



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

26 AUGUST 2008

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INDEX (26 AUGUST 2008)

ITEM	REPORT DESCRIPTION	PAGE
10.1 DEVELOPMENT SERVICES		
10.1.1	Further Report - Amendment No. 54 to Planning and Building Policies – Draft Amended Policy Relating to Appendix No.16 – Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth (PLA 0168)	101
10.1.2	Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth, - Proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Offices, and Associated Basement Car Parking (PRO4362; 5.2008.134.1)	77
10.1.3	No. 175 (Lot 10 D/P: 1401) Carr Place, Leederville - Proposed Demolition of Existing Single House (PRO2554; 5.2008.316.1)	15
10.1.4	No. 173 (Lot 9 D/P: 1401) Carr Place, Leederville - Proposed Demolition of Existing Single House (PRO2599; 5.2008.315.1)	18
10.1.5	Nos. 511-513 (Lot: 25 D/P: 672) Beaufort Street, Highgate - Proposed Change of Use from Shop to Unlisted Use – Small Bar and Associated Alterations (PRO0261; 5.2008.219.1)	117
10.1.6	Nos. 102 to 104 (Lots: 145 & 146 D/P: 1237) Grosvenor Road, Corner Hyde Street, Mount Lawley - Change of Use from Local Shop to Eating House and Associated Alterations (Application for Retrospective Approval) (PRO0676; 5.2008.171.1)	93
10.1.7	Nos. 277, 279, 281 (Lots 19, 18 and 17) Vincent Street, Leederville - Proposed Demolition of Three (3) Existing Single Houses and Construction of Eighteen (18) Single Bedroom Multiple Dwellings and Associated Signage (PRO3238; 5.2008.165.1)	122
10.1.8	Nos. 283-289 (Lot: 1 D/P: 18) Beaufort Street, Corner Brisbane Street and Fore Street, Perth - Proposed Change of Use from Eating House, One Multiple Dwelling, Shop and Warehouse to Eating House, One Multiple Dwelling, Warehouse and Unlisted Use - Small Bar, with Associated Alterations and Additions (PRO0016; 5.2008.154.1)	21
10.1.9	No. 19 (Lot: 9 D/P: 185) Lane Street, Perth - Proposed Front/ Street Fence and Boundary Wall Addition (Application for Retrospective Approval) and Demolition of Existing Garage (PRO4394; 5.2008.323.1)	134
10.1.10	Proposed Policy Amendment No. 53 - Draft Policy Relating to Multiple Dwellings (PLA0192; PLA0200)	69
10.1.11	Draft Perth CBD Office Accommodation Strategic Plan 2009-2012, May 2008, Department of Housing and Works (PLA0022)	26

10.2 TECHNICAL SERVICES

10.2.1	State Underground Power Program – Letter from the City of Bayswater (TES0313) All Precincts	138
10.2.2	2008 Pride Parade - Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth (TES0027 & CMS0040) Forrest; Beaufort & Hyde Park Precincts	30
10.2.3	Proposed 2009 Perth Criterium Cycling Series Leederville Race (TES0172 & CMS0033) Oxford Centre Precinct	33
10.2.4	Proposed 2 Hour Parking Restriction - Washing Lane, Perth PKG0169/TES0534 Beaufort Precinct	37
10.2.5	Review of Road Reserves - Progress Report No. 3 (TES0310) All Precincts	142
10.2.6	Tender No 384/08 – Les Lilleyman Reserve Pavilion – Alterations & Extensions to Existing Clubrooms (RES0019) Mt Hawthorn Precinct	150

10.3 CORPORATE SERVICES

10.3.1	Investment Report as at 31 July 2008 (FIN0033)	42
10.3.2	Review of the Disability Services Act 1993 – Submission (CMS0053)	154
10.3.3	Forrest Park - Consideration of Submissions - Approval of Plan (RES0003)	44

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes (PRO3830)	39
10.4.2	Members Equity Stadium Committee Meeting held on 10 March 2008 - Receiving of Unconfirmed Minutes and purchase of Baby Change Tables (RES0082)	159
10.4.3	Outdoor Eating Area Policy No. 3.8.1 – Amendments – Concerning Location of Chairs and Furniture and “No-Smoking” Area (ENS0077; LEG 0025)	161
10.4.4	Information Bulletin	41

11. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil	169
-----	-----

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil	169
-----	-----

13. URGENT BUSINESS

Nil	169
-----	-----

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

Nil	169
-----	-----

15. CLOSURE

169

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 26 August 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.08pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Youngman – apologies – due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Doran-Wu	North Ward
Cr Farrell (<i>Deputy Mayor</i>)	North Ward (until approximately 7.37pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ”

Approximately 48 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Burns – for personal reasons.

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

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

1. Loraine Vicensoni of 73 Sydney Street, North Perth speaking on behalf of North Perth Precinct Group and other residents on Sydney Street including the Christiansen’s of 68 Sydney Street – Item 10.1.10. Advised that they are very concerned about the draft policy. They are not opposing multiple dwellings as such as they realise and approve all permitted use in the North Perth area but are concerned about the higher building heights particularly in terms of where they are actually need, particularly for R20, R30 and R40 developments. Stated that they have been developed as two storey’s for quite sometime without any problems. Advised that their major concern is that the policy has “come out of left field” and has not occurred as a result of proper planning process, in particular the preparation of standing review and local planning strategy. They don’t believe the policy is consistent with the local planning strategy as no-one

has actually seen it as yet as it hasn't been advertised or adopted by Council. Stated that the densities could change following adoption of the policy, especially with the scheme review. Stated that as yet no-one including Council know what the "big picture" is for the Town as a result of the scheme review and local planning strategy. Believes the policy is unclear on a number of matters as well and believes there needs to be some refinement, particularly about what it means when it refers to "within the site" in terms of three storey for R20, R30 and R40. Advised that they consider the policy to be premature and has not gone through a proper planning process and as such they ask the Council to outright reject it or at the very least defer it until the local planning strategy and scheme review are in place. Believes the policy needs to form part of a comprehensive review of Council's planning controls.

2. Peter Simpson of Planning Group, 182 St George's Terrace representing the landowners of 226-234 Beaufort Street – Item 10.1.2. Advised that the subject site is located within commercial zoning along Beaufort Street which is an activity corridor and has good access for public transport. Believes the development involves commercial land use of about 3,327m² and three multiple dwellings. Stated that technically it is a five storey building, however it actually presents as a four storey building at the street frontage as the additional storey is located internally on the site and involves car parking which is partially below ground level. Stated that the building itself has been very carefully designed to respond to the adjoining properties and the surrounding area also, the northern facade has been opened up at the ground level to provide a view through to the adjoining property and is generally set back about 3 metres. Advised that when they were investigating the design, they looked at the opportunity of setting back the whole building at 3 metres but they found it didn't integrate well with the streetscape as it actually resulting in several buildings being isolated within the streetscape and therefore they projected the first storey which was of a similar height to the adjoining building to the boundary to provide the interactive streetscape. Advised in relation to the overall height, they looked at the surrounding area and existing buildings within that. Stated that two properties to the north are Beaufort Central, 4/5 storey building, frontage of more than 100 metres and directly opposite the site is an old heritage building and that is 3/4 storey's as well therefore, they believe the height they are proposing is consistent with the height around it and consistent with it being an activity centre. They believe it has been very carefully designed, it is a good mixed use development and would integrate well with the streetscape.
3. Leone Crowe of 9 Hyde Street, Mt Lawley – Item 10.1.6. Read out a letter she wrote about 1-2 months ago regarding their concerns and history of the premises. Spoke in support of the current tenancy, she walked up and down the street (going on 100 metres from the corner) and received responses such as "we love having Sweet Java across the road". Advised that from 93, 87, 94, 96, 97, 2, 103 and 116 Grosvenor Road have all signed the letter along with 7, 3, 5, 11 and 12 Hyde Street – everybody enjoys having the shop on the corner.
4. Judith Burrows of 70 Auckland Street, North Perth – Item 10.1.10. Spoke against Amendment 53. Stated that she is extremely disappointed in Council regarding the lack of advice and consultation regarding Amendment 53 as it will affect a great deal of residents apart from adverts in local papers which she has not seen, no advice has been given to residents and in the case of the North Perth Precinct Group and no letter was received. Stated that if not for Simon Chester (former Councillor), they would be totally in the dark regarding this amendment. Believes this amendment should be deferred or defeated completely until proper

consultation is carried out with the residents who will be affected by this decision, not only adjoining neighbours, but also those who own properties that will be overlooked by any building at 3-5 storey's high. Asked the following questions:

- Q1. What has happened to the scheme review? Believes this should surely be priority, should it not be completed first?
- Q2. Is the finish date of sometime after 2010 really acceptable for something promised years ago?
- Q3. Should we not be looking at the local area planning strategy dealing with these issues?
- Q4. Shouldn't any of these sort of planning of heights should come after all this has been completed?
- Q5. Stated it all seems to be back to front, why?

Stated that when the locality of Eaton was down zoned to R20 certain areas were removed as they were considered suitable for this type of development, around the Mt Hawthorn Shopping Centre and top end of Eaton Street which backed onto Charles Street and overlooked a park. Advised that she disagrees and feels it is inappropriate that London Street, which cuts right through the very centre of this R20 locality should be upgraded to 3 storey development. Asked that the amendment be deferred or defeated until residents are properly informed and consulted.

- 5. John Davies of 2 Clarence Street, Mt Lawley – Item 10.3.3. Believes that the fence that was constructed on Forrest Park was for child safety to stop soccer balls going out into Curtis Street. Stated that subsequent to the construction he has, on several occasions, observed soccer balls going beyond and around this fence and as he lives adjacent to the property, soccer balls still enter his property. Asked the following questions regarding the fence:

- Q1. The new fence on Curtis Street: what professional advice was sought on the design of the fence and what were the desired outcomes to be achieved by the construction of the fence?
- Q2. Was the construction of the fence put out to tender, if not, why not? What was the final cost to the Town of Vincent?
- Q3. What risk has the Town of Vincent been exposed to by the presence of this fence with the likelihood of a child running into the fence or climbing over it (which he has observed) and falling from the fence in the process of retrieving a soccer ball?

The Presiding Member, Mayor Nick Catania advised that he would take the questions "on notice". Advised Councillors that if there was no fence, the balls would go across the road and children will follow them and if it did not have a fence they would go into Mr Davies' yard as they did before.

6. Mima Di Dio, part owner of 105 Grosvenor Road, Mt Lawley – Item 10.1.6. Represents all the owners and would like to raise concerns regarding proposed changes. Advised that they are concerned about with the aspects of the application relating to lack of parking, hours of operation and alfresco tables. Stated that she has lived at this address until May 2007. The residence is currently occupied by tenants and lack of resident parking is a continuing source of frustration and from her experience and that of her tenants, to arrive home to find that there is no parking available at the front of your own premises. Advised that patrons of the establishment use the street parking directly at the front of the home, leaving no room for residents and then parking on the next closest location, being the grass verge on Hyde Street leaving the residents no option but to park further away from the property. This occurs on average 4 of 5 evenings the business trades. Advised that should Council rule in favour of the applicant, it would be strongly argued that the owners be entitled to residential parking permits including signage on the grass verge. Expressed concern regarding proposed hours of operation as their experience has been that patrons and owners are still there long past 9.30pm and parties have frequently been seen and heard leaving up until 11.30pm, particularly in summer months. Expressed concern regarding alfresco dining which increases street noise to an unacceptable level in a residential area, particularly in summer. Believes the business should be relocated to a more appropriate location in the Town although this may not be viable, approving parking permits may appease residents.
7. Bob Kucera of 10 Ellesmere Street, North Perth – Item 10.1.10. Expressed concerns about the height, particularly the blanket policy approvals that the amendment is suggesting. Stated that anything over 2 storey's, 3 maybe acceptable but 2 in particular and related to Eaton Street as there was North Perth and Eaton Precinct Groups resulted from a development such as this which was most inappropriate at the time. Also has concerns from a personal point of view as they have the Charles Hotel near them which is rapidly buying up land both abutting it and at the rear which he would suggest is in anticipation of this amendment. Stated his concern about comments reported to have been made recently by the Minister, suggesting she has lived opposite Beaufort Street for many years and this wouldn't affect her. Pointed out that there is a park between her house and Beaufort Street. Concerned that once there are blanket approvals in terms of height, it is almost impossible for residents to appeal to either the Minister or SAT once they are in place, making it very difficult to go back. Believes no-one has issues with developing the Town and certainly, where appropriate, multiple dwellings are appropriate. Believes Council has treated these kinds of matters sensibly on an individual basis however, once the policy is passed, believes the Council will lose control of the process, more importantly it commits future Councils to assist them of approval which will be difficult to oppose if you are a local resident. Expressed concern regarding the streets backing onto major streets listed i.e. Auckland etc. as they are going to be at distinct disadvantage when it comes to developers pushing these kinds of things through.
8. Merrian Styles of 71 Harold Street, Mt Lawley – Item 10.3.3. Stated that residents are pleased to see that Council agrees that Perth Junior Soccer Club has been over using the park and that negotiations are being made for reduction in hours however, questioned how this is going to be policed. Stated that as a resident living opposite the park, the current agreed hours are already be abused instead of 8am-12 noon it is often 7am-1pm or sometimes 2pm. Therefore reducing off a few hours here and there 20 hours to 17 over a 5 day period, isn't really answer. Believes if Council is serious about reducing hours, then

suggested reducing the days. Still have 17 hours, but over 4 nights instead of 5 and instead of 7 days per week access to the park can it be 4 nights and 1 day. Stated that none of the residents ever know when soccer is going to be there. Stated that after the "April incident" soccer was not being played on Monday nights and cannot see the reason why Council would give them back Monday nights. Believes this is open to abuse and it won't happen they will just be then longer and longer hours and residents will have less and less time. Requested the Council to reduce the number of days of training.

9. Steven Kuhn – 11 Victoria Street, West Perth. Spoke regarding concerns about the report in The Voice Newspaper – contamination of Hyde Park. Stated that he also sent an email to the Council yesterday. Advised that he has a 16 month old daughter who has been going down to the park nearly everyday since she was born and it is therefore a big concern as he has also heard that it is hazardous to humans and is therefore curious to find out in what way it is hazardous especially in a baby's formative years. It is a worry seeing the article on the front page of the local paper.

The Presiding Member, Nick Catania advised he will try to get an answer this evening. Stated that the local paper sometimes takes liberty.

The Presiding Member, Nick Catania asked Director Technical Services, Mr Lotznicker to answer the question.

Mr Lotznicker stated that he was surprised to see the article in front of The Voice. Advised that with Hyde Park, obviously over a number of years with the declining rainfall, the lake has been drying out. As a result, the Council established a working group to look at ways to improve the lake and look at options for their management etc. During the process, tests were carried out and there are some issues there that are being worked through. Basically, when the lakes are full of water, as they are at the moment, a lot of those issues are ameliorated. Advised that he can get Mr Kuhn's details and send out a detailed response of the issues which are still be investigated. There is no life threatening risk to humans.

10. Donnelle Phillips of 16 Barlee Street, Mt Lawley – Item 10.3.3. Representing people on Clarence, Barlee, Roy and Gerald Streets regarding parking. Stated that if she moves her car for 10 minutes on one of the nights soccer is on, she doesn't have a spot to go back to and it is not only her, it is everybody in the area that doesn't have off road parking. Questioned if anything is being done about the yellow permit zones going up in the streets? Stated that in Fremantle, houses without parking out the front, have their parking bays marked in a different colour with residents only, can this be done in the Town? This would eliminate people parking in their spots and then they can come home at 5pm and park. Advised of an incident with a lady on Gerald Street who came home at 5pm with her shopping and her 2 year old child, and had to negotiate peak hour traffic to get home – this is not acceptable. Advised that her neighbour across the road got a \$110 fine for parking in a driveway all because he couldn't park in front of his own house. Asked for something to be done about the parking.
11. Damien Giudici, President of Forrest Park Croquet Club (FPCC) of 3 Selden Street, North Perth – Item 10.3.3. Advised that at a FPCC Management Committee Meeting last night, they reviewed the Concept Plan forming part of the officer's recommendation (Sketch 23, Revision 2, Option 8). He is pleased to advise that subject to satisfactory terms and conditions of a written negotiated lease, they are prepared to accept Option 8 as being an acceptable form of

development. Advised that negotiations concerning the terms of the lease will need to be occurring in the next six months or so, given that the unlikely event that the lease wasn't renewed, they would have to look for additional premises, which could take up to 2 years. Believes that some latitude should be given to the Chief Executive Officer in the negotiation of the lease to include the lease terms. Their preferred term being 5 years with a 5 year option.

12. Alf Parolo of 78 Cleaver Street, West Perth – Item 10.1.10. Stated that he has lived there for 40 years and reminds people that as time goes by traffic gets busy and he has had to endure smog, traffic noise etc. and you can't keep kids or pets and believes that this amendment does create a buffer between residents adjacent to these busy roads and makes better use of the land. Stated that as for consultation, he understands and believes that it was undertaken some 8 or 9 or maybe even 10 years ago with the dialogue of the city that was held, tendered by many heads of planning and residents, and they came up with a conclusion that these corridors are better used for higher density, make use of transport and don't impose additional burden on services. Believes it is better land use and creates a better buffer and thanks Mayor and Council for undertaking this amendment.

13. Andrei Buters of 438 Charles Street, North Perth. Advised that further to various comments he asked the following questions. He referred back to the progress report for the Minutes of the Hyde Park Lakes Restoration Working Group, the last meeting that they had on 17 July 2008, where it was reported in the Minutes of the Working Group that Syrix Environmental reported back to the Town saying that there was significant acid and potential acid sulphate soils on the site with high human health risk, high environmental health risk, what must now be noted is that Hyde Park Lakes constitute a contaminated site. Asked the following questions:

Q1. What metals are present in the surface water?

Q2. What metals are present in the ground water and the heavy metals and hydrocarbons that Syrix Environmental have reported back to the Town, he would very much appreciate to know what these are and what the public of the Town should understand constitutes the high human health risk that this independent group has reported back to you?

The Presiding Member, Mayor Nick Catania advised that those questions should have been asked before the article was written.

Mr Buters asked another question:

Q3. When is Mr Giorgi, Chief Executive Officer going to start responding to the questions that my publication (The Perth Voice newspaper) sends to him week after week with no response?

The Presiding Member, Mayor Nick Catania advised that the questions would be taken "on notice".

14. Simon Chester of 93 Chelmsford Road, Mt Lawley – Item 10.1.10. Requested a deferral for further consider of the policy until the local planning strategy is made public and adopted by Council. Believes that the community is owed full disclosure on this matter as people need to know what the local area planning strategy is proposing and what density is proposed for majority road. Believes that at the moment a policy is being considered that is based on the density and they know there has been a review of the Town Planning Schemes but don't know where corridors are going to be up-zoned or what is going to happen. Asked for "all cards to be on the table" so community and Council can make an informed decision and not challenge the fact as to whether Councillors are in the position to make a fully informed decision given that the local area planning strategy and Town Planning Scheme is currently be conducted and has been under review for the past at least 3 years. Stated that whilst the Minister is "bullish" about Vincent's policy he'd suggest her having a word to her bureaucrats in charge of DPI and WA Planning Commission who are yet to provide any guidance documents on activity or transport corridors. Stated that the Town has not conducted any study into ramifications of such a significant policy shift and believes there has been an article in The West that has demonstrated how the City of Stirling is going through doing an activity corridor study and looking at the impact it will have. Expressed the other serious issue, people that stand to be most adversely affect, living on a quite street that backs onto a main road whose prime outdoor space is often their backyard, stand to have 3-5 storey flats/apartments overlooking their backyard. Asked to prioritise the scheme review as, it is the most strategic document.
15. Russell Pitcher of 102 Dunedin Street, Mt Hawthorn – Item 10.1.10. Thanked the prior speaker who described his property. Stated that he has been there for 15 years and they have done a quarter of a million dollar capital upgrade on the property. Advised that they intended to stay their for life, they have established friendships in the area and their backyard is exactly where they entertain and he asked Councillors to search their conscience and consider the rows and rows of backyards, not only is the life style going to be destroyed of people living there but also down value the capital of their long term investment.
16. Ken Austin of 72 Sydney Street, North Perth – Item 10.1.10. Asked for the policy to be rejected. Stated that the Council Officer's comment that this policy is consistent with Vincent Vision 2024, is incorrect as this policy takes precedence over the other policies contained in this and asked why? Urged the Council to finalise the local planning strategy so as to get a clearer view of what the Council's future building strategy is.
17. Allan Ellam – 45 Forrest Street, Mount Lawley. Spoke on his private collection of Military History and presented a picture to the Town. Stated that he has worked for many years to build up the military collection, but since the death of his wife several years ago is struggling to keep up. A part-time volunteer (unpaid) assists him for several hours each week. He requested financial assistance from the Town to pay for a part-time volunteer.

There being no further speakers, public question time finished at approx. 6.50pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Youngman requested leave of absence for the Ordinary Meeting of Council to be held on 9 September 2008 due to work commitments.

Moved Cr Farrell, Seconded Cr Messina

That Cr Youngman's request for leave of absence for the Ordinary Meeting of Council to be held on 9 September 2008 due to work commitments be approved.

CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition received from M. Caridi of 22 Lawler Street North Perth and L M Richards of 9 Doris Street North Perth, along with 100 signatures supporting the proposed Amendment No. 43 to Planning and Building Policies – Draft Policy – Residential Streetscapes (Appendix 4).

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

Moved Cr Ker, Seconded Cr Farrell

That the Petition be received as recommended.

CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 12 August 2008.

Moved Cr Farrell, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held 12 August 2008 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 Employee of the Month Award for the Town of Vincent for August 2008

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For AUGUST 2008, the award is presented to ALISON GILES, Manager Health Services. Alison was nominated as a result of an email of appreciation received via Sergeant Peter Gilmour, Officer in Charge, Central Metropolitan Alcohol and Drug Advisor, Western Australia Police, who wrote to Superintendent Duane Bell of the WA Police Services as follows:

"Senior Sergeant Green OIC Wembley [Police Station]....advised me that Alison Giles from the Town of Vincent has done a significant amount of work in the Leederville area and if it wasn't for her then we would not have got the reduction in numbers.

She works very closely with Wembley Police and myself, as well as [assisting with Chairman, Snr Sgt Mike Green OIC Wembley] running the Vincent Accord.

Senior Sergeant Green and I feel that her work and assistance that she has given the Police should be recognised. Therefore, would it be possible for Superintendent Bell to pass on our appreciation to her, through the Mayor of Vincent."

Alison's nomination is also wholeheartedly endorsed by the Director Development Services, Rob Boardman, who stated that Alison is a very worthy recipient of this Award.

Mr Boardman has commended Alison for being heavily involved in the Vincent Accord over the past 12 months and during this time, Alison has been instrumental in the development of a recognisable Vincent Accord Logo, the compilation of a 'Statement of Purpose', which will set the future direction of the Accord, and implementation of the Party Bus Code of Conduct. In the short period of time Alison has been Manager Health Services (from early 2007) Health Services has made significant achievements, which include:

- Introduction of quarterly Food Safety Matters newsletter to all food premises.
- Development of an online, nationally accredited Food Handler Training Programme in conjunction with Challenger TAFE ('goes live' in September 2008).
- Improved compliance framework established for dealing with substandard buildings, and resolution of long term problems at a number of ongoing 'problem' properties.
- Improved compliance & enforcement framework established for food premises, including progressing the first prosecution by Health Services since 1999.
- Comprehensive reviews of a number of Policies, including the Outdoor Eating Area, Concert and Events and Substandard Buildings Policies.

Congratulations Alison - well done!

Received with Acclamation!

7.2 Official Opening of Medibank Stadium

I am pleased to announce that the Town received the following Certificates, Photos and Memorabilia in recognition and appreciation of the Town's efforts and tremendous works in upgrading Leederville Oval (Medibank Stadium).

As everyone may be aware, this project was first raised in October 2001 and the project has now been satisfactorily completed.

I officiated in the Mayor's Cup, which was presented to the winner of the game between the two home Clubs - EPFC and SFC.

May I thank everyone for all their continued support and fantastic efforts over the previous years.

7.3 Perth Bicycle Network Local Government Grants Funding 2008/2009

I am pleased to advise that the Minister for Planning and Infrastructure, Hon Alannah MacTiernan, MLA has approved of our successful application for two Perth Bicycle Network (PBN) Local Government Grants as follows:

- Vincent NSP Project 1: Beatty Park Reserve Shared Path (\$20,900)
- Vincent EOT Project 1: Leederville Oval Public Open Space U-Rails (\$2,100).

The Minister expressed her appreciation to the Town for its ongoing support of Cycling Programs and the implementation of the Perth Bicycle Network.

7.4 Subiaco Football Club – Application for Federal Grant – National Binge Drinking Strategy

Subiaco Football Club (SFC) recently asked for the Town's support of their application to the Department of Health and Ageing for a Federal Grant in relation to the National Binge Drinking Strategy.

If successful in their Grant Application, SFC will be able to implement a community level program to promote the message of responsible drinking and the negative effect of binge drinking on our younger people within the community.

Research has shown that a high percentage of young Australians believe that drinking is an important tradition in sporting clubs. The Town endorses SFC as being competent and an ideal medium to deliver the message of responsible drinking throughout our district and country areas. SFC has a direct daily involvement with thousands of children and adolescents at junior football clubs, schools and indigenous groups through the delivery of Australian football programs and clinics.

SFC, through the WA Football Commission, has a partnership with Healthway to address the harmful effects of cigarette smoking within the community. SFC has a District Manager and Development Officer who are proactive in delivering the "Smarter than Smoking" message. This program has been going for over 20 years.

SFC is a high profile state league club that has excelled in all facets of club administration, financial management, strategic planning, junior development, on field performance and has maintained an excellent status in promoting their club and players as role models within the community.

SFC has a proven track record in supporting charities and delivering community programs that have a positive outcome on the health and well being of young Australians. SFC is a leader in the community in promoting fitness and fun that can be derived from being part of a team sport.

The National Binge Drinking strategy is therefore a perfect fit for the SFC to undertake the role of passionately delivering the message that binge drinking can only produce harmful effects to the community.

8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared a Financial interest in Item 10.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.

8.2 Cr Messina declared a Financial interest in Item 10.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has investment shares.

8.3 Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 10.3.3 – Forrest Park – Consideration of Submissions – Approval of Plans. The extent of his interest being that he is a referee, accredited by Football West, which is the state body governing football/soccer in W.A. For information he has been allocated to referee games at Forrest Park on three occasions, out of a possible 70-80 weekends, during the soccer seasons over the last three years. As a referee, he is required to have no involvement with any Club to ensure that his refereeing is objective and in accordance with the Referees' Code of Ethics. Advised:

1. **he is not a member** of Perth Soccer Club, Perth Junior Soccer Club or any other Club and **have never been a member** of such Clubs.
2. **he is not a member** of a Cricket Club or a Croquet Club.

Has had considerable input into Report 10.3.3.

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

8.4 Cr Doran-Wu declared a Financial interest in Item 10.1.10 – Proposed Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings. The extent of her interest being that her husband owns a property on a major road that will be affected by a change in this policy. Cr Doran-Wu requested approval to participate in the debate.

At 7.07pm Cr Doran-Wu departed the Chamber whilst her declaration of interest was being considered.

Moved Cr Ker, Seconded Cr Farrell

That Cr Doran-Wu's request to participate in debate of Item 10.1.10 – Proposed Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings, be approved.

CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Doran-Wu was absent from the Chamber and did not vote.)

At 7.08pm Cr Doran-Wu returned to the Chamber.

The Presiding Member, Mayor Nick Catania advised Cr Doran-Wu that the matter was Carried 6-0.

8.5 Cr Messina declared a Financial interest in Item 10.1.10 – Proposed Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings. The extent of his interest being that he owns a shop and leasehold of property located on a major road as per the policy. Cr Messina requested approval to participate in the debate and vote.

At 7.09pm Crs Messina departed the Chamber whilst Cr Messina's declaration of interest was being considered.

At 7.09pm Cr Doran-Wu also departed the Chamber.

Moved Cr Ker, Seconded Cr Farrell

That in relation Item 10.1.10 – Proposed Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings, Cr Messina's request to participate in:

(i) debate on this Item; and

(ii) voting on this Item;

be approved.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on each request separately.

(i) CARRIED (5-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Messina and Doran-Wu were absent from the Chamber and did not vote.)

At 7.10pm Cr Doran-Wu returned to the Chamber.

Debate ensued.

(ii) CARRIED (4-2)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Messina was absent from the Chamber and did not vote.)

At 7.12pm Cr Messina returned to the Chamber.

The Presiding Member, Mayor Nick Catania advised Cr Messina that:

- (i) his request to participate in debate on the matter was approved; and
- (ii) his request to participate in voting on the matter was approved.

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 10.1.10, 10.1.2, 10.1.6 and 10.3.3.

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

Item 10.4.2.

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

Item 10.3.1 and 10.1.10.

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

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

Cr Farrell	Nil.
Cr Messina	Items 10.2.1 and 10.4.3.
Cr Ker	Items 10.1.5, 10.1.7, 10.1.9 and 10.3.2.
Cr Doran-Wu	Nil.
Cr Lake	Items 10.2.5 and 10.2.6.
Cr Maier	Item 10.1.1.
Mayor Catania	Nil.

Cr Farrell advised that unfortunately he would have to depart the meeting early for personal reasons and would like to be present for Item 10.3.1 (as a quorum is required) and 10.3.3.

MOTION

Moved Cr Farrell, Seconded Cr Ker

That Items 10.3.1 and 10.3.3 be brought forward and discussed first in the new order of business.

CARRIED (6-1)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

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 10.1.3, 10.1.4, 10.1.8, 10.1.11, 10.2.2, 10.2.3, 10.2.4, 10.4.1 and 10.4.4.

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 10.1.3, 10.1.4, 10.1.8, 10.1.11, 10.2.2, 10.2.3, 10.2.4, 10.4.1 and 10.4.4.

(b) **Items brought forward by a motion and the following was advised:**

Items 10.3.1 and 10.3.3.

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

Items 10.1.10, 10.1.2 and 10.1.6.

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

Moved Cr Farrell, Seconded Cr Messina

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

Items 10.1.3, 10.1.4, 10.1.8, 10.1.11, 10.2.2, 10.2.3, 10.2.4, 10.4.1 and 10.4.4.

CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

The Presiding Member advised that Item 10.3.1 and 10.3.3 will be considered next.

10.1.3 No. 175 (Lot 10 D/P: 1401) Carr Place, Leederville - Proposed Demolition of Existing Single House

Ward:	South	Date:	15 August 2008
Precinct:	Oxford Centre; P04	File Ref:	PRO2554; 5.2008.316.1
Attachments:	001		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Customs House (WA) Pty Ltd for proposed Demolition of Existing Single House, at No. 175 (Lot 10 D/P: 1401) Carr Place, Leederville and as shown on plans stamp-dated 30 June 2008 , subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of any Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

Landowner:	Customs House (WA) Pty Ltd
Applicant:	Customs House (WA) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	668 square metres
Access to Right of Way	N/A

BACKGROUND:

30 November 2005 The Town, under delegated authority, conditionally approved a Planning Application for demolition of existing subject dwelling.

26 February 2008 The Council at its Ordinary Meeting conditionally approved a Planning Application for construction of ten (10) two-storey multiple dwellings with basement car parking at the subject lot together with the lot at No. 173 (Lot 9 D/P: 1401) Carr Place, Leederville.

DETAILS:

On 30 November 2007, the Planning Approval for the demolition of the existing brick and iron dwelling at No. 175 Carr Place, Leederville expired and hence a new Planning Application for the proposed demolition has been submitted.

Whilst the demolition of the subject place has previously been approved under delegated authority, the matter is being presented to the Council for consideration in accordance with the Town's Consultation Submission Guidelines – Planning, Building and Heritage Matters, which states "*where more than 5 submissions/responses are received, these shall be reported to Council giving a summary of the comments (e.g. in favour or against) and the officer's comments/recommendations*". In this instance, 6 objections were received in relation to the proposed development during the period of community consultation.

ASSESSMENT:

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

Objection (6)	A secure fence should be erected after the demolition to prevent access through the property to adjacent properties.	Not supported - the provision of fencing after the completion of demolition works is a civil matter. The objector has been advised to liaise directly with the owner of the subject place in this regard. It is to be noted that the demolition contractor is obligated under the provisions of the Occupational Safety and Health Regulations 1996 to ensure limited entry to an area where demolition and building works are being undertaken.
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

COMMENTS:

A Heritage Assessment for the subject dwelling is attached to this report.

The subject rendered brick and iron place at No. 175 Carr Place, Leederville was constructed in the Federation Bungalow style of architecture at the turn of the twentieth century. The place is generally representative of the middle class housing which was constructed close to growing services and facilities in Oxford Street at the end of the 19th century and early 20th century. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

10.1.4 No. 173 (Lot 9 D/P: 1401) Carr Place, Leederville - Proposed Demolition of Existing Single House

Ward:	South	Date:	15 August 2008
Precinct:	Oxford Centre; P04	File Ref:	PRO2599; 5.2008.315.1
Attachments:	001		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Customs House (WA) Pty for proposed Demolition of Existing Single House, at No. 173 (Lot 9 D/P: 1401) Carr Place, Leederville and as shown on plans stamp-dated 30 June 2008, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of any Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

Landowner:	Customs House (WA) Pty Ltd
Applicant:	Customs House (WA) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	668 square metres
Access to Right of Way	N/A

BACKGROUND:

30 November 2005 The Town, under delegated authority, conditionally approved a Planning Application for demolition of existing subject dwelling.

26 February 2008 The Council at its Ordinary Meeting conditionally approved a Planning Application for construction of ten (10) two-storey multiple dwellings with basement car parking at the subject lot together with the lot at No. 175 (Lot 10 D/P: 1401) Carr Place, Leederville.

DETAILS:

On 30 November 2007, the Planning Approval for the demolition of the existing brick and tile dwelling at No. 175 Carr Place, Leederville expired and hence a new Planning Application for the proposed demolition has been submitted.

Whilst the demolition of the subject place has previously been approved under delegated authority, the matter is being presented to the Council for consideration in accordance with the Town's Consultation Submission Guidelines – Planning, Building and Heritage Matters, which states "*where more than 5 submissions/responses are received, these shall be reported to Council giving a summary of the comments (e.g. in favour or against) and the officer's comments/recommendations*". In this instance, 6 objections were received in relation to the proposed development during the period of community consultation.

ASSESSMENT:

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

Objection (6)	A secure fence should be erected after the demolition to prevent access through the property to adjacent properties.	Not supported - the provision of fencing after the completion of demolition works is a civil matter. The objector has been advised to liaise directly with the owner of the subject place in this regard. It is to be noted that the demolition contractor is obligated under the provisions of the Occupational Safety and Health Regulations 1996 to ensure limited entry to an area where demolition and building works are being undertaken.
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

COMMENTS:

The subject rendered brick and iron place at No. 173 Carr Place, Leederville was constructed in the Federation Bungalow style of architecture at the turn of the twentieth century. The Post Office Directories first list the subject dwelling between 1910 and 1916 and, at this time, it is occupied by Charles Manning. William George S. is listed as the resident between 1917 and 1919 and Barnden Victor is listed as the occupier of the subject dwelling between 1920 and 1949.

The place, which the original facade detail has been replaced, is generally representative of the middle class housing which was constructed close to growing services and facilities in Oxford Street at the end of the 19th century and early 20th century. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

10.1.8 Nos. 283-289 (Lot: 1 D/P: 18) Beaufort Street, Corner Brisbane Street and Fore Street, Perth - Proposed Change of Use from Eating House, One Multiple Dwelling, Shop and Warehouse to Eating House, One Multiple Dwelling, Warehouse and Unlisted Use - Small Bar, with Associated Alterations and Additions

Ward:	South	Date:	19 August 2008
Precinct:	Beaufort; P13	File Ref:	PRO0016; 5.2008.154.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perrine Architecture Pty Ltd on behalf of the owner B W Griffiths for Proposed Change of Use from Eating House, One Multiple Dwelling, Warehouse and Shop to Eating House, One Multiple Dwelling, Warehouse and Unlisted Use - Small Bar, with Associated Alterations and Additions, at Nos. 283-289 (Lot: 1 D/P: 18) Beaufort Street, corner Brisbane Street and Fore Street, Perth, and as shown on plans stamp-dated 19 May 2008 and 20 August 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) 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;*
- (iii) the floor area for the warehouse and eating house components shall be limited as follows:
 - (a) warehouse - 138 square metres of gross floor area; and*
 - (b) eating house - 40 square metres of public floor area;**
- (iv) the maximum number of patrons to occupy the small bar at any one time shall be 120 persons;*
- (v) packaged liquor shall not be sold at the premises;*
- (vi) a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (vii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (viii) *prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ix) *doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (x) *prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (xi) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
- (a) *car parking being provided in accordance with the relevant Australian Standards for a residential car bay and a car bay for people with disabilities;*
 - (b) *the residential car bay being sign posted for the exclusive use of the occupier of the multiple dwelling;*
 - (c) *the provision of access and facilities for people with disabilities; and*
 - (d) *the bin compound being constructed in accordance with the Town's Health Services specifications, and divided into commercial and residential areas and sized to contain the following:*
 - (1) *Residential-*
1 x mobile garbage bin per unit; and
1 x general recycle bin per 2 units; and
 - (2) *Commercial-*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space.

The revised plans shall not result in any greater variation to the Town's Policies.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

Landowner:	B W Griffiths
Applicant:	Perrine Architecture Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop, Multiple Dwelling, Warehouse and Eating House
Use Class:	Multiple Dwelling, Eating House, Warehouse and Unlisted Use - Small Bar
Use Classification:	“AA”, “P”, "P" and "Unlisted Use"
Lot Area:	607 square metres
Access to Right of Way	Not applicable

BACKGROUND:

22 July 1996 The Council at its Ordinary Meeting refused an application for 2 additional shops and warehouses to the existing eating house and shop at the above site for the following reasons:

- “1 *the non-compliance with the orderly and proper planning of the locality and the preservation of the amenity of the locality; and*
- 2. *the non-compliance with the car parking and landscaping requirement of the Town of Vincent Town Planning Scheme.”*

25 November 1996 The Council at its Ordinary Meeting refused an application for a shop and warehouse addition at the above site for the following reasons:

- “1 *it was determined that the proposal was not substantially different from the previous proposal;*
- 2. *the proposed shop and warehouse addition would create an intensive usage of the site which will substantially extend the car parking shortfall;*
- 3. *non-compliance with the car parking requirements ; and*
- 4. *the non-compliance with the requirement concerning the orderly and proper planning of the locality and the preservation of amenities, particularly in the respect f the affect on the adjoining properties by way generation of traffic and demand for car parking.”*

DETAILS:

The proposal involves a change of use from eating house, one multiple dwelling, shop and warehouse to eating house, one multiple dwelling, warehouse and unlisted use (small bar) with associated alterations and additions.

The total public floor area for the small bar is 174 square metres, consisting 100 square metres on the ground floor and 74 square metres on the upper floor. The remaining eating house, multiple dwelling and warehouse remain unchanged.

The applicant’s detailed submission is “*Laid on the Table*”.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 = 4.85 multiple dwellings	R 16.47 = 1 multiple dwelling	Noted - no variation.
Plot Ratio	1.0	No increase to existing floor area	Noted.
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> Provide choice for people. Suitably located in inner city. Town should support small business. Patrons can catch public transport to venue. 		Noted.
Objection (1)	<ul style="list-style-type: none"> No comments provided. 		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications:			The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage.

* 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.

Car Parking

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling. A total of 2 car bays are proposed, being 1 car bay for the residential use and 1 car bay that is required to be set aside for people with disabilities associated with the commercial use.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Small Bar – 1 space per 4.5 approved persons - Approved persons = 120 - Requires 26.67 car bays; <ul style="list-style-type: none"> Eating House -Public floor area =40 square metres	39 car bays

-Requires 8.89 car bays; and <ul style="list-style-type: none"> • Warehouse = 138 square metres -Requires 3 car bays for first 200 square metres -Requires 3 car bays. Total bays required = 57.67 car bays.	
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) • 0.85 (within 800 metres of a rail station) 	(0.578) 22.542 car bays
Minus the car parking provided on-site	1 car bay
Minus the most recently approved on-site car parking shortfall, as stated in the Council Minutes of 22 November 1996.	47 car bays
Resultant surplus	25.458 car bays

Bicycle Parking Facilities	
Small Bar – does not require bicycle parking	Not applicable.
Eating House <ul style="list-style-type: none"> - 1 space per 100 (proposed 40) square metres public area (class 1 or 2) = 0.4 space - 2 spaces plus 1 space per 100 (proposed 40) square metres of public area (class 3) = 2 spaces 	Only location shown on site plan, but outside property boundary.

COMMENTS:

Department for Planning and Infrastructure (DPI) Comments

The DPI has advised no objection on regional transport grounds, as per its letter dated 30 June 2008.

Small Bar Licence

In May 2007, an amendment was made to Section 41 of the Liquor Control Act 1988, to include a small bar licence as a form of hotel licence. A small bar licence differs from hotel and tavern licences by the conditions imposed to restrict the scope of the licence. A small bar licence is a form of a hotel licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

Summary

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.11 Draft Perth CBD Office Accommodation Strategic Plan 2009-2012, May 2008, Department of Housing and Works

Ward:	Both Wards	Date:	18 August 2008
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft "Perth CBD Office Accommodation Strategic Plan 2009-2012", May 2008, Department of Housing and Works, as Shown in Appendix 10.1.11; and*
- (ii) *ADVISES the Department of Housing and Works that the Town has NO OBJECTION to the intent and content of the Draft Perth CBD Office Accommodation Strategic Plan 2009-2012.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Draft "Perth CBD Office Accommodation Strategic Plan 2009-2012", May 2008 released by the Department of Housing and Works. There are a number of projects, namely the *Leederville Masterplan* and the *West Perth Regeneration Masterplan* that will increase the amount of office accommodation within the Town's boundaries and future partnerships with other agencies will assist in the redevelopment process.

BACKGROUND:

The Town's Officers have on two occasions met with the Department for Housing and Works (DHW) where the status of the *Leederville Masterplan*, *Draft West Perth Regeneration Masterplan*, *Economic Development Strategy* and *Draft Local Planning Strategy* were discussed. The DHW expressed a strong interest with respect to locating government offices within the Town given the cost of office space in the City and that leases were not always awarded to the government as have previously been the case (they would be regarded as a preferred tenant). Accordingly, the DHW were briefed in terms of opportunities within the Town.

DETAILS:

Leederville Masterplan

The Town is currently in the process of developing the *Leederville Masterplan*. One of the key goals of the Masterplan is to provide additional commercial opportunities and encourage new opportunities for local employment. Keeping in line with 'Network City' the Masterplan – Precinct 8 aims to increase the amount of office space within the Newcastle Street commercial area and to allow for future high-rise development to occur on the corner of Newcastle Street and Loftus Street.

Draft West Perth Regeneration Masterplan

The Town of Vincent recognises the importance of the West Perth area acquired by the Town in July 2007 in terms of its proximity to the Perth CBD as well as public transport links and has responded by commissioning a Regeneration Masterplan. The Masterplan proposes to significantly increase office space within the area.

The Town recognises the shortage of office supply within the Perth Central Business District (CBD) and acknowledges that other local government areas such as the Town of Vincent, will need to assist in the provision of such uses. Future partnerships with State Government agencies for the provision of office accommodation is considered to have a positive effect on the overall regeneration of Leederville and West Perth.

DETAILS:

The *Perth CBD Office Accommodation Strategic Plan 2009-2012* released by the Department of Housing and Works (DHW) is part of a wider management framework. The purpose of the Strategic Plan is to provide government with:

- An overview of the status of its CBD office accommodation presence for both leased and owned office accommodation;
- A summary of the key factors influencing the supply of and demand for government office accommodation in the Perth CBD; and
- Strategic objectives for managing the State Government's office accommodation portfolio in the Perth CBD.

The Strategic Plan recognises the shortage of supply of office accommodation within Perth's CBD. This shortage has resulted in an increase in the net rent of office accommodation, vacancy rates remaining extremely low for the next two (2) years and unsustainable demand and supply patterns. The paper acknowledges that rising rents combined with the current market conditions has led to tenants moving to emerging fringe office areas such as Subiaco, Herdsman, Belmont and North Perth. In addition to office accommodation in the external market, space will become available in existing government owned and leased buildings as a result of agency re-locations. This will effectively create an internal supply of government vacant space, creating opportunities for agencies looking to expand or relocate. This space will offer agencies comparative value for money as much of this space is subject to rents that are lower than market.

A summary of the key strategic objectives and actions from the Strategic Plan are detailed below:

Objective One: Support Agency Operational Objectives

- Develop and implement agency accommodation plans.
- Assess agencies' operational requirement to have an office in the Perth CBD.

Objective Two: Achieve value for money accommodation solutions for government and individual government agencies

- Continue to place priority on filling leased vacant space when accommodating agencies.
- Monitor the value for money obtained from lease procurement.
- Assess the cost benefits of having an office in the Perth CBD compared with the high occupancy costs.

Objective Three: Promote compliance with government occupancy density standards

- Work with agencies that have significant non-conforming leases and pending refurbishments to improve overall government compliance and achieve better cost efficiency.

Objective Four: Improve the sustainability of government office accommodation

- Obtain ABGR ratings of similar for all government leased accommodation.
- Identify and implement strategies to improve agencies' assessed ratings.

Objective Five: Support government planning objectives

- To support wider government planning objectives for the Perth CBD and surrounding areas while providing value for money solutions for government.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Minister for Works, under the Public Works Act 1902, executes all leases for government office accommodation.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011: Strategic Objective: Natural and Built Environment –

“1.1.1 Capitalise on the Town’s strategic location, its centres and commercial areas.”

Town of Vincent Strategic Plan 2006 – 2011: Strategic Objective: Economic Development –

“2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.”

“2.1.2 Develop and promote partnerships and alliances with key stakeholders.”

“2.1.3 Promote business development.”

“2.1.4 Identify the needs and expectations of the business community and facilitate outcomes in the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

It is considered that creating partnerships with State Government agencies for the development of office accommodation within the Town will create positive economic return to the Town.

COMMENTS:

The Strategic Plan raised some important issues relating to office accommodation within the Perth metropolitan region; however, the paper does not specifically make reference to office accommodation within the Town of Vincent. However, meetings between Officers of the Town and the DHW established that there is strong interest to relocate State Government offices from the Perth CBD to the Town of Vincent, specifically Leederville and West Perth.

In light of the above, it is considered that the Council receive the document relating to the Draft "*Perth CBD Office Accommodation Strategic Plan 2009-2012*", May 2008, Department of Housing and Works, and raises no objection to the intent and content of the Draft "Strategic Plan".

10.2.2 2008 Pride Parade - Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	19 August 2008
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES:**

- (a) *the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 25 October 2008, to facilitate the 2008 Pride Parade;*
- (b) *a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
- (c) *funding the proposed road closures from the 2008/2009 Parades and Festivals budget allocation, to a maximum of \$4,500, conditional upon the applicant acknowledging the Town of Vincent as a sponsor in all publicity for the parade; and*
- (d) *a temporary "No Parking" restriction in the same area from 2.00 pm on Saturday, 25 October 2008; and*

(ii) **REQUESTS that the applicant:**

- (a) *contacts the Public Events section of the WA Police and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (b) *liaises with the City of Perth regarding the placement of a notice of road closure in "The West Australian" and reimburses the City of Perth for the cost of the advertisement; and*
- (c) *letter drops all affected residents and businesses along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to close Brisbane and William Streets, Perth, and sections of the surrounding road network, between the hours of 6.00pm and 9.30pm on Saturday, 25 October 2008, to facilitate the 2008 Pride Parade.

BACKGROUND:

Pride WA has successfully held their annual Pride Parade through the streets of Northbridge for the past 18 years. Last year the parade drew a crowd in excess of 60,000 people, making it one of the largest public events in metropolitan Perth.

To safely accommodate both the participants and spectators alike, a series of coordinated road closures are inserted in Brisbane, William and surrounding streets progressively from 6.00pm to 7.45pm* and withdrawn from about 9.30pm, once the procession has passed into the City of Perth's area south of Newcastle Street.

Note*: Newcastle Street is the last road closure inserted at 7.45pm, 15 minutes prior to the start of the parade.

Since 2000 the Town has engaged the services of a Main Roads WA accredited Traffic Management Contractor to ensure that the road closures are undertaken in accordance with the Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice*.

The City of Perth is responsible for all road closures south of, and including, Newcastle Street.

DETAILS:

As in 2007, the area to be temporarily closed to facilitate the 2008 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on attached Plan No. A4-00-063B.

If the road closures were to be undertaken by the Town's staff, it would be necessary to allocate significant staff resources and either acquire or hire a substantial number of new traffic signs and barricades to implement the closures in accordance with the Australian Standards, and Main Roads WA *Traffic Management of Events Code of Practice*. The direct cost to the Town would far exceed that of the cost of engaging a Traffic Management Contractor.

The Town's Rangers are responsible for setting up and enforcing the temporary *No Parking* restrictions.

In acknowledgement of the Town's continuing support for the parade, Pride WA will again confer *Gold Partnership* status on the Town which includes:

- Half page advertisement in the Pride Festival Guide (circulation 10,000+).
- Banner advertisement on the Pride WA website.
- The Town's logo on the Pride WA street banners(s).
- The Town's logo on Pride Festival posters, flyers and newspaper advertisements.

CONSULTATION/ADVERTISING:

As per clause (v) part (b) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of the Road Traffic Act 1974. Further, Pride WA has provided an undertaking to letter drop all the affected residents and businesses along the parade route in accordance with clause (v) part (c).

LEGAL/POLICY

The Town is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore a suitably qualified and Main Roads WA accredited Traffic Management Contractor will be engaged.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and dismantling), will cost in the order of \$4,200.

COMMENTS:

Traffic Management for large public events has over the past decade become a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. The Traffic Management Contractor will be required to provide a comprehensive traffic management plan, all signage and barricades and traffic control personnel.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the main body of the report to accommodate the 2008 Pride Parade on 25 October 2008.

10.2.3 Proposed 2009 Perth Criterium Cycling Series Leederville Race

Ward:	South	Date:	19 August 2008
Precinct:	Oxford Centre, P4	File Ref:	TES0172 & CMS0033
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed 2009 Perth Criterium Cycling Series Leederville Race;
- (ii) **APPROVES** the Town hosting the final event in the 2009 Perth Criterium Cycling Series, proposed to be held on Australia Day, Monday 26 January 2009;
- (iii) **APPROVES:**
 - (a) the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets, between 2.00 pm and 7.00 pm on Monday, 26 January 2009,
 - (b) a Main Roads WA accredited Traffic Management contractor to carry out the required road closures as shown on attached Plan No. 2602-CP-01;
 - (c) funding the proposed road closures from the 2008/2009 Parades and Festivals budget allocation, to a maximum of \$3,600, conditional upon the applicant acknowledging the Town of Vincent as a sponsor in all publicity for the parade; and
 - (d) a temporary "No Parking" restriction in the same area from 10.00 am on Monday, 26 January 2008; and
- (iv) **REQUESTS** that the applicant:
 - (a) contacts the Public Events section of the WA Police and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;
 - (b) places a notice of road closure in "The West Australian" Saturday 24 January 2009, and,
 - (c) letter drops all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.
- (v) **AUTHORISES** the Chief Executive Officer to negotiate any other appropriate terms and conditions, including possibly waiving event fees and providing prizes for the participants; and
- (vi) **ADVISES** the organisers of the Perth Criteriums "Trievents" of its decision.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the Town hosting the final race of the Perth Criterium Cycling Series in Leederville on Australia Day, Monday 26 January 2009.

BACKGROUND:

For the nine (9) years prior to 2005, the Town hosted a leg of the Perth Criterium Series, with the Leederville leg being the only race to be held every year in which the series was run.

In anticipation of hosting the "2005 World Criterium Championships", the smaller local Criterium series was cancelled for the year (2005). Unfortunately the 'World' event never eventuated, and the series lapsed for three years. Further, the original organisers, Perth Criterium Series Pty Ltd, subsequently disbanded.

In September 2007 'Trievents' approached the Town, as well as three other Local Governments, with a view to resurrecting the series.

At its Ordinary Meeting 9 October 2007, the Council received a report on the proposed series with the emphasis on the Leederville Race, resulting in the following decision:

"That the Council;

- (i) RECEIVES the report on the proposed return of the Perth Criterium Cycling Event to Leederville;*
- (ii) APPROVES the Town's hosting the final event in the Perth Criterium Series, proposed to be held on Monday, 28 January 2008, subject to additional detailed information regarding the proposal being received by the Town from the organisers "Trievents";*
- (iii) NOTES that no funds have been allocated in the 2007/2008 budget for this event;*
- (iv) AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of approval including possibly waiving event fees and making a contribution of an amount to be determined, for implementing traffic management (refer proposed possible road closure plan A4-2210-CP-1) should the event proceed; and*
- (v) ADVISES the organisers of the Perth Criteriums "Trievents" of its decision."*

The Race was subsequently held on the Monday public holiday, 28 January 2008, and was adjudged by the organisers and cyclists as the best race of the series.

DETAILS:

Criterion racing is widely regarded as the most exciting form of road racing competitions. It involves high speed around a tight and intimate circuit, meaning that spectators can be very close to the action.

In light of the success of the 2008 Leederville Race, the Town has again been approached by "Trievents" to stage the final race of the proposed 2009 series. With the support of Cycling Western Australia, they intend to hold four (4) races on the 2009 Australia Day long weekend:

- Race One (1) is proposed to take place on Friday night, 23 January 2009, and will be hosted by the City of Joondalup through the streets of the Joondalup City Centre.
- Race two (2) on Saturday 24 January, will be hosted by the City of Perth in the Northbridge area.
- Race three (3) will be held on Sunday 25 January, hosted by the Town of Victoria Park on an Albany Highway street circuit.
- **Race four (4), Leederville:** Trievents propose holding the final race, presentations and celebrations in what they refer to as "Cycling Central – Leederville" on Australia Day, 26 January 2009.

The proposed circuit is the same as in previous years, and as shown on Plan No. 2602-CP-01, with the racing concentrated on the Oxford Street café strip. It involves the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets, from 2.00 pm to 7.00 pm.

However, the most significant difference to the last series (January 2008) is that while the Leederville Race will again be on the Monday, it is also Australia Day, 26 January, rather than the 28 January as it was this year. The implications are that it will conflict with the annual fire works display or 'Skyworks' over the Swan River in the centre of the city.

Given that 'Skyworks' attracts in the order of 400,000 people, the road closures would have to be carefully managed. There are several factors in the Leederville events favour:

- Daylight saving, a result of which the fire works do not start until about 8.30 pm.
- The Leederville Race finishes about 6.00 pm and the roads reopened by 7.00 pm.
- The crowds attending the fire works arrive over the course of the afternoon whereas they leave en masse from 9.00 pm, some two hours after the roads around Leederville are reopened.
- Those attending the fire works from the northern suburbs will still be able to access Kings Park and surrounds via the Mitchell Freeway, Leederville Parade and Loftus/Thomas Streets. Similarly Loftus Street will not be impeded.

Therefore, the Leederville road closures will have a limited impact upon the 'Skyworks' traffic and in fact may encourage more spectators to attend the Leederville Race, stopping in on their way into the city.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contactors will be invited to tender for the road closure contract.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

The proposed event will promote cycling.

FINANCIAL/BUDGET IMPLICATIONS:

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the various road closures, provision of sufficient staff (accredited traffic controllers) for a period of six hours (including mobilisation and demobilisation, set up and dismantling), will cost in the order of \$3,600.

COMMENTS:

The series has been a great success in previous years. It is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate any additional Terms and Conditions that may be appropriate to ensure a successful event.

10.2.4 Proposed 2 Hour Parking Restriction - Washing Lane, Perth

Ward:	South	Date:	3/07/2007
Precinct:	Beaufort (P13)	File Ref:	PKG0169/TES0534
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the introduction of parking restrictions in Washing Lane, Perth;
- (ii) **APPROVES** the introduction of the two (2) hour parking and "No Parking" restrictions on the northern side of Washing Lane and a "No Parking" restriction on the southern side of Washing Lane; between William and Money Streets, as illustrated on attached Plan 2532-PP-2; and
- (iii) **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the introduction of a 2 hour parking restriction on the northern side of *Washing Lane*, Perth, between William and Money Streets.

BACKGROUND:

Washing Lane is located within the Beaufort Precinct and as is bounded by Newcastle, Lindsay, Monger and William Streets. It was created as a result of a subdivision by the East Perth Redevelopment Authority under Northbridge Renewal Project.

The first stage of *Washing Lane*, between Money and Lindsay Streets, was constructed in 2006. As there were no parking restrictions in *Washing Lane* for the first six (6) months from completion, it regularly became "parked out" by Central Business District (CBD) workers and Central TAFE students taking advantage of the free long term parking.

In order to address the situation Council, at it Ordinary Meeting of 10 July 2007, approved the installation of a 2P restriction, 8.00am to 5:30pm Monday to Friday, along the northern side of the street. Further, in light of the narrow carriageway width, a complementary "No Parking" restriction was installed along the southern side.

In 2007 Stage 2 of *Washing Lane* was constructed between William and Money Streets, through what was the "Auto Masters" site. With the opening of the new road, the same situation quickly arose with CBD workers and TAFE students taking advantage of the free long term parking.

DETAILS:

Parking in surrounding streets is regulated by a two (2) hour restriction enforced from 8.00am to 5:30pm Monday to Friday. For reasons of continuity and enforcement, it is considered that the same restrictions should apply in Stage 2 of *Washing Lane* as applies in Stage 1.

Further, it is considered that the parking should be allowed on the northern side of the road for the following reasons:

The southern side of the *Washing Lane* carriageway abuts rear boundary fences, while the northern side abuts a footpath. If the parking was confined to the southern side, passengers would have difficulty alighting. Whereas parking on the northern side, east bound, allows room for passengers to alight safely and ensures that the vehicle is parked adjacent to the kerb and not off-set to allow additional room. It also maintains continuity with the restrictions imposed in *Washing Lane* Stage 1.

Further, as indicated above, in light of the lane's narrow width, some motorists partially park on the footpath to increase the separation for passing vehicles, thereby restricting pedestrian access. To prevent this occurring, it is also proposed to install, in conjunction with the Parking Restriction signs, "No Parking" on footpath signs, as indicated on Drawing 2532-PP-2.

CONSULTATION/ADVERTISING:

Given that there are currently no adjacent residents and this restriction will only affect people taking advantage of the free all day parking, further consultation is not considered necessary.

LEGAL/POLICY:

The Town's Rangers will enforce the restrictions once implemented.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 Natural and Built Environment. "e) Review, implement and promote the Car Parking Strategy;

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing parking restrictions in *Washing Lane* will require the manufacture and installation of six (6) new signs and will cost approximately \$600.00.

COMMENTS:

The proposed changes will correct an anomaly that has arisen that currently permits free all day parking within close proximity to the Central TAFE and CBD. Further, as the properties abutting *Washing Lane* are sold and developed, there will be increasing pressure on the limited on-road parking spaces within the area and therefore it is considered prudent to introduce the restrictions now.

10.4.1 Loftus Recreation Centre Management Committee – Receiving Of Unconfirmed Minutes

Ward:	North	Date:	18 August 2008
Precinct:	Leederville	File Ref:	TEN 0390
Attachments:	001		
Reporting Officer(s):	M. Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 14 August 2008, as shown in Appendix 10.4.1.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 14 August 2008.

BACKGROUND:

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

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

- (b) *to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*
- (c) *to receive and consider Performance Reports;*
- (d) *to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*
- (e) *to review the Risk Management Plan for the Premises."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENT:

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

10.4.4 Information Bulletin

Ward:	-	Date:	20 August 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 26 August 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 26 August 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Office of the Minister for Planning and Infrastructure regarding Town of Vincent TPS (Town Planning Scheme) No. 1 – Amendment No. 27
IB02	Letter from Honourable John Kobelke regarding resolutions of the Special Council Meeting held on 2 July 2008 regarding the Leederville Masterplan
IB03	Information Report – Passing of the Western Australian Food Act 2008
IB04	Minutes from Safer Vincent Crime Prevention Partnership (SVCPP) meeting held on 7 May 2008
IB05	Minutes from Safer Vincent Crime Prevention Partnership (SVCPP) meeting held on 9 July 2008

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in Item 10.3.1. They departed the Chamber at 7.15pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair.

10.3.1 Investment Report as at 31 July 2008

Ward:	Both	Date:	4 August 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 July 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

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

Mayor Catania and Cr Messina returned to the Chamber at 7.16pm. The Chief Executive Officer advised them that the item was carried.

Mayor Catania assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 July 2008 were \$9,632,734 compared with \$10,282,320 at 30 June 2008. At 31 July 2007, \$13,838,406 was invested.

Total accrued interest earned on Investments as at 31 July 2008:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	17,708	2.72
Reserve	485,710	52,363	10.78

COMMENT:

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

Note that the investment previously held with Home Building Society has changed name to the Bank of Queensland following a take over of the building society.

The significant difference between the balance of investments at 31 July 2008 and 31 July 2007 is due to the fact that at this time last year the Town was holding loans funds for the construction of the Loftus Centre redevelopment.

10.3.3 Forrest Park - Consideration of Submissions - Approval of Plan

Ward:	South	Date:	20 August 2008
Precinct:	Forrest P14	File Ref:	RES0003
Attachments:	001		
Reporting Officer(s):	Various		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the Progress Report and the Public Submissions on the Forrest Park Pavilion Community Consultation, carried out in July-August 2008;*

(ii) *DOES NOT proceed with;*

1. *Concept Option 5C, as shown on Plan No. SK21, Appendix 10.3.3A, for the following reasons;*

- (a) *the proposed building location will encroach into existing Croquet Green No. 3;*
- (b) *the proposed building location will limit the creation of a Croquet Green No. 4, (if this is warranted and justified) in the future; and*
- (c) *the proposed building location is not supported by the Western Australian Croquet Association (WACA), Forrest Park Croquet Club (FPCC) and Perth Junior Soccer Club (PJSC) and a number of residents, as an alternative and more beneficial layout can be created, in parallel, to the existing Pavilion; and*

2. *the construction of an on-site car park to allow for an additional thirty (30) bays within the leased area along the Harold Street frontage of the existing Clubroom, together with associated lighting and landscaping, as shown in Appendix 10.3.3B, Plan No. 2542-CP-01K, at an estimated cost of \$125,000, for the following reasons;*

- (a) *the proposed car park will encroach into existing Croquet Greens No. 1 and 2 fronting Harold Street;*
- (b) *the proposed car park will limit the creation of an additional Croquet Green No. 4 in the future (if this is warranted and justified); and*
- (c) *the proposed car park is not supported by the Western Australian Croquet Association, Forrest Park Croquet Association, Perth Junior Soccer Club and a number of residents;*

(iii) *APPROVES;*

(a) *the refurbishment and building extension of the Forrest Park Pavilion, as shown in Plan No. SK23 - Option 8 - as shown in Appendix 10.3.3C for the following reasons;*

- (i) *The building will not encroach onto Forrest Park - therefore no loss of public open space;*
- (ii) *The building is to be located in the area, as per the motion passed at the Special Meeting of Electors held on 14 July 2008;*
- (iii) *No trees are to be removed;*

- (iv) *No loss of visual amenity onto the park for adjoining residents;*
- (v) *Interaction and good tie-in with existing buildings and services;*
- (vi) *Access is improved and more functional;*
- (vii) *Provides all the facilities requested by Perth Junior Soccer Club (PJSC); and*
- (viii) *Allows for PJSC to provide 'in-kind' contribution for the clubroom/administration and new kiosk component;*

- (b) *the 'in-kind' contribution from Perth Junior Soccer Club for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building, for Option 8, as shown in Appendix 10.3.3C;*

- (c) *subject to Option 8 and the "in-kind" contribution from Perth Junior Soccer Club being approved, of a lease over the proposed new clubroom/administration/kiosk/Storeroom to be provided to Perth Junior Soccer Club and the Chief Executive Officer be authorised to negotiate this to the satisfaction of the Town;*

- (d) *the creation of a dog exercise area on the western portion of Forrest Park for provision of a dog off-leash area at all times, (except when the adjacent sports pitch is used for an approved function, event, sports training or other activities) comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins and signage, as shown in Appendix 10.3.3D on Plan No 2542-CP-01N, at an estimated cost of \$19,000; and*

- (e) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;*

- (iv) **AUTHORISES** *the Chief Executive Officer to;*
 - (a) *prepare construction plans/working drawings and specifications for the proposed building;*
 - (b) *make variations/amendments to the Plan - Option 8 - and general location which may arise during the preparation of working drawings and construction phase, subject to the proposed building remaining within the approved "footprint";*
 - (c) *to negotiate the extent of work and/or contribution to be provided by Perth Junior Soccer Club; and*
 - (d) *call a tender for the proposed refurbishment and building extension; and*

- (v) *subject to (iii(a)) as above being approved, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Clubroom Recreational facility, Harold Street, Mount Lawley, to reflect the new lease area and also granting a "right of access" over the internal road and car park, as shown in Appendix 10.3.3D and E, Plan No. 2542-CP-01N and M and AUTHORISES the Chief Executive Officer to negotiate the lease variations and any subsequent amendments, to the satisfaction of the Town and carry out minor works associated with the lease amendments, at the Town's cost.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Ker

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

“(v) subject to (iii(a)) as above being approved, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Clubroom Recreational facility, Harold Street, Mount Lawley, to extend the lease period and to reflect the new lease area and also granting a “right of access” over the internal road and car park, as shown in Appendix 10.3.3D and E, Plan No. 2542-CP-01N and M and AUTHORISES the Chief Executive Officer to negotiate the lease variations and any subsequent amendments, to the satisfaction of the Town and carry out minor works associated with the lease amendments, at the Town’s cost.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting.)

AMENDMENT 2

Moved Cr Maier, Seconded Cr Lake

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

“(vii) REQUESTS that the administration investigate the implications and feasibility of the moving of the southern cricket pitch to the north and providing a sufficient barrier along the northern edge of the recommended dog exercise area such as a garden bed, and that this report be received by the second meeting in September.”

Debate ensued.

Cr Farrell departed the Meeting at approximately 7.37pm for personal reasons and did not return to the Meeting.

Debate ensued.

AMENDMENT 2 PUT AND LOST (2-4)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.3.3

That the Council;

- (i) ***RECEIVES the Progress Report and the Public Submissions on the Forrest Park Pavilion Community Consultation, carried out in July-August 2008;***
- (ii) ***DOES NOT proceed with;***
 1. ***Concept Option 5C, as shown on Plan No. SK21, Appendix 10.3.3A, for the following reasons;***
 - (a) ***the proposed building location will encroach into existing Croquet Green No. 3;***
 - (b) ***the proposed building location will limit the creation of a Croquet Green No. 4, (if this is warranted and justified) in the future; and***
 - (c) ***the proposed building location is not supported by the Western Australian Croquet Association (WACA), Forrest Park Croquet Club (FPCC) and Perth Junior Soccer Club (PJSC) and a number of residents, as an alternative and more beneficial layout can be created, in parallel, to the existing Pavilion; and***
 2. ***the construction of an on-site car park to allow for an additional thirty (30) bays within the leased area along the Harold Street frontage of the existing Clubroom, together with associated lighting and landscaping, as shown in Appendix 10.3.3B, Plan No. 2542-CP-01K, at an estimated cost of \$125,000, for the following reasons;***
 - (a) ***the proposed car park will encroach into existing Croquet Greens No. 1 and 2 fronting Harold Street;***
 - (b) ***the proposed car park will limit the creation of an additional Croquet Green No. 4 in the future (if this is warranted and justified); and***
 - (c) ***the proposed car park is not supported by the Western Australian Croquet Association, Forrest Park Croquet Association, Perth Junior Soccer Club and a number of residents;***
- (iii) ***APPROVES;***
 - (a) ***the refurbishment and building extension of the Forrest Park Pavilion, as shown in Plan No. SK23 - Option 8 - as shown in Appendix 10.3.3C for the following reasons;***
 - (i) ***The building will not encroach onto Forrest Park - therefore no loss of public open space;***

- (ii) *The building is to be located in the area, as per the motion passed at the Special Meeting of Electors held on 14 July 2008;*
- (iii) *No trees are to be removed;*
- (iv) *No loss of visual amenity onto the park for adjoining residents;*
- (v) *Interaction and good tie-in with existing buildings and services;*
- (vi) *Access is improved and more functional;*
- (vii) *Provides all the facilities requested by Perth Junior Soccer Club (PJSC); and*
- (viii) *Allows for PJSC to provide 'in-kind' contribution for the clubroom/administration and new kiosk component;*

- (b) *the 'in-kind' contribution from Perth Junior Soccer Club for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building, for Option 8, as shown in Appendix 10.3.3C;*

- (c) *subject to Option 8 and the "in-kind" contribution from Perth Junior Soccer Club being approved, of a lease over the proposed new clubroom/administration/kiosk/Storeroom to be provided to Perth Junior Soccer Club and the Chief Executive Officer be authorised to negotiate this to the satisfaction of the Town;*

- (d) *the creation of a dog exercise area on the western portion of Forrest Park for provision of a dog off-leash area at all times, (except when the adjacent sports pitch is used for an approved function, event, sports training or other activities) comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins and signage, as shown in Appendix 10.3.3D on Plan No 2542-CP-01N, at an estimated cost of \$19,000; and*

- (e) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;*

- (iv) **AUTHORISES** *the Chief Executive Officer to;*
 - (a) *prepare construction plans/working drawings and specifications for the proposed building;*
 - (b) *make variations/amendments to the Plan - Option 8 - and general location which may arise during the preparation of working drawings and construction phase, subject to the proposed building remaining within the approved "footprint";*
 - (c) *to negotiate the extent of work and/or contribution to be provided by Perth Junior Soccer Club; and*
 - (d) *call a tender for the proposed refurbishment and building extension; and*

- (v) *subject to (iii)(a) as above being approved, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Clubroom Recreational facility, Harold Street, Mount Lawley, to extend the lease period and to reflect the new lease area and also granting a "right of access" over the internal road and car park, as shown in Appendix 10.3.3D and E, Plan No. 2542-CP-01N and M and AUTHORIZES the Chief Executive Officer to negotiate the lease variations and any subsequent amendments, to the satisfaction of the Town and carry out minor works associated with the lease amendments, at the Town's cost.*

PURPOSE OF REPORT:

To report to the Council the submissions received concerning the further community consultation on the Forrest Park Pavilion and authorise the Chief Executive Officer to prepare construction plans, call a tender and negotiate the necessary variation to the existing joint lease of the Forrest Park Clubrooms and new lease of the proposed building to Perth Junior Soccer Club.

ADDITIONAL INFORMATION:

In response to questions from several Council Members, the following is advised;

Playgroup Building Area

Plan SK 23 shows the extent of the work proposed for the existing building in which the Highgate Playgroup is located. This includes-but is not limited to the following;

1. new compliant toilets, rendering/tiling of walls and tiling of floor, installation of a new ceiling/repainting of in the existing male toilet area (coloured brown). (Note: The accessible toilet will be available to the public at all times);
2. removal of internal partitioning, existing showers, fixtures and fittings, levelling and making good the floor , which form part of the existing change-room (coloured brown);
3. installation of new bi-fold door (shown on plan) to allow expansion into the adjoining area;
4. upgrade of plumbing, electrical and lighting, as required; and
5. all works will make good any refurbishment alterations (e.g. painting, wall rendering, tiling, fixing the ceiling etc).

Once the Council has approved the Concept plans, full construction Plans/ working drawings and a detailed specification will be prepared, for tender purposes.

Playground

The Highgate Playgroup/Forrest Park playground was upgraded in the 2005/06 financial year, as part of Year 4 of the playground upgrade program. The upgrade included; new equipment, rubber soft fall and a shade sail.

The playground fully complies with Australian Standards and does not need any further upgrade.

The Town's administration does not support any further upgrade of the playground, for the above reasons.

Request to Relocate the Southern Cricket Pitch

Physical Barrier

A physical barrier of any sort will severely restrict the overall use of the reserve, particularly for active recreation. If a garden bed or other sort of barrier was approved, the cricket pitch would then have to be moved to the north, which would severely impact on the location of the soccer pitches resulting in only one pitch being able to be marked out unless soccer could be played over the relocated synthetic cricket wicket with a cover (sand or rubber matts).

Soccer is not normally played over a cricket wicket – even with a protective cover (only Aussie rules football – albeit reluctantly).

Up until 5 or so years ago Forrest Park used to have 3 cricket pitches. A pitch was previously located in the North western corner of the reserve, however this was removed as both northern most cricket fields bisected each other and this was considered potentially dangerous. Removing one also enabled the marking out of 2 larger soccer pitches without playing over a cricket wicket, which obviously reduced the risk of player injury.

Potential Dangerous Situation/Liability

Moving the southern most cricket pitch to the north is likely to again create a potentially dangerous situation, with the cricket fields again bisecting each other – thereby creating a situation where players could be injured. If this was to occur, the Town would be exposed to potential litigation and liability, if a person was injured. The Town's Insurance may also not cover any claims, as the Council would be creating a situation whereby it was aware of the risks and potential injury.

The Town's administration does not support and advises the Council to exercise caution concerning the possible relocation of the existing cricket pitch and installation of a physical barrier between the proposed dog exercise area and the remainder of the park, for the above reasons.

BACKGROUND:

The Council at its Ordinary Meeting of 22 July 2008 Item 10.4.6 resolved as follows;

“COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) *RECEIVES the Minutes of the Special Meeting of Electors held at 7.00pm on Monday 14 July 2008 relating to Forrest Park, as shown in Appendix 10.4.6(F) and NOTES that two Motions were passed at the Meeting;*
- (ii) *RECEIVES the Progress Report on the Forrest Park Pavilion Community Consultation, carried out in March-April 2008;*
- (iii) *DOES NOT SUPPORT;*
 - (a) *the proposed location of the Pavilion (Plan No. 2542-CP-01D) on Forrest Park (which was approved for community consultation at the Ordinary Meeting of Council held on 26 February 2008, as shown in Appendix 10.4.6(A)) for the following reasons;*
 - 1. *a loss of public open space will occur by encroaching into the Park;*
 - 2. *an alternative more suitable location has been found;*
 - 3. *the visual loss of amenity onto the park for adjacent residents will occur;*
 - 4. *little interaction with existing building;*
 - 5. *no cost advantage is gained by using this location; and*
 - 6. *consideration of objections received;*

(b) Special Elector Meeting Decision:

"that the Town of Vincent Town Council support the electors, residents and ratepayers by preparing a Master Plan for Forrest Park to be completed and presented to council within the next twelve months, in consultation with the residents and Stakeholders including Perth Junior Soccer Club, the Croquet Club and Playgroup and in consultation with all residents living within a 2 kilometre radius of Forrest Park's perimeter, before any current allocated funds or any additional council funds are spent on any building works, other than on necessary maintenance";

for the following reasons;

1. *there are no funds allocated in the 2008/2009 Budget for a Master Plan;*
2. *a 12-18 month delay whilst a Master Plan is being carried out will result in increased costs and an estimated cost escalation of \$250,000 - \$270,000 (calculated for Option 5C);*
3. *it is considered that whilst a specific Master Plan for Forrest Park has not been undertaken to date, many of the "guiding principles" of such a plan have been utilised in the preparation of this report's recommendations;*
4. *many of the items which will be reviewed as part of the Master Plan (e.g. parking, park usage, dog areas) will be, or have been, already considered; and*
5. *the Town has a legal obligation to meet legislative requirements.*

(c) Special Elector Meeting Decision:

"that the Council endorse and implement a Forrest Park Reserve Hire Policy in consultation with stakeholders, residents residing in surrounding streets, and all other park users, which guarantees fair access for all taking into consideration both structured and unstructured users needs, particularly during peak hours (being after 5pm week days and weekend day tie hours)";

for the following reasons;

1. *the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;*
2. *the use and hire of Parks and Reserves is an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";*
3. *the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and*

4. *discussions with Perth Junior Soccer Club concerning the usage of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report;*

(d) Special Elector Meeting Decision:

"that our proposal (put forward by the Forrest Park Croquet Club), be accepted as a plan by Council, as part of the options for Forrest Park";

for the following reasons;

1. *the proposal is not contained within the existing greens, therefore incurring additional costs;*
2. *only seven (7) additional on-site car bays will be created;*
3. *the existing landscaped buffer will need to be removed;*
4. *the existing croquet green lighting would need to be relocated;*
5. *a new access way would need to be constructed and existing accessway removed, therefore incurring additional costs;*
6. *the new accessway will be located directly adjacent to residences, with the potential for adverse impact on adjoining residents (e.g. car lights, vehicle noise, vehicle movements);*
7. *no scope for additional landscaping on the site;*
8. *additional turf areas/reticulated areas would be required;*
9. *additional unnecessary costs incurred for apparent little gain;*
10. *the Town's Administration considers that the creation of a fourth green cannot be justified given the following:*
 - *relatively low membership numbers of the Croquet Club (about 50);*
 - *25% comprising Town residents (about 12 out of 50); and*
 - *the cost to construct a new access way, relocation of lighting, and services, reticulation, earthworks, turfing, etc; and*
11. *the estimated cost of a fourth court as advised by the Croquet Club to be in the region of \$120,000 - \$150,000, is not supported by the Town's Administration, as no funds have been allocated in the 2008/2009 Budget and cannot be justified;*

(iv) **APPROVES IN PRINCIPLE;**

- (a) *the refurbishment and building extension of the Forrest Park Pavilion, as shown in Plan No. SK21, Option 5C, Appendix 10.4.6(B), at an estimated cost of \$507,000 subject to;*

1. *the proposed new on-site car park being located, along the Harold Street frontage, as shown in Plan No. 2542-CP-01K;*

- (b) *an on-site car park to allow for a 30 bays (approximate) within the leased area of the existing Clubroom, together with associated lighting and landscaping, as shown in Appendix 10.4.6(C), Plan No. 2542-CP-01K, at an estimated cost of \$125,000; [Note: this subclause is DEFERRED, pending development of the Car Parking Strategy, as specified in clause (iv)(f).]*
- (c) *the "in-kind" contribution from Perth Junior Soccer Club for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building, for Option 5C, as shown in Appendix 10.4.6(B), estimated at approximately \$203,000;*
- (d) *subject to Option 5C and the "in-kind" contribution from Perth Junior Soccer Club being approved, for a lease over the proposed new clubroom to be provided and the Chief Executive Officer be authorised to negotiate this to the satisfaction of the Town;*
- (e) *Special Elector Meeting Decision:*

"That

- (a) *any building or proposed construction recommended under the Forrest Park Master Plan addresses the changing and future needs of the community and is contained within that part of the south-east corner of Forrest Park where the pavilion and clubrooms currently exist and crosshatched on the plan below; and*
- (b) *the Council agree to preserve all currently existing grassed open space for future generations to enjoy in perpetuity;"*

for the following reasons;

1. *Option 5C can be constructed on land within that part of the south eastern corner of Forrest Park (as requested by the Special Electors Meeting motion);*
 2. *Option 5C will not encroach onto any public open space;*
 3. *the proposed location is currently unused land and is not accessible to the general public;*
 4. *as the suggested Master Plan is not supported, no new buildings other than Option 5C are proposed; and*
 5. *the Titles for the land comprising Forrest Park contain a Crown Grant - which requires the land to be used in perpetuity for recreation purposes;*
- (f) *Special Elector Meeting Decision:*

"That the Council prepare and implement a Forrest Park Parking Strategy, in consultation with residents of streets surrounding Forrest Park (i.e. Barlee, Clarence, Roy, Gerald, Smith, Curtis, Wright and Harold Streets), to ensure adequate parking for both residents and park users particularly during peak hours (being after 5pm weekdays and weekend day time hours);"

for the following reasons;

1. *as parking has been identified as a major issue, the preparation of a Parking Strategy is considered beneficial to residents, Perth Junior Soccer Club, park users, TAFE students, business proprietors and other stakeholders;*
 2. *a Parking Strategy would determine the current usage and overall parking demand in and around the above streets, as there is a mix of different users, including but not limited to, residents, TAFE students, visitors, businesses, shoppers and users of Forrest Park;*
 3. *the Parking Strategy would need to take into account that the majority of residents would not be entitled to a Residential Parking Permit to allow them to park in their street, if restrictions were to be introduced;*
 4. *the Parking Strategy can be carried out using "in-house" resources and Town employees; and*
 5. *this Parking Strategy can be considered in conjunction with the investigation to be carried out for Barlee, Clarence, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium Residential Restrictions;*
- (g) *the creation of a dedicated dog exercise area on the western portion of Forrest Park for provision of a dog on-leash area at all times, (except when it is used for an approved function, event, sports training or other activities) comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins (3) and signage, as shown in Appendix 10.4.6(C) on Plan No. 2542-CP-011, at an estimated cost of \$19,000; and*
- (h) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;*
- (v) **SUPPORTS IN PART;**
- (a) **Special Elector Meeting Decision:**

"that Town of Vincent Town Council support the electors, residents and ratepayers call for the preservation of public open space and ensure fair access for all by rejecting all proposals for any new buildings to be constructed on Forrest Park;"

for the following reasons;

1. *it is acknowledged by the majority of persons that the current building is old (constructed in 1953) and in need of upgrade and refurbishment;*
2. *it is acknowledged that, as a minimum, two change rooms, a universal access toilet and upgrade of male and female toilets and the Highgate Playgroup area is necessary; and*
3. *it is considered unreasonable to reject or delay all proposals for any new buildings on Forrest Park as the matter has been under consideration for several years and unavoidable cost escalation will occur; and*

(b) Special Elector Meeting Decision:

"That

- (a) *the Council allocate a dedicated off-leash dog exercise area within Forrest Park to be available at all hours even when the reserve is hired by organised sporting groups; and*
- (b) *that the whole of Forrest Park remains an off-leash dog exercise area and available for both passive and active use to ensure fair access for all;"*

for the following reasons;

- 1. *a reconfiguration and relocation of the soccer pitches on Forrest Park can be carried out to accommodate all users to provide a designated dedicated dog on-leash and exercise area at all times (except when it is used for an approved function, event, sports, training or other activities) when an approved event is being held;*
 - 2. *Forrest Park is currently designated as an "off-leash" dog area (except when it is used for an approved function event, sports training or other activities;*
 - 3. *the current dog "off-leash" status for the remainder of the park, (except when it is used for an approved function, event, sports, training or other activities) is to remain unchanged. Outside of an approved function, event, sports, training or other activities being held, Forrest Park (except the leased area) will remain a dog "off-leash" area; and*
 - 4. *a dedicated dog off-leash area on Forrest Park at all times cannot be supported for the following reasons:*
 - A. *there is a potential for conflict between dogs and children and other park users;*
 - B. *there is no feasible method of providing a physical barrier on the park; and*
 - C. *the Council has a "duty of care" to minimise risk and hazards between dogs and children, otherwise it will be exposed to potential liability in the event of a dog caused injury.*
- (vi) *TAKES NO FURTHER ACTION concerning the future uses and/or disposal of the Highgate Child Health Clinic at 84 Harold Street, Highgate, due to the high costs associated with the relocation of this facility;*
- (vii) *subject to (iii)(a), (b) and (c) being approved in principle, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Recreational Facility, Harold Street, Mount Lawley, to reflect the new lease area, as shown in Appendix 10.4.6(D3), Plan No. 2542-CP-01K and AUTHORIZES the Chief Executive Officer to negotiate the lease variation, to the satisfaction of the Town;*

- (viii) *subject to Clause (iv)(g) and (v)(b) above being approved in principle, AUTHORISES the Town of Vincent Dogs Local Law 2007 to be amended, to incorporate the dedicated dog exercise area;*
- (ix) *NOTES that;*
- (a) *the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;*
- (b) *the use and hire of Parks and Reserves is considered an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";*
- (c) *the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and*
- (d) *discussions with Perth Junior Soccer Club concerning the usage and booking of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report; and*
- (x) (a) *APPROVES the advertising of Concept Plans No. SK21 and No. 2542-CP-01K for a period of twenty-one (21) days;*
- (b) *CONSIDERS any submissions received as a result of the community consultation period; and*
- (xi) *DEFERS the implementation of clause (iv)(b) pending the development of the Car Parking Strategy, as specified in clause (iv)(f)."*

DETAILS:

Forrest Park Layout and Dimension

The overall size of Forrest Park is 51,859m². The amount of the land currently utilised by the Croquet Club lease (the enclosed area including lawns, clubrooms and parking space) is 7,395m².

The amount of land current available as public open space is 44,097m².

Community Consultation

Following the Ordinary Council Meeting of 22 July 2008, the Town advertised the revised concept plan No SK21 (and other plans) showing the proposed location of the new building, proposed car parking and dog exercise area, for a period of twenty one (21) days.

As a result, approximately 300 coloured brochures were prepared and distributed to the properties in the area surrounding Forrest Park, including Barlee, Clarence, Roy, Gerald, Smith, Curtis and Harold Streets and the various stakeholders (WACA, FPCC, PJSC).

Letters and brochures have also been circulated to relevant stakeholders; including:

- The Perth Junior Soccer Club;
- The West Australian Croquet Association;
- The Forrest Park Croquet Club;
- The Tuart Hill Cricket Club;
- Highgate-Forrest Park Play Group; and
- Harold Street Child Care Centre.

The Community Consultation closed on 15 August 2008. The Town received two hundred and fifteen (215) written responses.

The analysis of the submissions is as follows:

Total Responses	No. of Submissions	%
• Support the Concept Plans	168	79%
• Against the Concept Plans	47	21%
TOTAL	215	100%

Breakdown/Source of Submissions	No. of Submissions	%
• Residents	84	39%
• Non-Residents	117	55%
• Unidentifiable (No addresses given)	14	6%
TOTAL	215	100%

Residents Responses	No. of Submissions	%
• In Support	64	76%
• Against	20	24%
TOTAL	84	100%

Non-Resident Responses	No. of Submissions	%
• In Support	99	85%
• Against	18	15%
TOTAL	117	100%

Unidentified Sources – (e.g. Emails, no Addresses Provided)	No. of Submissions	%
• In Support	5	36%
• Against	9	64%
TOTAL	14	100%

Key Issues

There were a number of key issues raised as a result of the Community Consultation. These issues are grouped as follows:

1. Objection to proposed car parking on croquet greens 1 and 2;
2. Reduction in size of croquet greens and impact on the croquet club;
3. Lack of "fair access" to Forrest Park by all users;
4. Quality of reserve deteriorated by over use;
5. Duplication of existing facilities, (kiosk and clubrooms);
6. Dog exercise area;
7. Financial/planning and expenditure on the new facility.

1. Objection to proposed car parking on croquet greens 1 and 2:

The use of recreational "green" space for proposed car parking bays was raised as an issue.

Comment:

Over thirty (30) respondents cited this to be the reason they objected to the concept plans. This objection is acknowledged and agreed by the Town's Officers. A number of residents also objected to this proposed car parking, which would detract from the visual amenity from Harold Street. Both the WA Croquet Association and Forrest Park Croquet Club strongly objected to these proposed car bays as it would not allow for a new croquet green no. 4 to be created in the future (if warranted and justified), Perth Junior Soccer Club did not comment on the proposed car park, other than to state that it should only proceed if it was supported by the Croquet lessees.

The revised plan, Option 8 has deleted the proposed thirty (30) car parking bays which were to be located on croquet greens no. 1 and 2 along the Harold Street frontage. The removal of the proposed car bays would allow for a creation of croquet green no. 4 in the future - if warranted and justified at the time (the WA Croquet Association have indicated their support for the removal of the proposed car bays. At the time of writing this report, the Town has received an email from the President of the Forrest Park Croquet Club advising that he was pleased that the parking had been shelved for the time being and the building was now better designed.

Advantages of removing proposed car park

1. Allows for future croquet green no. 4 (if warranted and justified at the time);
2. Is supported by WA Croquet Association, Forrest Park Croquet Club and Perth Junior Soccer Club;
3. Does not alter the visual aspect from Harold Street - maintains the current visual amenity for Harold Street residence;
4. Cost savings of approximately \$125,000 to the Town.

Disadvantages of removing proposed car park

1. The potential for thirty (30) cars to have off street parking - thereby ensuring more car parking in Harold Street - will be lost.

2. Reduced size of croquet greens:

The location of the proposed thirty (30) car parking bays on the croquet greens no. 1 and 2 and the encroachment of the proposed building under Option 5C would result in the reduction in the size of the croquet greens.

Comment:

The comments relating to the proposed car park on croquet greens no. 1 and 2 are detailed in No. 1 above and are therefore not repeated. It is acknowledged that Concept Plan 5C which showed the proposed building at right angles to the current pavilion would encroach into croquet green no. 3, thereby requiring this croquet green to be moved approximately 2 metres, within the bowling green area. Under this Concept, croquet green no. 3 could be accommodated in the new location, however it is also acknowledged that this would create some minor inconvenience to the croquet club members.

The revised plan - Option 8 does not encroach on croquet green no. 3 and therefore has removed the requirement to significantly relocate and/or reduce the size of this croquet green. The relocation of several metal sunshades will be required, however, this is a relatively minor task and cost. The revised plan also will now allow the potential for four (4) greens courts in the future (if warranted and justified).

3. Lack of "fair access" to Forrest Park by all users

A number of submissions requested that "fair access" to Forrest Park be arranged for the future to allow for non sports activities e.g. walking etc.

Comment:

The Town supports the principle of "fair access" to its parks and facilities for all users. As reported to the Council Meeting of 22 July 2008, the future use by Perth Junior Soccer Club has been reduced.

Winter usage – April to September (total hours is 168 per week)

Perth Junior Soccer Club currently uses Forrest Park for 20 hours per week, which is **12%** of the total time. It is acknowledged that the current use on Wednesday evening is 100% and this restricts access by other users. Usage by the Club on Wednesday evenings has been reduced to 50%. This will ensure that non Perth Junior Soccer Club users will have access to Forrest Park. The number of hours has been reduced from 20 hours (12%) per week to 17 hours per week.

Summer usage – October to March (total hours is 168 per week)

Perth Junior Soccer Club currently uses Forrest Park for 9 hours per week (Tuesday, Wednesday and Thursday), which is **5.35%** of the total time. Future usage has been reduced from three nights per week to two, for a maximum of four hours.

Cricket Club

Cricket is played on Forrest Park on Saturday and Sunday afternoons from 8.30am to 5.00pm (a total of 17 hours per week), which is **10.11%**. There is no proposal to alter this arrangement, as any change would severely impact on cricket fixtures, which would render Forrest Park not being suitable for cricket fixtures.

The Town has negotiated with the Perth Junior Soccer Club to reduce hours in the future, as follows;

Winter usage (April – September) – from 20 hours to 17 hours per week spread over five days;

Summer usage (October – March) – from 9 hours to 4 hours per week spread over two days.

As can be seen in the tables below; the reduced hours, together with the reduced percentage of park to be used in the future, will ensure more equitable access to Forrest Park for all users.

Refer to table below.

Winter Season (April – September)

Day	Number of Players	Age Group	Percentage of Park Used (2007-2008)	Percentage of Park Used (Proposed)	Current Hours 5pm-8pm	Proposed Hours
Monday	14 Players	1/U13	25%	50	3 hours 5-8pm	2 hours 6pm-8pm
	14 Players	1/U11				
	14 Players	1/U14				
Tuesday	28 Players	2/U11	75%	75	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	42 Players	3/U12				
	26 Players	2/U13				
	28 Players	2/U14				
Wednesday	30 Players	3/U6	100%	50*	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	30 Players	3/U7				
	30 Players	3/U8				
	36 Players	3/U9				
	36 Players	3/U10				
Thursday	28 Players	2/U11	75%	75	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	42 Players	3/U12				
	26 Players	2/U13				
	28 Players	2/U14				
	30 Players	2/U15				
Friday	36 Players	3/U10	50%	75	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	28 Players	2/U11				
	12 Players	1/U9				
Saturday	15 to 25 Players	Different Ages	10%	10	Nil	Upon request 9am-12 noon
Sunday	Match		80%	80	8am-1pm	8am-1pm
TOTAL					20 hours	17 hours

(* Transfer Wednesday 25% each to Monday and Friday)

Summer Season (October – March)

Day	Current Times 2007-2008	Proposed Times	Percentage of Park Used	No. of Children
Monday	-	-	-	-
Tuesday	5.00pm - 8.00pm	6.00pm - 8.00pm	50%	50-60
Wednesday	5.00pm - 8.00pm	-	50%	50-60
Thursday	5.00pm - 8.00pm	6.00pm - 8.00pm	50%	50-60
Friday	-	-	-	-
Saturday	-	-	-	-
Sunday	-	-	-	-
TOTAL	9 hours	4 hours		

4. Quality of reserve deteriorating due to over use:

The condition of the reserve is deteriorating due to the over use by soccer.

Comment:

It is acknowledged that the use of the Forrest Park was previously at the maximum level of use deemed appropriate for this park, but this was to accommodate the number of juniors playing for this club.

The surface at Forrest Park is very heavy, unlike the sandy bases that the majority of sports fields have within the Town. Therefore the turf ("kikuyu"), or any turf for that matter, does not recover in this heavy clay/loam soil when under constant pressure from training/playing using spikes. Because the grass does not recover, the parramatta weed has also become more evident, but it is acknowledged this assists in holding the surface together.

Taking all the above into account, that is the soil type and the intensity/use in terms of numbers, it is considered that the use for 17 hours per week in the winter and four hours per week in the summer months is considered more sustainable. The surface of Forrest Park, when compared to other local governments, is considered to be in the "satisfactory - good" range.

As previously reported in No. 3 above, the Town has negotiated with the Perth Junior Soccer Club to reduce hours as follows;

Winter usage (April – September) – from 20 hours to 17 hours per week spread over five days;

Summer usage (October – March) – from 9 hours to 4 hours per week spread over two days,

This will alleviate any potential over use of the reserve in the future.

5. Duplication of existing facilities:

A number of submissions stated that there was no rationale as for why the facilities are needed as there are existing buildings available.

Comment:

There is no duplication of facilities. The Pavilion was originally utilised solely for changerooms and in early 2000, a changeroom was removed to form the current playgroup facility.

It is acknowledged by most reasonable people that basic facilities must be provided (that is at least two changerooms) to ensure that both male and female juniors can play soccer and that no discrimination occurs. This matter was extensively reported to the Council Meeting of 22 July 2008 - whereby it was accepted by most reasonable people that the basic facilities must be provided. For this reason, it was not included in the community information brochure.

Several submissions queried why the existing kitchen in the club room could not be used as a kiosk. This kitchen is situated within the club room and is designed to service the club room. It is not accessible to Forrest Park users and its construction does not permit easy access for use as a kiosk.

This new upgrade to this building is providing what is required to bring the facility to meet basic requirements for changerooms, for the number of participants involved.

The clubrooms for the Perth Junior Soccer Club are to be included subject to the club's 'in kind' contribution.

The Forrest Park Clubrooms are not suitable for the required use for sporting clubs.

6. Dogs exercise area:

The dog exercise area currently designated for on-leash should be off-leash.

Comment:

The use of Forrest Park by dogs resulted in numerous submissions. As expected, the view were "in favour" or "against" dogs. The aspect of dog faeces on the park was raised in a number of submissions.

At the Council Meeting on 22 July 2008 the Council resolved as follows:

- (g) *the creation of a dedicated dog exercise area on the western portion of Forrest Park for provision of a dog on-leash* area at all times, (except when it is used for an approved function, event, sports training or other activities) comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins (3) and signage, as shown in Appendix 10.4.6(C) on Plan No. 2542-CP-011, at an estimated cost of \$19,000; and*
- (h) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;*

*** In the Minutes for the Ordinary Meeting of Council on 22 July 2008, clause (iv)(g) of Item 10.4.6 incorrectly reflected that the Council approved a situation whereby dogs should be exercised on-leash in the designated area, at all times, except when an approved function, event, sports training or other activity is taking place which means that, when these are taking place, dogs can be exercised off-leash. This is clearly not the intent of the resolution, since it would create a potentially dangerous situation, with children playing sport and dogs being off-leash in the same area. By amending the words "on-leash" and amending the word "it" to the words "the adjacent sports pitch", the intent of the resolution would be maintained.**

This will ensure that a separate off-leash area is available for dogs to exercise at all times (except when the adjacent sports pitch is used for an approved function, event, sports training or other activities).

This recommendation was adopted to accommodate the requests by dog users to have access to the park. If adopted, this dedicated dog exercise area would be the same as the dog exercise area for the remainder of the park – as such an amendment to the Town's Dogs Local Law will not be required.

Some respondents to the consultation have requested that this area should be off-leash – the correction will address the concerns raised in the submissions.

Forrest Park is a gazetted dog exercise area, "At all times except, where the public place is used for a function, sports training or activities approved by the local government."

It appears that the main conflict has occurred in the winter months where the number of daylight hours is reduced and the park usage is at its greatest.

The creation of a permanent dog exercise area can be achieved by relocating one of the small pitches used for "Roo Ball". This is only used on Sundays. Minimal cost for linemarking only is required.

An area of approximately 6,000m² (same size as the dog exercise area at Les Lilleyman Reserve) is provided at the Harold Street end of the park.

The area would be available at all times, except on Saturday from 8.00am to 12 noon for the months of October - March inclusive.

Two lights, "dog" tap, dog bins and signage could be provided, at an estimated cost of \$19,000.

The Perth Junior Soccer Club is supportive of this new proposal, as it provides local residents with better access to the park. The proposed area does not apply during a cricket game and therefore, has minimal effect on the cricket users. Furthermore, an area of approximately 3,500m² would be available as a dedicated dog exercise area during the October-March period, Saturday and Sunday afternoon cricket games.

Jack Marks Reserve

Jack Marks Reserve located on the corner of Broome and Wright Streets is approximately 5,800m². It is a dog exercise area at all times. It is located approximately 150 metres from Forrest Park and is an ideal "dog park". It currently has one (1) x 70 watt light. It is recommended that one (1) extra light be installed, at an estimated cost of \$7,500, to further improve the suitability of this park for dog owners.

7. Financial Planning and Expenditure on the Facility:

Several concerns have been raised about the amount of money proposed to be spent of this facility and the plan does not indicate how the additional funds will be made available.

Comment:

The annual budget 2008/09 has an amount of \$255,000 allocated for this project.

Building construction costs have increased significantly since this scope of the facility was first considered, several years ago. The current design has been prepared to ensure costs are minimised.

The Council has a responsibility to ensure that its assets are maintained and preserved and also comply with legislative requirements (e.g. discrimination). The current building was constructed in 1953 and is approximately 55 years old. It is acknowledged and accepted that the building needs to be improved and upgraded to meet the minimum standards for sports facility on a reserve.

The Perth Junior Soccer Club has offered 'in kind' contribution for the provision of labour, materials, fittings and fixtures (subject to having input into the final design and security a lease over the clubroom component of the pavilion). This 'in kind' contribution will substantially reduce the Town's cost.

Any funding difference will be considered during the normal budgetary review process.

STAKEHOLDER COMMENTS:

Perth Junior Soccer Club

Michael Ricci – President Perth Junior Soccer Club

I support in principle, to:

An 'in kind' contribution from PJSC towards the construction of the clubrooms/administration and new kiosk – subject to PJSC taking part and having input into the final design and an agreed long term lease over the proposed new clubrooms etc.

A minimum of 2 changerooms, universal access, toilet and upgrade of public amenities shall form part of this project.

That it is unreasonable to reject or delay the proposal for all proposed new buildings as the matter is considered absolutely necessary, well overdue and to minimize unavailable cost escalations.

That the council does not set aside any portion of Forrest Park to enable dogs to be exercised off leash at all times. That should an area be set aside for 'on leash' then this to be completely segregated.

Alternative concept attached (which is a similar "footprint" to the Town's Option 8..

The Forrest Park Croquet Club

Damien Giudici – Forrest Park Croquet Club President

The Croquet club does not support:

The resolution made to Council on 22 July 2008 with respect to the approval of the refurbishment and building extension of the Forrest Park Pavilion.

The proposal to extend the car park as it will limit the recreational space.

The loss in the potential for our club to have 4 croquet lawns.

Any 'negotiation' of the lease area.

The Tuart Hill Cricket Club

Phil Davis – Tuart Hill Cricket Club President

The Tuart Hill Cricket Club:

Has no objection to the plans.

Weekly both our club and opposition clubs are forced to change on the oval as there is a lack of suitable facilities for sporting teams.

We see the need for a pavilion and sports changing rooms as important to maintaining active sporting uses on the ground.'

Highgate-Forrest Park Playgroup

James Singh – Highgate-Forrest Park Playgroup President

The Highgate-Forrest Park Playgroup supports the current plans to locate the soccer club rooms behind the current playgroup room.

We would like the opportunity to consult with the Council further in relation to any proposed refurbishment of the Playgroup's building.

West Australian Croquet Association

The Directors Corporate Services and Technical Services met with the President and Secretary of the Association on Friday 15 August 2008, to discuss the concept plan and their concerns.

The main issued raised by the association was the car park encroachment onto the greens, with subsequent reduction in the size of the greens and the location of the proposed buildings and its impact on court three.

Since the new plan SK23 (Option 8) have removed the impact on both of these areas of concern for the association, they have advised the new plan appears to be acceptable to them, subject to the approval by Council.

Harold Street Child Care Centre

No comment has been received.

Officers' Comments on Stakeholder responses.

The Town has taken into account the concerns raised by the Stakeholders regarding the encroachment of the car parking bays onto the croquet greens.

In addition, the proposed changerooms have been redesigned to remove the impact on court three. The proposed design will retain the potential for four (4) croquet greens in the future.

Proposed Location of the New Clubrooms and Changing Rooms

Option 5C:

Option 5C showed a building extension at right angles to the existing Pavilion, extending into existing Croquet Green No. 3. This Option is not supported by the WA Croquet Association, Forrest Park Croquet Club, Perth Junior Soccer Club and a number of residents, for the following reasons:

- (a) the building location will encroach into existing Croquet Green No. 3; and
- (b) the building location will limit the creation of a Croquet Green No. 4 in the future.

The Town's Architect (together with the Town's Officers) has prepared a revised Option 8, which is shown at Appendix 10.3.3E.

This revised Option is approximately the same size as the original Option 5C and contains the same facilities, however, is shown parallel to the current pavilion.

Revised Plans:

Option 8 aligns the proposed building to be in parallel and adjoining the current pavilion (as opposed to being at right angles under Option 5C). Option 8 has numerous advantages - the most important being that it does not encroach onto croquet green no. 3.

Option 8 will require the demolition of the existing storeroom and kiosk of the current pavilion. It will provide the same facilities and is approximately the same size as Concept Option 5C, but provides for better access, security and amenity. It is also more cost effective.

It should be noted that there may be a need to make minor changes to Option 8 when the construction plans/working drawings are prepared. It is therefore requested that the Chief Executive Officer be authorised to make changes which may arise during this stage - subject to the proposed building remaining in the general 'footprint'.

Proposed Amendment to Existing Clubroom Lease Area:

Option 8 will necessitate an amendment to the existing current lease area for the clubrooms, which is held jointly by Forrest Park Croquet Club, WA Croquet Association and Perth Junior Soccer Club. At present the lease is over the whole area, as shown in Plan 10.3.3E, with the exception of four car bays in the existing internal car park. It is considered that the internal road and car park should be excluded from the leased area to ensure that this is available for use by the Highgate Playgroup and other users of Forrest Park.

The revised lease area will have the advantage to the current joint lessees of minimising their costs which currently includes the maintenance of the internal road and car park. The area of the proposed building and the existing storeroom would also be excluded from the leased area and come under the direct control of the Town.

Preliminary discussions have been held with the joint lessees and discussions to date have been positive. It is recommended that the Chief Executive Officer be authorised to negotiate a variation to the current leased area of the clubrooms.

Proposed Lease to Perth Junior Soccer Club:

As previously reported to the Council Meeting of 22 July 2008, Perth Junior Soccer Club have indicated 'in kind' contribution to the value of \$200,000 towards the proposed new building. This is conditional to them having input into the final design and also securing a lease over the proposed clubroom/kiosk/storeroom component. This is considered reasonable in view of their significant contribution, which would minimise the Town's cost.

It is recommended that the Chief Executive Officer be authorised to negotiate a lease with the Perth Junior Soccer Club to the satisfaction of the Town.

INDICATIVE TIMELINE

The following Indicative Timeline reveals that the project can be completed in time for the 2009 Junior Soccer Season, which commences in April 2009. It has been amended to allow more time to prepare the construction plans/working drawings.

ITEM	DATE
Report Special Meeting of Electors Minutes to Council	22 July 2008
Further Community consultation (21 days)	26 July - 15 August 2008
Consideration of Submissions	15 August - 20 August 2008
Council to consider Submissions*	26 August 2008
Preparation of Architect Plans/Drawings	26 August - 30 September 2008
Advertising of Tender (14 days)	4 October - 21 October 2008
Tender Closes	21 October 2008
Assessment of Tender	21 October - 30 October 2008
Council Decision to approve Tender	5 November 2008
Builder Mobilisation	10 November - 15 November 2008
Building Construction	15 November - 31 March 2009

* *Decision to proceed / not proceed*

CONSULTATION/ADVERTISING:

Community Consultation for the Forrest Park Concept Plan was advertised in “The West Australian” on 26 July and the “Guardian Express” on 29 July 2008.

A brochure on the redevelopment was prepared and distributed to all properties in the streets surrounding Forrest Park, including Harold, Barlee, Clarence, Wright, Roy and Gerald streets. Letters were sent to all major stakeholders at Forrest Park

Notices were also placed on the public notice boards and on the Town's website, in accordance with the Town of Vincent Community Consultation Policy.

LEGAL/POLICY:

Policy 4.1.5 – “*Community Consultation*” and Policy 2.1.7 – “*Parks and Reserve – Conditions of Use and Hire*”.

An amendment to the Town’s Dogs Local Law will not be required to accommodate the new dog exercise area.

SUSTAINABILITY IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future Strategic Plan 2006 – 2011;

3.1 – Community Development

3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community”.

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2008/09 has an amount of \$255,000 allocated for the completion of this project. The indicative budget is as follows;

Item	Cost
Building Option 8 Plan SK23	700,000
Less Perth Junior Soccer Club Contribution	<u>-(200,000)</u>
Nett Cost	500,000
Landscaping/relocation of croquet sun shelters	<u>20,000</u>
 <u>Dog Exercise Area</u>	
Lights	15,000
Dog Bins	500
Signage	1,500
Dog Tap	1,000
Park Furniture (Seats)	1,000
Extra Light on Jack Marks Reserve	<u>7,500</u>
Contingency	<u>10,000</u>
Total	<u>\$556,500</u>

In the event that the Council approves of the Officer Recommendation, there will be a shortfall of \$301,500.

The Town's Administration will investigate a source of funds for the Council's consideration.

A re-allocation of funds within the Budget will require an absolute majority decision of the Council.

Perth Junior Soccer Club have advised the Town that they are prepared to provide "in-kind" contribution for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building. This will substantially reduce the Town's cost (by approximately \$200,000).

COMMENTS:

The Forrest Park matter has resulted in considerable interest from the local community, who have outlined their concerns, resulting in a Special Meeting of Electors. Similarly, considerable concern has been expressed by the Perth Junior Soccer Club (and a number of residents) who feel that the local residents are adopting an "unreasonable" approach to turn Forrest Park into a passive park, to the exclusion of junior soccer players.

The Town's Administration have spent a considerable amount of time investigating the various issues raised and meeting with the various stakeholders. The recommendations contained in this report are made in an attempt to best meet the needs of all stakeholders. The community consultation submissions are clearly in favour of the proposal to proceed. As the matter has been under consideration for several years, a decision of the Council is important in order to progress the matter, for the betterment of the whole Vincent community. Accordingly, Council approval of the Officer Recommendation is requested.

10.1.10 Proposed Policy Amendment No. 53 - Draft Policy Relating to Multiple Dwellings

Ward:	Both Wards	Date:	19 August 2008
Precinct:	All Precincts	File Ref:	PLA0192; PLA0200
Attachments:	001 ; 002		
Reporting Officer(s):	H Smith, A Fox		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy relating to Multiple Dwellings as shown in Attachment 10.1.10, resulting from the advertised version having been reviewed and with regard to 28 written submissions received during the formal advertising period and 17 late submissions “Laid on the Table”, in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy relating to Multiple Dwellings, as attached in Appendix 10.1.10, 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 version of the adopted Policy relating to Multiple Dwellings as attached in Appendix 10.1.10, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.02pm.

Debate ensued.

Cr Messina returned to the Chamber 8.03pm.

Debate ensued.

Cr Doran-Wu withdrew as “Mover” of this Item as she was unable to vote on this matter.

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.10

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Ker

That the Item be DEFERRED to;

- (i) *enable Council Members to provide feedback to the Chief Executive Officer and Directors;*
- (ii) *have the public gallery's concerns that were voiced at tonight's meeting, referred to the Officers for investigation; and*
- (iii) *analyse the submissions already received.*

The Chief Executive Officer advised that Cr Doran-Wu had declared a financial interest in Item 10.1.10.

Cr Doran-Wu departed the Chamber at 8.23pm and did not vote on the matter.

PROCEDURAL MOTION PUT AND CARRIED (3-2)

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

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Cr Doran-Wu returned to the Chamber at 8.24pm. The Presiding Member, Mayor Nick Catania advised Cr Doran-Wu that the item was DEFERRED.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for the draft Policy and to present to the Council the final version of the Draft Policy relating to Multiple Dwellings.

BACKGROUND:

26 February 2008 The Council considered a report outlining the initiation of an Amendment to Town Planning Scheme No. 1 and a Draft Policy relating to multiple dwellings at its Ordinary Meeting and resolved as follows

“That the Item be DEFERRED to allow for further discussion within Council on this topic.”

13 May 2008 The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved as follows:

“That the item be DEFERRED to allow for further consideration.”

27 May 2008

The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved as follows:

“That the Council;

(i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

(a) *Replace clause 20 (4) (a) (i) -*

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this Precinct;”

with new clause 20 (4) (a) (i) -

“(a) Cleaver Precinct P5,

(i) Multiple dwellings will only be permitted in this precinct—where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;

(b) *Replace clause 20 (4) (b) -*

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted.”

with new clause 20 (4) (b) -

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;

(c) *Replace clause 20 (4) (e) (i) –*

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;

(d) *Replace clause 20 (4) (g) (i) –*

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct ;”

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

(i) Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;

(e) *Replace clause 20 (4) (d) (i) -*

“(d) Norfolk Precinct P10,

(i) Multiple dwellings are not permitted in areas coded R40;”

with new clause 20 (4) (d) (i) -

“(d) Norfolk Precinct P10,

(i) Multiple dwellings will only be permitted in areas coded R40 where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;

“(ii) AMENDS the Draft Policy relating to Multiple Dwellings as follows:

(a) Policy Statement clause 11) Major Roads be amended to read as follows:

‘11) Major Roads - ... multiple dwelling developments along major roads, which are not within a ‘recognised streetscape’ or opposite Hyde Park may be permitted

...

Where a development abuts single storey residential development to the side or rear, the respective building height of the new buildings are required to respond sensitively to the adjoining lower scale buildings that will remain in an area. ~~and up to 5 storeys within sites excluding major roads which are within ‘recognised streetscapes’ or opposite Hyde Park.~~’ ”

(iii) ADVERTISES the Draft Policy relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

(a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Multiple Dwellings, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with it."*

DETAILS:

The Council is requested to consider the final version of the Draft Policy relating to Multiple Dwellings which has been prepared alongside an amendment to Town Planning Scheme No. 1 to lift the restriction relating to 'No Multiple Dwellings' in the Cleaver, Smith's Lake, Hyde Park, Banks and Norfolk Precincts in the Town of Vincent. The Amendment to the Town Planning Scheme is currently being advertised in accordance with the regulations of the Planning and Development Act 2005. The closing date for submissions is 26 August 2008.

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 15 July 2008. 45 submissions were received during the comment period, 38 of which objected to some aspects of the Policy. 17 submissions were received outside of the formal advertising period. A summary of the points raised are provided in the Schedule of Submissions (as Laid on the Table) and the below table.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"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.

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

1.1.4 Minimise negative impacts on the community and environment."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies and Residential Design Codes of Western Australia.

SUSTAINABILITY IMPLICATIONS:

The principles of the Multiple Dwellings Policy are in line with those outlined in the State Government's *Network City* strategy, which promote a sustainable future.

COMMENTS:

Of the 43 submissions received (during and after the advertising period), 2 were in support, 5 included comments only and 36 were objections to the draft Multiple Dwellings Policy.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

SUMMARY OF SUBMISSIONS – KEY ISSUES		
Consultation submissions – Key Issues		Officers Comments
The Policy is too broad	<ul style="list-style-type: none"> • Wording of the proposal is broad and subjective in many areas, giving no confidence of what is inappropriate design in terms of building massing, overshadowing, overlooking. • Too many loose statements. Provisions are poorly worded and contain no proper planning analysis. • Policy is too vague and open to interpretation, should be targeted to specific locations or precincts rather than apply to any major road. 	Not supported - the Draft Policy relates to the Town of Vincent as a whole, and it is necessary to be broad. As stated in the Policy, it is to be read in conjunction with the Residential Design Codes of Western Australia and the Town’s Policies in particular relating to Residential Design Elements and Draft Residential Streetscapes which will address issues such as overlooking, overshadowing, height, bulk and scale.
Policy is in contrast to Vincent Vision 2024	<ul style="list-style-type: none"> • The Policy is against what the community wanted for the future in relation to VV2024. • How does this fit with the Vincent Vision Project? • Goes against VV2024, betrayal to those residents who gave time and energy in producing this. Less than 10 percent were in favour of this type of development. 	Not supported - it is considered that the Draft Multiple Dwellings Policy will satisfy one of the Town’s goals (stemming from Vincent Vision 2024) of providing a mix of appropriate higher density housing principally in town centres and around other activity nodes (higher density areas), whilst being sympathetic to the existing amenity and character of the area. The Draft Multiple Dwellings Policy aims to facilitate the achievement of this goal in an appropriate and responsible manner.

<p>Concern with 5 storey in residential areas</p>	<ul style="list-style-type: none"> • Against any policy that would see 5 storey buildings backing onto or being close to residential lots. • Policy in its current format does not fairly deal with land and home owners that adjoin or back onto main road land, particularly for land holdings adjoining non-district centre or local centre zoned areas including Charles Street and parts of Scarborough Beach Road zoned R80 and R60. • Living one street back from London Street, this 5 storey Multiple Dwelling Policy will impact amenity in many ways. 	<p>Not supported - the Town's Officers have amended clause 10) under the Draft Multiple Dwellings Policy relating to height, to further clarify allowable heights. In addition, when read in conjunction with the Residential Design Codes of Western Australia and the Town's Policies relating to Residential Design Elements and Draft Residential Streetscapes, will ensure multiple dwellings positively contribute to Town of Vincent and protect the existing amenity and character of the area.</p>
<p>Confusion over relationship with other Town Policies</p>	<ul style="list-style-type: none"> • Policy states that this Policy would take precedence over other policies, it is assumed this does not include the Town Planning Scheme No. 1 and the Residential Design Codes? • Failure to understand or support how such contradictory policies can be fair to residents. • How is this coherent with Residential Streetscapes Policy. 	<p>Noted - this Draft Policy is intended to enable the responsible development of multiple dwellings across the whole of the Town. It is supported by the Residential Design Codes of Western Australia, the Residential Design Elements Policy and Draft Residential Streetscapes Policy which endeavour to complement the Multiple Dwellings Policy, by augmenting and further developing specific provisions with more specific policy measures pertinent to residential development within the Town. If there are inconsistencies between the provisions of the Multiple Dwellings Policy and the Residential Design Codes or other Town's Policies, the provisions of this Policy takes precedence over the other Policies.</p>

<p>Concern that this amendment is ‘ad hoc’ and not considered in context of the Town Planning Scheme Review.</p>	<ul style="list-style-type: none"> • The proposed scheme amendment associated with the policy and the proposed policy is an ad hoc approach particularly when a scheme review is underway. Policies and scheme reviews should be the result of clear planning analysis and processes- not evident in this policy. • Concerned that the bigger picture for the community’s future seems to be an oversight. • Building heights should be considered at the same time as the review of the Town Planning Scheme No. 1 which will review densities and town centre development. • Represents “planning on the run” does not form part of comprehensive review of planning and development controls for the Town. 	<p>Not supported. - this Draft Policy is consistent with the Local Planning Strategy (in progress) which essentially forms the basis of the Town Planning Scheme Review, determining zonings and development potential for the entire Town.</p>
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In light of the submissions received, the Draft Multiple Dwellings Policy has been amended to provide a table in clause 10) that details the allowable heights of new multiple dwelling development along ‘Main Roads’ in relation to the primary street, within the subject site and where the development adjoins and abuts other properties dependant on the respective R Coding.

There was considerable concern that the broad nature of the Draft Policy would not adequately protect the amenity of adjoining properties and the existing character of the area. The Town’s Officers consider that it is the intention of the Policy to address the development of multiple dwellings within the Town as a whole, and that specific design elements are adequately addressed in the Residential Design Codes and the Town’s Policies relating to Residential Design Elements and Draft Residential Streetscapes. To require the Multiple Dwellings Policy to separately address these issues is considered overly onerous and repetitive.

It is therefore recommended that the Council receives and adopts the final version of the Draft Policy relating to Multiple Dwellings, in accordance with the Officers Recommendation.

10.1.2 Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth, - Proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Offices, and Associated Basement Car Parking

Ward:	South	Date:	18 August 2008
Precinct:	Beaufort; P13	File Ref:	PRO4362; 5.2008.134.1
Attachments:	001		
Reporting Officer(s):	R Rasiah, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG Town Planning and Urban Design on behalf of the owner Supernew Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Offices, and Associated Basement Car Parking, at Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth, and as shown on plans stamp-dated 26 March 2008 (existing building's site plan), 1 May 2008 (overshadowing plan) and 14 August 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, the adjacent eastern right-of-way shall be closed; and the subject Lots 1 and 2 and the closed right-of-way 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);*
- (iii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$75,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$7,500,000); OR*
 - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 75,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*

- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$7,500,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (v) *first obtaining the consent of the owners of Nos. 214-222 and No. 238 Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 214-222 and No. 238 Beaufort Street in a good and clean condition;*
 - (vi) *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;*
 - (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*

- (viii) *prior to the first occupation of the development, seventeen (17) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
 - (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
 - (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. 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;*
- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (xii) *doors, windows and adjacent floor areas of the office component fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
 - (xiii) *prior to the first occupation of the development, 3 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
 - (xiv) *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;*
 - (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (xvi) *the maximum gross floor area for the non-residential component shall be limited to 3,372 square metres of offices; and any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xvii) *the car parking area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (g) *the solid portion adjacent to the Beaufort Street boundary from the above truncations can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- ~~(xix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$10,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*~~
- (xix) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

- (xxi) *any proposed vehicular gate for the basement car park visible from Beaufort Street, being a minimum 50 percent visually permeable when viewed from the Beaufort Street;*
- (xxii) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the third and fourth floor office windows nos. 1, 2, 3, 4, 5 and 6 on the north-east, north-west and south elevations, and the fifth floor office windows and balconies no. 7 on the north-east, north-west and south elevations within the cone of vision of 6.0 metres (windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment; and*
- (b) *the provision of end of trip bicycle facilities in accordance with the Town's Parking and Access Policy;*

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

- (xxiv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (xxv) *the provision of underground power for the subject development site at the applicant's/owner's cost.*

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

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.25pm.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

That a new clause (xxiii)(c) be inserted as follows:

"(xxiii)(c) a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated into the north-eastern boundary wall of the car park entry wall to reduce the visual impact of that wall."

AMENDMENT PUT AND CARRIED (5-0)

(Cr Doran-Wu was out of the Chamber.)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Cr Doran-Wu returned to the Chamber at 8.26pm.

MOTION AS AMENDED PUT AND CARRIED (5-1)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG Town Planning and Urban Design on behalf of the owner Supernew Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Offices, and Associated Basement Car Parking, at Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth, and as shown on plans stamp-dated 26 March 2008 (existing building's site plan), 1 May 2008 (overshadowing plan) and 14 August 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, the adjacent eastern right-of-way shall be closed; and the subject Lots 1 and 2 and the closed right-of-way 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);*

- (iii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
- (a) *pay a cash in lieu public art contribution of \$75,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$7,500,000); OR*
- (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 75,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*
- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$7,500,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 214-222 and No. 238 Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 214-222 and No. 238 Beaufort Street in a good and clean condition;*
- (vi) *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;*

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
 - (viii) *prior to the first occupation of the development, seventeen (17) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
 - (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
 - (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. 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;*
- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (xii) *doors, windows and adjacent floor areas of the office component fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
 - (xiii) *prior to the first occupation of the development, 3 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
 - (xiv) *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;*
 - (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (xvi) *the maximum gross floor area for the non-residential component shall be limited to 3,372 square metres of offices; and any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xvii) *the car parking area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (g) *the solid portion adjacent to the Beaufort Street boundary from the above truncations can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (xix) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xx) *any proposed vehicular gate for the basement car park visible from Beaufort Street, being a minimum 50 percent visually permeable when viewed from the Beaufort Street;*
- (xxi) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (a) *the third and fourth floor office windows nos. 1, 2, 3, 4, 5 and 6 on the north-east, north-west and south elevations, and the fifth floor office windows and balconies no. 7 on the north-east, north-west and south elevations within the cone of vision of 6.0 metres (windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment;*
- (b) *the provision of end of trip bicycle facilities in accordance with the Town's Parking and Access Policy; and*
- (c) *a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated into the north-eastern boundary wall of the car park entry wall to reduce the visual impact of that wall.*

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

- (xxiv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (xxv) *the provision of underground power for the subject development site at the applicant's/owner's cost.*

ADDITIONAL INFORMATION:

The 'Assessment Table' above has been amended to incorporate the privacy variations proposed.

Also attached as per Appendix 10.1.2 are the Agenda plans which have been denoted with the changes proposed by Councillor Sally Lake. They relate to the north and west elevations, and third and fourth floor plans, reflecting the 3 metres setback and the location of the significant design features which was also proposed by Councillor Dudley Maier.

The naming of the floor levels attached as per Appendix 10.1.2 in the north and west elevations have also been amended to reflect the floor plan levels.

Clause (xix) should be deleted, as the footpath has been constructed. The Town will impose a separate bond or bank guarantee for \$10,000 at the Building Licence stage for any disturbance of or damage to the Town's infrastructure, during the construction stage.

The Town's Officers consider the requested 3 metres side setback from the north-east boundary for the third floor offices and fourth floor balcony as a significant change. Accordingly, the Town's Officers sought further comments from the Project Architect. The verbal comments received were that the 3 metres side setback to the north-east boundary would result in a "flat" facade, resulting in the loss of articulation and is considered to be detrimental to the appearance of the building.

Landowner:	Supernew Pty Ltd
Applicant:	TPG Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shops
Use Class:	Multiple Dwelling and Office
Use Classification:	Multiple Dwelling "AA" Office "P"
Lot Area:	1512 square metres
Access to Right of Way	N/A- to be closed and amalgamated.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing buildings at Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth and the construction of a five storey mixed use development comprising offices, three multiple dwellings and basement car parking.

The applicant's submission which also includes a comprehensive response to the concerns raised during the advertising period is "*Laid on the Table*", and summarised in part below:

- While the Town identifies the development as a five storey development, the proposal only incorporates four storeys as the ground floor includes a mezzanine level. From the street frontage the building will appear four storeys in height as the two car parking levels are contained within the ground level height.
- The height of the building has been designed in accordance with the height of surrounding buildings.
- Beaufort Street is an activity corridor that carries approximately 13,300 vehicles per day and the additional traffic from the proposed development will not result in additional vehicle noise within the locality.
- The development complies with the overshadowing acceptable development criteria of the R-Codes.
- The proposed development and adjoining properties are commercial in nature and, therefore, any impact on loss of privacy is greatly reduced as commercial occupants have a different expectation of privacy.
- There is no legal protection of views of the city that this development would infringe.
- The car parking area is located behind the commercial development away from the adjacent residential development and Beaufort Street. It is considered that the location of the parking area at the rear of the development will provide adequate distance from the adjacent residential development.
- The adjoining landowners have surrendered rights to the rear right-of-way, which is owned by the owners of the subject site (Supernew Pty Ltd).

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 - 12.096 multiple dwellings	R 19.84 - 3 multiple dwellings	Noted - no variation
Plot Ratio	1.0 or 1,601 square metres	2.65 or 4,238 square metres	Supported - as the increased plot ratio is as a result of the increase in number of floors. The building incorporates appropriate articulation and design features to reduce the visual impact on this area. It is considered that the overall height and scale of the development is in keeping with the built form of this inner city locality in general and it is not considered to have an undue adverse impact on amenity and can be supported.
No. of storeys	2 storeys (plus loft)	5 storeys plus basement car park	Supported - as is considered that the overall height and scale of the development is in keeping with the built form of this inner city locality in general and can be supported.
Building Setbacks: East or rear setback-first floor	6 metres	0.49 metre	Supported - as the proposed setbacks are considered acceptable given the scale and nature of existing development in the immediate area. Supported - as above. Supported - as above. Supported - as above.
East or rear setback-second floor	6 metres	0.49 metre	
East or rear setback-third floor	6 metres	0.49 metre and 5.09 metres	
East or rear setback-fourth floor	6 metres	0.49 metre and 5.09 metres	

East or rear setback-fifth floor	6 metres	0.49 metre and 5.09 metres	Supported - as above.
<u>Privacy Setbacks:</u> <u>Third floor-Office</u>	<u>6 metres to south boundary to lots facing Stirling Street</u>	<u>No screening provided</u>	<u>Supported - undue impact on the affected neighbouring properties. A condition has been proposed to ensure appropriate screening.</u> <u>Supported- as above.</u>
<u>Fourth Floor-Office</u>	<u>6 metres to south boundary to lots facing Stirling Street</u>	<u>No screening provided</u>	
<u>Fifth Floor-Office and Balcony</u>	<u>6 and 7.5 metres respectively to south boundary to lots facing Stirling Street</u>	<u>No screening provided</u>	<u>Supported- as above.</u>
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> No reason provided. 		Noted.
Objection (4)	<ul style="list-style-type: none"> Five storeys is too high and out of character with the streetscape for the area resulting in over density. Concerns regarding visual impact, bulk and scale. Concerns over privacy to adjoining properties, including property directly opposite on the other side of Beaufort Street, and reduce its amenity. No indication of what the finishes of the walls will be. Noise from motor vehicles. 		<p>Not supported - as the increased density is within acceptable limits, and as the overall height and scale reflects the height and scale of surrounding buildings.</p> <p>Not supported - as above.</p> <p>Not supported - as the proposal complies with the R Codes requirements for privacy affecting the lots to the south-west side (opposite Beaufort Street). The adjoining lots to the north-east and north-west are both zoned "Commercial" and hence have the potential to redevelop at some stage.</p> <p>Noted - the applicant has advised that the finishes will comprise glass and aluminium cladding with render of the building.</p> <p>Not supported - as Beaufort Street is already a busy activity corridor and the additional traffic from the proposed development will not result in undue additional vehicle noise within the locality.</p>

	<ul style="list-style-type: none"> • Exhaust fumes from vehicles using the car park. • Overshadowing. • Eliminates views to the city. 	<p>Not supported – as adequate ventilation is to be provided in accordance with industry standards.</p> <p>Not supported – as the proposal complies with the overshadowing requirements of the R Codes.</p> <p>Not supported - views are not a significant planning consideration. There would be some form of loss of view towards the City; however, the City's skyscrapers due to their height would still be visible.</p>
	<ul style="list-style-type: none"> • Resulting in lack of sunlight and natural light to neighbouring properties due to excessive height of development. • Development should be rejected, or the upper 2 floors be setback further from the street. 	<p>Not supported – as there is no evidence submitted to substantiate the above claim. Furthermore, both adjoining lots to the north-east and north-west of the subject site have the potential to redevelop at some later stage.</p> <p>Not supported – as the development does not result in an undue impact on the streetscape.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	<p>The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.</p>	

* 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.

Car and Bicycle Parking

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 3 car bays have been provided for the residential uses. The balance of car bays available for the commercial component in this instance is 70 car bays.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 3,372square metres) = 67.44 car bays.	67 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	(0.7225) 48.408 car bays
Minus the car parking provided on-site	70 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop site.
Resultant surplus	21.592 car bays
Bicycle Parking Facilities	
Offices <ul style="list-style-type: none"> • 1 space per 200 (proposed 3,372) square metres gross floor area (class 1 or 2) - 16.86 spaces. • 1 space per 750 (proposed 3,372) square metres over 1,000 square metres for visitors (class 3) - 3.16 spaces. 	Partly provided, but not fully compliant.

COMMENTS:

Western Australian Planning Commission Referral

The proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an "Other Regional Road". The Department for Planning and Infrastructure (DPI) in its letter dated 30 June 2008 has advised that there are no land requirement affecting the property under the Metropolitan Region Scheme and associated Other Regional Road Reservation. The Department has no objection the proposal under regional transport grounds.

Demolition

The subject place comprising Nos. 226 - 234 (Lots 1 and 2) Beaufort Street, Perth originally formed part of Perth Town Lot W103. In 1950, Perth Town Lot W103 comprised a pair of semi-detached dwellings at Nos. 232 - 234, believed to have been constructed in 1898, and a galvanised iron shed at No. 226 Beaufort Street, Perth. The Wise Post Office Directories indicate that the semi-detached dwellings were occupied as a mixed business for many years and No. 226 was occupied by fuel merchants. The historical Certificate of Title reveals that the land was transferred to J.P Collins Pty Ltd in 1944. Under the ownership of J.P Collins Pty Ltd, the City of Perth Building Licence Cards indicates that the original buildings on the site were demolished and replaced with the existing buildings on the site. The City of Perth Building Licence Cards suggest that brick and iron building with a gabled roof now located on Lot 1 was constructed in 1949 and the brick and iron building with a tiered skillion roof now on Lot 2, was constructed in 1953 in the Post-War International style. Additional buildings were constructed to the rear of the building on Lot 2 in 1959 and 1965 respectively.

The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Redevelopment

The proposed new development abuts the property at No. 238 Beaufort Street, Perth which is listed on the Town of Vincent Municipal Heritage Inventory/Heritage List as a Management Category A - Conservation Essential. The heritage listed property is one of the oldest surviving buildings in the Town of Vincent dating 1884 and has continued to operate as a boarding house since 1929.

Whilst the proposed development is largely out of keeping with the scale, massing and bulk of the adjacent heritage listed property at No. 238 Beaufort Street, it is noted that the subject section of Beaufort Street is characterised by a mixture of buildings varying in height, bulk and architectural style, including original two-storey brick and iron Federation Queen Anne semi-detached terraces constructed in the 1890's, post-war commercial buildings and more recent large scale mixed use development.

Furthermore, the plans dated 1 August 2008 indicate that the proposed development has sought to minimise the impact of the scale and bulk of the proposed development on the adjacent heritage listed property. This is shown through the greater front set-back of the north-west corner of the proposed development and a staggering of the floor levels, which limits the impact of the height of the proposed development on the adjacent heritage building.

In light of the above, it is considered that the proposed development demonstrates consideration to the adjacent heritage listed property at No. 238 Beaufort Street and is supported on heritage grounds.

Conclusion

The application is considered 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 and the scale and nature of the development.

10.1.6 Nos. 102 to 104 (Lots: 145 & 146 D/P: 1237) Grosvenor Road, Corner Hyde Street, Mount Lawley - Change of Use from Local Shop to Eating House and Associated Alterations (Application for Retrospective Approval)

Ward:	South	Date:	18 August 2008
Precinct:	Norfolk; P10	File Ref:	PRO0676; 5.2008.171.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Anile on behalf of the owner G Anile for Change of Use from Local Shop to Eating House and Associated Alterations (Application for Retrospective Approval), at Nos. 102 to 104 (Lot: 145 and 146 D/P: 1237) Grosvenor Road, corner Hyde Street, Mount Lawley, and as shown on plans stamp-dated 15 April 2008, subject to the following conditions:

(i) *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 ~~\$7,668~~ \$15,768 for the equivalent value of ~~2.84~~ 5.84 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of ~~\$7,668~~ \$15,768 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

(1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

(2) *to the owner(s)/applicant following receipt by the Town with 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;

(c) *pay the outstanding application for retrospective approval fees of \$492.00 based on the Town's 2007/2008 Budget;*

- (ii) *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;*
- (iii) *the public floor area of the eating house shall be limited to 60 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Grosvenor Road and Hyde Street shall maintain an active and interactive frontage to these streets;*
- (v) *all proposed parking on the site shall comply with AS2890.1 and any resultant reduction in onsite car parking spaces will require an additional cash in lieu payment determined by the Town;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development' a bin compound shall be constructed in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
1 x mobile garbage bin per unit, and
1 x general recycle bin per 2 units; and
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space;
- (viii) *within thirty-five (35) days of the issue date of this 'Approval to Commence Development', 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 date of this 'Approval to Commence Development'. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (ix) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken within twenty-eight (28) days of the date which the Town approves the acoustic report and the applicant/owners shall submit a further report from an acoustic consultant 6 months from the date which the Town approves the acoustic report that the development is continuing to comply with the measures of the subject acoustic report;*
- (x) *the hours of operation for the eating house shall be limited to 6:00pm to 9:30pm, Tuesday to Saturday inclusive; and*
- (xi) *the maximum number of staff at the eating house is 3 persons at any one time.*

ADVISES the applicant of Health Services Requirements, as follows:

- (i) *ongoing compliance with the relevant health legislation and the Town's Policies including the Health Act 1911 (as amended) and associated regulations, the Food Act 2008, the Environmental Protection Act 1986 and associated regulations, Town of Vincent Health (Eating House) Local Law 2004 and Town of Vincent Policy 3.8.1 – Outdoor Eating Areas (Alfresco Dining);*
- (ii) *the premises being maintained in a state of good repair ensuring that all surfaces in food handling areas are kept smooth, impervious and free from gaps; and ensuring that all appliances are well maintained including hand wash basins, the exhaust canopy and food preparation benches; and*
- (iii) *the proprietor of the premises applying to the Town's Health Services for an Eating House licence, within seven (7) days of planning approval. With the premises in its current form, the proprietor will only be able to obtain a Dining Room classification in accordance the Town's Health (Eating House) Local Law 2004. A Dining Room classification will entitle the proprietor to serve meals that may either be taken away or consumed at the premises by no more than 20 members of the public. Should the applicant/proprietor seek a Restaurant classification, the premises must be upgraded to ensure that sufficient patrons toilets are provided, in accordance with the Building Code of Australia.*

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Maier

Debate ensued.

That clauses (i)(a) and (i)(b) be deleted and the remaining clauses be renumbered accordingly.

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

<u>For</u>	<u>Against</u>
Cr Ker	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Lake	Cr Messina
Cr Maier	Cr Doran-Wu

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

MOTION PUT AND CARRIED (5-1)

For
Mayor Catania
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier

Against
Cr Messina

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

ADDITIONAL INFORMATION:

The car parking provision on-site has been further investigated and it appears that only three (3) car parking bays are actually provided on-site. The Car Parking Table has been amended to reflect only three (3) car parking bays, rather than six (6) bays, provided on-site.

Landowner:	G Anile
Applicant:	G Anile
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Eating House (Restaurant)
Use Class:	Eating House
Use Classification:	"SA"
Lot Area:	596 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

23 June 1998

The owners of the operating local shop (delicatessen) advised that the proposal to offer meals as a secondary function to that of the delicatessen does not require Planning Approval provided the serving of meals is limited to six tables inside the premises and four outside. The premises was licenced by the Town as a Dining Room operating as 'Çalarbisella's Gourmet Deli' with a limit of seating to 20 patrons.

DETAILS:

The application involves the retrospective change of use from local shop to eating house and associated alterations. The existing unauthorised eating house is leased from the applicant/landowner and operates as 'Sweet Java'. The eating house is not licenced by the Town but has been operating for approximately 3 years.

The eating house caters for up to 39 patrons. Patron numbers are described as varying from 10 to 35 patrons on any night, but usually averaging 18 to 26. The eating house is open from 6.00 pm to 9.30 pm Tuesday to Saturday. Staff numbers are 2 most evenings and usually 3 on Friday and Saturday nights.

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Non-Residential/ Residential Development Interface Policy	Non- residential uses to be restricted to District or Local Centres.	Located within a Residential R 40 zone.	Supported – see ‘Comments’ section.
Objective of Town Planning Scheme No.1	<i>“To promote and safeguard the economic well-being and functions of the Town”.</i>	Non- residential use encroaching into a residential area.	Supported – see ‘Comments’ section.
Town of Vincent – Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre	Non- residential use encroaching into a residential area.	Supported – see ‘Comments’ section.
Consultation Submissions			
Support (6) including supporting petition signed by 25 local residents	<p>Restaurant has been operating for 3 years as ‘Sweet Java’.</p> <p>Acts as a community meeting place.</p> <p>There are no problems with cooking smells.</p> <p>Noise is not an issue and the restaurant closes early.</p> <p>Street parking is adequate.</p> <p>This is the last remaining corner shop of the three which existed on the corner of Grosvenor Road and Hyde Street (butcher and post office).</p> <p>Concerned about what use will occupy the premises if this use is refused.</p>		<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted; however, standard noise conditions will be imposed on the application.</p> <p>Noted; however, this view is not supported by some objectors.</p> <p>Noted.</p> <p>Not supported – this is not relevant to the assessment of this proposal.</p>

<p>Objection (3)</p>	<p>Sandwich board is placed on footpath to promote restaurant.</p> <p>Restaurant front doors are left open, such that noise is not controlled, particularly when patrons are leaving premises.</p> <p>The garbage bin which existed outside the shop has been removed such that patrons rubbish is left on the ground.</p> <p>Parking on grass verge is restricting resident parking and damaging reticulation system.</p>	<p>Not supported – a condition of approval will require a planning application for all non-compliant signage. ‘A’Frame signs on footpaths do not require Planning Approval, but require a Licence from the Town’s Rangers and Community Safety Services under the Town’s local laws.</p> <p>Not supported in part – this premises has not been deemed to be in non-compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> by the Town as no formal complaints have been received. However, a condition has been applied for a sound attenuation report to be provided and implemented.</p> <p>Not supported – not a valid planning consideration.</p> <p>Not supported - the Town’s Ranger Services have not received any formal complaints about parking at the subject site, and have issued no infringements at the site since 2006.</p>
Other Implications		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Financial Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	

Car Parking - Commercial	
• Eating House – 1 space per 4.5 metres of public area (60 square metres) = 13.33 car bays	= 13 bays (nearest whole number)
Apply the parking adjustment factors	(0.68)
• 0.85 (within 400 metres of a bus stop/station)	
• 0.80 (the proposed development contains a mix of uses, where at least 45 percent of the gross floor area is residential)	8.84 car bays
Minus the car parking provided on-site	6 <u>3</u> bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant Shortfall	2.84 <u>5.84</u> car bays
Bicycle Parking	
Eating House – Public Area = 60 square metres Class 1 or 2 – 1 space per 100 square metres of Gross Floor Area = 0.60 space Class 1 or 2 = 1 space required	1 space provided

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

COMMENTS:

Health Services Comments

The premises located at No. 104 Grosvenor Road, Mount Lawley was originally registered as an eating house under the provisions of the *Health Act 1911 (as amended)* prior to the transfer of this area from the City of Perth to the Town. A review of the Town’s eating house licensing records in December 2007 revealed that a past Eating House Licence for this property was issued without the applicant obtaining prior Planning Approval. As a result, the Eating House Licence for this premises has not been renewed since 30 June 2007 and the proprietor has been requested to obtain retrospective Planning Approval. Current Health Services records for the property detail the premises to be known as Sweet Java. Should Planning Approval be obtained, Sweet Java will be licensed as a Dining Room which means that meals may either be taken away or consumed at the premises by not more than 20 members of the public.

Health Services have not received any substantiated noise or food safety complaints regarding Sweet Java and, therefore, **do not** object to this application on these grounds. It is however expected that should approval be given, that the applicant and/or proprietor(s) of the premises ensure that compliance with all relevant health legislation and Town Policies is achieved, including the *Health Act 1911 (as amended)* and associated regulations, the *Food Act 2008*, *Building Code of Australia*, *Environmental Protection Act 1986 and associated regulations*, *Town of Vincent Health (Eating House) Local Law 2004* and *Town of Vincent Policy 3.8.1 – Outdoor Eating Areas (Alfresco Dining)*.

Planning Services Comments

The subject site is located within a Residential zone and the character of the surrounding area is wholly residential. Generally, the Town would not support an application for a commercial use intruding into a Residential zone given the expectation that this will have a detrimental impact on the amenity of the adjoining residential area and undermine the commercial areas. During the Community Consultation period, 6 submissions of support were received by the Town, including a petition signed by 25 directly affected residents from Grosvenor Road and Hyde Street. This would suggest that Sweet Java is considered by local residents as an important place within their community, and exists harmoniously with the surrounding residences.

Neighbours have identified that the tenants and patrons of the restaurant are considerate in relation to noise and parking, which is supported by the Town's Rangers Services and Health Services who have received no formal complaints regarding Sweet Java.

It is considered reasonable for the cash-in-lieu contribution and outstanding application fees to be based on the 2007/2008 Budget as the application was received prior to the adoption of the 2008/2009 Budget.

Summary

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

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

Ward:	South	Date:	19 August 2008
Precinct:	Beaufort, P13	File Ref:	PLA 0168
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.1;*
- (ii) *ADVERTISES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, with or without amendment, to or not to proceed with it.*

Cr Messina departed the Chamber at 8.54pm.

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Lake

That;

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

(i) ***RECEIVES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.1; subject to the Draft Amended Policy being further amended as follows:***

(a) *clause 5) The Relationship with Other Documents be amended to read as follows:*

‘...'

Where requirements are inconsistent, these Guidelines are to take precedence over other documents and Policies, ~~including the Policy relating to Newton Locality Plan 24.~~’;

(b) *clause 7) Design Features, Site Planning iii) Height and Massing be amended to read as follows:*

‘The wide reserve of Fitzgerald Street, the openness of Robertson Park and the adjacent Maltings development support building height to a maximum of 3 storeys adjacent to the primary streets, ~~and up to 8 storeys within the site and to Pandal Lane.~~ A minimum height of two storeys to the primary streets is considered appropriate. The Council may consider greater development heights up to a maximum of six storeys on those lots with frontage to both Fitzgerald Street and Pandal Lane provided the greater height is positioned towards the rear of the lot, that is, closer to Pandal Lane, to ensure consistency with building forms in the immediate surrounding area, and acceptable levels of amenity can be maintained at adjoining lots. It is considered appropriate for those developments that extend above 3 storeys for the fourth storey to be setback a minimum of 5 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 10 metres from Fitzgerald Street. The opportunity to extract maximum impact from corner locations will be encouraged and promoted, and greater heights will be considered in these instances.’;

(c) *clause 7) Design Features, Site Planning vi) Façade and Interface be amended to read as follows:*

‘Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line, ~~with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.~~ All new developments are to have a nil setback to Stuart Street.’; and

2. *a new clause (iv) be added as follows:*

“(iv) *AUTHORISES the Chief Executive Officer to prepare an amendment to Town Planning Scheme No.1 to indicate R160 for the area bounded by the Guidelines for the purpose of determining development applications within the area covered by the Draft Policy.*”

Cr Messina returned to the Chamber at 8.56pm.

Debate ensued.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on clause 1(a) and (b) together and 1(c) and 2 separately.

Debate ensued.

AMENDMENT 1 CLAUSE 1(a) AND (b) PUT AND LOST (2-4)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT 1 CLAUSE 1(c) PUT AND CARRIED (5-1)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT 1 CLAUSE 2 PUT AND CARRIED (5-1)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT 2

Moved Cr Maier, **Seconded** Cr Ker

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

- “(a) clause 7) Design Features, Site Planning iii) Height and Massing be amended to read as follows:

‘The wide reserve of Fitzgerald Street, the openness of Robertson Park and the adjacent Maltings development support building height to a maximum of 3 storeys adjacent to the primary streets, ~~and up to 8 storeys within the site and to Pandal Lane.~~ A minimum height of two storeys to the primary streets is considered appropriate. The Council may consider greater development heights up to a maximum of six storeys on those lots with frontage to both Fitzgerald Street and Pandal Lane provided the greater height is positioned towards the rear of the lot, that is, closer to Pandal Lane, to ensure consistency with building forms in the immediate surrounding area, and acceptable levels of amenity can be maintained at adjoining lots. It is considered appropriate for those developments that extend above 3 storeys for the fourth storey to be setback a minimum of 10 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 30 metres from Fitzgerald Street. The opportunity to extract maximum impact from corner locations will be encouraged and promoted, and greater heights will be considered in these instances; and’

AMENDMENT 2 PUT AND CARRIED (4-2)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT 3

Moved Cr Lake, **Seconded** Cr Maier

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

- “(i) *RECEIVES* the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.1; subject to the Draft Amended Policy being further amended as follows:

- (a) clause 7) Design Features, Site Planning iii) Height and Massing – Existing Streetscape and Indicative Streetscape Sketch images be deleted; and

- (b) clause 7) Design Features, Site Planning ix) High Quality Design and Function be amended to read as follows:
‘The key principles of Crime Prevention through Environmental Design (CPTED) including the Office of Crime Prevention's 'Designing Out Crime' are to be employed in all new developments to reduce the opportunity for crime and ~~to improve the public's perception of safety within the area.~~

Debate ensued.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on clause 1(a) and (b) separately.

AMENDMENT 3 CLAUSE 1(a) PUT AND CARRIED (4-2)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

**AMENDMENT 3 CLAUSE 1(b) PUT AND LOST
ON THE CASTING VOTE OF THE PRESIDING MEMBER (3-4)**

<u>For</u>	<u>Against</u>
Cr Ker	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Lake	Cr Doran-Wu
Cr Maier	Cr Messina

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

MOTION AS AMENDED PUT AND CARRIED (5-1)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.1.1

That the Council;

- (i) *RECEIVES the Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.1, subject to the Draft Amended Policy being further amended as follows:*
 - (a) *clause 7) Design Features, Site Planning iii) Height and Massing be amended to read as follows:*

'The wide reserve of Fitzgerald Street, the openness of Robertson Park and the adjacent Maltings development support building height to a maximum of 3 storeys adjacent to the primary streets. ~~and up to 8 storeys within the site and to Pandal Lane.~~ A minimum height of two storeys to the primary streets is considered appropriate. The Council may consider greater development heights up to a maximum of six storeys on those lots with frontage to both Fitzgerald Street and Pandal Lane provided the greater height is positioned towards the rear of the lot, that is, closer to Pandal Lane, to ensure consistency with building forms in the immediate surrounding area, and acceptable levels of amenity can be maintained at adjoining lots. It is considered appropriate for those developments that extend above 3 storeys for the fourth storey to be setback a minimum of 10 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 30 metres from Fitzgerald Street. The opportunity to extract maximum impact from corner locations will be encouraged and promoted, and greater heights will be considered in these instances';

- (b) *clause 7) Design Features, Site Planning iii) Height and Massing – Existing Streetscape and Indicative Streetscape Sketch images be deleted; and*
- (c) *clause 7) Design Features, Site Planning vi) Façade and Interface be amended to read as follows:*

'Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line, ~~with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.~~ All new developments are to have a nil setback to Stuart Street.'; and

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

- (iv) ***AUTHORISES the Chief Executive Officer to prepare an amendment to Town Planning Scheme No.1 to indicate R160 for the area bounded by the Guidelines for the purpose of determining development applications within the area covered by the Draft Policy.***

ADDITIONAL INFORMATION:

The Town's Officers believe that amending the Town's Town Planning Scheme No. 1 (TPS No. 1) to indicate R160 for the area bounded by the Guidelines for the purpose of determining development applications within the area covered by the Draft Policy is not necessary as the Draft Planning Policy aims to achieve the objectives of the Town's TPS No.1 and will be prepared, advertised and adopted pursuant to the provisions of TPS No. 1. In addition, the provisions of TPS No. 1 already enables the Council the discretion to allow an increased density provided the development satisfies the relevant criteria.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 June 2008, considered the Draft Amended Policy and resolved:

"That the item be DEFERRED to allow for further investigation by the Town's Officers."

A summary of issues raised during the Council Meeting are summarised below:

- The Policy should not be adopted in the interim because it is unjust to land owners and developers who currently have development applications in the Town. It is considered more appropriate, in this instance, to adopt the Draft Policy after advertising and not until the formal adoption of the Amended Policy.
- Concerns over the grammar and transparency of the existing Policy and the Draft Policy.
- The R160 density is considered acceptable due to the location of the subject area, the number of lots that have great development potential and the opportunity for the area to move away from the industrial and warehouse uses.
- A review of the maximum building heights and the heights within individual lots needs to be further investigated.
- Concerns over the consistency and certainty the Policy provides to developers.
- Concerns that allowing development to occur at a higher density than R160 where developments can demonstrate that they have addressed affordable housing could result in applications being submitted that propose a much higher density than the recommended R160.

In addition, a decision by the State Administrative Tribunal relating to Nos.152-158 Fitzgerald Street (Matter No.DR/56 of 2008) was made on 29 July 2008 to dismiss the application for review of the eight storey mixed use development comprising commercial and residential that was refused by the Council on 18 December 2007. The State Administrative Tribunal stated the following in its summary of decision:

"The Tribunal determined that the height and massing of the development does not comply with the policy. It would present substantially as an eight storey building adjacent to the street, rather than as a three storey building adjacent to the street and up to eight storeys within the site, as required by the policy. Furthermore, the site does not occupy a corner location, where the policy envisages the possibility of greater heights and, in any case, the proposed height and massing is greater than that contemplated by the policy for corner locations."

Following the decision made by the State Administrative Tribunal (SAT), an article was published in 'The Perth Voice' which referred to the abovementioned decision. The article expressed concern that the Town was increasing density through planning policy rather than amending the Town Planning Scheme. Based on the comment made by SAT that "...the Tribunal considered that it is inconsistent with orderly and proper planning, and undermines the integrity of the residential density coding system, to, in effect, up-zone land by means of a planning policy."

The Town's Officers consider that increasing the residential density of land through Planning Policy is consistent with orderly and proper planning and does not undermine the integrity of the residential density coding system, provided the Planning Policy - aims to achieve the objectives of the Town's Town Planning Scheme No. 1 (TPS 1); is prepared, advertised and adopted pursuant to TPS 1; and gives clear guidance/criteria where an increased density could be considered by the Council.

All of the Town's Planning Policies are duly prepared, advertised for public comment for a minimum period of 28 days, and adopted pursuant to the provisions of TPS 1. The Policy affecting the subject Fitzgerald Street area is considered to satisfy these criteria and is not considered to be 'fundamentally flawed'. It should be noted that SAT did not raise the matter of 'upzoning of land' during the hearing, and if it did, the Town would of had the opportunity to address SAT's view. Interestingly, SAT also made the following concluding comments:

"The housing density and the height and massing of the proposed development does not comply with the street block policy. The policy is a critical and fundamental element in the planning assessment of the development because it has been specifically devised and adopted to guide development in the relevant street block..."

In addition, the provisions of TPS No. 1 already enables the Council the discretion to allow an increased density provided the development satisfies the relevant criteria.

Since the adoption of the Policy relating to Appendix No.16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, only three planning applications have been received by the Council to develop land. The application for Nos. 152-158 Fitzgerald Street, Perth was refused by the Council as outlined above, while an application for demolition of existing warehouse and construction of a two-storey mixed-use development comprising two (2) single bedroom multiple dwellings, one (1) office, one (1) office with ancillary warehouse, and associated car parking at Nos.126-128 Fitzgerald Street, Perth was conditionally approved under delegated authority on 5 February 2008. An application for the construction of eight-storey mixed use development comprising twenty (20) single bedroom multiple dwellings, twelve (12) two bedroom multiple dwellings, eighteen (18) aged persons dwellings, two (2) commercial units and associated basement car parking was also submitted to the Town recently on 6 June 2008 and has not yet been determined.

In accordance with the Council resolution of 27 May 2008 and 24 June 2008, a summary of the key amendments proposed to the Design Guidelines are detailed below:

- (i) In this instance, it is considered appropriate and consistent to retain the existing density requirements at R160 for the following reasons:
 - The subject area's close proximity and strong transport links to Northbridge and the Perth Central Business District;
 - The potential for redevelopment within the area due to a number of existing vacant sites and degraded buildings and warehouses; and
 - The potential for regeneration within the area and a mix of uses being encouraged.

- (ii) Redefining the expectations of height and massing within the area. Although the density is considered appropriate to remain as R160, the expected height development potential within the current Policy to a maximum height of 8 storeys is considered to be inconsistent with the R160 density requirement and impractical for the area's location and growth patterns. Such height potential is considered more appropriate in other locations within the Town. A maximum of 3 storeys, with a minimum height of two storeys is considered more appropriate for the area and is still comparable to the density of the area. However, it has been identified that those lots with dual frontage to both Fitzgerald Street and Pandal Lane may be developed to a height of 6 storeys provided that acceptable levels of amenity are maintained to adjacent lots and where the greater height is positioned to the rear of the lots (towards Pandal Lane) to ensure consistency with built forms within the immediate area and minimal undue impact on the amenity of the streetscape.
- (iii) Vehicular access from Pandal Lane or a right of way is strongly encouraged. In such instances where access is from Pandal Lane, the length of the lane adjacent to the subject land is to be widened by at least one (1) metre and be registered as a grant of easement at the development approval stage or as right of way widening at the subdivision stage. This will facilitate safer vehicular access and promote a more pedestrian-friendly environment along Pandal Lane.

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

Furthermore, the Town's Officers have reviewed the decision of SAT for Matter No. DR/56 of 2008 and the issues raised in relation to the Town's Policy. The two principle issues that arose for determination in the SAT review are as follows:

- (i) Whether the proposed housing density complies with the street block Policy; and
- (ii) Whether the proposed height and massing complies with the street block Policy.

SAT raised two concerns with the Policy, these are summarised below:

- The term "affordable housing" is not defined in the street block Policy or in the Scheme, and the Town has not adopted any policy or strategy relating to affordable housing; and
- The expression "within the site" in clause (iii) relating to Height and Massing is unclear as to whether or not it refers to the site of a proposed development, as the applicant contends, or the area to which the street block Policy applies.

The Town is currently liaising with consultants in preparing the *Draft Affordable Housing Strategy*. A definition of 'affordable housing' will be provided within this strategy and will be a point of reference in the near future; therefore, a definition has not been added to the Policy.

In addition, clause (iii) Height and Massing has been amended to clarify acceptable height and massing for lots located within the Design Guideline area.

It is considered that the proposed Draft Amended Policy is more appropriate for the scale and nature of the area, as compared to the previous requirements of the Policy.

It should also be noted, that the attached copy of the *Draft Amended Policy relating to Appendix No.16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth* shows any amendments to the existing adopted Policy with single underline and strikethrough.

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

The following is a verbatim of copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 June 2008.

“OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Farrell, Seconded Cr Messina

That clause (ii) be amended as follows:

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

Debate ensued.

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

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

CEO read out Standing Orders Clause 3.6.1.

The Presiding Member then put the amendment.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That the ruling of the Presiding Member be disagreed with.

PROCEDURAL MOTION PUT AND LOST (3-5)

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

(Cr Ker on approved leave of absence.)

AMENDMENT 1 PUT AND LOST (2-6)

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

(Cr Ker on approved leave of absence.)

Debate ensued.

AMENDMENT 2

Moved Cr Messina, Seconded Cr Maier

That clause (ii) be deleted.

AMENDMENT 2 PUT AND CARRIED (5-3)

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

(Cr Ker on approved leave of absence.)

Debate ensued.

AMENDMENT 3

Moved Cr Maier, Seconded Cr Burns

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

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

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

“ ...

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

...
These will be characterised by:

- Residential commensurate with R160 ~~100~~ density;
- Mixed use within the area zoned Residential/Commercial, with a minimum 66 per cent residential (commensurate with R160 100 density) and compatible commercial and non-residential uses, such as offices and consulting rooms;”

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

“ ...

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

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

“ ...

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

Debate ensued.

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Youngman

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

PROCEDURAL MOTION PUT AND CARRIED (5-3)

For

Mayor Catania

Cr Burns

Cr Doran-Wu

Cr Lake

Cr Youngman

Against

Cr Farrell

Cr Maier

Cr Messina

(Cr Ker on approved leave of absence.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

"That;

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

- (d) *the current R160 zoning adjacent and to the south of Newcastle Street; and*
 - (e) *flexibility in provision of commercial/residential mix; and*
- (ii) *the Town's officers meet with the applicants to discuss future development of the site."*

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

The Council at its Ordinary Meeting held on 18 December 2007 refused an application for an eight-storey mixed use development comprising thirty five (35) multiple dwellings (including 15 single bedroom dwellings and 20 two-bedroom dwellings), office, shop, eating house and associated basement car park at Nos. 152-158 Fitzgerald Street, Perth, for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Residential Design Codes relating to:*
 - (a) density;*
 - (b) plot ratio;*
 - (c) stores;*
 - (d) single bedroom dwelling plot ratio;*
 - (e) communal open space; and*
 - (f) privacy;*
- (iii) the non-compliance with the requirements of the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, relating to:*
 - (a) density;*
 - (b) plot ratio;*
 - (c) residential/commercial ratio;*
 - (d) height;*
 - (e) car parking;*
 - (f) awning;*
 - (g) communal open space; and*
 - (h) Affordable Housing;*
- (iv) the non-compliance with the requirements to justify a 33% bonus for Affordable Housing;*
- (v) the non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access; and*
- (vi) consideration of the objections received."*

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

“That the Council;

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

DETAILS:

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

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

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

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

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

10.1.5 Nos. 511-513 (Lot: 25 D/P: 672) Beaufort Street, Highgate - Proposed Change of Use from Shop to Unlisted Use – Small Bar and Associated Alterations

Ward:	South	Date:	15 August 2008
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0261; 5.2008.219.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bremick Group on behalf of the owner D Di Florio for proposed Change of Use from Shop to Unlisted Use – Small Bar and associated alterations at Nos. 511-513 (Lot: 25 D/P: 672) Beaufort Street, Highgate, and as shown on plans stamp-dated 11 August 2008 (location plan and site plan) and 22 August 2008 (floor plan and elevations), subject to the following conditions:

- (i) *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 ~~\$10,528~~ \$28,000 for the equivalent value of ~~3.76~~ 10 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of ~~\$10,528~~ \$28,000 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (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;

- (ii) *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;*

- (iii) *the maximum number of patrons to occupy the small bar at any one time shall be ~~50~~ 80 persons;*
- (iv) *packaged liquor shall not be sold at the premises;*
- (v) *the bin compound shall be constructed in accordance with the Town's Health Services specifications and sized to contain 1 mobile garbage bin per unit, and 1 ~~paper~~ recycle bin per unit or per 200 square metres of floor space;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;*
- (viii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating sanitary facilities being provided in accordance with the requirements of the Building Codes of Australia.*
The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and
- (ix) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained.*

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

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Messina

That the matter be deferred for further consideration.

PROCEDURAL MOTION PUT AND LOST
ON THE CASTING VOTE OF THE PRESIDING MEMBER (3-4)

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Lake	Cr Messina
Cr Maier	Cr Ker

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

COUNCIL DECISION ITEM 10.1.5

MOTION PUT AND LOST (1-5)

For
Cr Lake

Against
Mayor Catania
Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Reasons:

- 1. Impact on parking in the area; and**
- 2. Lack of parking in the area.**

ADDITIONAL INFORMATION:

The plans shown in the Agenda for the Ordinary Meeting of Council to be held on 26 August 2008 indicate only one exit and entrance for customers. Due to this, the maximum of number patrons is limited to 50 persons. The applicant has since amended the plans to create another emergency exit, therefore, being able to increase the number of patrons to 100 persons. The public floor area of the small bar is 67.85 square metres and, based on being able to have one person per 0.85 square metre of public floor area, the number of patrons can now increase to a maximum of 80 persons.

A copy of the amended plans stamp dated 22 August 2008 is attached as per Appendix 10.1.5 for the Council's consideration.

In addition to the above, a further review of the subject property's proximity to the East Perth Rail Station has revealed that the subject place is over 900 metres away from the rail station. Therefore, the adjustment factor relating to the proximity of a rail station is no longer applicable. A 'Corrected Car Parking Table' has been prepared accordingly.

The application is being recommended for approval as the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution. In this instance, the above requirement has been met (1.95 car bays required as a guide and 3 car bays provided).

Landowner:	D Di Florio
Applicant:	Bremick Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Butcher and Takeaway Outlet
Use Class:	Unlisted Use
Use Classification:	Unlisted Use
Lot Area:	379 square metres
Access to Right of Way	North west side, 3 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from shop to unlisted use (small bar) and associated alterations.

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

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted – no variation.
Car Parking			
Car parking requirement (nearest whole number) - Small Bar – 50 <u>80</u> patrons at any one time Requires = 11.11 <u>17.77</u> car bays			= 11 <u>18</u> car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 80 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 			(0.614125 <u>0.7225</u>) = 6.76 <u>13.00</u> car bays
Minus the car parking provided on-site			3 car bays
Minus the most recently approved on-site car parking shortfall			N/A
Resultant shortfall			3.76 <u>10.00</u> car bays
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • The location is easily accessible by public transport and within easy walking distance of local residents. • The Council should be promoting small bars because it provides choice and vibrancy. • If parking is an issue, more public car parks should be built in the area. 	<ul style="list-style-type: none"> • Noted. • Noted. • Noted. 	
Objection (1)	<ul style="list-style-type: none"> • Parking layout • Amount of staff toilets. • Patron toilet facilities. 	<ul style="list-style-type: none"> • Not supported – the proposed parking layout has been amended to comply with AS2890.1. • Not supported – the amount of staff toilets is compliant with the Building Codes of Australia. • Supported – a condition has been applied for the patron toilet facilities to comply with the Building Codes of Australia. 	
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

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

COMMENTS:

Small Bar Licence

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a small bar licence as a form of hotel licence. A small bar licence differs from hotel and tavern licences by the conditions imposed to restrict the scope of the licence. A small bar licence is a form of a hotel licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 3.76 car bays would equate to a payment of \$10,528. The parking shortfall is not considered excessive given its locational context, as well as the primary opening hours being at night, and is, therefore, supported subject to a cash-in-lieu payment.

Summary

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 Nos. 277, 279, 281 (Lots 19, 18 and 17) Vincent Street, Leederville - Proposed Demolition of Three (3) Existing Single Houses and Construction of Eighteen (18) Single Bedroom Multiple Dwellings and Associated Signage

Ward:	South	Date:	19 August 2008
Precinct:	Oxford Centre;P04	File Ref:	PRO3238; 5.2008.165.1
Attachments:	001 002 003 004		
Reporting Officer(s):	R Narroo, H Au		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner RHT Capital Investments Pty Ltd for proposed Demolition of Three (3) Existing Single Houses and Construction of Eighteen (18) Single Bedroom Multiple Dwellings at Nos. 277, 279 and 281 (Lots: 19, 18 and 17) Vincent Street, Leederville, and as shown on plans stamp-dated 10 April 2008, subject to the following conditions:*
- (a) *the proposed signage does not form part of this approval;*
 - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (c) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Vincent Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (d) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (e) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (1) *the western elevation of the balcony of each Unit B (first and second floors), the northern and western elevations of the balcony of each Unit C (first and second floors) within the 7.5 metres cone of vision to the western boundary, the southern and eastern elevations of the balcony of each eastern most Unit D (first and second floors) within the 7.5 metres cone of vision to the eastern boundary, the deck on the northern, eastern and southern elevations within the 7.5 metres cone of vision to the eastern boundary, the windows to the kitchen of each western most Unit B on the western elevation - being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes. 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. 273 and 283 Vincent Street stating no objection to the respective proposed privacy encroachment;*
- (2) *two (2) car parking bays being allocated as visitors parking and clearly marked as such, located close to and clearly signposted or visible from the point of entry and outside any security barrier;*
- (3) *a bin compound being provided in accordance with the Town's Health Services specifications and sized to contain:
1 x mobile garbage bin per unit; and
1 x general recycle bin per 2 units;*
- (4) *the access driveway being widened to 5.5 metres for the first 10 metres from Vincent Street, to permit two vehicles to pass. Any security gate shall be positioned beyond the widened area. Redesign of the access driveway shall accommodate the existing verge tree;*
- (5) *a major opening window being provided to the northern elevation of the ground floor bedroom of western Unit A facing Vincent Street so that this opening is clearly visible from Vincent Street. The landscaping and the wall screen in front of the proposed opening shall be deleted from the plans; and*
- (6) *the maximum plot ratio area of second floor eastern most Unit A-being 70 square metres.*

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

- (g) *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). Any redesign of crossover and pedestrian access shall accommodate retention of all verge trees;*

- (h) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (i) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (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;*
 - (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;*
 - (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time; and*
 - (4) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (j) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (k) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (l) *the proposed vehicular entry/exit gate shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (m) *prior to the first occupation of the development, power shall be undergrounded across the Vincent Street frontage of the development and extending the full length of the two existing bays (a bay refers to the length of cable between two power poles), at the developer's expense; and*

(n) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new walls, fence and gate, including screens, entry statements and rock walls, between the Vincent Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

- (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
- (2) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
- (3) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

(o) *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; and*

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner RHT Capital Investments Pty for proposed Signage at Nos. 277, 279 and 281 (Lots: 19, 18 and 17) Vincent Street, Leederville, and as shown on plans stamp-dated 10 April 2008, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy No. 3.5.2 relating to Signs and Advertising.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-1)

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

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Cr Doran-Wu requested that her objection to the approval of this development be recorded in the Minutes.

Landowner:	RHT Capital Investments Pty Ltd
Applicant:	RHT Capital Investments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1) : Residential R 80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1563 square metres
Access to Right of Way	Not applicable

BACKGROUND:

In May 2007, a development application was submitted to demolish the existing dwellings and construct two storey plus basement car parking residential dwellings comprising sixteen dwellings on the subject sites. In June 2007, the application was withdrawn.

DETAILS:

The proposal involves demolition of three (3) existing single houses and construction of eighteen (18) single bedroom multiple dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 = 18 single bedroom multiple dwellings	R 80 = 18 single bedroom multiple dwellings	Noted-no variation.
Plot Ratio	1 – 1563 square metres	0.8 - 1250 square metres	Noted-no variation.

<u>First Floor</u>			
North- Front (Vincent Street)	Wall- a minimum of two metres behind the ground floor setback= 8.735 metres	3.9 metres	Supported- refer to "Comments" below.
	Balcony- a minimum of 1 metre behind the ground floor setback= 7.735 metres	2 metres	Supported- refer to "Comments" below.
East	2.9 metres	1.875 metres to 4.1 metres	Supported- as the variation will not unduly impact on the adjoining property.
West	6.1 metres	1.5 metres to 5.6 metres	Supported- the walls are staggered and the variation will not unduly impact on the adjoining property.
<u>Second Floor</u>			
North- Front (Vincent Street)	Wall- a minimum of two metres behind the ground floor setback= 8.735 metres	3.9 metres	Supported- refer to "Comments" below.
	Balcony- a minimum of 1 metre behind the ground floor setback= 7.735 metres	2 metres	Supported- refer to "Comments" below.
East	4.5 metres	1.875 metres to 4.1 metres	Supported- as the variation will not unduly impact on the adjoining property.
West	8.2 metres	1.5 metres to 5.6 metres	Supported- the walls are staggered and the variation will not unduly impact on the adjoining property.

Communal Space	288 square metres	Communal area= 172.8 square metres Outdoor living areas (ground floor)= 48 square metres Balconies= 164.4 square metres Total= 385.2 square metres	Supported- given that each unit has been provided with an outdoor living area or a balcony, it is considered that the communal space will meet the needs of the future residents. Moreover, the subject sites are located opposite the Leederville Oval and adjacent public open space and the proposal complies with the overall open space requirement.
Outdoor Living Areas	Outdoor Living Area to be located behind the front setback	Outdoor Living Area to be located within the front setback	Supported- the variation will not unduly impact on the streetscape.
Number of Storeys	Two Storeys	Three Storeys	Supported- refer to "Comments" below.
Height	Two storeys-external walls (concealed roof)= 7 metres	Three storeys concealed roof= 9.5 metres to 11.5 metres	Supported- refer to "Comments" below.
	Two storeys-external wall (pitched roof)= 6 metres	Three storeys pitched roof= 9 metres	Supported- refer to "Comments" below.
Site Works (South- West Corner)	Retaining wall- not more than 0.5 metre in height above the natural ground level	0.6 metre	Supported- the variation will not unduly impact on the adjoining property.
	Setback of retaining wall = 1 metre	Nil	Supported- the variation will not unduly impact on the adjoining property.
Privacy Setbacks	Balcony and Deck- 7.5 metres setback from the boundary	Balconies- Unit B (first and second floors)= 5.9 metres from western boundary	Not supported- results in an undue visual/privacy impact on adjacent properties.
	Kitchen window= 6 metres from boundary	Balconies- Unit C (first and second floors)= 3.16 metres from western boundary.	Not supported- results in an undue visual/privacy impact on adjacent properties.
		Balconies- Unit D (first and second floors)= 6 metres from eastern boundary	Not supported- results in an undue visual/privacy impact on adjacent properties.

		Deck= 1.2 metres from eastern boundary Kitchen= 4.5 metres from western boundary	Not supported- results in an undue visual/privacy impact on adjacent properties. Not supported- results in an undue visual/privacy impact on adjacent properties
Roof Pitch	Pitch between 30 degrees and 45 degrees	26 degrees	Supported- the site is located in the Leederville Masterplan area and it is expected that there will generally be four storeys buildings with no pitch roof in the area. Therefore, the variation to the pitched roof will not unduly impact on the streetscape.
Street Walls and Fences	Maximum height of 1.8 metres above adjacent footpath level	Screen Wall to outdoor living area = 2 metres in height Entry Statement Wall= 3.5 metres Solid rock wall of 2.5 metres	Not supported- results in an undue impact on the streetscape. Not supported- results in an undue impact on the streetscape. Not supported- results in an undue impact on the streetscape.
Signage	Not exceed 0.2 square metre in area and only for the purpose of identifying the name of the dwelling. Not exceed 500 millimetres in height for dwelling name signs on multiple dwellings where they are of a single line letters fixed to the façade of a building.	0.5755 square metre 1.85 metres and 0.75 metre, not fixed to the façade of proposed building.	Not supported- undue visual impact on the amenity of the area. Not supported- undue visual impact on the amenity of the area.
Consultation Submissions			
Support (3)	The development will contribute to the appeal of Leederville as place to live and work.		Noted.
	The development will significantly add to the streetscape and amenity of the south side of Vincent Street.		Noted.

Objection (2)	Concerns about the street statement being used by patrons of local night clubs at night for waiting for taxis, finish their drinks or relieve themselves.	Not supported- this is a private matter which the future owners of the dwellings need to address if required.
	Request for a car parking study to be performed to determine the impact of the expected number of residents and visitors vehicles on the street	Not supported- the proposal complies with the parking requirements of the Residential Design Codes for the residents and visitors.
	The southern units will not perform well from a passive solar access as per the Building Codes of Australia (BCA) requirements.	Not supported- the proposal is required to comply with the BCA requirements prior to a Building Licence being issued.
	The front setback variation will impact on the streetscape.	Not supported- to "Comments" below.
	The size of the structure (height and scale) will overshadow adjacent properties and is out of character with the rest of the streetscape.	Not supported- the proposal complies with overshadowing requirements and with regards to the streetscape character refer to "Comments" below.
	Balconies will overlook adjacent courtyards.	Supported- if this application is supported, one of the conditions will be for the screening of balconies which do not comply with the privacy requirements of the Residential Design Codes.
	The front walls seem to be very high and will contribute to the overall interruption of the streetscape.	Supported- refer to comments in the Assessment Table above.
Department for Planning and Infrastructure (DPI)	The proposal was referred to DPI for comments as Vincent Street is an Other Regional Road in the Metropolitan Region Scheme.	DPI has no objections to this development based on regional transport planning grounds.
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

No. 277 Vincent Street, Leederville

The subject place at No. 277 Vincent Street, Leederville, was constructed circa 1930 in the Interwar Bungalow style. The dwelling has a gabled roof form with a recessed side entrance. The Western Australian Post Office Directories shows that the earliest occupier at the subject place was Mrs Mary A Harrison who resided at the place from 1931 to 1940. Since then, it has been transferred several times to new owners.

A full heritage assessment was undertaken for No. 277 Vincent Street, Leederville, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

No. 279 Vincent Street, Leederville

The subject place at No. 279 Vincent Street, Leederville, was constructed in 1981 and demonstrates features typical of a Post-war Conventional Suburban Style Bungalow. The brown brick dwelling has an earth colour low pitched tile hipped roof and an L-shaped two room frontage. Originally a weatherboard cottage constructed circa 1917 occupied the site. The City of Perth Building Licence Plan dated 1981 indicates that a Building Licence was approved for the then owner to construct a new brick and tile single storey dwelling. Since then, it has been transferred several times to new owners.

A full heritage assessment was undertaken for No. 279 Vincent Street, Leederville, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

No. 281 Vincent Street, Leederville

The single storey brick and tile subject dwelling at No. 281 Vincent Street was constructed circa 1916. It is considered that the dwelling was originally constructed in the Federation Cottage style but it has little of its original detailing remaining. The dwelling has a low pitched hipped roof with dark blue decramastic tiles and a two room street frontage. A Certificate of Title dated 1919 states that Edith Riddles was the sole proprietor of the subject dwelling. Edith Riddles died in 1956 and the piece of land on the site was granted to Frederick James Riddles. Since then, it has been transferred several times to new owners.

A full heritage assessment was undertaken for No. 281 Vincent Street, Leederville, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for the demolition of the subject three (3) places, subject to standard conditions.

Redevelopment

Street Setback

The street setback is supported for the following reasons:

- The Department of Sports and Recreation building located on the opposite side of Vincent Street has a nil setback.

- The articulation of the elevation to the street is enhanced through a selection of varying materials and roof forms, staggered heights and setbacks and balconies, windows and openings in the elevation.
- The site is located within the proposed Leederville Masterplan area.
- The Draft Built Form Guidelines for this area have been prepared along the lines or principles of the Leederville Masterplan. They have not been adopted or advertised by the Council.
- The Draft Built Form Guidelines for the Carr Place Residential Precinct states the following in terms of street setbacks:

“1 to 4 storey developments with Vincent Street frontage are to be setback 0 metre to 4 metres from the Vincent Street boundary. Any floors above 4 storeys are to be setback a minimum of 5 metres from Vincent Street Boundary. The area created by the setback is to be adequately landscaped. Vehicle parking is not to be located in the setback area.”

Given the above, the proposed setback variations are considered acceptable.

Number of Storeys and Height

The proposed third storey and height are supported for the following reasons:

- The Department of Sports and Recreation building located on the opposite side of Vincent Street is a three-storeys high.
- The articulation of the building is enhanced through a selection of varying materials and roof forms, staggered heights and setbacks and balconies, windows and openings.
- The Draft Built Form Guidelines for the Carr Place Residential Precinct states the following in terms of densities and heights:

<i>“Land Area</i>	<i>Density</i>	<i>Building Height</i>
<i>Less than 500 square metres</i>	<i>R80</i>	<i>3 storeys</i>
<i>500-1500 square metres</i>	<i>R120</i>	<i>4 storeys</i>
<i>More than 1500 square metres</i>	<i>R160</i>	<i>4 storeys (Carr Pl. frontage) 8- storeys (Vincent St frontage”</i>

Given the above, the proposed third storey and height variations are considered acceptable.

Conclusion

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

10.1.9 No. 19 (Lot: 9 D/P: 185) Lane Street, Perth - Proposed Front/ Street Fence and Boundary Wall Addition (Application for Retrospective Approval) and Demolition of Existing Garage

Ward:	South	Date:	15 August 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4394; 5.2008.323.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Antique Quality Pty Ltd on behalf of the owner Antique Quality Pty Ltd for Proposed Front/ Street Fence and Boundary Wall Addition (Application for Retrospective Approval) at No. 19 (Lot: 9 D/P: 185) Lane Street, Perth, and as shown on plans stamp-dated 9 July 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with clause SADC 13 of the Town's Policy No.3.2.1 relating to Residential Design Elements, which requires posts and piers to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres and the maximum height of the solid portion of the wall to be 1.2 metres above the adjacent footpath level;*
 - (c) *the non-compliance with the Town's Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways; and*
 - (d) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (ii) *the Council ADVISES the applicant and owners that the unauthorised front/street fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above front/street fence remain after this twenty-eight (28) days period.*

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-6)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Reasons:

1. Meets the performance criteria.

ALTERNATIVE RECOMMENDATION

Moved Cr Maier, Seconded Cr Lake

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Antique Quality Pty Ltd on behalf of the owner Antique Quality Pty Ltd for Proposed Front/ Street Fence and Boundary Wall Addition (Application for Retrospective Approval) at No. 19 (Lot: 9 D/P: 185) Lane Street, Perth, and as shown on plans stamp-dated 9 July 2008, subject to the following conditions:

- (i) *within 28 days of the date of Approval to Commence Development, the following matters shall be complied with:*
 - (a) *the width of the 'open' screen infill panel along the southern boundary being increased from 680 millimetres to 1.1 metres to allow for an increased visual truncation; and*
 - (b) *certification from a qualified Structural Engineer demonstrating that the subject fence and wall are structurally sound;*

be adopted.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

That the recommendation be amended to read as follows:

“That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Antique Quality Pty Ltd on behalf of the owner Antique Quality Pty Ltd for Proposed Front/ Street Fence and Boundary Wall Addition (Application for Retrospective Approval) at No. 19 (Lot: 9 D/P: 185) Lane Street, Perth, and as shown on plans stamp-dated 9 July 2008, subject to the following conditions:

- ~~(i) within 28 days of the date of Approval to Commence Development, the following matters shall be complied with:~~
 - ~~(a) the width of the 'open' screen infill panel along the southern boundary being increased from 680 millimetres to 1.1 metres to allow for an increased visual truncation; and~~
 - ~~(b) certification from a qualified Structural Engineer demonstrating that the subject fence and wall are structurally sound.”~~

AMENDMENT PUT AND CARRIED (4-2)

<u>For</u> Mayor Catania Cr Doran-Wu Cr Ker Cr Messina	<u>Against</u> Cr Lake Cr Maier
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(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

**ALTERNATIVE MOTION AS AMENDED
PUT AND CARRIED (6-0)**

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.1.9

That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Antique Quality Pty Ltd on behalf of the owner Antique Quality Pty Ltd for Proposed Front/ Street Fence and Boundary Wall Addition (Application for Retrospective Approval) at No. 19 (Lot: 9 D/P: 185) Lane Street, Perth, and as shown on plans stamp-dated 9 July 2008.

Landowner:	Antique Quality Pty Ltd
Applicant:	Antique Quality Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	396 square metres
Access to Right of Way	N/A

BACKGROUND:

21 April 2008 It came to the Town's attention that the unauthorised construction of a front fence had occurred at the subject property, which after further investigation was found to be non-compliant with the Town's requirements.

DETAILS:

The application involves the construction of a new front/ street fence and boundary wall and demolition of the existing garage (application for retrospective approval).

ASSESSMENT:

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

Policy No.3.2.1 relating to Residential Design Elements	Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres.	400 millimetres	Not supported – whilst the fence has been finished in a neat manner, there is particular concern regarding the undue impact on the streetscape, and the width of the piers in the 1.5 metre by 1.5 metre visual truncation area.
Policy No. 2.2.12 relating to Truncations	The area within a sight line shall be maintained clear of obstructions above the height of 0.65 metre. Slender columns of less than 355mm square or 500mm diameter shall be permitted.	Posts in the sightline area 400 millimetres	Not supported - this requirement is to ensure adequate visibility of pedestrians, cyclists or other vehicles by the driver of the vehicle exiting the parking space and non-compliance would result in a potential safety hazard.
Consultation Submissions			
The application was not advertised as the Officer Recommendation is for refusal.			
Support	N/A		Noted.
Objection	N/A		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial Implications			Nil
Sustainability Implications			Nil

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

COMMENTS:

The Town's Residential Design Elements Policy requires that posts and piers within the primary street setback area, including along the side boundaries, to have a maximum width of 355 millimetres. In this instance, none of the piers comply with the Town's requirements, as they are 400 millimetres wide, which is of particular concern with regard to the inadequate visibility in the visual truncation area. Furthermore, a solid wall has been constructed to 1.8 metres high within the front setback area, which poses further unacceptable safety and streetscape issues.

The proposed demolition of the existing garage does not require Planning Approval.

In light of the above, it is recommended that the Council refuse the front/street fence and boundary wall and authorise the Chief Executive Officer to commence legal proceedings if the fence and wall is not removed within 28 days.

10.2.1 State Underground Power Program – Letter from the City of Bayswater

Ward:	Both	Date:	18 August 2008
Precinct:	All	File Ref:	TES0313
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on a letter received from the City of Bayswater regarding the State Government’s responsibility with regard to its funding commitment to the State Underground Power Program;*
- (ii) *NOTES the information contained in the report;*
- (iii) *SUPPORTS the City of Bayswater’s position with regard to the State Government committing to fully funding all future State Underground Power Program Projects; and*
- (iv) *WRITES to the City of Bayswater, Hon Minister for Energy, the Treasurer and the Premier advising them of its decision.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

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

- “(iv) *WRITES to the City of Bayswater, Hon Minister for Energy, the Treasurer, ~~and~~ the Premier and the Local Member for Perth advising them of its decision.*”

AMENDMENT PUT AND CARRIED (6-0)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the report on a letter received from the City of Bayswater regarding the State Government’s responsibility with regard to its funding commitment to the State Underground Power Program;*
- (ii) *NOTES the information contained in the report;*

- (iii) ***SUPPORTS the City of Bayswater's position with regard to the State Government committing to fully funding all future State Underground Power Program Projects; and***
- (iv) ***WRITES to the City of Bayswater, Hon Minister for Energy, the Treasurer, the Premier and the Local Member for Perth advising them of its decision.***
-

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a letter received from the City of Bayswater regarding the State Government's responsibility with regard to the undergrounding of the state owned overhead power network.

BACKGROUND:

On 1 August 2008 the Mayor received a letter from the Mayor of the City of Bayswater regarding responsibilities for funding the State Underground Power Program (SUPP).

The following is an extract from the letter:

The Council strongly believes that the responsibility of the existing overhead network and future underground power is that of the State Government. Under the current methodology used as part of SUPP, Local Governments are required to fund 50% of the program, which is another way the State Government is cost shifting responsibilities that are clearly not a matter for Local Government.

Consequently, at the Council Meeting of 22 July 2008, Council resolved that:

- "6. The Mayor write to all existing local politicians and all future candidates for State seats within the City of Bayswater, requesting their support for underground power for free to the City of Bayswater residents and that they be given 10 working days to reply or the City will consider that they are not in support of the City's position on this matter.*
- 7. The Mayor write to the Hon Minister for Energy, the Treasurer and the Premier seeking their commitment to supplying underground power for free to the residents of the City of Bayswater as an election pledge for the upcoming State Election.*
- 8. The Mayor write to all Councils seeking their support in lobbying the State Government, prior to the next State Election, to have the underground power program fully funded by the State Government with possible refunds to Councils that have already made contributions to this program."*

As a matter of urgency, the State Government must commit to accepting total responsibility for the undergrounding of existing overhead networks as part of its commitment to all Councils across the State. The City's data indicates that the level of funding required to carry out a large scale project, such as this one, State wide, would be similar to the Perth to Mandurah Rail Line.

I therefore seek your support in lobbying the State Government prior to the next State Election to have the Underground Power Program fully funded by the State Government, with possible refunds to Councils that have already made contributions to this program.

On 27 May 2008, the Council considered a report on a Strategy for the Undergrounding of Power in the Town where the following decision was made.

"That the Council;

- (i) RECEIVES the report on Strategy for the Undergrounding of Power in the Town;*
- (ii) ADOPTS the Corrected Policy No. 2.2.12 "Undergrounding of Power" as shown in Appendix 10.2.6;*
- (iii) AUTHORIZES the Chief Executive Officer to:*
 - (a) advertise the policy for a period of 21 days seeking public comment;*
 - (b) report back to the Council with any public submissions received; and*
 - (c) include the amended policies in the Town's Policy manual if no public submissions are received; and*
- (iv) NOTES that a further report on the matter will be submitted to the Council, if future submissions are called for the State Underground Power Program for both Major Residential Projects and Local Enhancement Projects; and*
- (v) REQUESTS that the Chief Executive Officer provides a report by September 2008 indicating alternate funding models for underground power including, but not limited to, the model adopted by the City of Subiaco."*

The policy was advertised during June 2008 and no submissions were received. The Director Corporate Services is currently progressing clause (v) as requested by the Council.

DETAILS:

State Underground Power Program

The SUPP was initially introduced in 1996 with four (4) pilot program areas based on a 1/3 Western Power, 1/3 office of Energy and 1/3 Local Government Contribution.

At the conclusion of the pilot program, the SUPP was progressed on a 50/50 funding split between Western Power/Office of Energy and Local Government (Rounds 1 to 4).

The Council has been receiving progress reports on the SUPP since 1998 and to date it has been successful in obtaining contributory funding for one (1) local enhancement project (Mary Street) and one major Residential project (Highgate East).

Officer's comments:

At the beginning of the program, the ratepayer contribution was around \$2,500 per property. This is now over \$6,000 per property. The question that has often been asked since the inception of the SUPP has been:

Why is Local Government being requested to fund the replacement/improvement of a State Government owned asset?

One of the arguments Western Power has always used to justify underground power is improved reliability and continuity of service and yet this cost benefit is never factored into a SUPP project.

The estimated cost for the entire Town to have the overhead power undergrounded at say \$6,000 per property (excluding Highgate East) would be in the order of \$72m. The Town's ratepayers would need to contribute about ½ this cost.

The City of Bayswater is suggesting that as this is a State owned asset, the State Government should be fully funding the SUPP program.

Comments:

While the Council has a policy on the undergrounding of Power, the Town's Administration supports any proposal for the State Government to either fully fund or alternatively increase its share of funding for the State Underground Power Program to say 2/3 state 1/3 local government and therefore supports the City of Bayswater's position on the matter.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The overhead power network is owned and operated by Western Power. It is not a local government asset.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 - 1.1.16 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

SUSTAINABILITY IMPLICATIONS:

An inefficient power and street lighting network will impact on broad sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

The funding model for any future SUPPs under the current arrangement will be based on 50% State Government and Western Power with the Town's 50% contribution to be recouped from property owners in the project area. There are, however, other costs associated with administering any SUPP project such as staff time, etc.

The estimated cost for the entire Town to have the overhead power undergrounded at say \$6,000 per property (excluding Highgate East) would be in the order of \$72m. Under the current arrangement, the Town's ratepayers would need to contribute about ½ this cost or about \$38m which equates to about \$1,350 per person living in the Town.

COMMENTS:

The Town has always adopted a proactive role in the undergrounding of power in conjunction with the SUPP, however, there is some uncertainty as to the SUPP being extended beyond 2010.

Therefore, aside from putting the onus on developers and undergrounding the power as part of the Town's projects, there may be limited opportunity in the future to undertake large scale projects unless the State Government changes its position. In what form this will take is yet to be determined, however, given that the power network is a 'State owned' asset, the Town's Administration considers that the onus to fund the SUPP should be on the State Government and in this regard the Town's Administration supports the City of Bayswater's position

10.2.5 Review of Road Reserves - Progress Report No. 3

Ward:	Both	Date:	20 August 2008
Precinct:	All	File Ref:	TES0310
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** Progress Report No. 3 on the proposed Review of Road Reserves;
- (ii) **NOTES** the ‘preliminary’ assessment table contained in the report and that an ‘in house’ review of the widening requirements on the Regional Roads in the Town is still being undertaken;
- (iii) **AGAIN REQUESTS** that the Department for Planning and Infrastructure provide an update on the Town’s proposal for Charles Street, as outlined on attached plans 2124-CP-1 to 6; and
- (iv) **NOTES** that a further report/s on this matter will be submitted as more information becomes available.

Moved Cr Messina, **Seconded** Cr Ker

That the recommendation be adopted.

AMENDMENT 1

Moved Cr Maier, **Seconded** Cr Lake

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

- “(v) **NOTES** that the provision of median strips to assist in the safe crossing of major roads was a request of Vincent Vision 2024 participants.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT 2

Moved Cr Ker, **Seconded** Cr Messina

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

- “(vi) **ADVISES** the Northwest District Planning Committee of the matter.”

AMENDMENT 2 PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) *RECEIVES Progress Report No. 3 on the proposed Review of Road Reserves;*
- (ii) *NOTES the 'preliminary' assessment table contained in the report and that an 'in house' review of the widening requirements on the Regional Roads in the Town is still being undertaken;*
- (iii) *AGAIN REQUESTS that the Department for Planning and Infrastructure provide an update on the Town's proposal for Charles Street, as outlined on attached plans 2124-CP-1 to 6;*
- (iv) *NOTES that a further report/s on this matter will be submitted as more information becomes available;*
- (v) *NOTES that the provision of median strips to assist in the safe crossing of major roads was a request of Vincent Vision 2024 participants; and*
- (vi) *ADVISES the Northwest District Planning Committee of the matter.*

PURPOSE OF REPORT:

The purpose of this report is to provide a further update on the progress to date regarding a review of the Metropolitan Region Scheme (MRS) - Important Regional Roads, widening of road reservations within the Town of Vincent.

BACKGROUND:

Ordinary Meeting of Council held on 10 October 2006:

A Notice of Motion was adopted requesting that the Town approach the WA Planning Commission (WAPC) to review the widening of road reservations on various Important Regional Roads within the Town.

Ordinary Meeting of Council held on 24 April 2007:

The Council was advised that Road reservations in the MRS were last reviewed in 1991 and, since that time, the State Government had developed and adopted targets and strategies for reducing reliance on the private car in Perth, including the Metropolitan Transport Strategy (1995) and Network City (September 2004).

The report also contained extracts from responses received from the WAPC, Main Roads WA, the City of Stirling and the City of Bayswater.

Ordinary Meeting of Council held on 27 May 2008:

The Council was advised of a meeting held with the Department for Planning and Infrastructure (DPI) to discuss road widening reservations on the Important Regional Roads within the Town, and in particular Charles Street. Also discussed was the negative impact of the existing road widening reserves on development within the Town, particularly the Town Centres, as the Town was in the process of reviewing its Town Planning Scheme.

The Council was further advised that the Town's officers had been assessing where widenings would still be required and where widenings were no longer required.

The following decision was made.

"That the Council;

- (i) RECEIVES Progress Report No. 2 on the proposed Review of Road Reserves;*
- (ii) NOTES that the Town's officers met with officers from the Department for Planning and Infrastructure to further discuss road widening reservations on the Important Regional Roads within the Town but in particular Charles Street, where the negative impact of road widening reserves on development within the Town, particularly the Town Centres, was highlighted;*
- (iii) COMPLETES an 'in house' review of the widening requirements on the roads as listed in the report;*
- (iv) REQUESTS that the Department for Planning and Infrastructure provide an update on the Town's proposal for Charles Street as outlined on attached plans 2124-CP-1 to 6; and*
- (v) NOTES that a further report on this matter will be submitted to the Council by August 2008."*

DETAILS:

Charles Street:

An alternative proposal for Charles Street was prepared by the Town's officers and the LATM Advisory Group in December 2002 which included the following:

- An option for a 3.20m wide south bound dedicated bus lane from Claverton Street to the existing bus embayment south of Vincent Street
- An option for a 3.20m wide south bound dedicated bus lane from Claverton Street to Carr Street
- Allowance for a minimum 1.80m wide painted/solid median Island between Angove and Carr Streets
- Allowance for 2 x 4.0m wide inner traffic lane to accommodate cyclists
- Proposal for improvements to the Vincent / Charles Street traffic signals to improve level of service by carrying out a travel demand management survey
- Retention of the existing road widening requirement between Albert and View Streets to accommodate future bus priority measures
- Dedicated bay lane east side Albert to View with possible bus priority measures associated with future installation of traffic signals at the Bourke/View/Charles intersection

- Lighting improvements along Charles Street
- Returning previously reserved land to adjacent property owners

In February 2008, the WAPC advised that *"the planning control area on Charles Street is on the priority list for review and finalisation"*.

In accordance with clause (iv) of the Council's decision (OMC 28 May 2008), a further letter (and plans for Charles Street) was sent, however, at the time of writing this report, no further response specific to Charles Street has been received.

Other Roads:

Existing Configuration

The majority of the other roads in the Town comprise the following configuration:

- 20m wide road reservation
- Between a 13.0m to 14.0m wide carriageway (dual carriageway with lane widths varying from between 3.2m to 3.5m wide).
- Verge width varying in width from between 3.0 to 3.5m.

There are some minor increases in carriageway widths at the intersection to accommodate pedestrian refuge islands, however, the road reserve generally currently maintains its 20.0m width.

Previously Amended Configuration

In 1991 a road reservation review was undertaken. The regional roads amended in the review (in Vincent) are outlined below:

Road	Section	Amend	Consequence
Loftus	Newcastle to Scarborough Beach	RR1 (959)	Reduction ~40m to ~23m
London	Scarborough Beach to Walcott	RR1 (959)	Reduction by varying amounts. Complete removal of reservation from numerous properties
Fitzgerald	Newcastle to Walcott	RR1 (959)	Reduction ~40m to ~23m
Walcott	Charles to Lord	RR1 (959)	Reduction ~ 30-35m to ~ 23-25m
Vincent	Freeway to Bulwer	RR1 (972)	Reduction ~40m to ~23m
William	Vincent to Walcott	RR3 (982)	Reduction ~ 35m to ~ 25m
Beaufort	Vincent to Walcott	RR3 (982)	Reduction ~40m to ~23m.
Loftus	Newcastle to Vincent	RR5 (1031)	Complex reduction/ rationalisation GFF

Generally the review allowed for the following configuration (refer Diagram 1):

- 23m wide road reservation
- 2 x 7.2m wide traffic lanes
- 1.8m wide median island
- 2 x 3.4m wide verges

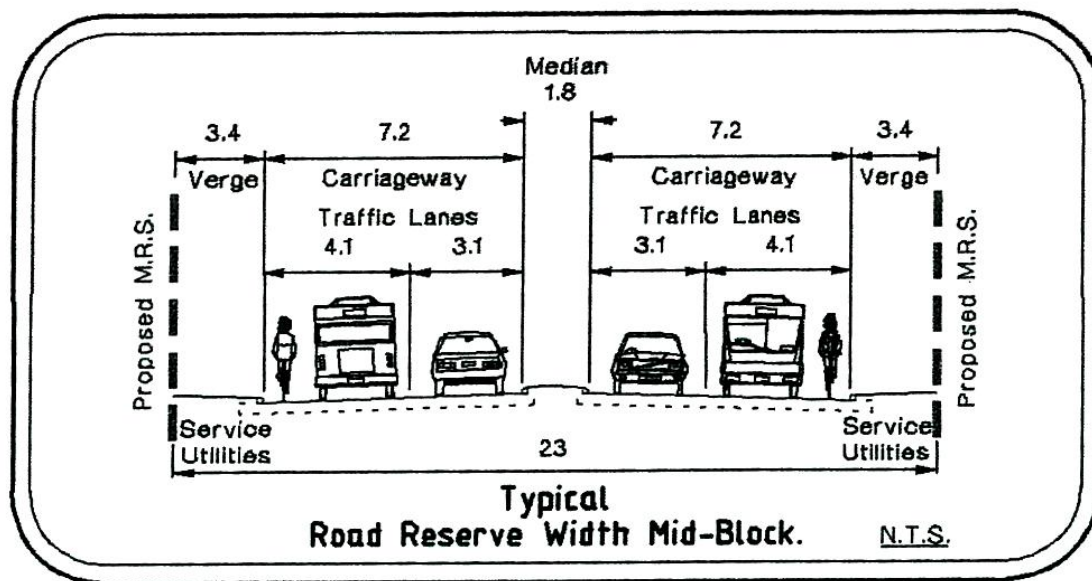


DIAGRAM 1

Previous Improvement Works on Regional Roads in the Town

Assessments of regional roads in the Town is still being progressed by the Town's officers.

Discussions with the Town's planning officers have also be convened on several occasions to further progress this matter, however, the matter has not yet been finalised due to other work priorities.

The Town's Technical Services have undertaken upgrade works on the following roads since 1998:

London Street: Green St to Scarborough Beach Rd

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt)

Loftus Street - Scarborough Beach Rd to Franklin Street, Bourke St to Vincent St:

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt)

Walcott Street : Lord St to Charles St

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt in conjunction with the City of Stirling)

Fitzgerald Street: Walcott Street to Bulwer St and Cowel St to Newcastle St

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt/traffic calming and streetscape improvements North Perth Centre Precinct)

Vincent Street: Leake: St To Throssell St

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt. Modification to intersection layout)

Beaufort Street: Walcott Street to Parry Street (Entire length of road in the Town)

- Walcott Street to Brisbane Street: Rehabilitation Works (pavement profiling/rekerbing/ laying of new asphalt reconfiguration of carriageway width to accommodate a 1.2m wide median (part solid/part painted)
- Brisbane Street to Parry Street: Rehabilitation Works (pavement profiling/rekerbing/ laying of new asphalt/delineating parking embayment's)

William Street: Brisbane Street to Newcastle Street:

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt. Streetscape improvements/carriageway reconfiguration/underground power and new street lighting)

Bulwer Street: Vincent St to Beaufort St

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt)
- Reduction to two traffic lanes and associated landscaping works

Lord Street: Walcott Street to Parry St

- Rehabilitation Works (pavement profiling/rekerbing/laying of new asphalt/pedestrian refuge islands)

Preliminary Assessments:

The following table outlines a preliminary ‘desk top’ assessment of where it is considered that the MRS widening should be retained and where it should be removed.

1. London Street- Proposed 24.4m Reserve		
Road Section	Retain MRS	Remove MRS
Scarborough Bch Rd to Hobart Street	<i>Yes</i> Extent to be determined to accommodate possible future intersection modifications at Scarborough Bch Rd	<i>No</i>
Hobart Street to Ellesmere Street	<i>No</i>	<i>Yes</i> Additional works and expense to install median islands not justified.
Ellesmere Street to Green Street	<i>Yes</i> Extent to be determined to accommodate future intersection modifications	
2. Loftus Street- Proposed 23.0m Reserve		
Section	Retain	Remove
Vincent Street to Anzac Road	<i>No</i>	<i>Yes</i> Additional works and expense to install median islands not justified
3. Walcott Street- Proposed 23.0m Reserve		
Section	Retain	Remove
Charles Street to Lord Street	<i>No</i>	<i>Yes</i> Additional works and expense to install median islands not justified. Heritage building at key intersection.
4. Fitzgerald Street- Proposed 23.0m Reserve		
Section	Retain	Remove
Charles Street to Lord Street	<i>No</i>	<i>Yes</i> Additional works and expense to install median islands not justified. Significant buildings at key intersection.

5. Vincent Street- Proposed 23.0m Reserve		
Section	Retain	Remove
Freeway to Charles Street	<i>No</i>	<i>Yes</i> Additional works and expense to install median islands not justified. Heritage buildings at key intersection.
Charles Street to Bulwer Street	<i>Yes</i> Extent to be determined to accommodate possible future intersection modifications at Bulwer Street	<i>No.</i>
6. Beaufort Street - Proposed 23 to 25m Reserve		
Section	Retain	Remove
Parry St to Greenway St	<i>Generally Not applicable</i>	
Greenway St to south of Bulwer	<i>No</i>	<i>Yes.</i> Additional works and expense to install median islands not justified.
Intersection of Bulwer St and Beaufort Street	<i>Yes</i> Extent to be determined to accommodate possible future intersection modifications	<i>No</i>
North of Bulwer Street to Broome Street	<i>No</i>	<i>Yes.</i> Additional works and expense to install median islands not justified.
Broome Street to Harold Street	<i>Not applicable</i>	
Harold Street to Walcott Street	<i>No</i>	<i>Yes.</i> Additional works and expense to install median islands not justified.
7. William Street - Proposed 23.0m Reserve		
Section	Retain	Remove
Vincent Street to Walcott Street	<i>No</i>	<i>Yes.</i> Additional works and expense to install median islands not justified.

Technical Services Comments:

Substantial funds have been expended on the regional roads in the Town and there is no intention to implement measures on these (or other sections of these) roads which will require road widening and associated service relocations, building demolitions etc.

The roads mentioned were all upgraded as part of the Metropolitan Region Road Program Funding, whereby the Town contributed 1/3 of the cost with the State Government contributing the other 2/3 of the cost. The Town funded any additional works associated with each project, such as footpaths, lighting, streetscape improvements and landscaping.

The funding was obtained for Rehabilitation in accordance with the Metropolitan Region Road funding criteria. This funding allows for road rehabilitation only, not service relocations, demolitions, land purchases, etc.

Therefore, the implementation of any proposal as indicated in diagram 1 would be beyond the resources of the Town and the funding for these works would be extremely difficult to justify.

A further detailed report will be presented with recommendations on where specific widenings of road reservations should be retained/removed.

Planning Services Comments:

The Town's Officers are reviewing Town Planning Scheme No.1. The Local Planning Strategy which sets the strategic direction of the new Scheme is scheduled to be reported to the Ordinary Meeting of Council on 7 October 2008.

In this respect, the maintenance of road widening reserves is not supported from an urban planning perspective with respect to the revitalisation of the Town Centres. Furthermore, *Vincent Vision 2024* highlighted the community's concerns with respect to the negative outcomes of major roads traversing the Town in terms of pedestrians being restricted in their ability to negotiate and cross the major roads and the speed of traffic using the roads.

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by the Council.”*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

As previously reported to the Council, officers wrote to the various State and Local Authorities regarding a review of the widening of road reservations on Important Regional Roads within the Town and the responses received were previously reported to the Council.

WAPC previously advised that a major review of road reserves in the Town was simply not possible, however, if the Town had urgent need for specific work, to discuss this with the Director of Urban Transport Systems. A meeting subsequently took place with DPI and the Town's officers.

To date no further response has been received with regard to Charles Street and the Town's officers are still progressing the matter with regard to the other roads. It is therefore requested that the Council receives the further progress report.

10.2.6 Tender No 384/08 – Les Lilleyman Reserve Pavilion – Alterations & Extensions to Existing Clubrooms

Ward:	North	Date:	18 Aug 08
Precinct:	Mt Hawthorn Precinct	File Ref:	RES0019
Attachments:	-		
Reporting Officer(s):	K Bilyk, R Lotznicker; J van den Bok		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender submitted by A E Hoskins & Sons in accordance with specifications detailed in Tender 384/08 for the contract price of \$97,818 (GST exclusive);*
- (ii) *NOTES that;*
 - (a) *an amount of \$60,000 (GST exclusive) has been included in the 2008/2009 budget for the works and the funding shortfall (GST exclusive) is \$37,818;*
 - (b) *the \$60,000 on budget for the project comprises a contribution of \$20,000 each from the Town, Subiaco Football Club and the Western Australian Football Commission; and*
 - (c) *the funding shortfall of \$37,818 (excluding GST) would need to be shared equally between the three parties outlined in clause (ii)(b) (i.e. an additional \$12,606 each) and these funds are required, in order for the project to proceed; and*
- (iii) *ADVISES the Subiaco Football Club, Western Australian Football Commission and the tenderer of its decision*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for Tender No 384/08 for the Les Lilleyman Reserve Pavilion alterations and extensions to existing clubrooms.

BACKGROUND:

Tender No 384/08 – Les Lilleyman Reserve Pavilion – Alterations and Extensions to Existing Clubrooms was advertised in the West Australian newspaper on 19 July 2008.

Tenders closed at 2.00pm on 6 August 2008 and seven (7) tenders were received. Present at the tender opening were Mary Hopper (Financial Services/Purchasing Officer) and Kon Bilyk (Technical Services/Property Officer-Projects).

DETAILS:

Tenders were received from the following organisations:

1. Dalcon Construction Pty Ltd
2. Devco Builders
3. CPD Group Pty Ltd
4. Classic Contractors
5. ZD Construction 93 Pty Ltd
6. A E Hoskins & Sons
7. Arrix Constructions

The details of the submissions received are listed below.

Contractor		Price (excluding GST)
1.	Arrix*	\$71,689.00
2.	A E Hoskins & Sons	\$97,818.00
3.	Classic Contractors	\$99,930.00
4.	Devco Builders	\$143,973.00
5.	CDP*	\$170,909.00
6.	ZD Construction 93 Pty Ltd	\$171,500.00
7.	Dalcon Constructions Pty Ltd	\$178,044.00

Note:* The tender submitted by Arrix Constructions did not comply with the tender requirements as references were not provided, there was no information on demonstrated previous experience in the provision of the required services including the organisation's capacity to deliver and CPD Group Pty Ltd did not provide references. These tenders were not evaluated further.

Tender Evaluation.Selection Criteria

The following weighted criteria was used for the selection of the companies for the tender.

Criteria		Weighting
1.	Financial Offer/Fee Proposal	60%
2.	Demonstrated previous experience in the provision of services	15%
3.	Organisation capacity to deliver product	15%
4.	References	10%
Total:		100%

Tender Evaluation Panel

The tender evaluation panel consisted of the Director Technical Services, Director Corporate Services and Property Officer–Projects. Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

		A E Hoskins & Sons	Classic Contractors	Devco Builders	ZD Construction 93 Pty Ltd	Dalcon Constructions Pty Ltd
1	Financial Offer/Fee Proposal	51.19	50.48	35.64	26.36	24.16
2	Demonstrated previous experience in the provision of services	15	15	15	15	15
3	Organisation capacity to deliver product	15	15	15	15	15
4	References	10	10	10	10	10
	Total	91.19	90.48	75.64	66.36	64.16

Discussion:

Reference checks were undertaken of the conforming tenderers and good reports were received. While all of the above tenderers would be more than capable of undertaking the required works, A E Hoskins and Sons submitted the most competitive ‘conforming’ tender and it is recommended that they be the preferred tenderer.

CONSULTATION/ADVERTISING:

Advertised in accordance with the Tender regulations.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.16 *Enhance and maintain the Town’s infrastructure to provide a safe, healthy sustainable and functional environment (a) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways and roads.*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The tender price submitted by the preferred tenderer is \$107,600 (including GST) or \$97,818 (excluding GST). An amount of \$60,000 (excluding GST) has been included in the in the 2008/2009 Budget. Therefore the funding shortfall (excluding GST) is \$37,818.

The \$60,000 on budget is based on a three (3) way funding split as follows:

- Town: \$20,000
- Subiaco Football Club: \$20,000
- WA Football Commission: \$20,000

With the additional funding required, the funding split required will be as follows (Total \$97,818).

- Town: \$32,606
- Subiaco Football Club: \$32,606
- WA Football Commission: \$32,606

Note: Each party will be required to contribute an additional \$12,606

COMMENTS:

The proposed addition/alteration to the existing building at Les Lillyman Reserve will improve the amenity for users of the facility.

It is therefore recommended that tender 384/08 Les Lilleyman Reserve Pavilion – Alterations and Extensions to Existing Clubrooms be awarded to A E Hoskins & Sons for the tender price of \$97,818 (GST exclusive) and that the funding shortfall of \$37,818 be equally shared by the Town, Subiaco Football Club and the Western Australian Football Commission.

10.3.2 Review of the Disability Services Act 1993 - Submission

Ward:	Both	Date:	18 August 2008
Precinct:	All	File Ref:	CMS0053
Attachments:			
Reporting Officer(s):	D. Retsas		
Checked/Endorsed by:	J. Anthony/ M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Town's submission for the Review of the Disability Services Act 1993.

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

AMENDMENT

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be amended as follows:

"That the Council:

- (i) APPROVES the Town's submission for the Review of the Disability Services Act 1993;*
- (ii) ADVISES WALGA of its submission; and*
- (iii) SEEKS WALGA's support."*

AMENDMENT PUT AND CARRIED (6-0)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 10.3.2

That the Council:

- (i) APPROVES the Town's submission for the Review of the Disability Services Act 1993;*
- (ii) ADVISES WALGA of its submission; and*
- (iii) SEEKS WALGA's support.*

PURPOSE OF REPORT

To seek approval to submit comments in relation to the *Review of the Disability Services Act 1993*.

BACKGROUND

The Town has been invited in writing to provide comments and recommendations in regard to the Review of the Disability Services Act 1993. The review is conducted every five years and provides an opportunity for broad participation in the development on disability services, and an opportunity for the Town to comment on administrative and legislative framework for the funding and delivery of disability services in Western Australia and elements of the Act, which seek to advance social inclusion and quality of life for Western Australians with disabilities.

DETAILS

The Disability Services Commission has provided a framework by which comments are to be submitted. Sections 2,3,4,5 and 6 of the Act will each be outlined by an objective, followed by a background summary, then a recommended comment.

It should be noted that each recommended comment in the report has been discussed and endorsed by the Universal Access Advisory Group at its meeting held on the 14 August 2008.

It is recommended that the comments as listed in the report be submitted to the Disability Services Commission Steering Committee.

Objective: Part 2 Disability Services Commission

- establishes the composition of the Board (nine persons);
- creates the position of Chief Executive Officer;
- sets out the functions of the Commission;
- gives powers to contract and set fees;
- deals with Commission finances and reporting arrangements; and
- governs the Commission's relationship with its Minister.

Background:

As a result of two previous reviews held in 1998 and 2001, there have been a number of significant changes since 1993 in regard to the Disability Service Commission status as a department and statutory body, composition of the board, and relationship with the Minister for Disability Services.

This review creates the opportunity to check that legislation remains modern and contemporary, whilst providing an avenue to improve the legislative framework of the Commission if necessary.

Comment:

- Sections of the Disability Services Regulations 2004, refer to parts of the Disability Services Act 1993 that don't appear to exist. For instance, part 10 on page 3 of the Disability Services Regulations 2004 regarding public consultations, refers to section 29E of the Disability Services Act, however there isn't a Section 29E listed in the Disability Services Act 1993.
- The definition of Disability needs to be consistent in terms of age in regard to Disability Services Commission policy, to bring it into line with the Act, which does not have an age limit in its definition. It is important that the notion of disability and the protection of the Act not be confined to age limitations.
- The Disability Service Standards are not specified in WA legislation and as such are not a specific requirement for services providers to comply with. To bring all service providers into compliance with the Disability Service Standards an inclusion with specific reference to these standards in legislation is required.

Objective: Part 3 Ministerial Advisory Council on Disability

- establishes the Council and its membership; and
- provides the Council's functions.

Background:

As a result of previous reviews there has been a name change for the council, new membership criteria requirements were defined, and public consultation must be undertaken to provide information to Minister for Disability Services.

Comment:

- At present there is no requirement for local governments to be represented on either the Commission's Board or on the Ministerial Advisory Committee, however due to local government's ongoing commitment to promote inclusion and community participation for people with disabilities, local government representation would provide a representative voice at the local community level.
- It is recommended that a local government representative be appointed on the Ministerial Advisory Committee in the first instance.

Objective: Part 4 Financial Assistance to People with Disabilities

- provides grants for people with disabilities, carers, and service providers;
- requires service providers to report non-trivial harm, injury or death of a service recipient;
- allows the Minister absolute discretion to review Commission decisions; and
- regulates the contracting of services.

Background:

As a result of previous reviews carers are now funded, service providers must report harm, and the Minister is required to review Commissions decisions in regard to service providers.

Comment:

- A State requirement should highlight the importance of providing accessible transport alongside of accommodation facilities for people with disabilities and an onus on accommodation facilities to provide transport services for their clients when needed.

Objective: Part 5 Disability Access and Inclusion Plans

- specifies the nature of Disability Access and Inclusion Plans to which Public Authorities;
- must comply;
- sets standards and outcome objectives;
- sets out review, amendment and lodgements requirements;
- details reporting and public consultation processes;
- requires implementation actions; and
- provides for an annual report on the effectiveness of Disability Access and Inclusion Plans to be laid before each House of Parliament.

Background:

As a result of previous reviews the Disability Service Plans were renamed Disability Access and Inclusion Plans (DAIP), and were significantly amended whereby Public authorities are required to review, lodge and implement DAIPs, and require their funded or contracted services providers to meet standard requirements.

Comment:

- Section 29 of the Act states that local governments have to submit a report on the DAIP in their annual reports, but only states that local governments have to report to DSC if they have not reported DAIPs in their annual report. There needs to be specific reference in the Act to the requirements expected of local governments in regard to reporting DAIPs to the DSC.
- DAIP sets standards and outcomes for public authorities to have in place and require their funded or contracted services providers to meet standard requirements. However, DAIPs could be broadened to include objectives and strategies to guide local governments and public authorities to be more inclusive of people with disabilities. For instance, the provision of employment for people with disabilities by local government could be included in the objectives and strategies to overcome barriers, as an outcome standard.

Objective: Part 6 Complaints about some Disability Services

- sets out what can be complained about and by whom;
- specifies the body to which complaints can be lodged (Office of Health Review);
- details the process for conciliating and investigating complaints;
- allows the Minister and Parliament to refer matters for investigation;
- provides for reports about complaints both specifically and generally to be tabled in Parliament; and
- Requires the Office of Health Review to identify the causes of complaints and suggest ways of reducing or removing them.

Background:

There have been significant changes to part 6 as a result of the previous reviews, which included the relocation of the complaint procedure from the Equal Opportunity to the Office of Health Review (OHR). The Director of the OHR has been given wider powers to deal proactively with complaints and educate consumers and service providers on complaint procedures.

A focus of this review is on amendments to the complaints provisions and mechanisms, which are in place with the OHR. The Commission is seeking to strengthen its complaint procedures and harmonise the process for disability complaints with health complaints through the incorporation of an amendment bill – *Acts Amendment Health and Disability Services Bill 2008*, this bill will amend the *Disability Services Act 1993*, and will introduce changes to the handling of complaints.

For example provision will be made to address the handling of complaints by service providers or agencies, whereby OHR will be able investigate unreasonable action/non-action or excessive fees from such providers.

Comment:

- If a person with a disability has a complaint, the complainant can verbally notify a Local Area Coordinator (LAC), who will process the complaint, with options to refer the complaint on to their District Manager or Consumer Liaison Officer, whilst another option for the complainant is to talk directly with the DSC to register a complaint. However, attention needs to be drawn to the level of awareness a person with a disability may have in regard to his/her rights in regard to the DSC complaint procedure, whilst there needs to be provision to enable all people with disabilities to be aware and informed of their rights.
- The DSC complaint procedure could adopt an added option of a third party addition, whereby a person may observe an incident in regard to a person with a disability and as an observer may want to lodge a complaint with the DSC.

CONSULTATION/ADVERTISING

Nil.

LEGAL/POLICY

Nil.

STRATEGIC IMPLICATIONS

The submitted application for the *Review of the Disability Services Act 1993* addresses the following strategic objectives of the Town's Strategic Plan 2006-2011:

- 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity
(c) *Promote an appropriate range of resources and programs, in various formats for members of the community.*
- 3.1.2 Provide and develop a range of community programs and community safety initiatives
(h) *Ensure community programs are accessible and inclusive of people with disabilities*

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL/BUDGET IMPLICATIONS

Nil.

COMMENTS

The *Review of the Disability Services Act 1993* and the submitted application provide a timely opportunity for the Town to be involved in the administrative and legislative framework associated with the DSC, and participate in the promotion, social inclusion, and quality of life of Town of Vincent residents with disabilities.

10.4.2 Members Equity Stadium Committee Meeting held on 21 July 2008 - Receiving of Unconfirmed Minutes and Purchase of Baby Change Tables

Ward:	South	Date:	20 August 2008
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 21 July 2008, as shown in Appendix 10.4.2; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the purchase and installation of three baby change tables in the Universal Accessible Toilets at Members Equity Stadium,, at an approximate cost of \$850 each, and this be funded from the Perth Oval Reserve Fund.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 21 July 2008 and approve of the purchase and installation of three baby change tables in the Universal Accessible Toilets at Members Equity Stadium.

BACKGROUND:

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

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

- (iii) *to delegate the following functions to the Committee;*
 - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*

- (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
- (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

The Town will be required to obtain three written quotations for the purchase and installation of the Baby Change in the Universal Accessible Toilets at Members Equity Stadium. The baby change tables are fixed to a wall and fold-down when required. When not required, the tables are fixed in an upright position against the wall. The tables will not affect the functionality of the toilets.

An Absolute Majority decision of the Council is required, as the Baby Change Tables are not contained within the 2008/09 Budget.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Reserve Fund contained an amount of \$384,630 as at 30 June 2008.

COMMENTS:

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

10.4.3 Outdoor Eating Area Policy No. 3.8.1 – Amendments Concerning Location of Chairs and Furniture and “No-Smoking” Area

Ward:	Both	Date:	18 August 2008
Precinct:	All	File Ref:	ENS0077; LEG0025
Attachments:	001 , 002		
Reporting Officer:	A Giles, C Ng		
Checked/Endorsed by:	R Boardman	Amended by:	John Giorgi

That the Council;

- (i) *NOTES that during the implementation phase of the Outdoor Eating Area Policy No. 3.8.1, five (5) written submissions were received by the Town, from proprietors objecting to the requirement to re-locate their furniture to the kerbside, to comply with Clause 3.1 of the Policy No. 3.8.1;*
- (ii) *APPROVES the following amendments to Policy No. 3.8.1;*
 - (a) *Clause 3.1 of the Town’s Outdoor Eating Area Policy No. 3.8.1 – to permit kerbside dining if a proprietor requests it, and can meet requirements; and*
 - (b) *a NEW Clause 10.0 (and the subsequent renumbering of the remaining Clauses), requiring outdoor eating areas to be ‘smoke free’ from 1 January 2009, with the exception of outdoor eating areas also defined as a ‘breakout area’ by the Department of Racing, Gaming and Liquor; and*
- (iii) *SUPPORTS the introduction of “smoke-free” Outdoor Eating Areas;*
- (iv) *ADVISES the State Government that;*
 - (a) *the Town supports the State Government’s position to ban smoking in Outdoor Eating Areas, however this should be on the basis of uniform legislation/policy throughout the State; and*
 - (b) *in the event that legislation is introduced to ban smoking in Outdoor Eating Areas, which requires Local Government to enforce it, that appropriate resources and/or funding should be provided to Local Government to assist in the enforcement;*
- (v) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the amended policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to the Council with any submissions received; and*
 - (c) *include the amended policy in the Town’s Policy Manual if no public submissions are received; and*
- (vi) *WRITES to the Minister for Health to advise of the Council’s position in regards to this matter.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 9.49pm.

Debate ensued.

Cr Messina returned to the Chamber at 9.50pm.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of the report is to notify the Council of the objections received from proprietors in relation to Clause 3.1 of the *Outdoor Eating Area Policy 3.8.1*, which required a small percentage of proprietors to relocate their furniture kerbside and amend the policy to propose that outdoor eating areas be 'smoke free' from 1 January 2009, to reduce the effects of second hand smoke, and ill health effects from cigarette smoke.

BACKGROUND:

The *Outdoor Eating Area Policy No. 3.8.1* was recently adopted by the Council at the Ordinary Meeting of Council held on 13 March 2008, as follows:

"That the Council;

- (i) RECEIVES the report relating to the Amended Draft Policy No. 3.8.1 Relating to Outdoor Eating Areas;*
- (ii) CONSIDERS the three (3) submissions which were received during the consultation period;*
- (iii) REVOKES the existing Council Policy No. 3.8.1 – "Alfresco Dining" and ADOPTS the Amended Draft Policy No. 3.8.1 – "Outdoor Eating Areas" for inclusion in the Town's Policy Manual; and*
- (iv) ADVISES all existing Alfresco Dining Licence holders of the new Policy, and requirements they will need to comply with, prior to 1 July 2008, to enable the Town to issue the proprietor with an Outdoor Eating Area permit."*

Tobacco Action Plan – “Smoke-free” Areas

The Council resolved to support the Western Australian Tobacco Action Plan (WA TAP) 2007-2011 framework on 13 May 2008, where four (4) key action areas/activities were recommended to be implemented within the next 4 years. This included the development and implementation of ‘smoke free’ projects and policies not covered by legislation.

The adopted Officer Recommendation from the Ordinary Meeting of Council held on 13 May 2008 is detailed as follows:

“That the Council;

- (i) RECEIVES the report regarding the Western Australian Tobacco Action Plan 2007-2011;*
- (ii) ACKNOWLEDGES the Officer’s comments relating to the implications of the Western Australian Tobacco Action Plan 2007 on the Town; and*
- (iii) ADVISES the Department of Health of the Town’s position as outlined in this report.”*

The issue of whether outdoor eating areas licensed by the Town should be “smoke-free” has been raised for consideration, in conjunction with the review of the Town’s amended *Outdoor Eating Area Policy No. 3.8.1*. Passive smoking or exposure to second hand smoke is a health issue and recent research released by the National Heart Foundation provided evidence of a link between even small exposures to second hand smoke and an increase of heart attack. In addition, the vast majority of the WA population do not smoke and there are increasing number of complaints received about being exposed to second hand smoking.

Smoking has not been permitted in pubs and nightclubs in Western Australia since 31 July 2006 under the *Tobacco Products Control Act 2006*. This was introduced with minimal impact on Local Authorities as it has been self regulated by the industry. To date, the State Government has not prohibited smoking in outdoor eating areas; however, Local Authorities can introduce policy to prohibit smoking in these areas.

Currently, three (3) local authorities, City of Fremantle, City of Perth and City of Cockburn have introduced “smoke-free” outdoor eating area policies. The Minister for Health has publicly stated that should at least three (3) other Councils proclaim smoke free alfresco dining policies (not including Fremantle), the State Government will move to implement a Statewide ban. The Minister has also stated that he will make available resources to Local Governments to assist in implementing restrictions – refer to Newspaper Article of 21 August 2008 – shown as Appendix 10.4.3B.

For the Town of Vincent to implement such a provision, an amendment is required prohibiting smoking in outdoor eating areas that are licensed under the Town’s *Outdoor Eating Area Policy No. 3.8.1*.

DETAILS:

Outdoor Eating Areas are regulated by *Council Policy No. 3.8.1 - Outdoor Eating Areas* and the *Trading in Public Places Local Law 2008*. As of 1 July 2008, the responsibility for the administration and monitoring of the policy is undertaken by Ranger and Community Safety Services. However, Health Services continues to play an active role, particularly in relation to assessment of applications, and policy development.

Location of Street Furniture

In accordance with the Council's decision of 13 March 2008, the Town's Health Services notified all proprietors of the requirements that needed to be complied with to enable the Town to issue them with a renewed Outdoor Eating Area permit after 1 July 2008. 18.5% (13 of 70) of outdoor eating areas were significantly affected due to the amendments to furniture location, as specified in Clause 3.1, Figure 3.1. Following the receipt of seven (7) objections from the total of thirteen (13) proprietors that were required to move furniture to the kerbside, the Town's Health Services has re-considered the Policy to reflect the objections received, where relevant.

Clause 3.1, Figure 1, of the amended *Outdoor Eating Area Policy No. 3.8.1* has required 18.5% (13 of 70) of the current alfresco dining licence holders to move furniture to the kerbside in order to have their permit issued after 1 July 2008.

Seven (7) out of thirteen (13) licensees (54%) have objected to moving their furniture to the kerbside, with two (2) advising that they wished to cancel their licence, and one (1) subsequently placing their licence on hold as a result of the policy changes. The five (5) licensees that have submitted written objections are all located off the main alfresco dining 'strips' such as Oxford Street, Leederville and Beaufort Street, Mount Lawley, as follows:

- Three - Scarborough Beach Road, Mount Hawthorn;
- One - Newcastle Street, Leederville; and
- One - Northern end of Oxford Street, Mount Hawthorn.

Those premises that cancelled their licence were located on Anzac Road, Mount Hawthorn and Oxford Street, Leederville (north of Richmond Street).

The proprietors have requested that their furniture be permitted to remain against the shopfront, as per the remaining 81.5% of premises in the Town (these premises cannot comply with Clause 3.1, Figure 1, due to safety concerns, corner properties, uniformity with surrounding outdoor eating areas, smaller footpath widths, etcetera). The policy states that premises that are able to comply with Clause 3.1 must move their furniture to the kerbside. The proprietors have cited concerns regarding exposure to weather conditions and loss of business, high cost associated with installing structures such as cafe blinds and umbrellas, close proximity to traffic, and wait-staff having to avoid pedestrians with hot coffees or meal as concerns.

Therefore, it is proposed that Clause 3.1 be amended to permit kerbside dining in the instance that a proprietor requests it, and the proposed outdoor eating area meets the requirements of Clause 3.1 (as detailed in the attached amended policy). As uniformity along sections of footpath must be observed, the location of furniture may also be governed by permits already approved in that section (that is, all compliant with Clause 3.1, Figure 1, or all compliant with Clause 3.2, Figure 2).

“Smoke-free” Areas

The Town has a role in supporting and advocating the limiting of number and nature of public places where smoking can occur, thereby reducing individuals' potential exposure to passive smoking, as part of the WA TAP 2007-2011 framework. Therefore, Health Services is recommending that the Town introduce provision for no smoking in licensed outdoor eating areas from 1 January 2009, as part of the *Outdoor Eating Area Policy No. 3.8.1* for the following reasons:

1. Public health and amenity

The 2007 US Surgeon General's authoritative report on passive smoking concluded that *'the scientific evidence indicates that there is no safe level of exposure to second hand smoke, exposure of adults to second hand smoke has immediate effects on the cardiovascular system and causes coronary heart disease and lung cancer'*.

Increasing community awareness of the harmful effects of second hand smoke has led the community to readily accept, and expect the availability of smoke free areas. There is also evidence to suggest that smoking restrictions support smokers who are trying to quit as well as reduce their overall cigarette consumption.

Second hand smoke is also raised as an issue of public amenity and often as a nuisance. The Department of Health has advised that issues with nuisance and amenity will not be covered with the introduction of the new Public Health Act, expected later this year. There are no powers in the new Public Health Act for local health laws to be created by local governments to regulate such matters within their respective districts. Rather, it is intended that Local Government use their general local law making powers under the Local Government Act 1995 if required to deal with local amenity and nuisance issues.

2. Environmental impact

Cigarette butts are the most littered item in the world. Consistently one of the most common items found on Clean Up Australia Day, cigarette butts make up 31% of the top ten items found and almost 50% of litter in urban areas. Cigarette butts are not biodegradable and take up to five years to break down.

Town Playgrounds

The Town's Health Services endeavours to be pro-active in promoting the 'smoke free' message. In 2003, Council Policy 3.8.7 was introduced to ban smoking in all designated Town owned playgrounds, and more recently during development of the amended Council Policy 3.8.3 – Concerts and Events, it is proposed that all events in the Town's reserves and facilities are to be 'smoke free' (Members Equity Stadium is already 'smoke-free').

By adopting smoke free licensed outdoor eating areas, the Council would be helping to protect the community within the Town from second hand smoke while at the same time promoting positive health messages and ensuring a cleaner environment. Reduced cigarette consumption and lower smoking rates reduces the potential for cigarette related litter.

The Town's Health Services strongly recommend the implementation of smoking ban in licensed outdoor eating areas to provide a better environment to improve public health, with the exemption of outdoor eating areas that are also defined as a 'breakout area' by the Department of Racing, Gaming and Liquor.

The new proposed Clause 10.0 detailed in the attached amended Policy, details the requirements for outdoor eating areas to be "smoke-free" from 1 January 2009, and also details the enforcement provisions relevant to this new clause.

Enforcement

Chief Executive Officer's Comments:

The Town currently has 67 approved Outdoor Eating Areas in the Town, with a total of 789 chairs. The number of chairs for each premises varies from 4 – 60, with the average number being 12 chairs. The cost to enforce the “no-smoking” policy is yet to be determined, as it is initially proposed to ask the proprietor to enforce this, as a condition of their permit (“self-enforcement”).

However, in cases of non-compliance a Town Officer will be required to investigate any complaints. A Ranger (or Environmental Health Officer) would on average require approximately 1 hour (on-site) and 1 hour (administration time) to investigate each complaint.

Based on a mid-point Ranger salary level (say \$27.85 per hour) a minimum cost, based on two hours would be \$55.70. On-costs for vehicle, administrative support and follow-up would be an additional cost.

Furthermore, lost productivity and revenue from parking enforcement has not been calculated.

Permit holders will be required to ensure that patrons do not smoke within their approved outdoor eating area, and the Town's Ranger and Community Safety Services will monitor compliance, in accordance with the enforcement provisions detailed in the re-numbered Clause 12.0 (formerly Clause 11.0). In addition, this will be placed as a condition of approval on all outdoor eating area permits.

CONSULTATION/ADVERTISING:

In accordance with the Town's Consultation Policy, the amendments to Council Policy 3.8.1 will be advertised for a period of 21 days, for public comment. In addition, all existing Outdoor Eating Area permit holders will be consulted. It is understood that at least one self imposed smoking ban has been applied to an outdoor eating area in the Oxford Centre precinct.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – “Natural and Built Environment”:

1.1.3 Minimise negative impacts on the community and environment.

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

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

SUSTAINABILITY:

Reduction in the environmental impact of discarded cigarette butts and improved public health and amenity.

LEGAL POLICY:

- Tobacco Products Control Act 2006;
- WA Tobacco Action Plan 2007-2011;
- Health Act 1911 (as amended);
- Proposed Public Health Act 2008;
- Local Government Act 1995;
- Town of Vincent Trading in Public Places Local Law 2008;
- Council Policy 3.8.7 – Prohibition of Smoking in Town Playgrounds; and
- Draft Amended Council Policy 3.8.3 – Concerts and Events.

Chief Executive Officer's Comment:

The Town of Vincent and most reasonable people support “smoke-free” areas, as the harmful effects of smoke on an individual (both as a smoker and from side stream/second hand smoke have been well documented and recognised for many years.

The harmful effects of smoking is a significant cost on the health system.

The Town's proposed policy amendment is on the basis that the permit holder will be required to enforce their “smoke-free” Outdoor Eating Area (self enforcement). On this basis, the enforcement cost to Local Government is expected to be minimal – as it is policy, as opposed to legislation.

In the event that the State Government legislates to ban smoking in Outdoor Eating Areas, playgrounds, beaches etc. (refer to newspaper article Appendix 10.4.3B) and requires Local Government to enforce the legislation, it is expected that a significant cost will occur.

In this regard it would be appropriate for the State Government to provide all available resources and/or funding to the Town (and other Local Government) to minimise the cost on rate payers.

FINANCIAL/BUDGET IMPLICATIONS:

There are minimal financial implications, with the cost of the advertisement and in-house consultation with Outdoor Eating Area permit holders.

An education and marketing package will be developed by Health Services in conjunction with Healthway and Department of Health to ensure an informed process with the implementation of change prior to 1 January 2009. The Department of Health produces a large amount of ‘no smoking’ promotional material, including table cards. It is anticipated that the existing Health Promotion budget will accommodate any specific requirements for the Town's proprietors, which is forecast to be negligible.

COMMENTS:

It is recommended that Clause 3.1, Figure 1, of the *Outdoor Eating Area Policy No. 3.8.1* be amended to reflect the concerns raised, as relevant, and that the Council support the Officer Recommendation to introduce smoke free licensed outdoor eating areas. Furthermore, should the above be supported, it is recommended that the Town inform the Minister for Health of the Council's decision with a view of the Minister considering the enactment of Statewide legislation in respect of smoke free outdoor eating areas, in the interests of public health.

Chief Executive Officer's Comment:

The Chief Executive Officer amended this report as detailed above under Chief Executive Officer's Comments and new clauses (iii) and (iv).

The Council should be aware that enforcement of "smoke-free" Outdoor Eating Areas (and playgrounds, beaches etc) will have a direct and indirect financial implication on the Town. In the event that the State Government introduces legislation to prohibit smoking in alfresco areas, playgrounds, beaches etc. and requires Local Government to enforce the legislation, the Council should seek all available resources and/or funding from the State Government to minimise the financial burden on rate payers.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.55pm with the following persons present:

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

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 August 2008.

Signed:Presiding Member
Deputy Mayor Steed Farrell

Dated this day of 2008