*

*The brochures cover a range of water issues including;*

- *Planting a local native garden*
- *Top 5 tips for saving water in the kitchen*
- *Saving water in the garden*

- *Saving water in the house*
- *Extracting groundwater*
- *FertiliseWISE – Protect and maintain our local water supplies*  
*The brochures can be published on your website or printed (at council's own cost) for display in libraries, administration centres, swimming pools or included in council mail outs.*

*The Department of Water have asked us to coordinate the Water Campaign participants who would like to use these brochures. If you are interested in using these brochures, please email me your council logo (printing quality) by Tuesday 8th June 2010. The Department of Water will then arrange for the graphic designer to create the brochures for all councils at the same time."*

Examples of the Brochures are attached at appendix 9.2.1 and "Laid on the Table".

*Officer's Comment:*

This is a good initiative by the Department of Water and the Town will be able to use the brochures to promote a message to the community that is consistent with the State Government's water initiative.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A.

**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. *“(b) Implement the Town's Water Campaign and (c) Implement the Town's Water Conservation Plan.”*

**SUSTAINABILITY IMPLICATIONS:**

Water is one of our most precious resources and better management of water quality and use can achieve improved future sustainability. The Town, through the Water Campaign program, has the opportunity to take a leadership role in the local area and be part of a growing network of local governments, in Western Australia and nationally, who have identified integrated water resource management as a priority for financial, environmental and social reasons.

**FINANCIAL/BUDGET IMPLICATIONS:**

As a member of ICLEI, the Water Campaign participation fee is approximately \$1,800 per annum.

**COMMENTS:**

The ICLEI Water Campaign Milestone One is predicted to be completed by December 2010. Following that, the remaining Milestones would each take approximately 6 months to complete (this time frame has been sourced from Eastern Metropolitan Regional Council's Water Campaign Team, who are specialists in the field).

The expected completion date for the ICLEI Water Campaign Milestones is January 2012.

### 9.2.2 Robertson Park - Created Wetland

<b>Ward:</b>	South	<b>Date:</b>	13 May 2010
<b>Precinct:</b>	Hyde Park P13	<b>File Ref:</b>	RES0066
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	C Chaudhry, Project Officer - Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### **OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that;*
- (a) *there is an unlikely chance of the risk of ill toxicological affects to the general public from the current identified levels of lead and selenium in the top soil layer in the created wetland at Robertson Park, as current levels of lead and selenium are typical of almost 90% of wetland existing across the Swan Coastal Plain;*
  - (b) *it is considered that no further action is required with regard to further sampling by consultants, remediation works or the erection of public exclusion structures unless instructed to do so by the Department of Environment and Conservation and/or the Department of Health; and*
  - (c) *top soil monitoring and water quality sampling will be carried out 'in house' by the Town's Project Officer –Environment on a quarterly basis for the next twelve (12) months and the results will be compared against the ANZECC guidelines; and*
- (ii) *ADVISES the Department of Environment and Conservation and the Department of Health of the Town's proposed actions as outlined in clause (i) above.*

---

**Moved Cr Maier, Seconded Cr McGrath**

*That the recommendation, together with the following changes be adopted:*

- “(i)(d) as detailed in the report, the Department of Health has stated that there is an acceptable level of risk;*
- (e) a communication strategy be developed before any cautionary sign is erected in the park;”*

Debate ensued.

**AMENDMENT**

**Moved Cr McGrath, Seconded Cr Lake**

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

- “(iii) **AUTHORISES** the Chief Executive Officer to approach a tertiary institution that has recognised site contamination and land restoration academic expertise to discuss opportunities and appropriate funding needs for an Honours or equivalent research project to confirm metal toxicity is the cause for plant yellowing/chlorosis and investigate opportunities for in-situ amelioration of soils to reduce toxicity.”*

Debate ensued.

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

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

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.2.2**

*That the Council;*

- (i) *NOTES that;*
- (a) *there is an unlikely chance of the risk of ill toxicological affects to the general public from the current identified levels of lead and selenium in the top soil layer in the created wetland at Robertson Park, as current levels of lead and selenium are typical of almost 90% of wetland existing across the Swan Coastal Plain;*
  - (b) *it is considered that no further action is required with regard to further sampling by consultants, remediation works or the erection of public exclusion structures unless instructed to do so by the Department of Environment and Conservation and/or the Department of Health;*
  - (c) *top soil monitoring and water quality sampling will be carried out 'in house' by the Town's Project Officer –Environment on a quarterly basis for the next twelve (12) months and the results will be compared against the ANZECC guidelines;*
  - (d) *as detailed in the report, the Department of Health has stated that there is an acceptable level of risk; and*
  - (e) *a communication strategy be developed before any cautionary sign is erected in the park;*
- (ii) *ADVISES the Department of Environment and Conservation and the Department of Health of the Town's proposed actions as outlined in clause (i) above; and*
- (iii) *AUTHORISES the Chief Executive Officer to approach a tertiary institution that has recognised site contamination and land restoration academic expertise to discuss opportunities and appropriate funding needs for an Honours or equivalent research project to confirm metal toxicity is the cause for plant yellowing/chlorosis and investigate opportunities for in-situ amelioration of soils to reduce toxicity.*

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**PURPOSE OF REPORT:**

The purpose of the report is to inform the Council of the Robertson Park suspected contamination from a Peer Review Perspective in context of the relevant legislation and recommend a course of action.

**BACKGROUND:**

Approximately one (1) year after the completion and planting of the Robertson Park seasonal wetland, staff identified that several planted areas around the wetland were not looking healthy and had significant yellowing or chlorosis of the foliage occurring.

A soil report was undertaken in late 2005 by Soil Management Consultants (SMC) and it was identified that there were high concentrations of lead, copper and zinc within the soil profile and the zinc levels in particular were very high and toxic for some plant species.

In January 2006, a further investigation by Syrinx Environmental, who were in the process of completing a Detailed Site Investigation (DSI) for Banks Reserve, recommended that a more comprehensive sampling program be undertaken in accordance with the Environmental Protection Authority (EPA) and the Department of Environment (DOE) [as they were previously known] contaminated site assessment regulations. It was also suggested that the site be fully fenced.

The site was reported to DEC (as advised to the Ordinary Meeting of Council held on 8 May 2010) as a suspected contaminated site, however, to date no further testing has been undertaken.

**DETAILS:**

**Testing:**

The results of the testing revealed that the top soil at Robertson Park had elevated levels of Lead at 700-810mg/kg by SMC (which exceeds the ANZECC guidelines for public open space and playing fields of 600mg/kg). The site was also recorded at levels of selenium concentrations of 6-10mg/kg.

*Officer's Comments:*

After reviewing both the letter from the Department of Environment and Conservation (DEC), Contaminated Sites Acts and the top soil sampling report and the Robertson Park Wetlands suspected contaminated site report, it became evident that there is a highly unlikely chance of the risk of ill toxicological effects to the general public resulting from the current levels of lead and selenium in the top soil on the site.

**Peer Review:**

Lead Exposure:

There is minimal risk to the general public, in terms of lead levels currently existing at Robertson Lake over short term exposures. The lead levels exhibited in the soil profile are of minor risk to the general public, at 700-810mg/kg, even though they exceed the ANZECC guidelines for public open space and playing fields of 600mg/kg.

This is further justified by the Department of Health who stated that "*It is not considered likely that the community members exposed to the Robertson Park soils for the period of planting are at risk of lead exposure (Department of Health).*"

Selenium Exposure:

There is no research to suggest that elevated levels of Selenium pose any risk to human health as per the ANZECC guidelines for public open space and playing fields. This statement is justified by the Department of Health who assessed the matter and stated that "Due to the concentrations reported and the limited time the community members spend on site it is not foreseen that the Selenium levels in the soil is of toxicological concern (Department of Health)".

**Comment on the Syrinx Environmental PI Recommendations:**

Syrinx Environmental conducted a peer review of the SMC sampling report. It is considered that this review has overstated the Town of Vincent's responsibilities with regard to complying with the Contaminated Sites Act of 2003.

Key Points of Syrinx Environmental Recommendations which are disputed are listed as follows:

- Undertake a comprehensive sampling program, which is in line with the EPA and the DEC requirements for contaminated site assessment. This is *mandatory* under the new Contaminated Site Act 2003. The information provided by SMC is not adequate to derive a remediation plan for the site (Syrinx Environmental PI).

Officer's Comments:

The above statement is incorrect. It is not mandatory to undertake a comprehensive sampling program (under the Contaminated Sites Act 2003) for a small breach in top soil lead levels (under the ANZECC Guidelines), of which the current lead levels have been deemed by the Department of Health as minimal risk to human health.

- The recommendation by Syrinx that the Town of Vincent should, "Fully fence the area to exclude human and animal traffic until completion of remediation program and sign off by DEC auditor (Syrinx Environmental PI)."

Officer's Comments:

*It is important to keep in mind that this area is considered a suspected site of contamination that is of unlikely risk to human health, according to the Department of Health. Fencing the area would be illogical, as it does not pose an immediate risk at its current lead levels.*

**Project Officer - Environment Recommendations:**

1. Appropriate signage should be erected to address general public concern. The signage should read "Caution this site is suspected of being contaminated. For Your Own Safety Do Not Enter Until Further Notice".
2. The issue has been exaggerated by the Town's appointed consultant and has caused community concerns. The Town of Vincent should not act on any further sampling, remediation works or public exclusion structures unless instructed to do so by the Department of Environment and Conservation and the Department of Health.

3. Over the next year, top soil monitoring and water quality sampling should be carried out in-house by the Projects Officer - Environment and report back on the levels of lead against the ANZECC guidelines. The reason for this is the initial sampling of topsoil by SMC was not scientifically sound or what is considered an isolated spike.
4. If the site is contaminated, as stated by SMC, bio-remediation could start to remedy the public concerns on an ecological level.

#### **CONSULTATION/ADVERTISING**

Appropriately worded signage to address general public concern to be erected.

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

As part of the Contaminated Sites Act 2003, it is a requirement for the Town to report the site as a known contaminated site to the DEC, of which the Town has done.

Under the Contaminated Sites Act of 2003, if the site poses no immediate or long term risk to human life and can be contained in the immediate area, no clean up or further action is required, except that it be reported.

It should also be noted that the lead levels are typical of almost 90% of wetlands existing across the South West and requirement for immediate action or even future action is not warranted.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4. Minimise negative impacts on community and environment. *“(f) Implement strategies for the management of sites in the towns contaminated sites register.”*

#### **SUSTAINABILITY IMPLICATIONS:**

The peer review has identified no sustainable implications.

#### **COMMENTS:**

As previously reported to council, Robertson Park was suspected of contamination. It is clear that whilst the levels in the top soil are above the ANZECC guidelines for public open space and playing fields, it does not pose an immediate risk to Human Health and no action is warranted.

Therefore, it is recommended that the Council note that further top soil monitoring will be undertaken by the Town and that appropriate signage be installed and the Town refrains from carrying out Syrinx Environmental PI recommendations on Robertson Park Contamination.

**9.3.3 Adoption of Fees and Charges for the 2010/2011 Financial Year**

<b>Ward:</b>	-	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M. Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2010/2011 financial year, as shown in Appendix 9.3.3.*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Harvey was an apology for the meeting.)

**PURPOSE OF REPORT:**

To obtain the Council's approval of the Fees and Charges for the Financial year 2010/2011.

**BACKGROUND:**

The Town of Vincent, as all other local governments, applies charges for services provided and for the use of facilities available for hire. All such fees are required to be reviewed annually.

The *Local Government Act (1995)* allows fees and charges to be adopted and included in the Annual Budget without having to be gazetted separately.

**DETAILS:**

The attached schedule outlines details of Fees and Charges proposed for the 2010/2011 year in bold with a comparison to last year's fees, where there has been an increase from last year the value is highlighted in bold.

A number of fees are determined by legislation, these include; Dogs, Planning/Building Fees and a number of fees are raised under the Health Act.

GST must be applied to Fees and Charges that are raised where the Town is engaged in what is deemed to be commercial activity. Fees where GST is applicable are marked with a tick in the last column of the schedule. Local Government Fees and Charges that are raised under legislation or Local Laws are in general GST free by way of exemption through Division 81 of the GST legislation.

**New fees recommended for 2010/2011 include:**

**Dog Pound – Page 8.1:**

A new administration fee is recommended to cover the cost of the administration work associated with the impounding of dogs.

**Health Services – Page 8.3/8.4:**

**Five Year Extended Trading and Gaming Permit:**

This permit allows the licensee to extend the trading hours of the premises for an ongoing period. For example, a licensee may apply to have the trading hours of the premises extended so that trading may continue on a Friday and Saturday night until 1.00 am the following morning (as opposed to Midnight close).

There is a considerable amount of work required of the Town's officers to process these applications, including community consultation, review of submissions, reporting to the Council and thereafter notifying the applicant and Director Racing Gaming and Liquor.

**Annual Food Van Assessment Fee (Non-venue Specific):**

This new fee is recommended which replaces the fee that was specific for Food Vans at ME Bank Stadium and Medibank Stadium and is also now categorised according to risk profile.

**One-off Food Van Assessment Fee (Non-venue Specific):**

This is a new fees with same justification as the annual fee except that it applies for one-off applications.

**Annual Food Stall at any Event with the Town:**

A new fee has been recommended for annual food stalls at any event in the Town. The fee applicable is categorised according to the risk type.

**One-off Food Stall at any Event with the Town:**

This new fee has the same justification as the previous new fee except that it applies to one-off stalls.

**Swimming Pool Sampling Fees:**

Health Services have introduced a more comprehensive fee schedule for the Swimming Pool sampling programme. Previously, all swimming pool operators were charged \$260 each, which was an inequitable fee system, considering that there is a range in the risk level and size of swimming pool operators. The variation in the size of swimming pool establishments and the amount of service required by the Town has therefore been taken into consideration resulting in large swimming pool operators (more than 3 pools) being charged \$560, medium operators (1-3 pools) being charged \$320 and small operators (1 pool) being charged \$214. This ensures that collection and analytical costs are better recovered from larger swimming pool operators.

If non-compliant results are received, then the Town is required to conduct re-sampling. The \$70 re-sampling fee has been introduced to cover this cost.

**Waste Management – Page 8.7:**

**Confiscated Bin Replacement Fee:**

It is recommended that a fee for the return of confiscated rubbish bins be implemented. Rubbish bins are confiscated when bins are left out on the verge after three warnings. This fee is to cover the additional costs involved.

**Rates – Page 8.9:**

It is recommended that a fee be introduced for the recovery of administration work associated with external debt recovery and collection of outstanding rates.

**Increased charges have been recommended for the majority of fees, in particular the following is recommended:**

**Car Park Fees – Page 8.1:**

Increases are proposed for all fees for the car parks, with the exception of the Stadium Car Park where the proposed fees have been maintained at the previous year's fees in an attempt to encourage patronage of this car park.

**Kerbside Parking Fees – Page 8.2:**

Kerbside parking fees increases have been applied to the majority of locations. However, at Brewer and Pier Street the price has been retained at last year's fee in an attempt to stimulate increased use at these locations.

**Planning Fees – Page 8.13:**

The Western Australian Planning Commission advised, through the Planning Bulletin 93/2010, issued in May 2010 of the increases in legislated planning fees of 2.1%

**Beatty Park Leisure Centre – Page 8.21:**

An annual review of the Beatty Park Leisure Centre fees is undertaken to benchmark against other local government leisure centres. Beatty Park Leisure Centre fees and charges are adjusted each year to minimise a significant increase in any one year and to ensure that the Centre remains financially sustainable as well as maintaining its community obligations. There has been an increase in the majority of the fees proposed this year, to cover the significant increased utility costs planned to be introduced for next financial year.

**CONSULTATION/ADVERTISING:**

Advertised as part of the Annual Budget document.

**LEGAL/POLICY:**

In accordance with *Local Government Act (1995)*, Sections 6.16, 6.17 and 6.18.

**STRATEGIC IMPLICATIONS:**

The new and amended charges have been included in the preparation of the Draft 2010/2011 Budget.

**SUSTAINABILITY IMPLICATIONS:**

The Fees and Charges represent a significant component of the Town's revenue and require to be adjusted annually to ensure the Town's financial sustainability.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A.

**COMMENTS:**

It is recommended that the Fees and Charges contained in the attached schedule be adopted for the 2010/2011 Budget so that Council can apply these from 1 July 2010 (or subsequent date where nominated).

**9.3.4 Lease for Dental Health Services, Western Australia Special Needs Dental Clinic – No. 31 (Lot 100) Sydney Street (Cnr Haynes Street), North Perth**

<b>Ward:</b>	North Ward	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	Eton (7)	<b>File Ref:</b>	PRO2006
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T. Lumbis - Technical Services Administration Officer		
<b>Responsible Officer:</b>	M. Rootsey - Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES a five (5) year Lease from 1 July 2010 to 30 June 2015 with two (2) extended period lease options, each for a period of five (5), for part of the premises at 31 Sydney Street, North Perth, being granted to Dental Health Services, Western Australia subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Topelberg**

*That the item be DEFERRED to allow time for the Director Corporate Services to further negotiate the lease Terms and Conditions with the Department of Health.*

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

**(Cr Harvey was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details regarding the Dental Health Services lease requirements for the part of the premises at 31 (Lot 100) Sydney Street (cnr Haynes Street), North Perth.

**BACKGROUND:**

Dental Health Services, Western Australia occupy the above premises under a lease that was originally prepared by the City of Perth on a "peppercorn lease". The Town has reference to lease document agreements signed in 1958 and 1977, which states the lease is for a period of fifty (50) years (commencing in 1958). The Town's record had the fifty (50) years applicable from the amended version of the lease in 1977, however subsequent recent research has revealed that the term applies from the original date of 1958 this is the reason why the lease was not renewed originally in 2008.

During 2008, in conjunction with the Town, North Perth Dental Clinic was redeveloped as Special Needs Dental Clinic. As part of the redevelopment a portion of the building was returned to the Town of Vincent. As the defined area of the lease has now been amended and the lease period expired, a new lease is being sought.

**DETAILS:**

The Town received correspondence from Dental Health Services, Western Australia on the 23 February 2010 which in part stated as follows;

*"During 2008 and in consultation with Town of Vincent the North Perth Dental Clinic was redeveloped as a Special Needs Dental Clinic to replace a facility in the Disability Services Commission building in West Perth.*

*It is my understanding that a new lease document was to be arranged and as part of the new arrangement a part of the building (kitchen, staff room and storage area located between the dental clinic and child care facility) would be returned to the Town of Vincent."*

The Clinic is used by clients who have severe disabilities and provides an important service to the community.

At a meeting with the Town's officers on 6 April 2010, Dental Health Services agreed that the current "peppercorn lease" arrangement had ended and that a new lease document should be negotiated.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

Town of Vincent Policy 1.2.1 – Policy Statement:

- “1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Key Result Area 2 Economic Development; Objective:

“2.1.6 Develop business strategies that provide a positive tripled bottom line return for the Town.

2.1.6(a) Review leases and commercial contracts to ensure the best for the Town whilst being cognisant of its community service obligations.”

**SUSTAINABILITY IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current Dental Health Services lease is a "peppercorn agreement" and it is recommended that given the use of the facility as a Special Needs Dental Clinic that this agreement be continued subject to satisfactory negotiations.

**COMMENTS:**

It is recommended that the Council approves a new lease to Dental Health Services at a reviewed rental amount, to be negotiated by the Chief Executive Officer, for five (5) years, with two (2) extended period lease options, each for a period of five (5) years.

**9.4.1 Proposed Friendship Charter between the City of Harbin, China and the Town of Vincent**

<b>Ward:</b>	-	<b>Date:</b>	17 May 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	CVC0009
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	N Greaves, Public Relations Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of a Charter of Mutual Friendship between the Town of Vincent and the City of Harbin, China to promote cultural ties between the two local governments; and*
- (ii) *AUTHORISES the Mayor to sign the Charter of Mutual Friendship.*

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**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Topelberg, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr McGrath departed the Chamber at 8.02pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.04pm.

Debate ensued.

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

(Cr Harvey was an apology for the meeting.)

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**PURPOSE OF REPORT:**

The purpose of the report is to approve the signing of a Charter of Mutual Friendship between the City of Harbin, China and Town of Vincent.

**BACKGROUND:**

In April 2010, the Mayor and Chief Executive Officer met with Juyan Feng, Managing Director and George Li, Director of Australia China Trade Pty Ltd. The meeting was called to discuss the possibility of the City of Harbin, China and Town of Vincent entering into Charter of Mutual Friendship to promote friendship, cultural and economic ties between the two authorities.

A Charter of Mutual Friendship prescribes the intention of both local governments to promote and encourage relationships between both local governments. It does not require a commitment to expenditure.

### **Chinese Community Within the Town**

There are around 1600 people within Vincent who were born in, or claim ancestry (parents' birthplace) to, the People's Republic of China (mainland China, Taiwan and the Special Administrative Regions of Hong Kong and Macau), with approximately 800 people in Vincent who speak a Chinese language as a first language (source: Census 2006). The area around William Street is considered by many to be Perth's Chinatown and numerous businesses run by people of Chinese ancestry can be found throughout the Town. There are a number of enterprises, organisations and associations in Perth working to foster ties between the People's Republic of China and Western Australian businesses and authorities. In the international arena, the prominence of China is rising and many local governments are developing ties with cities in China (mainland and territories).

### **City of Harbin**

Harbin is a sub-provincial city in the People's Republic of China and is the capital of Heilongjiang Province, located in the most north-eastern part of China. Residing on the southern bank of the Songhua River it is the tenth largest city in China and serves as a key political, economic, scientific, cultural and communications hub between South and North Asia as well the regions of Europe and the Pacific Ocean.

With a population in the sub-provincial city of 9,873,743, it encompasses 53,068 km<sup>2</sup>. Harbin is the core of politics, economics, culture, science and technology, and transportation in the north-east of China.

Formerly a small village, the modern city of Harbin originated in 1898 with the start of the construction of the Chinese Eastern Railway (KVZhD) by Russia, an extension of the Trans-Siberian Railway, substantially shortcutting the distance to Vladivostok and creating a link to the port city of Dalny (Dalian) and the Russian Naval Base Port Arthur.

Known as Ice City, Oriental Paris or Oriental St Petersburg, Harbin plays an important part in China's trade with Russia. In the 1920s, Harbin was known as China's fashion capital as new designs from Paris and Moscow reached there first before arriving in Shanghai. Considered one of China's most beautiful cities, Harbin is well-known for its unique, Russian and European-influenced architecture. Zhong Yang Street (Central Street, also known as Kitaiskaya Street), one of the main business streets, showcases an array of architectural styles along its 1.4km paved with square stones: Gothic, Baroque and Byzantine façades, eclectic, new art and avant-modern buildings, little Russian bakeries, French fashion houses, American eateries, and Japanese restaurants.

The city is renowned for the annual Ice and Snow Festival and is striving towards becoming the key trade and shopping centre of the region. According to China Briefing, Harbin is undergoing a shopping and tourism boom. The cultivation of food and textile-related crops is a key industry as are light industry, textiles, medicine, foodstuffs, automobiles, metallurgy, electronics, building materials, and chemicals. The hydro and thermal power equipment manufactured in Harbin makes up one-third of the total installed capacity in China.

The Harbin Trade and Economic Fair has been held annually for seventeen years and cumulatively has attracted more than 1.3 million exhibitors and visitors, generating contracts with a value of more than US\$90 billion.

Harbin is also home to Harbin Institute of Technology, one of China's better known universities. Founded in 1920, the university has developed into an important research university focusing on engineering, with supporting faculties in the sciences, management, humanities and social sciences.

The Harbin government is comprised of a Mayor and seven Vice-Mayors who are all members of the Chinese Communist Party. The Harbin government's role is similar to that of a State/Territory Government in Australia, although with greater scope of responsibility with functions including economic development, health, construction, education, agriculture, finance, judiciary, water, culture, foreign affairs, defence, research, legislation, and food and drug administration (source: www.harbin.gov.cn).

Harbin has Sister City arrangements with Niigata and Asahikawa, Japan; Arhus, Denmark; Edmonton, Canada; Sverdlovsk, Yakutsk and Khabarovsk, Russia; Minneapolis, US; Ploesti, Romania; Puch'on, Korea; Givatayim, Israel; Ekurhuleni, South Africa; Daugavpils, Latvia; Salvador, Brazil; South Taranaki, New Zealand; Griffith, Australia; Rovaniemi, Finland; Nyíregyháza, Hungary; Cagayan de Oro, Philippines; Punta Arenas, Chile; Arras, France; Sunderland, UK; and Wiener Neustadt, Austria.

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

N/A.

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

At the Ordinary Meeting of Council held on 23 August 1999, the Council considered a Notice of Motion and it was resolved as follows;

*"Sister City Friendships -*

*That;*

- (i) the Mayor and Chief Executive Officer investigate up to two possible sister-city or friendship alliances for the Town of Vincent; and*
- (ii) the Town of Vincent joins the Australian Sister-City Association."*

The Town has previously signed a Charter of Mutual Friendship with the City of Prilep, Macedonia in 2008 and proposed such with the City of Delianuova, Reggio Calabria, Italy after a request was made for a Sister City arrangement to be entered into in 2006 (however, this did not eventuate).

#### **STRATEGIC IMPLICATIONS:**

The matter of cultural and friendship ties is in keeping with the Town's Strategic Plan 2009-2014 - Key Objective 3.1 - *"Enhance and promote community development and wellbeing"* and, in particular, 3.1.1 - *Celebrate and acknowledge the Town's cultural and social diversity"*.

#### **SUSTAINABILTY IMPLICATIONS:**

China is a rising world power whose economic and social presence is predicted to grow exponentially. Many governments, including the State/Territory and Federal Governments of Australia are actively pursuing relationships with Chinese enterprises and authorities to strength the ties between the nations. The creation of cultural ties as intended by entering into a Charter of Mutual Friendship, whilst not immediately likely to impact on the sustainability of the Town, may prove to have long-term positive implications for the Town and the businesses which operate with Vincent.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no funds provided on the Budget 2010/2011 for international cultural relationships.

No expenditure is expected to be incurred.

**COMMENTS:**

The promotion of cultural and friendship ties between the Town of Vincent and the City of Harbin will recognise the large Chinese population within the Town and is considered appropriate.

### 9.4.3 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	19 May 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 25 May 2010, as distributed with the Agenda.*

### COUNCIL DECISION ITEM 9.4.3

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

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

**(Cr Harvey was an apology for the meeting.)**

**DETAILS:**

The items included in the Information Bulletin dated 25 May 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding the Local Government Reform Update (Circular No: 03-2010)
IB02	Department of Local Government Bulletin No. 2 – 2010 Local Government Reform Update
IB03	Letter from the Minister for Water; Mental Health regarding the Storm Occurrence of 22 March 2010
IB04	Letter from the Hon. Peter Collier MLC, Minister for Energy; Training and Workforce Development regarding Western Power's proposal to install a transformer and ring main unit in Stuart Street Reserve
IB05	Letter from the Western Australian Local Government Association regarding Research into the Development of Sustainable Design Guidelines – Progress Report No. 1
IB06	Letter from the Department of Planning regarding Planning and Development (Local Government Planning Fees) Regulations 2009
IB07	Letter from the State Natural Resource Management (NRM) Office regarding unsuccessful application for the Restoration of Hyde Park Lakes under State NRM Program – Community Grants
IB08	Letter of Appreciation from The Returned and Services League of Australia W.A. Branch (Inc)., Mount Hawthorn Sub-branch regarding the Anzac Service 25 April 2010 at Axford Park
IB09	Minutes of the Special Meeting of the Mindarie Regional Council held on 6 May 2010

**The Council requested that a letter be sent to the Minister for Energy concerning the letter IB04, requesting that consideration be given to the use of the building in the future, when it ceases to be used for the housing of a transformer.**

**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**

**The Chief Executive Officer provided a verbal update to the Council on the following urgent legal matters:**

**Development of the Corner of Beaufort and Barlee Streets, Mount Lawley**

Work has continued on the site since the SAT Hearing.

The Town's Officers, together with the Town's Solicitors, spent most of last week liaising with the other party Solicitor, Builder, Owner and Architect concerning the SAT requirements imposed on the amended Building License.

Complaints from local residents were continued to be received daily and it became evident late on Thursday 20 May 2010, that full compliance with all SAT conditions was not being achieved.

Accordingly, on Friday 21 May 2010 the Town had no option but to issue a further "Stop Work Notice" on the Builder and this was issued at approximately 3.30pm. The Builder immediately ceased work on the site. Shortly thereafter, the Town was advised that the Solicitors for the other party were seeking an urgent SAT hearing.

A SAT hearing was held on Tuesday 25 May 2010, at which the Town's solicitors would argue that full compliance with the SAT requirements was not being achieved.

**Supreme Court Action by the City of Stirling Against the Mindarie Regional Council (MRC) and Member Councils**

As reported to the Council at the Ordinary Meeting of Council held on 11 May 2010 (Item 14.1), the City of Stirling has commenced legal action in the Supreme Court seeking an interlocutory injunction against the MRC to implement their new Single Fee Model. The six (6) other Member Councils have joined the action and the matter was listed for hearing in the Supreme Court on 25 and 26 May 2010.

All parties were represented by a Senior Counsel and Solicitors with various officers from the City of Joondalup, City of Wanneroo and Town of Cambridge attending to provide evidence on behalf of the Member Councils.

Further information will be provided once the outcome of the various legal actions is known.

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

Nil.

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.23pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
David Bell	Journalist – “ <i>The Perth Voice</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 May 2010.

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

Dated this ..... day of ..... 2010