

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 27 April 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor, Cr Sally Lake, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania – apology due to Council commitments.
Chief Executive Officer, John Giorgi – apology due to Council commitments.

(b) Present:

Cr Sally Lake (Deputy Mayor)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward (from 6.06pm)
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
Rob Boardman	A/Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.54pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (from 6.20pm until approximately 8.30pm)

Approximately 18 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Steed Farrell due to work commitments.

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

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

1. Katherine Sanders of 15 Lacey Street, South Perth – Item 9.1.1. Stated that she would like to address two specific matters regarding objections raised by residents that will be affected by the development. Stated that the development would detract from the single storey street scape of Lacey Street. Argued that the development contradicts the Lacey Street Guidelines. Advised that although the Planner argues the development does not have frontages directly onto Lacey Street, it very much is the case that a 4 storey development directly backing onto Lacey Street will have a substantial visual effect. Stated that no other buildings on Stirling Street which back onto Lacey Street are more than two storeys high, and that this has been a requirement of the Council. Advised there will be a substantial visual effect and it is disingenuous to suggest that the setback proposal will negate this. Advised that Lacey Street Requirements are quite specific. Believed there to be an awareness that

anything “*sticking up*” in the air is problematic for Lacey Street and a 4 storey building is going to “*stick up*” in the air. Stated that this 4 storey apartment block will be clearly visible from the Street looking directly at the houses in Lacey Street.

2. Pamela Louise Brown of 21 Heytesbury Road, Subiaco – Item 9.1.5. Stated that whilst not making objections to development within the Town, she is concerned at the lack of clarity with the Town’s development policies with regards to height. Advised that the Hyde Park Precinct development standard height with 2 storeys including a loft are strongly encouraged, and a third storey including a loft can be considered provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk. Stated the Old Bottle Yard development policy states that dwellings are to be a maximum of 2 storeys with a loft above. Advised that according to the Hyde Park Plan, the Maltings development does not form part of the Hyde Park Precinct in which 99 Palmerston Street lies. Believed that the Maltings was a factory which was converted to apartments and townhouses and, therefore, the height was already an intrinsic part of the building. Advised that the townhouses on Stuart Street have also been used and designed to align with the Maltings development, consequently they were logically constructed to 3 storeys. Stated that 99 Palmerston Street is adjacent to the Old Bottle Yard which, according to the policy, is restricted to 2 storeys to include a loft in the roof space. Asked the Council to explain why these policies appear to not have been adhered to in this particular case?
3. Pamela Fruin of 2/101 Palmerston Street, Perth – Item 9.1.5. Objected to the development in terms of height, density and privacy. Stated that her quality of life will be compromised by the height of this building given that her back bedrooms and courtyard will be overlooked by this proposed development. Stated that the comments in the report by the Town Officer’s, particularly the reference to the 3 storey buildings in Palmerston and Randell Streets and the commercial nature of the site, are a rather long bow to draw in comparison to this 3 storey development, and particularly the Maltings as it had a commercial intent and has recently been converted to living spaces. Requested the Council to bear her concerns in mind when deliberating this item.
4. Les Sanders of 15 Lacey Street, Perth – Item 9.1.1. Stated that the Architect’s statement in the Agenda indicates that the development was properly advertised, which he believes is not the case as the sign was dated 25 March 2010 which is incorrect given that the statement in the Agenda says that the sign was to be erected on 9 March; therefore, this was not 21 days. Stated that it follows on to allow 21 days for consultation, being 25 March 2010. This was subsequently changed to 1 April; therefore, does not believe this was not properly advertised. Stated that the Architect refers to a justification which cannot be found on the website and is not in the Agenda. Believed the justification refers to matters raised by ratepayers however, not knowing what the justification is, he is unable to respond. Referred to page 5 in the Agenda, which states there are certain non-compliant requirements that include density, plot ratio, number of storeys, etc. Stated that the matter of the subject or proposed development is extremely non-compliant and the highest development on Stirling Street between Lacey Street and Aberdeen Street is 2 storeys. Advised that there is a property opposite which is 4 or 5 storeys high that covers most of the block; however, is not comparable to the proposed development. Stated that several recent developments which have taken place in the area include an engineering yard; however, that is to 2 storeys due to the Lacey Street Guidelines with a view to retaining the integrity of Lacey Street. Asked why a loft would be required when the building is already tall enough, especially as it is only supposed to be for storage not living areas. Believed the matter has to have an absolute majority due to it being so non-compliant.

5. John Barnett of 114 Alma Road, North Perth – Item 9.1.2. Objected to the approval of the application due to the intrusive overlooking issues from waist high windows from the second storey of the rear of all proposed 4 houses. Advised that the precedent has been set with similar style properties at 114 and 116 Alma Road, which have been obliged to have small (above head high only) windows at the rear of the houses to ensure privacy in neighbouring backyards. Requested that the new development be amended to be consistent due to privacy reasons.
6. Barbara Abbot of 13 Lacey Street, Perth – Item 9.1.1. Advised that Lacey Street is only affected by a short section of Stirling Street between Brisbane and Bulwer Streets. Stated that this Section backing, if 4 storeys high, has the potential to have serious overcrowding. Advised that Lacey Street cannot risk having a single storey street of beautiful old homes that are going to have 4 storey developments looming over them which, to her, does not make sense.
7. Sandra Bransby of 4 Edison Way, Dianella – Item 9.1.5. Supported the recommendation for approval. Advised that 3 storeys are proposed in consideration with the surrounding form. Advised that considerable effort was taken in design of the dwellings bearing in mind neighbouring properties, as well as considerable change which is inevitable due to location and R80 density. Believed that there are no privacy violations that will result from the development as all balconies and windows have been screened. Believed that there is no overshadowing that affects the neighbouring properties at all. Stated that the potential of existing houses is also a priority, which provides an intrinsic buffer between Palmerston Street and the development, as well as the separation provided by the right of way between the development and the adjoining properties. Stated that articulation is also proposed on the walls to ensure that design and appearance of the walls will be visually pleasing, and the overall result will ensure that Palmerston Street existing streetscape is kept intact, as well as the privacy of all adjoining properties is not affected and overshadowing is kept to a minimum.
8. Alicia Nowak of 102 Bourke Street, Leederville – Item 9.1.6. Advised she and quite a few of her neighbours have sent objections in regarding privacy and traffic issues. Stated that she enjoys living in Leederville and the fact that it is a vibrant community that is growing. Advised that she is not anti progress; however, does feel that these kinds of developments along Oxford Street are going to alter the charisma of the area and pose quite a few impressions on the local residents.
9. Ashley Richards of 11D Parker Street, Fremantle – Item 9.1.1. Advised that in essence he is happy and supports the recommendation given. Stated over a period of time they have worked closely with the Planning Department and Councillors with regards to some setback issues, terracing of the building line and the issue relating to the 4 storeys, which is primarily a very small section of the development essentially on the Stirling Street facade rather than the rear of the property. Stated that this was discussed at Councillor level to try and give it a bit more impact to Stirling Street in terms of the appearance to the building. Advised that they also worked through the elevations and aesthetics to try and create a simpler, elegant building as opposed to the higher pitched roof elements that the previous Scheme had.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer IB08 – letter to Ms D. Saunders and IB09 – letter to Ms E. O’Reilly.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Anka Burns requested leave of absence from 5 May 2010 until 19 May 2010 (inclusive) due to personal commitments.

Moved Cr Topelberg, Seconded Cr McGrath

That Cr Anka Burns' request for leave of absence be approved.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 13 April 2010.

Moved Cr Harvey, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 13 April 2010 be confirmed as a true and correct record.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Town of Vincent Anzac Day Ceremony – 2010

I am pleased to announce that this year's Anzac Day Ceremony was a huge success, with even more community members in attendance than previous years. Attendance was estimated to be approximately 1,000 people!

I would like to pass on my thanks to the Senior Community Development Officer, Jamie Bennett and the Town's Community Development Section for the organisation of the Ceremony. Co-ordinator Ranger Services, Peter Cicanese, did an excellent job again this year leading the Parade.

Thanks also to the Rangers, Parks and Engineering staff for their services and to all involved who I haven't mentioned above, for a job well done.

The Mount Hawthorn RSL Sub-Branch were most appreciative of the Town's support and organisation of the event.

The weather was again brilliant this year!!

8. DECLARATION OF INTEREST

- 8.1 Cr Buckels declared an interest affecting Impartiality in Item 9.1.6 – Nos. 250-252 (Lot 300; D/P 44848) Oxford Street, Corner Bourke Street, Leederville - Proposed Demolition of Existing Civic Building (Police Station) and Construction of Five-Storey Commercial Development Comprising Shops, Offices and Associated Basement Car Parking. The extent of his interest being that he lives on Bourke Street, approximately 200 metres from the development.
- 8.2 Cr Topelberg declared an interest affecting Impartiality in Item 9.1.5 – No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth - Proposed Additional Three (3) Three-Storey Grouped Dwellings to Existing Single House. The extent of his interest being that the Architect is a former tenant of a building owned by his family and is also a personal acquaintance.
- 8.3 Cr McGrath declared an interest affecting Impartiality in Item 9.2.2 – Mounts Bay Catchment Water Quality Improvement Plan – Implementation Memorandum of Understanding. The extent of his interest being that he is the Chair of the Claise Brook Catchment Group, a local community group who are facilitating the preparation of the Memorandum of Understanding for the Plan.
- 8.4 Cr Maier declared an interest affecting Impartiality in Item 9.2.2 – Mounts Bay Catchment Water Quality Improvement Plan – Implementation Memorandum of Understanding. The extent of his interest being that he is a member of the Claise Brook Catchment Group, which was involved in the development of the Water Quality Improvement Plan.
- 8.5 Cr Lake declared an interest affecting Impartiality in Item 9.2.2 – Mounts Bay Catchment Water Quality Improvement Plan – Implementation Memorandum of Understanding. The extent of her interest being that she is a member of the Claise Brook Catchment Group, which was involved in the development of the Water Quality Improvement Plan.

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

- 8.6 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank, in which the Town has investment shares.
- 8.7 Cr McGrath declared a Proximity interest in Item 9.1.5 – No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth - Proposed Additional Three (3) Three-Storey Grouped Dwellings to Existing Single House. The extent of his interest being that he owns a townhouse and resides in this house at 142 Palmerston Street, which is not directly affected by this development and some distance away. Cr McGrath requested approval to participate in the debate and vote on the matter.

At 6.27pm Cr McGrath departed the Chamber whilst his declaration of interest was being considered.

Moved Cr Topelberg, Seconded Cr Buckels

That Cr McGrath's request to participate in debate and vote on Item 9.1.5 – No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth - Proposed Additional Three (3) Three-Storey Grouped Dwellings to Existing Single House, be approved.

CARRIED (6-0)

(Cr McGrath was absent from the Chamber and did not speak or vote on the matter. Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

At 6.28pm Cr McGrath returned to the Chamber and the Presiding Member, Deputy Mayor Cr Lake advised him that his request was approved (6-0).

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

Nil.

10. REPORTS

The Presiding Member, Deputy Mayor Sally Lake, requested that the Acting Chief Executive Officer advise the meeting of:

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

Items 9.1.1, 9.1.5, 9.1.2 and 9.1.6.

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

Items 9.1.1 and 9.4.1.

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

Items 9.1.5 and 9.3.1.

Presiding Member, Deputy Mayor Sally Lake, requested Council Members to indicate:

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

Cr Topelberg	Items 9.1.8 and 9.3.3.
Cr Buckels	Item 9.1.10.
Cr McGrath	Item 9.1.4.
Cr Harvey	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.7, 9.2.3, 9.2.4 and 9.3.5.
Deputy Mayor, Cr Lake	Nil.

The Presiding Member, Deputy Mayor Sally Lake, requested that the Acting Chief Executive Officer advise the meeting of:

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

Items 9.1.3, 9.1.9, 9.2.1, 9.2.2, 9.3.2, 9.3.4, 9.4.2, 9.4.3, 9.4.4 and 9.4.5.

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

Nil.

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

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

Items 9.1.3, 9.1.9, 9.2.1, 9.2.2, 9.3.2, 9.3.4, 9.4.2, 9.4.3, 9.4.4 and 9.4.5.

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

Items 9.1.1, 9.1.5, 9.1.2 and 9.1.6.

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

Moved Cr Burns, Seconded Cr Maier

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

Items 9.1.3, 9.1.9, 9.2.1, 9.2.2, 9.3.2, 9.3.4, 9.4.2, 9.4.3, 9.4.4 and 9.4.5.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

9.1.3 No. 56 (Lot 65; D/P 2355) Burt Street, North Perth - Proposed Two-Storey Grouped Dwelling to Approved Two (2), Two-Storey Grouped Dwellings

Ward:	South	Date:	19 April 2010
Precinct:	Norfolk; P10	File Ref:	PRO4833; 5.2009.577.2
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Carbone on behalf of the owner A & G Ferro for proposed Two-Storey Grouped Dwelling to Approved Two (2), Two-Storey Grouped Dwellings, at No. 56 (Lot 65; D/P 2355) Burt Street, North Perth, and as shown on plans stamp-dated 17 March 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Burt Street;*
- (ii) *any new street/front wall, fence and gate within the Burt Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping of the Burt Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *first obtaining the consent of the owners of No. 58 Burt Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 58 Burt Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a 1.0 metre by 1.0 metre truncation being provided at the junction of the accessway and the Burt Street road reserve. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (vii) *prior to the issue of a Building Licence for the subject application, condition No. 5 of the proposed green title subdivision (Reference Number 141016) approved by the Western Australian Planning Commission on 8 February 2010, shall be cleared, and Certificates of Title issued and provided to the Town, for the two proposed lots; and*
- (viii) *the proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Licence being applied for and obtained from the Town.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Landowner:	A & G Ferro
Applicant:	M Carbone
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

An application for a survey strata subdivision comprising of four lots with common property was approved by the Western Australian Planning Commission on 10 June 2009, contrary to the Town’s recommendation for refusal on the basis that Clause 20(4)(d)(ii) of the TPS No. 1, relating to the Norfolk Precinct, states that “*within the areas coded R40 a maximum of two dwellings will be permitted per lot*”.

On 1 September 2009, an application for the demolition of the existing single house and the construction of three grouped dwellings was lodged at the Town. The Town’s Officers advised the applicant that such an application cannot be supported as per Clause 20(4)(d)(ii) of the TPS No. 1. The Town’s Officers advised the applicant to lodge a green title subdivision application to the Western Australian Planning Commission to create two lots, which would allow for two dwellings on one of the lots and one dwelling on the other lot. This application for green title subdivision was lodged on 20 November 2009.

The applicant then lodged an application for the demolition of the existing single house and the construction of the two rear dwellings. This was approved under delegated authority from the Council on 22 February 2010.

On 8 February 2010, the green title subdivision was approved by the Western Australian Planning Commission and this prompted the applicant to lodge the subject application for the third dwelling on 17 March 2010.

It is noted that the existing dwelling approved for demolition remains extant.

DETAILS:

The proposal involves the construction of a two-storey grouped dwelling on the proposed front lot to approved two (2) two-storey grouped dwellings on the proposed rear lot.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	4.6 dwellings at R40; however, Norfolk Precinct limits to 2 dwellings per lot.	1 proposed dwelling to 2 approved dwellings.	Supported – see “Comments.”
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -West Garage	1 metre	Nil	Supported – The proposed boundary wall is compliant with the requirements of the R Codes.
Upper Floor -South (Burt Street) Balcony	1 metre behind the ground floor main building line.	In line with the ground floor main building line.	Supported – see “Comments.”
Main Building	2 metres behind the ground floor main building line.	1 metre to 2.7 metres behind the ground floor main building line.	Supported – see “Comments.”
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (17.67 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	The proposed wall on the western boundary is compliant with the requirements of the R Codes.	Noted – no variation.

Vehicular Access:	Driveways are not to occupy more than 40 (8.048 metres) percent of the width of the frontage or 6 metres, whichever is the lesser.	Two proposed crossovers with an aggregate width of 8.1 metres or 40.26 percent of the width of the frontage.	Supported – It is noted that when the two lots are formally subdivided, the width of the lot frontage for the front dwelling will be 16.12 metres. The proposed crossover for the front dwelling is 5.1 metres, which is 31.64 percent of the width of the proposed front lot.
Consultation Submissions			
Support (1)	No comments provided.	Noted.	
Objection	Nil.	Noted.	
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:

Density

Clause 20(4)(d)(ii) of the Town of Vincent Town Planning Scheme No. 1 states that “*within areas coded R40 a maximum of two dwellings will be permitted per lot*”. The definition of lot in the Town Planning Scheme is the same as the Planning and Development Act 2005, which means a green title lot and not a survey strata lot. Therefore, for the purpose of this application and the Norfolk Precinct, there can be only two dwellings per green title lot.

Due to the restriction in the Norfolk Precinct, the applicant has lodged and received subdivision approval for two green title lots. The Town’s Officers are of the opinion that the subject land can accommodate three dwellings; however, have recommended that a condition be placed on the Approval, stating that the Building Licence cannot be issued until the subdivision conditions are cleared and the two new certificates of title are issued.

Street Setbacks

The Residential Design Elements Policy under Clause 6.4.1, states that: ‘*residential development should compliment the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties*’.

The existing streetscape includes some two-storey grouped dwelling developments, as well as several large two-storey single houses. The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Burt Street.

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

9.1.9 Finalisation of Vincent Accord Party Bus Registration Trial and Adoption of the Draft Town of Vincent Party Bus Code of Conduct

Ward:	Both	Date:	8 April 2010
Precinct:	All	File Ref:	ENS0095
Attachments:	001		
Reporting Officer(s):	M Wood, Co-ordinator Safer Vincent; J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the implementation of the Vincent Accord Party Bus Code of Conduct (as shown in Appendix 9.1.9) and the Party Bus Registration process;*
- (ii) *ACKNOWLEDGES the ongoing collaborative and positive efforts of the Party Bus industry, WA Police, Town of Vincent staff and Vincent Accord members, working together to achieve an acceptable solution to the party bus problems that had been previously evident; and*
- (iii) *CONTINUES to support registered party bus operators that are operating within the Town and are conducting their business in a responsible and safe way, to minimize the adverse impact on the amenity of the Town.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the finalisation of the Party Bus Code of Conduct - Party Bus Registrations and to seek approval from the Council for the implementation of the Vincent Accord Party Bus Registration.

BACKGROUND:

On 2 July 2008, a "Party Bus Working Group" comprising of party bus operators, Vincent Accord members, Town of Vincent Officers and WA Police representatives, met to discuss problems that were being experienced by local residents and businesses, related to party buses. From this and subsequent meetings, the group developed a Draft Party Bus Code of Conduct, containing fifteen (15) statements, to be considered by the Vincent Accord. This document explained that the main concept of the Party Bus Code of Conduct was to encourage the good behaviour of patrons visiting licensed premises. The Vincent Accord, including local licensees, subsequently endorsed all of the recommendations in the Draft Party Bus Code of Conduct and the Licensees agreed to only accept bookings from Party Bus operators who were Signatories to the Code of Conduct. A number of Party Bus operators agreed to be part of the Registration process and this number has expanded over the past year.

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

“That the Council;

- (i) RECIEVES the report on the Draft Vincent Accord Party Bus Registration to operate within the Town of Vincent;*
- (ii) APPROVES:*
 - (a) a three (3) month trial period, for the implementation of the Party Bus Strategy, as outlined in the Draft Vincent Accord Party Bus Registration, as attached at Appendix 9.1.11;*
 - (b) the introduction of dedicated Party Bus ‘pick up/set down’ areas at Frame Court Car Park, Leederville and Hobart Street, Mount Hawthorn, adjacent to Axford Park, as attached at Appendix 9.1.11; and*
 - (c) the introduction of a dedicated Party Bus ‘Lay-over’ area at Cleaver Street, West Perth, to enable Registered Party Buses to park for around an hour;*
- (iii) ACKNOWLEDGES the collaborative and positive efforts of the Party Bus industry, WA Police, Town of Vincent staff and Vincent Accord members, working together to address concerns, such as anti-social behaviour and contravention of Local Laws, within the Town's entertainment precincts; and*
- (iv) NOTES that the development of the Vincent Accord Party Bus Registration is the first of its kind to be developed within Australia and, as such, may require refinement, to allow for improvements and to ensure continued effectiveness.*

DETAILS:

It was anticipated at the time of last report to the Council that the trial process with the Party Bus operators would take only three months. However, once the trial commenced, in consultation with the Party Bus Working Group, it became evident that while the majority of party bus operators offered in-principle support for the registration process, a number of contentious aspects were identified. Initial concerns related to the perception that the document was legally binding and was not a cooperative agreement. It was suggested that the Code would unfairly target party bus operators, in that it specified ways that the party bus operators should manage their businesses. As a result, the proposed timeframe for the trial was too short.

It also became clear from the subsequent Party Bus Working Group meetings, that party bus operators had differing views on their responsibilities and a diversity of ways of operating their party bus businesses. It was also established that there were significant degrees of competitiveness within the industry, which made general agreement difficult to achieve. As a result, the Code of Conduct document needed to be reviewed, before the trial commenced, including, wide further consultation to establish the expectations of all parties and to identify common goals. However, this further consultation emphasised the resultant shared positives of trust and confidence building, within the whole party bus industry. The group developed a unified and collective Draft Party Bus Code of Conduct that all Party Bus Working Group members were prepared to ratify and support.

A number of the conditions, which were considered onerous, by the party bus operations, have been removed from the Code of Conduct, but the conditions relating to legislation remain. These included:

- Bond to be charged for each bus booking;
- Client to sign contract with party bus operators;
- All passengers/patrons to be addressed by driver prior to departure; and
- Signatories to the Code of Conduct to provide the Town of Vincent with a Certificate of currency for Public Liability Insurance, to identify legitimate operators.

A number of conditions from the original Party Bus Code of Conduct, were amended to make them acceptable to the industry and, at the meeting of the Party Bus Working Group held on the 3 February 2010 the following motion was passed unanimously;

“Motion: The Party Bus Code of Conduct be presented to Council and the Town continue to work with Party Bus Operators and WA Police in supporting the ten points of the Party Bus Code of Conduct as presented to the table to guide party bus operations into the future.”

The ten principles of the Draft Party Bus Code of Conduct, ratified by the Group are shown at Attachment 001.

An audit of party bus operation was jointly undertaken by the Co-ordinator Safer Vincent, WA Police and Rangers, on Saturday 8 August 2009. It was noted from this audit that the buses were complying with the Code of Conduct conditions and were utilising allocated "lay-over" parking bays correctly. It was also noted that the registered operators were parking correctly, to set down and collect patrons. During the audit, no street drinking was observed and no infringement notices or cautions were issued by Rangers or WA Police. Since this Audit, only two non-registered buses have been observed using authorised allocated party bus bays and both were issued with infringement notices. Subsequently, these party bus companies have now registered to operate within the Town of Vincent and now legally utilise authorised parking bays.

It should be noted that very few complaints have been received, relating to the Party Buses since the adoption of the trial in February 2009. The Party Bus Working Group have also given positive feedback of the allocated "set down and collection" locations, as well as the "lay-over" locations for the party buses. The Vincent Accord and the Party Bus Working Group have acknowledged the success of the trial and recommended that the Party Bus Code of Conduct and the Party Bus Registration process be adopted.

Considerable interest has been received from local and national media, WA Police, other local government accords, the Drug and Alcohol Office and from interstate parties, related to the Town of Vincent initiative, which is the first of its kind to be developed in Australia.

CONSULTATION/ADVERTISING:

Consultation will be an ongoing process, with general surveys being undertaken at random intervals. This will ensure that further assessments and fine-tuning can be an ongoing process.

LEGAL/POLICY:

There is no legal impediment to the above recommendation being approved.

STRATEGIC IMPLICATIONS:

The above is in keeping with the *Town of Vincent Strategic Plan 2009-2014* in the following areas:

- “3.1.2(e) Provide and develop a range of community programs and community safety initiatives.*
- 3.1.3(a) Determine the requirements of the community and ensure that the services provided meet those needs.*
- 4.2.1(c) Adopt Strategies for improving and enhancing the quality of services, procedures and processes.”*

FINANCIAL/BUDGET IMPLICATIONS:

There will be an ongoing need to maintain signage and to reprint the annual Registration Stickers. However, this cost is unlikely to be more than \$1,000 per annum.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications associated with this report.

COMMENTS:

The Vincent Accord Party Bus Code of Conduct and Party Bus Registration process has been developed as an initiative to improve the quality of life for those residents and businesses that occupy property close to licensed venues. It is expected that the continuation of the Vincent Accord Party Bus Code of Conduct and Registration will further reduce the level of complaints about anti-social behaviour and criminal problems, associated with "pub-crawls", which often generate problems. The report is recommended for approval by the Council.

9.2.1 Traffic Management Matters for Referral to Local Area Traffic Management Advisory Group

Ward:	Both	Date:	21 April 2010
Precinct:	All	File Ref:	TES0334
Attachments:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **REFERS** the following matters to the Local Area Traffic Management Advisory Group for consideration;
 - (a) *creating "Safe Systems Approach to Road Safety" an initiative being developed by the Western Australian Local Government Association; and*
 - (b) *developing a "Warrants System" approach to implementing Local Area Traffic Management; and*
- (ii) **RECEIVES** a further report on the above matters following consideration by the Town's Local Area Traffic Management Advisory Group.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to refer two (2) matters to the Town's Local Area Traffic Management (LATM) Advisory Group for consideration.

BACKGROUND:

The LATM Advisory Group meets, as required, to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these matters and, where warranted, the Group's recommendations are reported to the Council.

DETAILS:

Safe Systems approach to Road Safety:

The Western Australian Local Government Association has been engaging with Local Governments in developing a process called the *Safe Systems Approach to Road Safety*. It is intended that workshops will be conducted later in 2010 for a more in depth exploration of the challenges and opportunities for Local Governments to possibly adopt and implement the *Safe System Approach to Road Safety*.

A safe system approach to speed is one that takes into account human tolerances to force. It acknowledges that the changes of surviving a crash decrease rapidly above certain impact speeds, depending on the nature of the collision.

A safe system approach acknowledges that different road types need different speeds and gives consideration to the thresholds for managing better crash outcomes. For example, while a speed limit of 30 kph is most appropriate where there are unprotected road users such as pedestrians or cyclists, speeds of ≥ 100 kph may be possible on roads where there is no possibility of frontal or side-on conflicts between road users.

Guiding principles for creating a safe system

Creating a safe system depends heavily on understanding and implementing the following principles:

- *The limits of human performance:* Everyone makes mistakes and need to acknowledge the limits of their capabilities. Prevention programs addressing drink driving, speeding and non-use of seatbelts are still important but they will not address the whole road safety problem.
- *The limits of human tolerance to violent forces:* In a crash there are physical limits to the amount of force our bodies can take before we are seriously or fatally injured. The safe system seeks to create a road transport system in which the forces in crashes are within our physical limits. This includes catering for the physical limits of unprotected road users such as pedestrians and cyclists.
- *Shared responsibility:* In a safe system approach everyone takes an individual and shared role in road safety, rather than responsibility resting with the individual road user. Road users remain responsible for driving safely and system designers are responsible for planning, designing and influencing the operation of a safe system.
- *A forgiving road system:* A road system needs to be designed safely so when crashes do happen, deaths and serious injuries can be avoided. A safe system must be forgiving when mistakes happen, and recognise and cater for the physical limits of humans.
- *Increased use of public transport:* Buses and trains are safe modes of travel than cars and motorcycles. The fewer people driving cars and riding motorbikes on the roads, the fewer deaths and serious injury crashes will occur.

Warrants System approach to implementing Local Area Traffic Management (LATM):

LATM, is the management of traffic on local streets to increase the safety of all road users and thereby potentially improve amenity to residents living on those streets. By definition, LATM does not include roads designated as having a classification of Distributor status or higher.

The Warrants System approach to implementing Local Area Traffic Management is an Objective Decision Process for LATM which has been included in the latest draft of Austroads Part 8 'Guide to Traffic Management'.

It should be noted that there is no 'best practice' or standard for 'warrants (or setting priorities) for LATM and there is no agreed or formally adopted statement of traffic conditions at which LATM must be implemented and an individual Local Government must choose a decision process for LATM planning which is appropriate for its needs and circumstances.

The term 'warrant' is used in a general sense rather than as an imposed rule or requirement. Warrants provide a 'quantative' and 'objective' basis for taking some action.

Warrants are related to standards e.g. traffic operation, safety outcomes etc and failure to meet specified criteria may be interpreted as a warrant for some form of action required.

Many of the older residential areas were designed at a time when vehicular traffic was considerably less than it is today. At that time there was little understanding of by how much traffic would increase, and the potential adverse impact a substantially high percentage increase might have on residential streets.

Recognition of the impact increased traffic has on lifestyle, amenity and safety for residents has lead to the development of a warrant approach to LATM.

While a decision to provide passive traffic management devices is a function of the Council, officers and residents it should be recognised that the Functional Road Hierarchy is an active component for any decision whether to formulate and provide LATM s in any particular street/locality.

The term "traffic warrant" has been used in Australia and elsewhere to apply to levels of traffic or land use conditions at which intervention (either studies or actions) is initiated. Warrants can be expressed in terms of thresholds for various criteria such as speeds, traffic volumes, crashes, "offensive traffic", and land uses.

There are two types of conceptual warrants:

- *Technical Problem Site* - the warrants which state that an identified issue is of sufficient concern that it will either be listed for funding consideration. Alternatively, depending upon the nature of the problem, consideration should be given to options other than traffic management.
- *Minor Technical Problem* - the warrants or criteria which show that there is an agreed identified problem of a lesser order of magnitude than a Technical Problem Warrant, but which is of sufficient concern that it should justifiably be evaluated for minor improvement works or treatment. These works or treatments may consist of signing and/or linemarking, ongoing monitoring or use of motorist awareness measures such as speed display.

The latest draft of Austroads Part 8 'Guide to Traffic Management' discusses a priority ranking systems (using a Points System or Threshold values) based on the City of Stirling developed warrant criteria.

It is recommended that this form a basis of the development of a possible warrant LATM approach for the Town.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town is responsible for the care control and management of over 140km of roads.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council”.*

SUSTAINABILITY IMPLICATIONS:

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers, as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

A safe system approach to speed is one that takes into account human tolerances to force. It acknowledges that the chances of surviving a crash decrease rapidly above certain impact speeds, depending on the nature of the collision. In addition the Warrants System approach to implementing Local Area Traffic Management is an objective decision process for LATM which is used in a general sense rather than as an imposed rule or requirement. Warrants provide a ‘quantitative’ and ‘objective’ basis for taking some action.

It is therefore recommended that these two matters be referred to the Town’s LATM Advisory group of consideration.

9.2.2 Mounts Bay Catchment Water Quality Improvement Plan – Implementation Memorandum of Understanding

Ward:	Both	Date:	19 April 2010
Precinct:	All	File Ref:	ORG0086
Attachments:	001		
Reporting Officer:	A Gordon, Acting Project Officer - Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Town’s commitment to take action aimed at improving the quality of water entering the Swan River via the Mounts Bay Main Drain (as shown in Appendix 9.2.2B); and*
- (ii) *AUTHORISES the Chief Executive Officer to enter into a Memorandum of Understanding (as shown in Appendix 9.2.2A) on behalf of the Town of Vincent, to implement the Mounts Bay Catchment Water Quality Improvement Plan.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the development of the Mounts Bay Catchment Water Quality Improvement Plan (WQIP) and to seek Council’s approval to enter a Memorandum of Understanding (MOU) to implement the WQIP.

BACKGROUND:

The Mounts Bay Catchment covers about 1300 hectares of the City of Perth and northern inner city suburbs. It drains to the middle reaches of the Swan River at Mounts Bay. Water quality in the catchment is poor, with pollutants flowing into the Swan River often trapped in the poorly-flushed Mounts Bay. The upper catchment drains residential areas of the cities of Subiaco and Nedlands and Towns of Cambridge and Vincent into Lake Monger, which connects to the Swan River via the Mounts Bay Main Drain. The catchment area is depicted in the WQIP, as shown in Appendix 9.2.2A.

The Claise Brook Catchment Group (CBCG) is an incorporated, community-based environmental group that works to restore wetlands and improve the quality of water flowing into the Swan River from the inner city area. The CBCG holds quarterly meetings with the Mounts Bay Catchment stakeholders – the Town of Vincent, the City of Perth, Town of Cambridge, City of Subiaco, Main Roads WA, Water Corporation, Department of Water, LandCorp, Department of Planning, Perth Region NRM and the Swan River Trust – which the Town’s Project Officer (Environment) has attended as a matter of course. The most recent meeting was held on 15 March 2010.

Following consultation with the Mounts Bay Catchment stakeholders, the CBCG recently developed a WQIP, with the aim of providing investment guidance and prioritising strategies to improve water quality in the Mounts Bay Catchment and the Swan River. The WQIP (as laid on the table) was completed in September 2009. Development of the WQIP was funded by the Swan River Trust.

The Mounts Bay Catchment WQIP fits into a broader national scheme. Ten (10) regional Water Quality Improvement Plans have been developed across Australia, including the Swan-Canning WQIP. The Mounts Bay Catchment WQIP is a local plan developed under the Swan-Canning WQIP.

DETAILS:

The Mounts Bay Catchment WQIP, which is a five (5) year plan, sets out a number of implementation actions aimed at achieving the water quality targets set out in the WQIP. The implementation actions, to be carried out by the stakeholders, are set out in the attached table (Appendix 9.2.2B).

Note: Items listed in the table for which the Town does not have responsibility are in italicized text.

The table also notes steps that the Town has taken thus far towards carrying out the implementation actions, and suggests some further steps that the Town should take.

The WQIP proposes the adoption of an MOU by the stakeholders to progress its implementation.

At the 15 March 2010 stakeholder meeting, a draft MOU prepared by the CBCG was circulated for review and comment. Stakeholders have the opportunity to provide feedback and agree upon changes to the draft MOU, with the intention that the MOU be entered into in July 2010.

Stakeholders agreed that sign-off on the MOU should occur at CEO level in each organisation.

The draft MOU is brief, with the key points being:

- The purpose of the MOU is to formalise agreement between stakeholders to implement the WQIP and regularly report progress towards implementation;
- An implementation committee will be formed to deliver on the purpose of the MOU (essentially composed of those persons who currently attend the CBCG meetings, representing stakeholders), and the committee will meet three times per year; and
- The MOU is not binding or legally enforceable.

Although clause 6 of the draft MOU provides that the MOU is not legally enforceable, if the Town enters the MOU, it will be committing to take concrete action, and to report on action taken at stakeholder meetings to be held three (3) times per year.

As noted in Section 4 of the WQIP, the stakeholders agreed to implement the WQIP within the constraints of existing budgets and resource levels. Accordingly, signing the MOU will not require the Town to commit to spending beyond allocations in the current budget.

CONSULTATION/ADVERTISING:

If Council agrees to authorise the Chief Executive Officer's signing of the MOU, it is proposed that the Town's entry into the MOU and commitment to improving water quality in the Mounts Bay Catchment be publicised, as appropriate, including on the Town's website and in a newsletter to residents. This will also help to raise resident awareness of the importance of the catchment's water quality.

LEGAL/POLICY:

Clause 6 of the draft MOU provides that the MOU is not legally enforceable, but rather serves as a record of the stakeholders' intent to work cooperatively to take positive steps addressing water quality. However, if the CEO signs the MOU, this will be a public statement of the Town's commitment to take concrete action under the WQIP.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment.

SUSTAINABILITY IMPLICATIONS:

One of the objectives of the Town's Sustainable Environment Plan 2007-2012 in regards to water is to protect and improve the quality of surface and groundwater resources in the Town. With the growing understanding that water is a highly valued and diminishing resource, the importance of improving the quality of water is well recognised. Improving the quality of water also reduces the potential for health and safety issues associated with poor quality water.

By signing the MOU, the Town will be committing to take positive steps under the WQIP to improve the quality of water entering the Mounts Bay Main Drain and the Swan River.

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with implementation of the WQIP will be met as part of normal operating Budgets. As noted previously, the Mounts Bay Catchment stakeholders agreed to implement the WQIP within the constraints of existing budgets and resources levels.

COMMENTS:

The actions to be implemented by the Town under the WQIP are generally reasonable measures that the Town should already be taking to achieve under its Sustainable Environment Plan 2007-2012 (and in many instances is already taking steps to achieve them).

By entering the MOU, the Town would not be committing to drastic action, but rather to a raised consciousness of the importance of taking steps to improve water quality.

The main benefits for the Town of Vincent from signing the MOU are:

- A public, visible commitment to taking concrete action to improve water quality; and
- The networking opportunity and forum for sharing ideas that arises from being part of the stakeholder group, including the ability for stakeholders to pool resources and to seek funding in a coordinated way as a collective group where appropriate.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 March 2010

Ward:	Both	Date:	7 April 2010
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officer:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 March – 31 March 2010 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

DECLARATION OF INTEREST

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

Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 March 2010.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	067786-067938	\$210,290.69
Transfer of Creditors by EFT Batch	1041-1043, 1045-1047, 1049	\$2,351,123.65
Transfer of PAYG Tax by EFT	March 2010	\$296,739.60
Transfer of GST by EFT	March 2010	
Transfer of Child Support by EFT	March 2010	\$1,797.15
Transfer of Superannuation by EFT:		
• City of Perth	March 2010	\$42,292.39
• Local Government	March 2010	\$152,105.24
Total		\$3,054,348.72
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,022.39
Lease Fees		\$2,621.67
Corporate Master Cards		\$12,558.55
Loan Repayment		\$60,316.91
Rejection Fees		\$12.50
Total Bank Charges & Other Direct Debits		\$80,532.02
Less GST effect on Advance Account		0.00
Total Payments		\$3,134,880.74

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management “*Adopt best practice to manage the financial resources and assets of the Town.*”

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.4 Annual Budget 2010/11 – Adoption of Revised Timetable

Ward:	Both	Date:	19 April 2010
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) *APPROVES the revised timetable for the 2010/11 Budget as detailed below:*

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>30 April</i>	<i>Draft budget issued to Council Members</i>
<i>6 May</i>	<i>Confidential Briefing provided to Council Members on Draft Budget</i>
<i>12 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public)</i>
<i>26 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>26 May – 30 May</i>	<i>Budget documentation finalised for public comment</i>
<i>31 May</i>	<i>Advertise for public comment</i>
<i>15 June</i>	<i>Public comment closes</i>
<i>16 June – 24 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>24 June</i>	<i>Agenda report issued</i>
<i>6 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

(ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

To provide a revised timetable for the preparation and adoption of the Annual Budget 2010/2011.

BACKGROUND:

At the Ordinary Meeting of Council held on 1 December 2009, the following recommendation was adopted:

“That the Council;

- (i) *APPROVES the timetable for the 2010/2011 Budget as detailed below:*

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April</i>	<i>Chief Executive Officer and Directors to review 1st Draft Budget</i>
<i>30 April</i>	<i>1st Draft Budget issued to Council Members</i>
<i>6 May</i>	<i>Briefing provided to Council Members on Draft Budget</i>
<i>11 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>25 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public) – if required</i>
<i>26 May – 30 May</i>	<i>Budget documentation finalised for public comment</i>
<i>31 May</i>	<i>Advertise for public comment (14 days)</i>
<i>15 June</i>	<i>Public comment closes</i>
<i>16 June - 24 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>24 June</i>	<i>Issue Agenda report</i>
<i>1 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

- (ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.”*

DETAILS:

In the preparation of the Draft 2010/2011 Budget, it came to the Administration’s attention that the dates for the proposed Special Council Meetings for consideration of the Draft Budget 2010/2011 were scheduled for the same dates as the Ordinary Meetings of Council for the month of May 2010.

As a result, it is proposed to reschedule the proposed Special Council Meetings from Tuesday 11 and 25 May to Wednesday 12 and 26 May 2010.

In addition, the Chief Executive Officer will be attending an interstate conference and is scheduled to be away on Thursday 1 July 2010 which is the date set for the adoption of the Budget. This Budget adoption is the most significant financial decision of the year for the Council and it is important that the Chief Executive Officer be in attendance at this meeting. It is therefore proposed that the Special Meeting of Council for the Budget adoption be moved to Tuesday 6 July 2010 (which is a normal meeting day for the Council).

The proposed Budget timetable is outlined below:

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April</i>	<i>Chief Executive Officer and Directors to review Draft Budget.</i>
<i>30 April</i>	<i>Draft budget issued to Council Members</i>
<i>6 May</i>	<i>Confidential Briefing provided to Council Members on Draft Budget</i>
<i>12 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>26 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>26 May – 30 May</i>	<i>Budget documentation finalised for public comment</i>
<i>31 May</i>	<i>Advertise for public comment</i>
<i>15 June</i>	<i>Public comment closes</i>
<i>16 June – 24 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>24 June</i>	<i>Agenda report issued</i>
<i>6 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

This year it is proposed to schedule the briefing for the Council Members on a Thursday evening rather than a Saturday, which has been the practice in previous years.

It is also proposed that the Special Meeting for the adoption of the Annual Budget is now to be held on Tuesday 6 July 2010.

CONSULTATION/ADVERTISING:

There is no statutory requirement to advertise the Draft Annual Budget for community consultation, prior to adoption.

The Council has previously approved of the Draft Budget to be advertised for 14 days (instead of the usual 21 days) as the timeframe is very tight and requires the Director (and other employees) to work under extreme pressure and on weekends to finalise the Budget.

LEGAL/POLICY:

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 Plan for the Future – Key Result Area Four (4) - Leadership, Governance and Management:

- “4.1.1 Provide Good Strategic Decision Making, Governance, Leadership and Professional Management.*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner.*
- 4.1.3 Plan effectively for the future.”*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted in the required timeframe.

**9.4.2 Strategic Plan 2009-2014 – Progress Report for the Period
1 January 2010 – 31 March 2010**

Ward:	Both	Date:	14 April 2010
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officers:	Managers, Directors		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2009-2014 for the period 1 January 2010 – 31 March 2010 as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January 2010 – 31 March 2010.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2009-2014. The reporting on a quarterly basis is in accordance with the Strategic Plan 2009-2014 Key Result Area.

This is in keeping with the Town's Strategic Plan 2009-2014 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.4.3 National General Assembly of Local Government 2010

Ward:	-	Date:	20 April 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That APPROVAL be granted for the Mayor to attend the 2010 National General Assembly, including the third meeting of the Australian Council of Local Government, to be held in Canberra from Monday 14 June 2010 to Friday 18 June 2010, at an estimated cost of \$3,195.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor's attendance at the 2010 National General Assembly, including the third meeting of the Australian Council of Local Government, to be held at the National Convention Centre in Canberra from Monday 14 June 2010 to Friday 18 June 2010.

BACKGROUND:

The National General Assembly of Local Government (NGA) is the largest and most important event on the local government calendar and typically attracts more than 700 Mayors, Councillors and Senior Officers from local governments across Australia. It is convened by the Australian Local Government Association (ALGA) for local governments across Australia to develop and express a united voice on the core issues affecting local government and their communities.

The NGA provides an important platform to showcase local government to influential decision-makers of the federal government, at both the political and departmental levels.

National General Assembly

The theme for this year's Assembly is "*Population, Participation and Productivity*".

An email was recently received from the President of the Australian Local Government Association, Geoff Lake, advised as follows:

"This year's National General Assembly will be held against the backdrop of a federal election, the Henry review into taxation and the Prime Minister's commitment to addressing the three main drivers of economic growth - workforce participation, population and productivity - or "the 3 Ps".

The Australian Government is increasingly engaging with local government as a partner in key policy areas. This was perhaps best demonstrated through the rollout of the Community Infrastructure Fund in local communities to reinvigorate the economy during the Global Financial Crisis. The coming years are a period of great opportunity for local government to build on this collaborative relationship and focus on a long term local-federal government partnership.

The recently released Intergenerational Report 2010 (IGR3) focused on the 3 Ps and emphasises the substantial challenges for economic growth and long-term fiscal sustainability in the coming decades.

The macro-economic and policy settings identified in the IGR3 report highlights the challenges which will face all levels of government and the need to embrace a collaborative approach.

The Australian Government has indicated on several occasions that it is wanting to genuinely work with local government. During a recent interview with Kerry O'Brien on the 7.30 Report, Treasurer Wayne Swan reiterated this commitment stating that "for the first time in our political history we now have a national Government that wants to work with state government and local government."

This year's NGA is the perfect platform for local government to develop strategies at the local and regional levels to respond to the challenges highlighted in the IGR3 report to ensure that Australia's future prosperity is secured and shared equally.

Discussions and debate at the NGA will focus around the three themes of productivity, population and participation. ALGA is inviting councils to submit motions for consideration at the NGA with the release of a discussion paper on the three themes. All councils are encouraged to contribute to the shaping of local government's national direction by submitting motions to this year's NGA.

As the federal election will almost certainly be held soon after our NGA, local government is in a unique position to exert influence on the election platforms of the major parties. To this end, the NGA will feature a session with prominent political commentators discussing the election and the opportunities and risks for local government. The leaders of all main political parties will also address the NGA."

The National General Assembly provides Councils with an opportunity to contribute to the development of the national local government policy.

Over recent years, Local Government has significantly increased its level of engagement with the Australian Government. With this has come an increased ability for Local Government to constructively influence Government policies and programs in the interests of our local communities.

The ALGA membership of the Council of Australian Governments and its involvement in another 13 Commonwealth-State Ministerial Councils underlies how Local Government is now seen as an equal partner in Australia's federal system of government.

A copy of the Conference Registration Brochure is attached.

Australian Council of Local Government

The third meeting of the Australian Council of Local Government will be held in Canberra on Friday 18 June 2010. The welcome dinner and National Awards for Local Government will be held on the evening of Thursday 17 June. The meeting will be held immediately after the National General Assembly.

On 18 September 2008, the Prime Minister, the Hon Kevin Rudd, and Minister Albanese announced the establishment of the Australian Council of Local Government (ACLG) to forge a new cooperative engagement between the Australian and local governments giving a voice to local government on matters of national significance. The inaugural meeting of the Australian Council of Local Government (ACLG) was held in 18 November 2008 and was hosted by the Prime Minister.

The second meeting of the ACLG was held in Canberra on 25 June 2009 and was hosted by the Hon Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government. The theme for the meeting was "Building Resilience in Local Communities" in order to engage with current or emerging issues facing local government, including the challenges posed by the global economic recession.

At the Plenary Meeting held in June 2009, the Prime Minister announced a further \$220 million boost for the Regional and Local Community Infrastructure Program and \$25 million for the Local Government Reform Fund.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL POLICY:

Council's Policy 4.1.15 – "Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters"- Clause 1.1 states that up to a maximum of one Council Member and one officer may attend conferences.

Previous Attendances

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

Chief Executive Officer's Comment:

Previous attendance at the National General Assembly has been as follows;

<u>Year*</u>	<u>Attendees</u>
1998	Chief Executive Officer, John Giorgi and former Mayor John Hyde (in his capacity as President of the Local Government Association)
2002	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2003	Mayor Nick Catania, Chief Executive Officer, John Giorgi and Councillor Steed Farrell**
2005	Mayor Nick Catania (7-8/11/05 only) and Deputy Mayor, Cr Steed Farrell (7-10/11/05)
2007	Cr Helen Doran-Wu (representing Mayor Nick Catania) and Chief Executive Officer, John Giorgi
2008	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2009	Mayor Nick Catania and Chief Executive Officer, John Giorgi

* Nil attendance 1995, 1996, 1997, 1999, 2000, 2001, 2004 and 2006

** Councillor Farrell was already in Canberra on work matters and therefore only a Day Registration for the Conference was paid (at a cost of \$400).

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2009-2014 – Objective 4.1 - *“Provide good strategic decision making, governance, leadership and professional management”*.

SUSTAINABILITY IMPLIATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

	Costs
Early Bird Registration (payment by 30 April 2010)	\$840.00
Accommodation (<i>at \$280 per night x 4 nights</i>)*	\$1,120.00
Airfare (economy class) - <i>indicative cost</i>	\$700.00
Expenses allowance (<i>5 days @ \$107 per day</i>)	\$535.00
	<hr/>
	\$3,195.00
	<hr/> <hr/>

* *As per Council Policy No. 4.1.15*

COMMENT:

It is requested that approval be granted for the Mayor to attend the 2010 National General Assembly, including the third meeting of the Australian Council of Local Government, to be held in Canberra.

Due to heavy work commitments at this time of the year, the Chief Executive Officer will not be seeking Council approval to attend this year.

The Assembly is a great opportunity to hear from senior politicians and interesting key note speakers and is an unparalleled networking opportunity within the local government sector.

9.4.4 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes

Ward:	North	Date:	19 April 2010
Precinct:	Leederville	File Ref:	TEN0390
Attachments:	001		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	J Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 15 March 2010, as shown in Appendix 9.4.4.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 15 March 2010.

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 2009-2014:

Key Result Area Four - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner."*

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

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.

9.4.5 Information Bulletin

Ward:	-	Date:	21 April 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 27 April 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 27 April 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Joint Standing Committee on Delegated Legislation – Report 37
IB02	Letter of Appreciation from M. Godinho regarding the Library and Local History Centre
IB03	Department of Culture and the Arts Information Sheet – Local Government Elected Member’s Records: Which records to capture?
IB04	Ranger Services Statistics for January, February and March 2010
IB05	State Government Funding to Public Library
IB06	Unconfirmed Minutes of the Art Advisory Group Meeting held on 31 March 2010
IB07	Unconfirmed Minutes of the Hyde Park Lakes Restoration Working Group Meeting held on 6 April 2010
IB08	Minutes of the Tamala Park Regional Council Ordinary Meeting of Council held on 15 April 2010
IB09	Letter to Ms D. Saunders of Oxford Street, Leederville in response to Question Taken on Notice at the Ordinary Meeting of Council held on 13 April 2010 relating to the Town Planning Scheme and Leederville Masterplan Policies
IB10	Letter to E. O’Reilly of Chelmsford Road, Mt Lawley in response to Question Taken on Notice at the Ordinary Meeting of Council held on 13 April 2010 relating to the development currently under construction at 602-610 Beaufort Street, Mt Lawley

9.1.1 Nos. 234 and 240 (Lots: 302 and 136) Stirling Street, Perth - Proposed Demolition of Two (2) Existing Single Houses and Construction of a Four-Storey Mixed Use Development Comprising Offices, Six (6), Single Bedroom Multiple Dwellings, Six (6), Two Bedroom Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	19 April 2010
Precinct:	Beaufort Precinct;P13	File Ref:	PRO3953; 5.2010.45.1
Attachments:	001 ; 002 ; 003 ; 004		
Reporting Officer(s):	R Rasiah, Coordinator Statutory Planning; T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, the application submitted by Ashley Richards Architects on behalf of the owner Ren Su Qin Pty Ltd for proposed Demolition of Two (2) Existing Single Houses and Construction of a Four-Storey Mixed Use Development Comprising Offices, Six (6), Single Bedroom Multiple Dwellings, Six (6), Two Bedroom Multiple Dwellings and Associated Car Parking, at Nos. 234 and 240 (Lots 302 and 136) Stirling Street, Perth, and as shown on amended plans stamp-dated 8 February 2010 and 30 March 2010, subject to the following conditions:

- (i) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$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;*
- (ii) *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);*
- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$15,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,500,000); and*
 - (b) *in conjunction with the above chosen option;*

- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*

OR

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

- (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. 232 and 244 Stirling Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 232 and 244 Stirling 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 Stirling 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, one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the office/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;*

- (b) a maximum of one (1) bedroom and two (2) occupants are permitted to reside in each single bedroom dwelling at any one time;*
- (c) the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*
- (d) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (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 fronting Stirling Street shall maintain an active and interactive relationship with this street;*
- (xiii) prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (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) the maximum gross floor area of the office shall be limited to 194.50 square metres;*
- (xvi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling Street;*
- (xvii) the car parking area shown for the office/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) any new street wall, fence and gate within the Stirling Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

- (xix) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxi) *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;*
- (xxii) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 234 and 240 Stirling Street, Perth, shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);*
- (xxiii) *the undergrounding of powerlines along Stirling Street for the subject development site at the applicant's/owner's cost;*
- (xxiv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels; and*
- (xxi) *a detailed landscaping plan, including a list of plants and the landscaping of the Stirling Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Harvey

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

“(xxvi) prior to the issue of a Building Licence, the privacy screens provided on the eastern elevations on the first and second floors being redesigned with a view to minimising their visual impact on the eastern properties. The design of the privacy screens are to be negotiated with the adjoining eastern owners at Nos. 5, 7, 9 and 11 Lacey Street to the satisfaction of the Town and are required to comply with the definition for privacy as stated in the Residential Design Codes 2008.”

Debate ensued.

AMENDMENT PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

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

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, the application submitted by Ashley Richards Architects on behalf of the owner Ren Su Qin Pty Ltd for proposed Demolition of Two (2) Existing Single Houses and Construction of a Four-Storey Mixed Use Development Comprising Offices, Six (6), Single Bedroom Multiple Dwellings, Six (6), Two Bedroom Multiple Dwellings and Associated Car Parking, at Nos. 234 and 240 (Lots 302 and 136) Stirling Street, Perth, and as shown on amended plans stamp-dated 8 February 2010 and 30 March 2010, subject to the following conditions:

- (i) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$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;*
- (ii) 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);*
- (iii) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:
 - (a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$15,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,500,000); and**

- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (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. 232 and 244 Stirling Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 232 and 244 Stirling 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 Stirling 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, one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the office/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;*

- (b) a maximum of one (1) bedroom and two (2) occupants are permitted to reside in each single bedroom dwelling at any one time;*
- (c) the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*
- (d) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (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 fronting Stirling Street shall maintain an active and interactive relationship with this street;*
- (xiii) prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (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) the maximum gross floor area of the office shall be limited to 194.50 square metres;*
- (xvi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling Street;*
- (xvii) the car parking area shown for the office/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) any new street wall, fence and gate within the Stirling Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (xix) any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*

- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxi) *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;*
- (xxii) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 234 and 240 Stirling Street, Perth, shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);*
- (xxiii) *the undergrounding of powerlines along Stirling Street for the subject development site at the applicant's/owner's cost;*
- (xxiv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxv) *a detailed landscaping plan, including a list of plants and the landscaping of the Stirling Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xxvi) *prior to the issue of a Building Licence, the privacy screens provided on the eastern elevations on the first and second floors being redesigned with a view to minimising their visual impact on the eastern properties. The design of the privacy screens are to be negotiated with the adjoining eastern owners at Nos. 5, 7, 9 and 11 Lacey Street to the satisfaction of the Town and are required to comply with the definition for privacy as stated in the Residential Design Codes 2008.*

Landowner:	Ren Su Qin Pty Ltd
Applicant:	Ashley Richards Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R 80)
Existing Land Use:	Two single houses
Use Class:	Office Building and Multiple Dwellings
Use Classification:	"AA" and "P"
Lot Area:	963 square metres
Access to Right of Way	Not applicable

BACKGROUND:

14 October 2008 A development application was lodged proposing demolition of two (2) existing single houses and construction of a three-storey mixed use development comprising offices, four (4) single bedroom multiple dwellings, eight (8), two bedroom multiple dwellings and associated car parking.

3 November 2009 Council refused the application at its Ordinary Meeting, for the following reasons:

- “1. *Impact on the properties to the east;*
2. *Non-compliance with the rear setback;*
3. *Height of boundary walls to the north and south is considered excessive; and*
4. *Density is considered unacceptable.”*

DETAILS:

The proposal involves the Demolition of two existing dwellings and the construction of a four-storey mixed use development comprising offices, six (6), single bedroom multiple dwellings, six (6), two bedroom multiple dwellings and associated car parking.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 -7.72 multiple dwellings - 2 or more bedrooms	R 103.5, based on six (6), two bedroom and six (6), single bedroom, multiple dwellings.	Supported - The proposal is considered to enhance the amenity of the area. The height and scale is considered compatible with the surrounding built form; in particular, the multi residential development to the western side of Stirling Street, directly opposite the subject site.
Plot ratio	1.0 or 966 square metres.	0.946 or 914.1 square metres.	No variation.
Number of storeys	2 storeys	4 storeys	Supported - The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue.
Stores	1.5 metres dimension and 4 square metres in area	1.2 metres in dimension and 2.64 metres in area	Supported - Consistent with the unit sizes, the area of the stores is consistent and above that required by the Town's Policy on single bedroom dwellings, which advocates a 1 metre dimension and an area of 2.5 square metres.

Front setback-Ground floor-west side	Consistent with street setback-5.4 to 8.2 metres	Nil	Supported - Consistent with the emerging streetscape, which demonstrates new development along Stirling Street having "nil" setbacks.
Front setback-first floor-west side	Consistent with street setback-5.4 to 8.2 metres	0.2 to 0.3 metre	As above.
Front setback-second floor-west side	Consistent with street setback-5.4 to 8.2 metres	0.2 to 0.3 metre	As above.
Front setback-third floor-west side	Consistent with street setback-5.4 to 8.2 metres	4.7 metres to 4.8 metres	Supported – Staggering of the third floor wall moderates impact of the building on the emerging streetscape and the lesser than required setback, is vital in the contemporary design of development along Stirling Street.
Rear setback	6 metres	3.6 to 3.8 metres	Supported - The setback variation is not considered to create an undue, adverse effect on the adjoining property.
Rear setback-first floor-east side	6 metres	3.6 to 3.8 metres	As above.
Side setback–second floor-north wall one	2.7 metres	Nil	Supported - Setback variation is not considered to create an undue, adverse effect on the adjoining property.
Side setback–first floor-south wall two	4.2 metres	4 metres	Supported - Setback variation is not considered to create an undue, adverse effect on the adjoining property.
Side setback–second floor-south wall one	2.9 metres	Nil	Supported – Setback variation is not considered to create an undue, adverse effect on the adjoining property.
Side setback-second floor-south wall two	5.4 metres	4 metres	Supported – Setback variation is not considered to create an undue, adverse effect on the adjoining property.

Boundary wall	One wall on boundary	Two boundary walls	Supported - The walls do not extend the entire length of the boundary, and are not considered to have an undue impact on adjoining uses, one of which is an office building to the south side.
Overshadowing	50 percent	80 per cent of the site area of No. 232 Stirling Street, Perth	Noted - The area to the south would be affected by the overshadowing, which is due to the lot orientation and the size of the lots. The property to the south is currently used as an office. It is envisaged that if the property to the south were to be developed, it is likely that it would be developed in a similar nature, and impose a similar level of overshadowing to the adjoining property.
Consultation Submissions			
Support (1)	Can see positive benefits of higher density living in this central area.		Noted.
	One concern is height of building and impact on frontage of Lacey Street from a heritage view point.		Noted – Heritage Assessments were conducted for Nos. 234 and 240 Stirling Street, Perth, as part of the original application and to recognise both places historic value, details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places will be required to be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first.
Objections (6)	Too high a density, as it results in too many dwellings, and is in excess of the current planning requirements.		Not Supported - The proposal is considered to enhance the amenity of the area given the current state of the site; the proposal will promote housing diversity, and caters for the changing demographics and housing needs/wants of the community.

	<p>Too many storeys which are in close proximity to adjoining rear fence and invade adjoining properties privacy.</p>	<p>Not Supported - The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue. Moreover, the bulk and scale has been designed to face Stirling Street.</p>
	<p>Rear setbacks too close to adjoining property.</p>	<p>Not Supported - The setback variation is not considered to create an undue, adverse effect on the adjoining property.</p>
	<p>Does not keep in harmony with the existing environment and distinctive historical character of the area.</p>	<p>Not Supported – The development is consistent with the emerging streetscape, which demonstrates new development along Stirling Street having “nil” setbacks. In addition, the height and scale is considered compatible with the surrounding built form; in particular, the multi residential development to the western side of Stirling Street, directly opposite the subject site. While in terms of historical character, details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places will be required to be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first.</p>
	<p>Would like to see the two historical buildings of No. 234 and No. 240 Stirling both partially or wholly retained and incorporated into the design.</p>	<p>Not Supported – Detailed Heritage Assessments were conducted for both properties and there are no heritage restrictions or guidelines affecting these sites.</p>

	Does not take account of the Lacey Street guidelines and will detract from the single storey streetscape in Lacey Street.	Not Supported – The proposal does not have any development which fronts directly onto Lacey Street.
	Other unit proposals have been made for Stirling Street, closer to the city centre, but these overlook other three or four-storey buildings, such as the National Storage facility.	Not Supported – Proposal has been amended from original application and there are no visual privacy setback issues.
	This proposal directly contradicts the Lacey Street guidelines and will overwhelm the streetscape.	Not Supported – The Lacey Street guidelines do not affect the proposed sites.
	Object to proposal involving so many non-compliant requirements as it sets a precedent for future proposed developments that will have a negative effect on the aesthetic value of Lacey Street.	Not Supported - The proposal is considered to enhance the amenity of the area given the current state of the dwellings on-site and as above, the Lacey Street guidelines do not affect the proposed sites.
	Privacy impact on backyard.	Not Supported - Non-compliant visual privacy issues are addressed via the provision of screening in accordance with the privacy requirements of the R Codes.
	Concern that any demolition on proposed lots could cause the foundations to collapse, and affect adjoining house. Will the building/owners of the subject property pay for any damage or costs/inconvenience incurred as result of demolition and construction.	Noted - This is a civil matter to be addressed by the affected parties.
	Noise generated by 20 cars resulting in excessive noise to bedroom located adjacent to site.	Noted - A parapet wall is proposed, which would assist in reducing potential noise levels.
	A three storey property puts my property in an awkward position to market. Will this affect the market value in a positive or negative way as other properties in the area are only 2 storey.	Not Supported - The proposed scale of development complements the built form and streetscape and is consistent with the Stirling Street streetscape. There is no evidence submitted to substantiate the claim of the proposal devaluing property values. In addition, it is noted this is not a considered planning matter.

	Will restrict natural light to home and garden located on the eastern side of the subject site.	Noted - The area to the south would be affected by overshadowing, which is due to the lot orientation and the size of the lots. The property to the south is currently used as an office. It is envisaged that if the property to the south were developed, it is likely that it would be developed similarly with respect to use, height and form.
	More cars on the streets facing the subject site.	Not Supported - Adequate car parking is provided on-site in accordance with the Town's requirements.
	Too many dwellings per area.	Not Supported – No variation to Plot Ratio. The density variation is considered supportable as the intent of the proposal is consistent with the Beaufort Precinct Policy No. 3.1.13.
	May result in an increase in the crime rate and vandalism as potential for future setting up of slums.	Not Supported- The statement is considered speculative in nature.
	Overshadowing not acceptable.	Not Supported – As mentioned previously, the area to the south would be affected by the overshadowing, which is due to the lot orientation and the size of the lots. The property to the south is currently used as an office. It is envisaged that if the property to the south were to be developed, it is likely that it would be developed in a similar nature in terms of use as the proposed development, and impose a similar level of overshadowing to the adjoining property.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil

Sustainability Implications	The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.
Financial/Budget Implications	Nil

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

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

Commercial Car Parking		
Office: 1 car bay per 50 square metres of gross floor area (proposed 194.5 square metres) = 3.89 car bays. To nearest whole number		4 car bays
Apply the parking adjustment factors.		(0.578)
<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 50 spaces) • 0.80 (contains a mix of uses, with at least 45 per cent of gross floor area residential) 		2.312 car bays
Car parking provided on-site for commercial component		3 car bays
Resultant surplus		0.688 car bay
Bicycle Parking		
Requirements	Required	Provided
Office <ul style="list-style-type: none"> • 1 space per 200 (proposed 194.5) square metres gross floor area (class 1 or 2) – 0.9 space. 	1 space	Indicated on site plan.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In mixed use developments, the residential component requires the provision of 12 car bays, based on the standard of one (1) car bay for each of the 12 proposed multiple dwellings, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 18 car bays. In this instance, the non-provision of visitor car bays is supported, as there are 3 commercial car bays available after hours for visitors to the residential dwellings. Moreover, 6 of the multiple dwellings have 2 car bays provided for each of the units.

A total of 21 car bays have been provided for the entire development, therefore, resulting in 3 car bays available for the commercial component.

Demolition

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town released a draft list of places considered to have cultural heritage value on 21 June 2006, for community consultation. The two subject properties at Nos. 234 and 240 Stirling Street were identified by Heritage Consultants, the Hocking Planning and Architecture Collaboration on the draft list as "Category B - Conservation Recommended" places.

The owner of the subject properties objected to the proposed listing of the places onto the MHI for various reasons during the period of community consultation for the MHI review. In accordance with the methodology adopted by the Council for considering whether a place should be listed on the MHI, where an owner had objected, the Town's Heritage Officers conducted a full heritage assessment of both properties.

The Heritage Assessment for No. 234 (Lot 302) Stirling Street, Perth indicated the place had *some historic value* as a rare example of a Federation style two-storey residential building constructed circa 1908. The Heritage Assessment for No. 240 (Lot 136) Stirling Street, Perth indicated that the place had *some historic value* as a rare example of an early Federation cottage constructed circa 1895. However, in both instances, after acknowledging the relatively low degree of integrity and authenticity and the absence of significant historical information, it was considered that the places did not warrant inclusion on the Town's Municipal Heritage Inventory. The proposed listing of the places onto the MHI was considered by the Council at its Ordinary Meeting held on 23 January 2007. The Council resolved to exclude both places at Nos. 234 and 240 Stirling Street, Perth from the Town's MHI.

Detailed Heritage Assessments for both properties are contained in the attachment to this report.

In light of the recent consideration of both places onto the Town's MHI, it is recommended that the Council conditionally approve the demolition of the subject places in accordance with the Officer Recommendation. Whilst the places were not formally listed onto the Municipal Heritage Inventory, to recognise both places historic value, it is recommended that a plaque or an alternative form of interpretation be required to be created and displayed in the redevelopment of the site.

Planning

Beaufort Precinct Policy No. 3.1.13 identifies the Residential/Commercial area as being transformed from a predominately commercial area to an area of compatible residential and commercial uses. The proposed mixed use development comprising offices, six (6), single bedroom multiple dwellings, six (6), two bedroom multiple dwellings and associated car parking is considered to be consistent with the intentions of the Beaufort Precinct as it proposes the integration of work place, through ground floor offices, and residential, through multiple dwellings, while at the same time providing sufficient levels of residential amenity.

The building design, in regards to height and scale, is considered compatible with the surrounding built form, in particular, the multi residential development to the western side of Stirling Street, directly opposite the subject site, as well as the emerging "nil" setbacks along Stirling Street, for other new developments. Therefore, the proposal is seen as protecting, as well as enhancing, the amenity and general environmental standards of the existing and future residential development, in and around the subject site.

Absolute Majority

Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do so by an absolute majority decision.

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

9.1.5 No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth - Proposed Additional Three (3) Three-Storey Grouped Dwellings to Existing Single House

Ward:	South	Date:	20 April 2010
Precinct:	Hyde Park; P12	File Ref:	PRO4867; 5.2009.517.2
Attachments:	001 , 002 , 003		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Bransby on behalf of the owner Tripleview Holdings Pty Ltd for proposed Additional Three (3) Three-Storey Grouped Dwellings to Existing Single House, at No. 99 (Lot: 2 D/P: 4270) Palmerston Street, Perth, and as shown on plans stamp-dated 25 March 2010, 9 April 2010 and 16 April 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Palmerston Street and Robertson Park;*
- (ii) *any new street/front wall, fence and gate within the Palmerston Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *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);*
- (iv) *first obtaining the consent of the owners of No. 75 Palmerston Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 75 Palmerston Street, in a good and clean condition;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping of the Palmerston Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *prior to the issue of the Building Licence, revised plans shall be submitted to and be approved by the Town, demonstrating the following:*
 - (1) (a) *the terrace (ground floor) on the northern and southern elevations;*

- (b) *the rear balconies (first floor) on the northern and southern elevations;*
- (c) *the rear balcony (Lot 3-first floor) on the western elevation;*
- (d) *the balconies adjacent to kitchen (first floor) on the eastern elevation;*
- (e) *the window to the ~~study~~ dining room (first floor) on the southern elevation;*
- (f) *the rear balconies (second floor) on the northern and southern elevations;*
- (g) *rear balcony(Lot 3-second floor) on the western elevation; and*
- (h) *window to the study room (~~first~~ second floor) on the southern elevation;*

within the cone of vision of 7.5 metres (balcony/terrace), 4.5 metres (study room) 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 southern and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;

- (2) *a store with a minimum dimension of 1.5 metres and a minimum area of 4 square metres is to be provided for the existing house; and*
- (3) *all screens provided shall comply with the definition of the Residential Design Codes 2008.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;

- (vii) *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;*
- (viii) *additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;*

- (ix) *as the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring;*
- (x) *prior to the first occupation of the development, the full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's full expense; and*
- (xi) *a right of way widening of minimum 5.5 metres at the intersection of Palmerston Street and the right of way to facilitate a double entry for a length of 6 metres at the subject property shall be provided at the owner's full expense; and*
- (xii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence.*

ADVICE NOTE:

As per advice from the Department of Indigenous Affairs the subject property is located within the site 17849 Robertson Park. Therefore, the Town recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harvey

That the item be DEFERRED for the applicant to reconsider the height of the proposed development.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Landowner:	Tripleview Holdings Pty Ltd
Applicant:	S Bransby
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1214 square metres
Access to Right of Way	Northern side, 3.66 metres wide, sealed, privately owned

BACKGROUND:

24 December 2009 The Town recommended to Western Australian Planning Commission approval of the survey strata subdivision subject to conditions.

DETAILS:

The proposal involves the construction of three additional three-storey grouped dwellings to existing single house.

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	6 grouped dwellings- R 60 (R60 applies as there is no provision for grouped dwellings in R80)	4 grouped dwellings R 32	Noted- no variation.
Plot Ratio	Not applicable	Not applicable	Noted.
Minimum Site Area	160 square metres	Applicant submitted amended plans dated 16 April 2010. Lot 1= 200.37 square metres Lot 2= 190.84 square metres Lot 3= 193.94 square metres	Noted- no variation.
Building Setbacks North Ground Floor	1.6 metres	Nil	Supported- The wall will face the right of way. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.

First Floor	3.65 metres	Nil	Supported- As above. In addition, there is articulation of the building with stepping of the wall and inclusion of balconies.
Second Floor	4.75 metres	Nil to 2.5 metres	Supported- As above.
South			
Ground floor	1.6 metres	Nil	Supported- The wall will face vacant land and the proposal complies with overshadowing requirements. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.
First Floor	3.65 metres	Nil	Supported- As above. In addition there is articulation of the building with stepping of the wall and inclusion of balconies.
Second Floor	4.75 metres	Nil to 2.5 metres	Supported- As above.
West			
Ground Floor	1.7 metres	Nil	Supported- The building will face Robertson Park and it is considered there will be no undue impact on Robertson Park.
First Floor	5.7 metres	2.75 metres	Supported- As above.
Second Floor	7.2 metres	2.8 metres	Supported- As above.
Boundary Walls	Maximum Height= 3.5 metres Average Height = 3 metres	North boundary Average Height= 8.4 metres Maximum Height= 10.85 metres	Supported-The boundary wall will face the right of way and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.

		<p>South boundary</p> <p>Average Height= 8.4 metres</p> <p>Maximum Height= 10.7 metres</p>	<p>Supported- The boundary wall face vacant land and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.</p>
Number of Storeys	2 storeys	3 storeys	Supported- Refer to "Comments" below.
Building Height	7 metres	11 metres	Supported- Refer to "Comments" below.
Privacy	<p>Terraces/Balconies= 7.5 metres</p> <p>Study Room= 4.5 metres</p>	<p>Terrace on the ground floor</p> <p>North= 3.66 metres.</p> <p>South= Nil.</p> <p>Balconies on first floor</p> <p>Rear Balconies</p> <p>North= 4 metres.</p> <p>South= 0.2 metre.</p> <p>Balcony adjacent to kitchen= 6 metres from northern boundary</p> <p>Balcony adjacent to kitchen= 0.8 metre from southern boundary</p> <p>Study Room on first floor</p> <p>South= 3 metres.</p> <p>Balconies on second floor</p> <p>Rear Balconies</p> <p>North= 5.86 metres.</p>	<p>Not supported- The terrace is required to be screened.</p> <p>Not supported- As above.</p> <p>Not supported- The balcony is required to be screened.</p> <p>Not supported- As above.</p> <p>Not supported- As above.</p> <p>Not supported- As above.</p> <p>Not supported- The window to the study room is required to be screened.</p> <p>Not supported- The balcony is required to be screened.</p>

		South= 2.1 metres. Study Room on second floor= 3 metres from southern boundary.	Not supported- As above. Not supported- The window to the study room is required to be screened.
Store	Minimum dimension of 1.5 metres and an internal area of 4 square metres.	Existing house- no store provided Applicant has confirmed that the existing house has a store at the rear of the building.	Not supported- Given the store is not shown on the plan, a condition is imposed for the store to comply with the requirements.
Consultation Submissions			
Support	Nil.		Noted.
Objections (9)	<p>Building setbacks and boundary walls</p> <p>The variation to the building setbacks and boundary walls will have an undue impact on the adjoining northern and southern properties. The boundary walls are twice the height allowed and they will set a precedent for this section of Palmerston Street.</p> <p>Number of Storeys and Height</p> <p><i>“The proposal is non-compliant with the Development Standard in all three categories of privacy, scale and bulk. Homes in this area are all of character style in keeping with the district, with a maximum of two storeys and consideration given to privacy and amenity of the residents.”</i></p> <p>The proposed building will overshadow the adjoining northern and southern properties.</p> <p><i>“The proposed height also sets a precedent for this section of Palmerston Street and Maltings’ style development will be seen to be creeping up towards Hyde Park, eliminating the smaller character and heritage properties in its path.”</i></p> <p>Privacy</p> <p>The privacy of the adjoining properties will be impacted by overlooking from the proposed building.</p>	<p>Not supported- Refer to “Comments” in the Assessment Table.</p> <p>Not supported- Refer to “Comments” below.</p> <p>Supported- Refer to Assessment Table.</p>	

	<p>Right of Way and Traffic</p> <p>Clarification is required on the ownership and rights of passage to the right of way.</p> <p>The new development will generate 8 vehicles which will create a safety hazard of the adjoining residents who also use the right of way. Moreover, the residents of No. 101 Palmerston require to use the right of way for taking out bins.</p> <p>The widening of the right of way will cause removal of fence, trees and plantings. The driveway would need to be strengthened to accommodate additional vehicular traffic.</p> <p>Clarification is required around cost of maintenance and the ownership of the right of way.</p>	<p>Noted- The applicant submitted a copy of the Certificate of Title (attached) which indicates that the subject property consists of Lot 2 and portion of the ROW (half immediately adjacent to the primary lot), with a right of carriageway over the portion (half) immediately adjacent to No.101 Palmerston.</p> <p>Not Supported-The applicant is required to provide 8 car bays for the development as per the requirements of the R-Codes. The developer will be required to provide a right of way widening for the first 6 metres to ensure safe entry off the street. The widening will be provided on the subject lot. The proposal will not affect discontinuance of the adjoining property owners' use of the right of way.</p> <p>Not supported- The Town cannot prevent removal of fence and trees for the widening of a right of way. Any upgrading of the right of way will need to meet the Town's specifications.</p> <p>Noted- The cost of maintenance of the right of way is the owner's responsibility; the ownership of the right of way is outlined above.</p>
--	--	---

	<p>Materials and environment</p> <p>There is no mention of materials and finishes on the plans especially the boundary walls.</p> <p>There is no mention the proposal is energy efficient design.</p> <p>Consultation Process</p> <p>The applicant did not contact the adjacent neighbours to discuss this proposal.</p> <p>Title</p> <p>The title on the plan shows “6 apartments.”</p>	<p>Supported- The applicant will be required to provide the types of materials and finishes prior to the issue of a Building Licence. In addition, there will be a requirement for additional design features to the boundary walls to be detailed with a view to minimising their impact on the adjoining properties.</p> <p>Not supported- The applicant is required to comply with energy efficiency under the Building Code of Australia at the Building Licence stage.</p> <p>Not supported- There is no requirement for an applicant to contact adjoining neighbours before submitting a planning application.</p> <p>Supported- The applicant has amended the plans to indicate ‘town houses’.</p>
--	---	---

Other Implications

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

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

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

COMMENTS:

Heritage

The subject place is located to the immediate south-east of No. 176 Fitzgerald Street, Perth (Robertson Park), which is listed on the Town of Vincent's Municipal Heritage Inventory (MHI) as Management Category A - Conservation Essential and the Heritage Council of Western Australia's State Register of Heritage Places.

As the place is listed on the State Register of Heritage Places, the subject application was referred to the Heritage Council for comment on 8 December 2009. In a letter dated 30 December 2009, the Heritage Council advised that they have no objection to the application, subject to an archaeologist being engaged to provide advice prior to any ground disturbance work occurring.

Retention of Existing Dwelling

The existing dwelling is not listed on the Town's Municipal Inventory; however, the Town's Officers have had a number of discussions with the applicant with a view to a development application which retains the dwelling. In the event of demolition, the site has a development potential for 6 grouped dwellings. It is considered that the loss of the existing dwelling in this event would result in a significant impact on the existing streetscape.

It is noted however, that given the existing building is not heritage listed and a density bonus is not sought, the Town cannot reasonably impose a condition for the retention of the house.

Number of Storeys and Building Height

The new three storey building will be located behind the existing dwelling. The proposed development complies with the overshadowing requirement, the boundary walls are articulated with staggered walls and the inclusion of balconies and it is considered that the proposal will not unduly impact on the streetscape. The walls facing Palmerston Street and Robertson Park are also articulated with balconies and window openings which will contribute to increased casual surveillance to Robertson Park.

The property is in close proximity to the Maltings complex at the corner of Palmerston and Stuart Streets and a three-storey development at the corner of Palmerston and Randell Streets. Within this context, it is considered that the proposed development is not unreasonable nor out of scale given the retention of the existing dwelling and the significant setback of the new dwellings from the street. Further, when viewed from Robertson Park, the proposed development assists in creating a visual link to these properties and will also create an improved urban edge to the Park. Moreover, given the contemporary nature of the building, it is considered representative of new development within this evolving inner-urban area.

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

9.1.2 No. 91 (Lot 154; D/P 2355) Forrest Street, Dual Frontage to Alma Road, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Single Houses

Ward:	South	Date:	19 April 2010
Precinct:	Norfolk; P10	File Ref:	PRO4960; 5.2010.94.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Hindley & Associates Pty Ltd on behalf of the owner F Hindley & M McCulloch for proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Single Houses, at No. 91 (Lot 154; D/P 2355) Forrest Street, Dual Frontage to Alma Road, North Perth, and as shown on plans stamp-dated 3 March 2010 and 17 March 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Forrest Street and Alma Road;*
- (ii) any new street/front wall, fence and gate within the Forrest Street and Alma Road setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) a detailed landscaping plan, including a list of plants and the landscaping of the Forrest Street and Alma Road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) first obtaining the consent of the owners of Nos. 89 and 93 Forrest Street and Nos. 110 and 114 Alma Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 89 and 93 Forrest Street and Nos. 110 and 114 Alma Road in a good and clean condition;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed boundary wall to unit 1 on the western elevation being reduced to a maximum of 3.5 metres above the natural ground level;*
 - (b) *the proposed crossovers to units 1, 2, 3 and 4 being reduced to a maximum of 4.064 metres; and*
 - (c) *the existing Weeping Peppermint (Agnois Flexuosa) tree on the Forrest Street verge being retained.*

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

- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (viii) *prior to the issue of a Building Licence for the subject application, condition No. 3 of the proposed green title subdivision (Reference Number 139587) approved by the Western Australian Planning Commission on 18 May 2009, shall be cleared, and Certificates of Title issued and provided to the Town, for the two proposed lots.*

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

COUNCIL DECISION ITEM 9.1.2

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Landowner:	F Hindley & M McCulloch
Applicant:	Hindley & Associates Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1014 square metres
Access to Right of Way	Not Applicable.

BACKGROUND:

18 May 2009 The Western Australian Planning Commission conditionally approved a green title subdivision for four lots.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two single houses fronting Forrest Street and two single houses fronting Alma Road.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	4.6 dwellings at R40; however, Norfolk Precincts limits to 2 dwellings per lot.	4 dwellings.	Supported – See “Comments.”
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Unit 1 Ground Floor -West	1.6 metres	Nil – 2.2 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Unit 2 Ground Floor -East	1.5 metres	Nil – 2.2 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Upper Floor -North (Forrest Street) Balcony	1.5 metres behind the ground floor main building line.	1.4 metres behind the ground floor main building line.	Supported – This is a minor variation and is not considered to have an undue impact on the Forrest Street streetscape.
Unit 3 Ground Floor -South (Alma Road)	2.5 metres	2.4 metres	Supported – This is not considered to have an undue impact on the Alma Road streetscape given that few buildings face this road, rather the rear yards do. A number of lots have been subdivided and have dwellings fronting Alma Road; these dwellings are all two-storey, and of a similar bulk and scale to the proposed dwelling.
-East	1.5 metres	Nil – 1.5 metres	Supported – Not considered to have an undue impact on the neighbouring property.

Upper Floor -East	1.8 metres	1.5 metres – 1.8 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Unit 4 Ground Floor -South (Alma Road)	2.5 metres	2.4 metres	Supported – This is not considered to have an undue impact on the Alma Road streetscape given that few buildings face this road, rather the rear yards do. A number of lots have been subdivided and have dwellings fronting Alma Road; these dwellings are all two-storey, and of a similar bulk and scale to the proposed dwelling.
-West	1.5 metres	Nil – 1.8 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Upper Floor -West	2 metres	1.5 metres – 1.8 metres	Supported – Not considered to have an undue impact on the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (18.07 metres for units 1 and 2 and 15.54 metres for units 3 and 4) of the length of the balance of the boundary behind the front setback, to one side boundary	West (Unit 1) Wall Height – 3.7 metres – 3.9 metres (average = 3.8 metres) Wall Length = 6.4 metres West (Unit 4) Wall Height – 3.3 metres – 3.4 metres (average = 3.35 metres) Wall Length = 4 metres East (Unit 2) Wall Height – 3.3 metres – 3.4 metres (average = 3.35 metres) Wall Length = 6 metres	Not supported – Condition applied for the height of the boundary wall to be reduced to a maximum of 3.5 metres. Supported – Not considered to have an undue impact on the neighbouring property. Supported – Not considered to have an undue impact on the neighbouring property.
		East (Unit 3) Wall Height – 2.8 metres – 2.9 metres (average = 2.85 metres) Wall Length = 4 metres	Supported – No variation.

Vehicular Access:	Driveways are not to occupy more than 40 (8.048 metres) percent of the width of the frontage or 6 metres, whichever is the lesser.	Forrest Street driveways = 10.35 metres Alma Road driveways = 10 metres	Not supported – The proposed boundary widths are 10.06 metres. A condition has been applied for the crossovers to be reduced to a maximum of 4.064 metres, which is 40 percent of the width of the proposed boundaries.
Consultation Submissions			
Support (1)	No comments provided.	Noted.	
Objection (2)	No comments provided.	Noted.	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	
Sustainability Implications		Nil	

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

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

COMMENTS:

Demolition

The subject dwelling at No. 91 Forrest Street, North Perth is a brick and tile residence, which was originally constructed circa 1910 in the Federation Bungalow style of architecture. Extensive alterations and additions have been undertaken to the original house between 1961-1990, including the installation of brick veneer to the front facade, roof and verandah replacement and installation of aluminium windows, which serve to remove any resemblance to the original architectural style. Some original Federation features such as archways, decorative cornices and vents remain internally.

In accordance with the Town's Policy relating to Heritage Management – Assessment, it is considered that the place has little aesthetic, historic, scientific or social heritage significance and therefore the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory and that demolition approval should be granted.

Redevelopment

Clause 20(4)(d)(ii) of the Town of Vincent Town Planning Scheme No. 1 states that “*within areas coded R40 a maximum of two dwellings will be permitted per lot*”. The definition of lot in the Town Planning Scheme is the same as the Planning and Development Act 2005, which means a green title lot and not a survey strata lot. Therefore, for the purpose of this application and the Norfolk Precinct, there can be only two dwellings per green title lot.

Due to the restriction in the Norfolk Precinct, the applicant has lodged and received subdivision approval for four green title lots. The Town's Officers are of the opinion that the subject land can accommodate four dwellings; however, have recommended that a condition be placed on the Approval, stating that the Building Licence cannot be issued until the subdivision conditions are cleared and the two new certificates of title are issued.

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

9.1.6 Nos. 250-252 (Lot 300; D/P 44848) Oxford Street, Corner Bourke Street, Leederville - Proposed Demolition of Existing Civic Building (Police Station) and Construction of Five-Storey Commercial Development Comprising Shops, Offices and Associated Basement Car Parking

Ward:	South	Date:	20 April 2010
Precinct:	Oxford Centre; P04	File Ref:	PRO2918; 5.2010.63.1
Attachments:	001 ; 002 ; 003		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning; D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Bollig Design Group on behalf of the owner Mainbelle Pty Ltd for proposed Demolition of Existing Civic Building (Police Station) and Construction of Five-Storey Commercial Development Comprising Shops, Offices and Associated Basement Car Parking, at Nos. 250-252 (Lot 300; D/P 44848) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 15 February 2010 and 31 March 2010, subject to the following conditions:

- (i) 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;*
- (ii) 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;*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*

Commercial Properties

- **General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and**

- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the terrace on the four floor of the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 248 Oxford Street, No. 19 Bourke Street and No. 19 Burgess Street, stating no objection to the respective proposed privacy encroachments.*

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

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$110,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$11,000,000); and*

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

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

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

OR

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

- (vii) *first obtaining the consent of the owners of No. 248 Oxford Street and No. 19 Bourke 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. 248 Oxford Street and No. 19 Bourke Street in a good and clean condition;*

- (viii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Oxford Street and Bourke Street;*
- (ix) *the doors, windows and adjacent floor areas fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with this street;*
- (x) *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;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *a minimum of three male showers and three female showers being located in separate change rooms;*
 - (b) *the change room facilities being secure and capable of being locked; and*
 - (c) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (xii) *the proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*
- (xiii) *prior to the first occupation of the development, a minimum of 26 class one or two bicycle parking facilities and 8 class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xiv) *a detailed landscaping plan, including a list of plants and the landscaping of the Oxford Street and Bourke Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

(xvi) *prior to the issuing of a Building Licence the proposed 'car stacking' layout and location within the development shall be revised in accordance with the requirements, and to the satisfaction of, the Town's Technical Services Division in compliance with, but not limited to, the following;*

- (a) *the proposed car stackers are to have a minimum overhead clearance of 'no less than' 2.1 metres at ground level with overhead clearance on all the other vertical storage bays to comply with the manufacturer's specifications and in accordance with AS/NZ 2890.1:2004;*
- (b) *the weight limitation for the car stacker shall be 2,500 kilograms unless the car stacker is fitted with an appropriate mechanism to restrict its use should a vehicle heavier than 2,500 kilograms enter the stacker. In addition, appropriate highly visible signage shall be installed at the entrance of all car stackers specifying the maximum weight of vehicle allowed to use the car stacking system;*
- (c) *the car stacker bay platform width shall be an absolute minimum of 2.7 metres and the end bay platform width shall be a minimum of 2.9 metres. The bay entry opening width shall be no less than 2.5 metres per car stacker unit. The design shall be referred to the manufacturer for exact dimensions required to comply with the Town's requirements;*
- (d) *circulation areas width surrounding all stackers shall be an absolute minimum of 7.0 metres in accordance with AS/NSZ 2890.1:2004;*
- (e) *rubber inserts shall be installed on all platforms on both the drivers and passengers side;*
- (f) *the walls for mounting shall be as per manufacturer's specification; supporting floors and walls shall be made of concrete designed and certified by a Structural Engineer;*
- (g) *stacker sliding doors shall be automatic with all operation under remote control;*
- (h) *uninterrupted Power System (UPS) shall be installed;*
- (i) *the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, shall be submitted to and approved by Fire and Emergency Services Authority (FESA) prior to the issue of a Building Licence; and*
- (j) *if feasible, without reducing the overall number of car bays required, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall have no more than four bays per mechanical unit.*

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

(xvii) *prior to the first occupation of the development, the applicant/owner of the property shall enter into a Legal Agreement with the Town, which is secured by a caveat on the certificate(s) of title of the subject land, in regard to the car stacker system and to address the following to the satisfaction of the Town;*

- (a) *all maintenance agreements/contracts to be current for the life of the building and renewed annually;*

- (b) *a copy of updated and current maintenance agreements/contracts to be submitted to the Town on an annual basis;*
- (c) *that the Town may act to ensure compliance with the car stacker conditions of approval at the Applicant/Owner's cost, in the event that the Applicant/Owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;*
- (d) *the Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*
- (e) *the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*
- (f) *the Legal Agreement shall be prepared by the Applicant/owner(s) and approved by the Town, or alternatively, the Applicant/owner(s) may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition, including the Town's cost for checking the legal documents and caveat if prepared by the applicant's/owner's solicitor, shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *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;*
- (xx) *the total gross floor area of the offices shall be limited to 4,980 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the Town;*
- (xxi) *the total public floor area of the shop shall be limited to 465 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval be applied for to and obtained from the Town;*
- (xxii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded by the applicant to a brick paved standard to Town specification. A refundable footpath upgrading bond of \$26,000 shall be lodged prior to the issue of a Building Licence and held until all works have been completed with damage to the existing facilities reinstated to the satisfaction of Town Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*
- (xxiii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:

 - (a) a minimum of three male showers and three female showers being located in separate change rooms;
 - (b) the change room facilities being secure and capable of being locked; and

(c) a minimum of one locker being provided for every bicycle parking bay provided.

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

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

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That:

1. *a new clause (xxiv) be added as follows:*

“(xxiv) prior to the first occupation of the development, the 16 car bays provided on the ground floor shall be for the exclusive use of the retail tenancies on the ground floor and shall be appropriately sign posted to the satisfaction of the Town.”

2. *clause (xvi)(h) be amended as follows:*

“(xvi) prior to the issuing of a Building Licence the proposed ‘car stacking’ layout and location within the development shall be revised in accordance with the requirements, and to the satisfaction of, the Town’s Technical Services Division in compliance with, but not limited to, the following;

(h) an uninterrupted Power System (UPS) or an emergency generator system shall be installed;”

3. *clauses (xvii)(a) and (xvii)(b) be deleted.*

Debate ensued.

The Presiding Member, Deputy Mayor Cr Lake ruled that she would consider and vote on the amendment in three parts.

Debate ensued.

Cr Burns suggested that the amendment to clause (xxiv) be amended as follows:

“(xxiv) prior to the first occupation of the development, the 16 car bays provided on the ground floor shall be for the exclusive use of the customers of the retail tenancies on the ground floor and shall be appropriately sign posted to the satisfaction of the Town.”

The Mover, Cr Maier and the Seconder, Cr Topelberg agreed.

AMENDMENT NO 1 CLAUSE (xxiv) PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 CLAUSE (xvi)(h) PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

The Presiding Member, Deputy Mayor Cr Lake ruled that she would consider and vote on the amendment for the deletion of subclauses (xvii)(a) and (b) in two parts.

AMENDMENT NO 1 CLAUSE (xvii)(a) PUT AND LOST (0-7)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 CLAUSE (xvii)(b) PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Topelberg

That a new clause (xvii)(b) be inserted as follows:

“(xvii)(b) provide copies of current maintenance agreements/contracts for the car stacking system, on demand, to the Town;”

AMENDMENT NO 2 PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.6

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Bollig Design Group on behalf of the owner Mainbelle Pty Ltd for proposed Demolition of Existing Civic Building (Police Station) and Construction of Five-Storey Commercial Development Comprising Shops, Offices and Associated Basement Car Parking, at Nos. 250-252 (Lot 300; D/P 44848) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 15 February 2010 and 31 March 2010, subject to the following conditions:

- (i) *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;*
- (ii) *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;*
- (iii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*

Commercial Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the terrace on the four floor of the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 248 Oxford Street, No. 19 Bourke Street and No. 19 Burgess Street, stating no objection to the respective proposed privacy encroachments.*

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

- (vi) *The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$110,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$11,000,000); and*

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

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (vii) *first obtaining the consent of the owners of No. 248 Oxford Street and No. 19 Bourke 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. 248 Oxford Street and No. 19 Bourke Street in a good and clean condition;*
- (viii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Oxford Street and Bourke Street;*
- (ix) *the doors, windows and adjacent floor areas fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with this street;*
- (x) *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;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a minimum of three male showers and three female showers being located in separate change rooms;*
- (b) *the change room facilities being secure and capable of being locked; and*
- (c) *a minimum of one locker being provided for every bicycle parking bay provided.*
- The revised plans shall not result in any greater variation to the Town's Polices;*
- (xii) *the proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*

- (xiii) *prior to the first occupation of the development, a minimum of 26 class one or two bicycle parking facilities and 8 class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xiv) *a detailed landscaping plan, including a list of plants and the landscaping of the Oxford Street and Bourke Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvi) *prior to the issuing of a Building Licence the proposed 'car stacking' layout and location within the development shall be revised in accordance with the requirements, and to the satisfaction of, the Town's Technical Services Division in compliance with, but not limited to, the following;*
- (a) *the proposed car stackers are to have a minimum overhead clearance of 'no less than' 2.1 metres at ground level with overhead clearance on all the other vertical storage bays to comply with the manufacturer's specifications and in accordance with AS/NZ 2890.1:2004;*
- (b) *the weight limitation for the car stacker shall be 2,500 kilograms unless the car stacker is fitted with an appropriate mechanism to restrict its use should a vehicle heavier than 2,500 kilograms enter the stacker. In addition, appropriate highly visible signage shall be installed at the entrance of all car stackers specifying the maximum weight of vehicle allowed to use the car stacking system;*
- (c) *the car stacker bay platform width shall be an absolute minimum of 2.7 metres and the end bay platform width shall be a minimum of 2.9 metres. The bay entry opening width shall be no less than 2.5 metres per car stacker unit. The design shall be referred to the manufacturer for exact dimensions required to comply with the Town's requirements;*
- (d) *circulation areas width surrounding all stackers shall be an absolute minimum of 7.0 metres in accordance with AS/NSZ 2890.1:2004;*
- (e) *rubber inserts shall be installed on all platforms on both the drivers and passengers side;*
- (f) *the walls for mounting shall be as per manufacturer's specification; supporting floors and walls shall be made of concrete designed and certified by a Structural Engineer;*

- (g) *stacker sliding doors shall be automatic with all operation under remote control;*
- (h) *an uninterrupted Power System (UPS) or an emergency generator system shall be installed;*
- (i) *the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, shall be submitted to and approved by Fire and Emergency Services Authority (FESA) prior to the issue of a Building Licence; and*
- (j) *if feasible, without reducing the overall number of car bays required, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall have no more than four bays per mechanical unit.*

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

- (xvii) *prior to the first occupation of the development, the applicant/owner of the property shall enter into a Legal Agreement with the Town, which is secured by a caveat on the certificate(s) of title of the subject land, in regard to the car stacker system and to address the following to the satisfaction of the Town;*
 - (a) *all maintenance agreements/contracts to be current for the life of the building and renewed annually;*
 - (b) *provide copies of current maintenance agreements/contracts for the car stacking system, on demand, to the Town;*
 - (c) *that the Town may act to ensure compliance with the car stacker conditions of approval at the Applicant/Owner's cost, in the event that the Applicant/Owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;*
 - (d) *the Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*
 - (e) *the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*
 - (f) *the Legal Agreement shall be prepared by the Applicant/owner(s) and approved by the Town, or alternatively, the Applicant/owner(s) may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition, including the Town's cost for checking the legal documents and caveat if prepared by the applicant's/owner's solicitor, shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *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;*

- (xx) *the total gross floor area of the offices shall be limited to 4,980 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the Town;*
- (xxi) *the total public floor area of the shop shall be limited to 465 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for to and obtained from the Town;*
- (xxii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded by the applicant to a brick paved standard to Town specification. A refundable footpath upgrading bond of \$26,000 shall be lodged prior to the issue of a Building Licence and held until all works have been completed with damage to the existing facilities reinstated to the satisfaction of Town Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a minimum of three male showers and three female showers being located in separate change rooms;*
 - (b) *the change room facilities being secure and capable of being locked; and*
 - (c) *a minimum of one locker being provided for every bicycle parking bay provided.*
- The revised plans shall not result in any greater variation to the Town's Polices; and*
- (xxiv) *prior to the first occupation of the development, the 16 car bays provided on the ground floor shall be for the exclusive use of the customers of the retail tenancies on the ground floor and shall be appropriately sign posted to the satisfaction of the Town.*

Landowner:	Mainbelle Pty Ltd
Applicant:	Bollig Design Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Civic Building (Police Station)
Use Class:	Office and Shop
Use Classification:	"P"
Lot Area:	1825 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing commercial buildings and the construction of a five-storey commercial building comprising of shops on the ground floor and four levels of offices above. A roof plant is located above the fifth storey; however, this is not considered as a storey as it is a non-habitable area and cannot be seen from the street or surrounding properties.

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

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Number of Storeys:	4 storeys for a corner site.	5 storeys.	Supported – see “Comments”.
Building Setbacks: -West (Oxford Street) Ground Floor	Nil	0.6 metre – 4.8 metres	Supported – The proposed staggered setbacks offer articulation and interest in the front elevation and is considered as an architectural feature.
First Floor	Nil	Nil – 4.8 metres	Supported – As above.
Second Floor	Nil	Nil – 4.8 metres	Supported – As above.
Third Floor	Nil	Nil – 4.8 metres	Supported – As above.
Fourth Floor	Nil	Nil – 4.8 metres	Supported – As above.
-North (Bourke Street) Ground Floor	Nil	2 metres	Supported – As above.
First Floor	Nil	Nil – 2 metres	Supported – As above.
Second Floor	Nil	Nil – 2 metres	Supported – As above.
Third Floor	Nil	Nil – 2 metres	Supported – As above.
Fourth Floor	Nil	Nil – 2 metres	Supported – As above.
-East Ground Floor	9 metres	Nil	Supported – The proposed boundary wall is approximately 4.7 metres high; the plans indicate that the wall will be rendered and painted to further reduce the impact on the neighbouring property.

First Floor	9 metres	Nil to terrace and 6 metres to building.	Supported – This is not considered to have an undue impact on the neighbouring property as the proposed terrace on the first floor is landscaped on the rear boundary in an attempt to screen the building from the neighbouring property.
Second Floor	9 metres	6 metres	Supported – In this instance, a 6 metre setback is considered appropriate due to the shallow depth of the lot.
Third Floor	9 metres	6 metres	Supported – In this instance, a 6 metre setback is considered appropriate due to the shallow depth of the lot.
Fourth Floor	9 metres	6 metres to terrace and 9.875 metres to building.	Supported – There is no roof proposed to be located over the terrace; hence, the impact of the 6 metre setback will be minimal.
Privacy Setbacks: Balcony to Office on Fourth Floor	7.5 metres	6 metres	Not supported – A condition is proposed for the balcony to be screened or the consent of the neighbours sought.

Car Parking

Car parking requirement (nearest whole number) • Shop – 1 space per 15 square metres of gross floor area Gross Floor Area = 465 square metres (requires 31 car bays) • Office – 1 space per 50 square metres of gross floor area Gross Floor Area = 4980 square metres (requires 99.6 car bays) Total car bays required = 130.6 car bays	= 131 car bays
Apply the adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.90 (provision of end-of-trip facilities)	(0.7225) <u>(0.65025)</u> 94.65 car bays <u>85.18 car bays</u>
Minus the car parking provided on-site	106 car bays
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant surplus	11.35 car bays <u>20.82 car bays</u>

Bicycle Parking and End of Trip Facilities

Required Shop • 1 space per 300 square metres of gross area for employees (class 1 or 2) = 1.55 spaces • 1 space per 200 square metres of gross area for visitors (class 3) = 2.33 spaces	Provided Class one or two bicycle spaces = 40 spaces Class three bicycle spaces =
---	--

<p>Office</p> <ul style="list-style-type: none"> • 1 space per 200 square metres of public area (class 1 or 2) = 24.9 spaces • 1 spaces per 750 square metres of gross area over 1000 square metres (class 3) = 5.31 spaces <p>Total class one or two bicycle spaces = 26.45 spaces = 26 spaces Total class three bicycle spaces = 7.64 spaces = 8 spaces</p> <p>3 male and 3 female showers located in separate change rooms.</p> <p>Lockers to be provided for every class 1 or 2 bicycle space provided (40 lockers required).</p>	<p>Nil (apply condition)</p> <p>3 male showers and 3 female showers.</p> <p>Nil (apply condition)</p>
---	---

Consultation Submissions

<p>Support (8)</p>	<ul style="list-style-type: none"> • <i>“Good number of storeys.”</i> • <i>“Should encourage cycling.”</i> • <i>“The police station is an eye sore... and the redevelopment looks good.”</i> • <i>“This proposal will be an excellent addition to the Oxford Street Centre Precinct which is in dire need of revitalisation.”</i> • <i>“The Council should be promoting investment in this important commercial and entertainment corridor.”</i> • <i>“There are no obvious planning grounds to stop approval...”</i> 	<ul style="list-style-type: none"> • Noted. • Noted. • Noted. • Noted. • Noted. • Noted.
<p>Objection (20)</p>	<ul style="list-style-type: none"> • Number of storeys proposed. • Car parking. • Building design. • Privacy setbacks. • Overshadowing. • Requires construction management plan. 	<ul style="list-style-type: none"> • Not supported – See “Comments”. • Not supported – The proposed development requires a total of 95 car bays and 106 car bays have been provided on-site. The proposal is therefore compliant with the Town’s Parking and Access Policy. • Not supported – The design of the building reflects high quality architectural designs of the present era. • Supported – A condition has been applied for the terrace to be screened to a minimum of 1.6 metres above the finished floor level. • Not supported – The proposed development is located within a commercial zone and the southern adjacent property that the development overshadows is also zoned commercial. Due to this, the overshadowing requirement is not applicable. • Supported – A condition has been applied for the applicant to provide this, prior to the issue of a Building Licence.

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 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

Nos. 250-252 Oxford Street, Leederville is a former Police Station and Quarters, which was established with the purpose of maintaining law and order in the rapidly developing Leederville area in the 1960s. The station has continued to be used for police purposes until at least 2007. The subject place reflects the evolution or pattern of the policing history in the Town of Vincent, whilst the associated quarters demonstrate a way of police life that is no longer practiced.

The subject place was constructed circa 1960-61 in the Post-war Functionalist style of architecture. The brick and tile former quarters has a two room frontage with the main entrance located centrally, whilst the southern front façade of the former Police Station is tiled and the remainder of the front wall has a horizontally arranged window which is shielded by security screen.

A full Heritage Assessment was undertaken for Nos. 250-252 Oxford Street, Leederville, which indicates that whilst the place has *some historic value* as it demonstrates a way of police life no longer practiced nowadays, it is considered that the place has *little aesthetic, scientific and social value* and is not rare in terms of architectural style. It is considered that the historic value of the subject place is not directly reflected in the building's structure, style or physical appearance. In accordance with the Town's Policy relating to Heritage Management – Assessment, therefore, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Redevelopment

The bulk and scale of the development in this instance, is not considered to have an undue impact on the amenity of the area. The subject site is a landmark location and the proposal is symptomatic of a growing trend to develop underutilised inner-city properties. The proposed five-storey height of the building is supported given the nature of developments in the immediate area along Oxford Street, as well as its consistency with the dominant corner frontage as well as the plans for the neighbouring Leederville Town Centre.

The Town's Local Planning Strategy illustrates Oxford Street as an major Activity Corridor, which provides a vital connection between the Town Centres of Mount Hawthorn and Leederville and displays numerous opportunities for linear intensification of land uses supported by good levels of public transport. The high-quality design of the proposed development will act as a landmark for the Leederville area as well as a catalyst for future development along Oxford Street.

There is an existing single dwelling located at No. 91 Bourke Street, Leederville, which abuts the rear eastern boundary of the subject site. It is noted that the Council at its Ordinary Meeting held on 15 December 2009 resolved to grant conditional approval for Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House at this eastern adjacent property and to also advise the applicant as follows:

'The Council advises the applicant that it would be supportive in principle of a revised proposal for an appropriate alternative development on the subject site, with direction being provided by the Town's Officers, in light of the proposed redevelopment of Nos. 250-252 Oxford Street, Leederville.'

In light of this resolution of the Council, the subject development is not considered to have an undue impact on No. 91 Bourke Street as a higher intensity development can be considered at the neighbouring property.

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

9.1.4 No. 78 (Lot 1; D/P 4874) Carr Street, West Perth - Proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Single Houses

Ward:	South	Date:	19 April 2010
Precinct:	Cleaver; P05	File Ref:	PRO4878; 5.2009.410.2
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Matthew Coniglio Architect on behalf of the owner D Carbone for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Single Houses, at No. 78 (Lot 1; D/P 4874) Carr Street, West Perth, and as shown on plans stamp-dated 2 October 2009, ~~and~~ 10 February 2010 and 27 April 2010, 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) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Carr Street;*
- (iii) any new street/front wall, fence and gate within the Carr Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) first obtaining the consent of the owners of Nos. 76A, 76B and 82 Carr Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 76A, 76B and 82 Carr Street, in a good and clean condition; and*
- (vi) a detailed landscaping plan, including a list of plants and the landscaping of the Carr Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

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

COUNCIL DECISION ITEM 9.1.4

Moved Cr Burns, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-1)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Burns, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Buckels

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Landowner:	Estate of Late R Carbone and B, D & Carbone & C Calabro
Applicant:	Matthew Coniglio Architect
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:	592 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

24 July 2008 The Western Australian Planning Commission conditionally approved a freehold subdivision of No. 78 Carr Street into two green title lots.

DETAILS:

The proposal involves the demolition of the two existing single houses and the construction of two (2), two-storey single houses. The demolition of the existing single houses is contained in and required by one of the eight conditions of subdivision approval.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.29 single houses	2 single houses	Noted – No variations.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Unit 2 -East Ground Floor	1.5 metres	Nil – 1.5 metres	Supported – Not considered to have an undue impact on the neighbouring property and no objections received from adjoining property owner.

Upper Floor	1.5 metres	Nil – 1.5 metres	Supported – Not considered to have an undue impact on the neighbouring property and no objections received from adjoining property owner.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (34.29 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	-East Wall Height = 6 metres; Wall Length = 7.05 metres.	Supported – Not considered to have an undue impact on the neighbouring property and no objections received from adjoining property owner.

Consultation Submissions

Support (3)	No comments provided.	Noted.
Objection (4)	<ul style="list-style-type: none"> Reduced setbacks and boundary walls increase the bulk and scale of the dwellings. The two driveways do not have sufficient space between them to fit an on-street car bay. Roof forms and design. 	<ul style="list-style-type: none"> Not supported – It is not considered that the reduced side setbacks would increase the bulk and scale of the dwellings on the Carr Street streetscape as the boundary wall is located towards the centre of the site. Not supported – In accordance with the Town’s Residential Design Elements Policy, two crossovers can be provided, provided that the aggregate width is a maximum of 6 metres. The Town has no requirements regarding the distance between crossovers to provide an on-street car bay. Not supported – See “Comments”.
General Comments	<ul style="list-style-type: none"> A landscaping plan will assist in reducing the bulk and scale of the dwellings. 	<ul style="list-style-type: none"> Supported – A condition has been applied for the applicant to submit a landscaping plan prior to the issue of a Building Licence.

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:

The subject dwelling at No. 78 Carr Street is an example of brick and iron Interwar Bungalow style of architecture constructed circa 1922. The dwelling has a double room frontage under a high pitched hipped iron roof with rendered exterior walls.

Albert Appelt is first listed in the WA Post Office Directories as the resident of the subject dwelling in 1923 who stayed at the subject place until the early 1930s. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 78 Carr Street, West Perth, based on the plan dated 2 October 2009, 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.

Roof Forms and Design

The Residential Design Elements Policy states that: *'the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style'*. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for Carr Street and Florence Street and this evolving inner-urban residential area.

The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal clearly satisfies the Performance Criteria as the development is not considered to compromise the streetscape, but rather contributes to its emerging range of styles and built form.

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

9.1.7 Research into the Development of Sustainable Design Guidelines – Progress Report No. 1

Ward:	Both Wards	Date:	19 April 2010
Precinct:	All Precincts	File Ref:	PLA0209
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall, Senior Planning & Heritage Officer		
Checked/Endorsed by:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 1 relating to Research into the Development of Sustainable Design Guidelines, together with the associated Attachments;*
- (ii) *AUTHORISES the Chief Executive Officer to further develop the existing sustainability portal on the Town's Website to provide information on Sustainable Building Design; and*
- (iii) *REQUESTS the Chief Executive Officer to provide a report to the Council on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia as a Scheme requirement for certain developments by August 2010.*

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That new clauses (iv) and (v) be inserted as follows:

- “(iv) REQUESTS that the Sustainability Advisory Group investigate and make recommendations on ways to better promote sustainable building practices within the Town; and*
- (v) AUTHORISES the Chief Executive Officer to write to the Western Australian Local Government Association (WALGA) asking that they consider working to develop model policies and/or guidelines to promote sustainable building design.”*

The Seconder, Cr McGrath suggested amending clause (iv) to read as follows:

- “(iv) REQUESTS that the Sustainability Advisory Group investigate and make recommendations on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia and ~~on~~ ways to better promote sustainable building practices within the Town; and”*

The Mover, Cr Maier agreed.

AMENDMENT PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.7

That the Council;

- (i) *RECEIVES the Progress Report No. 1 relating to Research into the Development of Sustainable Design Guidelines, together with the associated Attachments;*
- (ii) *AUTHORISES the Chief Executive Officer to further develop the existing sustainability portal on the Town's Website to provide information on Sustainable Building Design;*
- (iii) *REQUESTS the Chief Executive Officer to provide a report to the Council on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia as a Scheme requirement for certain developments by August 2010;*
- (iv) *REQUESTS that the Sustainability Advisory Group investigate and make recommendations on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia and ways to better promote sustainable building practices within the Town; and*
- (v) *AUTHORISES the Chief Executive Officer to write to the Western Australian Local Government Association (WALGA) asking that they consider working to develop model policies and/or guidelines to promote sustainable building design.*

PURPOSE:

The purpose of this report is to present to the Council the research into the introduction of Sustainable Design Guidelines into the Town's existing decision making processes, in accordance with clause (iii) (d) (2) of the Council resolution made at its Ordinary Meeting held on 24 June 2008.

BACKGROUND:

Sustainability and the development of 'Sustainable Design Guidelines' was identified in the *Vincent Vision 2024* community visioning project and has been identified by the Town's Officers at Council Member Forums relating to the review of Town Planning Scheme No. 2.

The Council at its Ordinary Meeting held on 24 June 2008 considered a report relating to Sustainability Management System Review and Progress Report Relating to the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™) (Item 10.1.9) and resolved to:

“...(iii) *ENDORSES the;*

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

- (1) *a Sustainability Appraisal procedure to assess all relevant actions, projects, initiatives and events (and their implications) that could reasonably impact on the sustainability performance of the Town or the community;*
- (2) *a set of Sustainable Design Guidelines to encourage new development along the principles of Sustainable Urban Design.”*

DETAILS:

Introducing the assessment of sustainability of new developments and the development of Sustainable Design Guidelines has been identified as an element of the Town's approach towards a sustainable future. It is considered that this would involve a dual approach, focusing on one hand on improving the consideration of sustainability within the Town's operations, and on the other, requiring applicants to take into account principles of sustainable design when proposing new development in the Town.

It is noted that this report does not address developing a procedure for assessing sustainability implications for the Town's own operations. Rather, this report investigates opportunities for new development to take into account principles of sustainable design in accordance with clause (iii) (d) (2) of the Council resolution made at its Ordinary Meeting held on 24 June 2008.

The statutory planning system is considered a key area to affect change and to ensure/regulate the environmental impact of buildings. This report explores the various initiatives being explored by different government organisations to affect this change to ensure sustainability is given weight in the design development phase and decision making process. The effectiveness of Design Guidelines is explored, as well as other approaches, such as Sustainability Assessment Tools or Sustainability 'scorecard' initiatives. The full analysis of these approaches is contained in the attachment to this report in table form, and a brief summary of the key approaches are explored below:

- Attachment 001 relates to State initiatives/approaches; and
- Attachment 002 relates to Local Government initiatives/approaches.

State Government Endeavours

The Western Australian *State Sustainability Strategy* (2003) has provided the community, Government and industry with a common vision of what sustainability should be in the State. The Strategy, which proposes a number of reforms to the existing planning framework, has yet to be realised. Particularly, the development of a State led Sustainability 'scorecard' to manage the development control process according to principles of sustainability (page 169 of the Strategy) has yet to be implemented. Following discussions with Officers from the Department of Planning, it is understood that such a reform may be a proposed action of the State Planning Strategy (1997), which is currently under review.

The New South Wales (NSW) State Government has developed a 'scorecard' approach entitled, Building Sustainability Index (BASIX), which sets one environmental standard across all NSW Council areas. At this stage, the BASIX approach only prescribes targets in relation to Water, Energy and Thermal Comfort. Every development application for a new home must be submitted to the Local Government Authority with a BASIX Certificate. The BASIX Certificate is taken to be part of a development approval, and an applicant is therefore bound by the plans and specifications approved by the certificate. The BASIX commitments will be checked for installation and operation as part of the certification of completed building works. The benefits of BASIX include:

- One environmental standard across the State; and
- It is web based and this replaces the significant documentation currently necessary for developers to access in relation to development control.

Local Government Initiatives

As demonstrated in Attachment 002 of this report, a number of Local Governments are planning differing approaches to ensure sustainability is given due consideration in the statutory planning process.

City of Melville

The City of Melville has developed three documents, namely, the *Sustainable Residential Design Policy*, *Sustainable Residential Design – Guidelines* and *Sustainable Residential Design – Checklist* for use by developers. The documents present a wealth of information on sustainability initiatives and appropriate design responses. However, the information appears to duplicate and overlap three lengthy documents, and it is understood that compliance with the policies is not enforced as a statutory document. Rather, the documents are voluntary and are utilised more as an education tool.

East Perth Redevelopment Authority

Although it is not a Local Government, the East Perth Redevelopment Authority (EPRA) approach is worthy of review. The EPRA conditions all new development to comply with the Green Building Council of Australia's 'Green Star Rating Tool'. Launched in 2002, the Green Building Council of Australia is a national, not-for-profit organisation that has developed a *Green Star Environmental Rating System* for buildings. The rating system, which is divided into a number of categories, assesses the environmental impact that is a direct consequence of a projects site selection, design, construction and maintenance.

The *Green Star Environmental Rating System* is enabled through Clause 5.26 of EPRA's Planning Scheme No. 2, relating to 'Conditions of Approval', which provides EPRA with the power to apply conditions on a number of matters including:

'Environmental sustainable design, such as green star ratings, energy and water efficient devices and building design and materials.'

As enabled through the above provision, compliance with the Green Star rating is made a condition of planning approval. Certification is to be provided at working drawing stage. Certification from an accredited professional, confirming that all initiatives have been met, is to be provided prior to the first occupation of the development.

However, it is noted that this approach can be costly, as it is understood that accreditation from the Green Building Council of Australia can cost between \$8,000 and \$27,500 depending on the size of the project.

City of Fremantle

This approach, which utilises the Green Building Council of Australia's *Green Star Environmental Rating System*, is also being pursued by the City of Fremantle, who have initiated a Scheme Amendment to include statutory provisions within its Scheme to require sustainable building design requirements for new commercial and multi-residential developments. The amendment is currently with the Western Australian Planning Commission waiting determination.

CONSULTATION/ADVERTISING:

Nil at this time.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure,

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

1.1.4 Minimise negative impacts on the community and environment,

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

From an analysis of the different Government approaches to the assessment of sustainability, the following observations have been made that are considered important guiding points for the Town's own approach:

- The issue of lowering the environmental impact of developments is a concern to the State as a whole, and it is considered appropriate that these issues are largely driven by a State wide sustainability planning policy, to ensure consistency of such requirements across all Local Government Authorities.
- It is considered important that an Assessment Tool be initiated by the State level of government, to provide a consistent benchmark/framework across the State and to ensure the requirements are based on sound sustainable outcomes, prior to the Town developing its own mandatory assessment requirements.
- The effectiveness of Design Guidelines in affecting change is questioned. As seen by the City of Melville example, Design Guidelines have been prepared to set standards for sustainable development. However, the documents are not used as statutory instruments enforceable under their Scheme but rather, have been relegated to an educative tool.

An imperative consideration when designing the framework for Sustainability, such as the Sustainable Design Guidelines, is the ease at which the Town’s Officers can operate/use the tool. It is considered that a lack of specific knowledge relating to sustainable design and a lack of resources implementing and evaluating such design requirements, can significantly impact on the achievement of sustainable objectives and effective outcomes.

Design Guidelines require that sufficient resources and mechanisms be in place to ensure that the sustainable design requirements are up to date with the various scientific advances; to ensure that the guidelines are adhered to and imposed to each application in a consistent way; and to ensure that the sustainable design initiatives actually have been implemented.

- The City of Fremantle and the EPRA do not have Sustainable Design Guidelines which prescribes in detail the various sustainable design responses and initiatives. Rather, the requirements for sustainable development outcomes are embedded in the relevant Authority’s Planning Scheme, which is complemented by a procedural policy detailing how the *Green Star Environmental Rating System* is to be applied and implemented.

- By using the *Green Star Environmental Rating System* of the Green Building Council of Australia, the task of the determining authority will be simplified, due to the reduced need to develop complex planning provisions, and to apply such provisions to individual development proposals. This option also ensures that the sustainable initiatives are actually implanted by the requirement for certification from an accredited professional prior to the first occupation of the development.
- As can be seen from Attachment 002 of this report, there are limited incentives for developers to incorporate sustainability initiatives. It is considered that sustainability initiatives should not be rewarded in the form of development bonuses, as it should be a consideration that every developer incorporates into a design as a matter of course. Long term benefits to the residents and environment should be incentive enough.

To reward proactive architects and designers, it is noted that the Town hosts a bi-ennial Building Design Award, which has a category relating to sustainable design.

In light of the above, it is considered that the Town should not prepare its own suite of policies containing a list of mandatory requirements for sustainable development. For such a policy to be effective, it is considered that additional staffing resources would be required to assess the applications and to undertake site visits to ensure the various initiatives have been implemented. However, it is considered appropriate that further investigations be undertaken into the development of Scheme provisions to enable the adoption of the *Green Star Environmental Rating System* of the Green Building Council of Australia (or an equivalent) for larger developments, similar to the approach of the EPRA and the City of Fremantle.

Notwithstanding the above, in the interim, it is considered that the Town should first focus on closing information gaps and raising awareness of opportunities for sustainable development. Particularly, it is considered that there is a need to first undertake a facilitative role in relation to sustainability and to present potential options for action. This facilitative role could be achieved by the development of brochures and/or incorporating a 'planning and design' sustainability portal on the Town's website, which would direct residents and developers to useful documents relating to sustainable design and initiatives. This could be included in the existing sustainability portal or be included in the Planning, Building and Heritage Community Information Page.

Such a portal would be used to promote the benefits of incorporating sustainable design and initiatives in development. Investigations into the incorporation of a cost savings calculator on the website could be undertaken if this approach was endorsed by the Council. A cost savings calculator would serve an incentive to residents/developers so they can understand how the initial short term costs would result in greater longer term initiatives. A cost savings calculator would need to be developed by an external consultant.

CONCLUSION:

Environment and Sustainability was a key matter identified in the *Vincent Vision 2024* community visioning project, and a common concern raised by the community, was the standard of the built form within the Town, in regards to environmental and sustainability performance. Therefore, it is important that sustainability be embedded in the Town's planning practice.

As evidenced in the above discussion however, regulating sustainability should be seen as a long term goal, and meanwhile, the Town should focus on closing information gaps and raising awareness of opportunities in the interim.

In light of the above, it is recommended that the Council receives Progress Report No. 1 relating to Sustainability Assessment and the Town's existing decision making processes.

9.1.8 Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Relating to Residential Streetscapes

Ward:	Both	Date:	20 April 2010
Precinct:	All Precincts	File Ref:	PLA0197
Attachments:	001		
Reporting Officer:	S Kendall, Senior Planning & Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Residential Streetscapes;*
- (ii) *ADVERTISES the Draft Policy No. 3.2.2 relating to Residential Streetscapes for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy No. 3.2.2 relating to Residential Streetscapes, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy No. 3.2.2 relating to Residential Streetscapes, with or without amendment, to or not to proceed with it.*

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Deputy Mayor Cr Lake advised that Cr Maier had spoken for five minutes and asked for a Procedural Motion to extend the time for Cr Maier to move his amendment.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Buckels

That Cr Maier be permitted to speak for a further five minutes.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Burns

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

“(i) RECEIVES the report relating to Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Residential Streetscapes, subject to the Policy being further amended as follows:

(a) clause 2 of the Draft Policy, and the nomination form being amended as follows;

“Applications will not be accepted unless ~~80~~ 25 per cent of land owners in the nominated streetscape or portion of street provide their written endorsement for the nomination...”

(b) clause 3) c) on page 2 of the Draft Policy being deleted as follows:

“~~e) — be able to be distinguishable from other streets due to their special attributes/characteristics; and~~”

(c) new clauses 6 and 7 being added to the Draft Policy as follows:

6) The Town will facilitate a community workshop during the consultation period and will invite all owners of properties in the nominated street or portion of a street to attend.

7) The Council will require that the owners of a majority of properties in the street, or portion of a street, support the Design Guidelines prior to adopting those Design Guidelines.”

(d) page two (2) of the 'Nomination Form', which is attached to the Draft Policy, being amended as follows:

“...I acknowledge that I will be further consulted with by the Town on any Draft Design Guidelines prior to those Guidelines being adopted...”

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Burns

That Standing Orders be suspended to enable the Council to negotiate percentages for the above amendment.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

Cr Burns departed the Chamber at 7.46pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.47pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Maier

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

Cr Burns requested the amendment be considered and voted on in five parts.

The Presiding Member, Deputy Mayor Cr Lake ruled that she would consider and vote on the amendment in five parts.

AMENDMENT NO 1 CLAUSE (i)(a) PUT AND CARRIED (4-3)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr McGrath, Cr Maier

Against: Cr Burns, Cr Harvey, Cr Topelberg

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 CLAUSE (i)(b) PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 CLAUSE (i)(c)(6) PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 CLAUSE (i)(c)(7) PUT AND LOST (1-6)

For: Cr Maier

Against: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Burns, Cr Harvey, Cr McGrath, Cr Topelberg

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 CLAUSE (i)(d) PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Topelberg

That a new subclause under (i)(c) be added to include:

(c) *new clauses 6 and 7 being added to the Draft Policy as follows:*

“...7) The Council will require that at least 75% of the landowners of properties in the street, or portion of a street, support the Design Guidelines prior to adopting those Design Guidelines.”

AMENDMENT NO 2 PUT AND CARRIED (6-1)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Burns, Cr Harvey, Cr McGrath, Cr Topelberg

Against: Cr Maier

Debate ensued.

AMENDMENT NO 3

Moved Cr Burns, Seconded Cr Harvey

That subclause (iii)(b) be deleted and a new subclause (iii)(b) be inserted to read as follows:

“(iii)(b) RECEIVES a further report on the above matters at the conclusion of the advertising period.”

AMENDMENT NO 3 PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

Cr Topelberg departed the Chamber at 8.21pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.22pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.8

That the Council;

(i) ***RECEIVES the report relating to Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Residential Streetscapes, subject to the Policy being further amended as follows:***

(a) ***clause 2 of the Draft Policy, and the nomination form being amended as follows;***

“Applications will not be accepted unless ~~80~~ 25 per cent of land owners in the nominated streetscape or portion of street provide their written endorsement for the nomination...”

- (b) *clause 3) c) on page 2 of the Draft Policy being deleted as follows:*
- ~~“e) — *be able to be distinguishable from other streets due to their special attributes/characteristics; and*”~~
- (c) *new clauses 6 and 7 being added to the Draft Policy as follows:*
- “6) *The Town will facilitate a community workshop during the consultation period and will invite all owners of properties in the nominated street or portion of a street to attend.*
- 7) *The Council will require that at least 75% of the landowners of properties in the street, or portion of a street, support the Design Guidelines prior to adopting those Design Guidelines.*”
- (d) *page two (2) of the 'Nomination Form', which is attached to the Draft Policy, being amended as follows:*
- “...I acknowledge that I will be further consulted with by the Town on any Draft Design Guidelines prior to those Guidelines being adopted...”*
- (ii) *ADVERTISES the Draft Policy No. 3.2.2 relating to Residential Streetscapes for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy No. 3.2.2 relating to Residential Streetscapes, having regard to any written submissions; and*
- (b) *RECEIVES a further report on the above matters at the conclusion of the advertising period.*

PURPOSE OF REPORT:

The purpose of this report is to present to the Council, the Draft Policy relating to Residential Streetscapes whereby streets are identified through a community nomination process, in accordance with the Council resolution made at its Ordinary Meeting held on 23 February 2010.

BACKGROUND:

The Council at its Ordinary Meeting held on 23 February 2010, considered a report entitled *Progress Report No. 2 – Research into Policies and Processes Relating to Streetscape Management within the Town*. This report presented research into other Local Government approaches to streetscape management, and made recommendations on how to progress the Town's revised Residential Streetscapes Policy.

The report identified that what is needed for successful streetscape management, is a holistic planning framework, where streetscape is embedded first as an important objective in a Town Planning Scheme, and then established through planning policies. The following initiatives were endorsed by the Council to progress and establish the matter of streetscape/character protection, as an important planning consideration in the Town:

- **Neighbourhood Character Projection** - Move away from the concept of 'streetscape' and adopt an approach whereby the distinctive elements of 'character' of an area are the main focus.
- **Scheme Provisions** - Specific provisions relating to the importance of maintaining established 'Neighbourhood Character' being included in the Town's Town Planning Scheme No. 2.
- **Policy Direction** - Statements detailing the type of housing stock and associated residential character, which is valued by the Town, are to be included in the new Precinct Policies as part of any new Planning Policy Manual to support the Town's Draft Town Planning Scheme No. 2.
- **Design Responses** – Amendments to the Town's Residential Design Elements Policy No. 3.2.1 to require an Amenity Impact Statement where:
 - (1) a dwelling originally constructed prior to 1945 is being demolished; and
 - (2) the replacement dwelling is two-storey in height.
- **Specific Policy** – A specific Policy relating to Streetscape, whereby streets identified through a community nomination process, is to be prepared.

At this meeting, the Council endorsed the above initiatives and recommendations, to progress the Town's revised Streetscapes Policy, with clause two of the resolution requiring as follows:

“(ii) *NOTES that:*

- (a) *the Town's Officers have undertaken research into other appropriate policies and processes relating to streetscape management currently operational in Local Authorities within Western Australia, to address clause (iii) (a) of the Council resolution made at its Ordinary Meeting held on 22 September 2009 relating to Item 9.1.5 - Research into Engaging with the Community to Establish Views on Streetscape Management and to Develop Policies to Support those Views – Progress Report No. 1; and*
- (b) *the Town's Officers will report back to the Council by April 2010, with a draft Streetscape Policy, where streetscapes are identified by a community nomination process.”*

DETAILS:

Community consultation undertaken to date on the issue of streetscape protection has clearly demonstrated that there is opposition to targeted, arbitrary policy requirements that restrict the perceived ability to develop. This suggests that a specific policy relating to streetscapes imposed on a section of the community may not be appropriate, and rather, the above points which aim to give streetscape a more prominent position in the general day-to-day planning would offer a more sound approach.

However, as outlined in the report relating to *Progress Report No. 2 – Research into Policies and Processes Relating to Streetscape Management within the Town*, which was presented to the Council at its Ordinary Meeting held on 23 February 2010, there are residents in the community who aspire greater protection for specific streets within the Town. To address these aspirations, an alternative draft Residential Streetscapes Policy, based on a resident nomination process, has been prepared. The draft Policy sets out the procedure whereby residents can nominate a street or portion of a street, for greater protection, and outlines the assessment criteria the Town will use to measure the value of the street, to ensure it is worthy of protection. Once it has been established that the street is worthy of protection, Design Guidelines will be prepared for the specific nominated street and adopted as a Planning Policy pursuant to clause 47 of the Town's Town Planning Scheme No. 1. Elements that may be addressed in the Design Guidelines are outlined at the end of the Policy, so property owners are fully aware at the point of nomination, of the potential development implications. The draft Policy is purely procedural in nature, in that it sets out the framework for design guidelines to be adopted for a particular street.

The draft Policy is contained as an attachment to this report and further explored below:

Nomination Process:

The Policy firstly sets out the process to be followed to submit a nomination for a street or part of street for character protection; and how the Town will process the nomination. To ensure that the management of nominated streetscapes is carried out with the support of affected property owners, the nominator would be required to obtain the consent of 80 per cent of the property owners in the street, prior to the Nomination Form being accepted for consideration by the Town.

Nomination Assessment:

The Policy secondly identifies, that upon the receipt of a nomination, the Town's Officers will undertake an assessment of the nominated street or portion, to clearly identify and articulate the significance of the nominated street or portion thereof. Selection criteria are to be presented in the draft Policy to help determine whether the proposed residential street is worthy of protection in the first instance, prior to the preparation of Design Guidelines. The selection criteria are outlined below, and require that the street or portion thereof shall:

- 'a) *be able to be clearly defined and mapped;*
- b) *comprise at a minimum all properties along one side of a street block;*
- c) *be able to be distinguishable from other areas due to their special attributes/characteristics;*
- d) *be able to demonstrate consistency in:*
 - 1) *architectural style and age;*
 - 2) *primary street setbacks;*
 - 3) *building height, bulk and scale;*
 - 4) *lot width;*
 - 5) *side setbacks; and*
 - 6) *street trees.*

A street will not be worthy of protection if there is a low consistency in the above criteria.'

Design Guidelines:

Upon a sound understanding of the significance of the place, the street or portion of street, the Policy will outline the objectives for conserving the key attributes/contributing features of the streetscape through Design Guidelines. As each nomination will comprise different contributing characteristics, a one size fits all Design Guideline does not form part of the Policy itself. Rather, a broad range of requirements that can be considered are presented.

In revising the Draft Residential Streetscape Policy, it was considered important to ensure the Policy requirements did more than replicate the requirements of the Town's Policy No. 3.2.1 relating to Residential Design Elements. The scope of requirements listed in the Policy, that can be considered for incorporation into specific Design Guidelines, are as follows:

- **Demolition** - It is considered that the key element to a residential streetscape is the original dwelling itself, and that once removed, the character and reference to the past is permanently lost. The Residential Streetscape Policy would require the retention of all contributory buildings unless:
 1. the dwelling is structurally unsound; or
 2. the dwelling is wholly clad in fibro cement or asbestos wall cladding; or
 3. the dwelling is non-contributory; that is, it does not conform to the predominant building style of the street.
- **Second Storey Additions** – Additions to existing dwellings are to maintain a single storey presentation to the street. Second storey additions will be permitted subject to being designed in a manner that reduces their scale and bulk and that of the building on the streetscape.
- **New Development** – Under the Town's Policy No. 3.2.1 relating to Residential Design Elements, new contemporary development can be considered and is often encouraged. However, objection often arises from residents to new contemporary development, which is not consistent with the established character of a streetscape.

To ensure the character of a nominated area is preserved for the purpose of the Residential Streetscape Policy, if original dwellings are to be demolished, then they are to be replaced in a generally like for like manner, consistent with the established and identified character. Particularly, new development should respond to the established architectural detailing, window proportions, building height, roof form and setback.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

- “1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision; ...*
- 1.1.4 Minimise negative impacts on the community and environment.”*

SUSTAINABILITY IMPLICATIONS:

It is anticipated that a Policy relating to the management of 'character' streets within the Town, will have social and environmental dividends, by virtue of the retention and reuse of original housing stock.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In light of the above, it is recommended that the Council receives the report relating to Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Residential Streetscapes.

The adoption of the Officer Recommendation to progress advertising of the Policy is therefore also recommended.

9.1.10 Town of Vincent 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013 – Adoption

Ward:	Both	Date:	20 April 2010
Precinct:	All	File Ref:	ENS0031
Attachments:	001		
Reporting Officer:	S Teymant, Acting Manager Health Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the submissions received relating to the revised draft 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013; and*
- (ii) *ADOPTS the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013, as shown in attachment 001.*

Moved Cr Buckels, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.23pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.25pm.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Harvey

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

- “(ii) *ADOPTS the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013, as shown in attachment 001, subject to the following quote being deleted from page 2 of the Strategy:*

“Many people do not consider noise to be pollution. But its growth is insidious and it can affect people from the very moment they are born. It is pollution and we should work to minimise it.

Town of Vincent Resident”.”

AMENDMENT PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.10

That the Council;

- (i) *CONSIDERS the submissions received relating to the revised draft 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013; and*
- (ii) *ADOPTS the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013, as shown in attachment 001, subject to the following quote being deleted from page 2 of the Strategy:*

~~*“Many people do not consider noise to be pollution. But its growth is insidious and it can affect people from the very moment they are born. It is pollution and we should work to minimise it.*~~

~~*Town of Vincent Resident”.*~~

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of feedback received from members of the community during the community consultation period relating to the draft 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013, and, to obtain approval from the Council adopt the revised draft strategy as attached in Attachment 001.

BACKGROUND:

At the Ordinary Meeting of Council held on 17 November 2009, the Council resolved as follows:

“That the Council;

- (i) *RECEIVES the report relating to the draft 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013, developed in consultation with an internal working group and Lloyd George Acoustics;*
- (ii) *ADOPTS IN PRINCIPLE the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013 (as shown in Appendix 9.1.12); and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010- 2013, for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *adopt the strategy if no public submissions are received.”*

DETAILS:

The Town only received two submissions during the consultation period. Submission details and Officer comments are detailed in the following Table, in addition to comments made by Council Members during the Ordinary Meeting of Council held on 17 November 2009:

Submission No. 1

First of all I'd like to congratulate you on your proactive approach to the very real issue of noise in the Town of Vincent. It is heartening to see that there is recognition of the very real impact of noise on quality of life (and for many, health) of existing residents.

I've read your draft Noise Management Strategy and as a resident on Lord Street Highgate, my interest is naturally in the "Major Roads" section. I would like to offer the following comment:

- *In the first paragraph of the section you indicate a key component is improving design and insulation of new buildings. I see this as entirely appropriate and necessary but would have thought the more key component would be mitigating impact on existing residents who are suffering right now (and have been for a long time).*
- *The second paragraph indicates the Town aims to "support" State Government efforts. Again appropriate and necessary but would also expect your strategy to be equally one of influencing State Government policy and practice as far as is possible so that ToV residents are protected from excessive noise i.e. keep them honest.*
- *Your third paragraph constrains the problem of noise by a 20,000 vehicle per day definition. I think this entirely misses a key point. The vast majority of our noise issues come from heavy vehicles, not from volume of commuter traffic/cars. Truth be known, more cars emitting consistent low volume white noise is probably better than intermittent car volume (not that I'm advocating more cars as a solution!).*
- *Again in the third paragraph, your first point of focus is new development standards and you indicate that "existing residents on these busy roads may also suffer". Existing residents **DO** suffer - and a lot more than residents of future developments that don't even live here yet.*
- *The greater insult is the proposed band-aid solution for existing residents - acoustic insulation of our homes presumably at our expense. I'm no expert but the very low frequency noise (and heavy, ground induced vibration) from trucks cannot be attenuated by simple acoustic insulation. Our beds physically shake when trucks rumble past at all hours of the day and night and for a light sleeper, it's often not possible to sleep without medication. I wont start on the cracks in walls and pieces of eaves falling off from the incessant vibration.*
- *The proposed noise management actions do not address the root cause i.e. the traffic itself, particularly the ever increasing volume of heavy trucks.*
- *As you might expect, my primary concern is the very heavy articulated road trains that service the concrete batching plants (granted 24 hour operating licences until end 2012 I believe). I understand the political hot potato this issue is but a Noise Management Strategy that does not confront it is token at best. A few thoughts I have with respect to actions:*
 - *Impose curfews for heavy traffic along major roads in the Town (nothing before 7am or after 7pm is reasonable and nothing a mining company operating these kinds of vehicles wouldn't be required to do by law for their voluntary employees let alone the involuntary public - by the way, what are the regulated limits on noise and vibration on public roads passing so close to residents?) I hope a 24 hour operating licence for the batching plants doesn't prevent the town from regulating traffic on its own roads.*
 - *Get some real and objective data on both the noise and vibration at hot spots and compare to limits demanded by law. I'd suggest this should be roadside, in resident's yards and in some cases, inside resident's houses (our bed is no more than 30metres from heavily laden mine site style articulated trucks passing throughout the night).*

- *Work with Hansen and co. to consider alternative access routes to their plants e.g. Great Eastern Highway and Graham Farmer Freeway (largely free from residential properties and built for this kind of thing) or East Parade with greater separation between houses and road, far fewer residential properties and a wider road in better condition, which amounts to less noise.*
- *Consider noise attenuating Barrier along Lord Street and other hot spots. They would affect visual amenity but are infinitely better than noise (but may not attenuate low frequency noise and vibration from trucks).*
- *As a contributor (won't solve the whole problem), keep the surfaces of main roads in good condition. From our experience, a contributor to noise and vibration is the bumps and lumps on the very poor road surface (seemingly worse outside our property and no doubt caused by the weight of the trucks).*
- *Take the opposition to the granting of 24 hour licences to Hansen and co. to a higher authority - not sure who that is but Today Tonight and A Current Affair would be better than nothing!*

Again, I applaud this initiative and look forward to actions addressing the real problem being included in your final version.

Officer Comments to Submission No. 1

The comments and recommendations made in Submission No. 1 have been well received by the Town's Officers, with appropriate amendments made to the Draft 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013.

It is considered that there may be some practical means by which the Town can influence the design, maintenance and upgrade of main roads, through the strengthening of partnerships with Main Roads. Such means may include:

- Improved maintenance of main roads within the Town by obtaining appropriate funding for upgrade and maintenance programmes of main traffic arteries (for example, keeping roadways smooth and free from potholes, etc as detailed in Submission No. 1); and
- Funding an upgrade programme to set back stormwater drains from road surfaces (for example offset to the road verge), to eliminate a drop/break in road surface, thus mitigating nuisance banging and vibration from passing vehicles, in particular, heavy vehicles.

However, in relation to the suggestions detailed in Submission No. 1 relating to road usage curfews and the Town's authority to regulate traffic on roads within its borders, unfortunately, the Town does not have jurisdiction to deliver the suggested outcomes of the respondent.

Also, in relation to noise "*limits demanded by law*" it is advised that there are no such limits under which the Town has jurisdiction. The Town's Officers are authorised to deal with non-traffic based environmental noise under the *Environmental Protection (Noise) Regulations 1997*. The Regulations do not control noise emitted from vehicle engines, braking systems or safety alarm devices. However, to address these issues the Town will take appropriate steps under the *Planning and Development Act 2005* to resist long term continuation of the two concrete batching plants operations.

Submission No. 2

"I would agree that, providing a sufficient number of 'yellow bricks' are in place, then an out-of-hours service would not be needed. And, in the long term, it is almost certainly more cost-effective to have the bricks rather than pay overtime rates, etc, not to mention the safety issues.

I am shocked that you are such a small team and that you are currently struggling to perform a vital service with almost no practical tools to hand. Relying on one faulty brick from DEC is appalling! As mentioned on the phone, I would suggest that a funds reallocation from Roads should be considered. While I find the new kerbing installed at peak weekend rates in Mount Hawthorn to be pleasing, and the addition of extra road trees is nice, compared to providing Environmental Health with the basic tools needed to perform their job, as a ratepayer, I know which I find to be of a higher priority."

Officer Comments to Submission No. 2

The Town's Health Services included a funding request for the purchase of an additional 'yellow brick', as part of the Draft Budget 2010/2011 submission process.

The use of 'yellow bricks' since ceasing the out-of-hours noise officer noise duty system, has proven far more effective at resolving out-of-hours noise complaints, whilst having a positive impact on the performance of staff and morale due to quicker resolution times, happier customers and reduced impact on staff member's personal lives arising from being 'on-call'.

Summary of Council Members Comments during OMC held on 17 November 2009

During the Ordinary Meeting of Council on 17 November 2009, Council Members expressed the following opinions:

- Believes the report, as written 'over-plays' the reality of noise;
- May lead residents to complain about a noise they normally would not have felt was an issue;
- Does not like the resident comment on page 1, feels it is an emotive comment that sets the scene in the wrong direction of the report; and
- The report makes mention of the issues being dealt with in Fortitude Valley; however, the strategy should differentiate between "noise" and "sound" more information should be included to indicate what issues they dealt with there.

Officer Comments

Given the large number of noise complaints received by the Town, the resources dedicated to noise management, and the complexity of dealing with noise, in particular behavioural related noise issues, the Town's Health Services consider the Noise Management Strategy to be well balanced and 'realistic' in scope and context.

In fact, the main impetus behind development of a Noise Management Strategy was the reality and magnitude of 'Noise' as a stand alone issue and the need to develop better strategies to more effectively and efficiently deal with it both, now and in future.

The ultimate intention of the Noise Management Strategy is to reduce workload on the Town's Officers whilst simultaneously delivering a better local noise environment through the development and implementation of appropriate strategies. Existing fact sheets, web pages and information on the internet provide a wealth of information to support noise complaints of residents. To deter uncommitted noise complainants, Health Services recently altered the noise complaint submission process. The change in process requires complainants to submit a detailed noise log varying between seven and fourteen days (dependant on the noise type), prior to the Town's Officers accepting a complaint for investigation. By placing greater onus on individuals to be active in the preparation of noise complaint submissions, it is envisaged that the number of noise complaints received will reduce, thus enabling a greater amount of resources to be allocated to 'real' noise issues.

Additional information has been included in the amended Noise Management Strategy to detail the relevance of Queensland's Fortitude Valley entertainment noise initiatives to the future management of noise within the Town of Vincent and broader state-wide regulation.

Amendments have been made to the Noise Management Strategy to provide additional information to better differentiate between 'noise' and 'sound'.

The feedback received in relation to the draft *'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013*, has been considered and translated into the final draft Strategy. Additional information/text has been underlined within the draft strategy for ease of reference, as attachment 001.

CONSULTATION/ADVERTISING:

The Strategy was advertised in the a local newspaper during January and February 2010 for a period of 21 days.

LEGAL POLICY:

- Environmental Protection (Noise) Regulations 1997.

STRATEGIC IMPLICATIONS:

The Noise Management Strategy has a direct relationship with many of the Town's Strategic Plan 2009 – 2014 objectives, as detailed below:

"Natural and Built Environment:

1.1.4 Minimise negative impacts on the community and environment.

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

Economic Development

2.1.2 Develop and promote partnerships and alliances with key stakeholders.

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

Community Development

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

Leadership, Governance and Management.

4.1.3 Plan effectively for the future.

4.1.4 Focus on stakeholder needs, values, engagement and involvement."

SUSTAINABILITY IMPLICATIONS:

As detailed within the proposed Strategy document:

"The Town of Vincent's residential population is expected to grow by 9,320 between 2003 and 2031, resulting in an estimated 4,438 new dwellings. As population and housing densities increase, and with the rising popularity of inner-city living, the pressure on the Town of Vincent to manage noise is expected to rise dramatically.

The Town of Vincent recognises that it is important to prevent the loss of amenity within the Town; to preserve quiet and restful places; and to build noise management into the Town's overall sustainability agenda. We believe that through innovative management strategies and careful planning the Town of Vincent can continue to be a dynamic and vibrant place, without the negative consequences of noise unduly impacting on people's lives."

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the development of the Strategy was catered for in the 2007/2008 financial year, with \$3,000 allocated to engage a suitably qualified consultant. Three quotations were sought, with Lloyd George Acoustics being appointed in 2008 to facilitate development of the Strategy.

\$25,000 has been listed on the Draft Budget 2010/2011 for the purchase of additional noise logging equipment, which was identified within the Strategy as being a much needed noise compliance resolution resource.

COMMENTS:

The draft *'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013* illustrates that 'noise management' as a subject is broad and complex. As such, the Strategy has been designed to address noise management in a broad context.

The Town's Officers are of the view that implementation of the key noise management actions detailed within the Strategy will minimise the number of noise complaints received, result in better service delivery and provide a less intrusive noise environment for the Town's residents, particularly during night time periods.

9.2.3 Proposed Obstruction of a Portion of the Dedicated Right of Way Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley

Ward:	South Ward	Date:	19 April 2010
Precinct:	Forrest P14	File Ref:	TES0429
Attachments:	001		
Reporting Officers:	A Scott, Senior Engineering Technical Officer Land & Development R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES IN PRINCIPLE** the obstruction of the north west leg of the Dedicated Right of Way known as ROW 2.51-a (as shown on Appendices 9.2.3A & B);
- (ii) **NOTES that:**
 - (a) the applicant is requesting the ROW Obstruction to improve safety and to add to the vibrancy of the area; and
 - (b) should the ROW obstruction be approved, the applicant may apply for an alfresco dining licence for a portion of the obstructed section of ROW (as shown indicatively in Appendix 9.2.3C);
- (iii) **ADVERTISES** the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the Town's Consultation Policy for a period of not less than twenty-eight (28) days; and
- (iv) **RECEIVES** a further report at the conclusion of the advertising period.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

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

“(ii)(c) should the ROW obstruction be approved, removal of the existing crossover on Beaufort Street may be undertaken, at the applicant's expense, however a physical obstruction (bollard) would still be required at both ends of the ROW portion to be obstructed;”

Debate ensued.

The Seconder, Cr Topelberg suggested removing “(bollard)” from the amendment and replacing it with “to the satisfaction of the Town”. The Mover, Cr Maier agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

- (i) *APPROVES IN PRINCIPLE the obstruction of the north west leg of the Dedicated Right of Way known as ROW 2.51-a (as shown on Appendices 9.2.3A & B);*
 - (ii) *NOTES that:*
 - (a) *the applicant is requesting the ROW Obstruction to improve safety and to add to the vibrancy of the area;*
 - (b) *should the ROW obstruction be approved, the applicant may apply for an alfresco dining licence for a portion of the obstructed section of ROW (as shown indicatively in Appendix 9.2.3C); and*
 - (c) *should the ROW obstruction be approved, removal of the existing crossover on Beaufort Street may be undertaken, at the applicant's expense, however a physical obstruction to the satisfaction of the Town would still be required at both ends of the ROW portion to be obstructed;*
 - (iii) *ADVERTISES the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the Town's Consultation Policy for a period of not less than twenty-eight (28) days; and*
 - (iv) *RECEIVES a further report at the conclusion of the advertising period.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the obstruction of one leg of a Dedicated Right of Way (ROW).

BACKGROUND:

The Town has received a written request from 'Planet Video' requesting that consideration be given to obstruct a portion of the dedicated ROW bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley.

The proprietor of Planet Video, is in the process of developing a café on the premises at 634 Beaufort Street which adjoins the ROW.

DETAILS:

The ROW in question runs in a 'T' configuration from Beaufort Street through to Roy Street, with a central connection running down into Barlee Street. The ROW legs are only 3.0m wide, however, some years ago (prior to the Town of Vincent) the ROW legs were dedicated as a public road - (refer Appendix 9.2.3A).

An extract from the request received is as follows:

"On the southern side, the Café has a laneway that runs from Beaufort Street through to Roy Street. Bordering the opposite side of the laneway is Balshaws flower shop, which is a double story building with an under-croft parking area at the rear. The laneway runs onto Beaufort Street and has long been a hazard to pedestrians. Cars driving up the laneway are not visible to pedestrians on Beaufort Street until the car is virtually on the footpath. This problem is compounded by the fact that cars use the laneway to bypass the lights at the Beaufort Street/Walcott Street intersection often at high speeds.

As a part of our building application, we have been given permission to run our security fence down the centre of the lane for the duration of the development, thereby effectively blocking the passage of the cars at the western end of the lane, whilst still allowing pedestrian access. This seems to have had no ill effect nor has it raised any complaints. To the contrary, many locals have suggested the permanent closure of the laneway to vehicular traffic an ideal arrangement.

The current closure has its greatest impact on Balshaws, adjacent to the lane. However, the closure has been constructed in such a way that there is still full access to their under-croft parking area and they themselves have expressed their opinion that they are "not affected by (the closure of the land) it" - (refer Appendix 9.2.3B).

I would suggest that bollards be erected permanently to stop the dangerous passage of vehicles through approximately 15 metres of the lane. The area could be made attractive by the planting of trees and the placement of al fresco dining, with lamps and awnings running its length. This would greatly improve the vibrancy and the amenity of the area, whilst still allowing pedestrian access.

As Chairman of the Beaufort Street Network, I am well aware that the Beaufort strip is crying out for opportunities such as this to be implemented. This development would dramatically improve the safety of the many pedestrians using the laneway in the evenings, simply by the provision of lighting and the presence of staff and patrons. Unfortunately at present, needles found along the length of the lane testify to its current use by an unsavoury social element."

Discussion:

Beaufort Street carries in excess of 30,000 vehicles per day. Vehicles exiting the east/west ROW leg from the ROW into Beaufort Street are faced with poor sightlines and high traffic numbers. From a safety point of view closing this leg to vehicular traffic would be most desirable.

Due to the existing continuous median island in Beaufort Street, the ROW entry/exit is currently restricted to "left in/left out" so closure of the ROW leg would not only improve safety but would also not adversely affect access as vehicles would still be able to access the ROW via Roy or Barlee Streets.

In addition, as mentioned in the applicant's letter, the ROW leg has in effect being obstructed to vehicular traffic for some time now with no apparent adverse impact on access. In fact, no complaints have been received by the Town.

The property most affected by a potential ROW obstruction would be ‘Balshaw’s Flower Shop’. With the proposal they would still retain full access to their undercroft parking area and have themselves expressed the opinion to the applicant that they would not be adversely affected by the proposed obstruction.

It is suggested that bollards be erected permanently both at the entrance to Beaufort Street, and again further down the lane approximately 15 metres would stop the dangerous passage of vehicles.

The applicant has indicated that, should the ROW leg be obstructed, he would make the area attractive with the planting of trees and in future (subject to approval) have al fresco dining, with lamps and awnings running its length - (refer Appendix 9.2.3C).

It is considered that this would greatly improve the vibrancy and the amenity of the area, whilst still allowing unrestricted pedestrian access. This would also contribute to the safety of pedestrians using the laneway to access the undercroft parking in the evenings by way of the provision of lighting and the presence of staff and patrons. Currently needles have been found along the length of the lane to testify its current use by an unsavoury element.

The applicant, as Chairman of the *Beaufort Street Network*, is committed to reducing the opportunity for bad elements to inhabit the area, and is keen to contribute to the type of ambiance that the Town of Vincent has in mind for the ever expanding social energy that is present in Beaufort Street.

CONSULTATION/ADVERTISING:

The proposal will be advertised in accordance with statutory requirements of Section 3.50 of the Local Government Act “*Closing certain thoroughfares to vehicles*” and in accordance with the Council policy.

Road (Thoroughfare) Closures – To Vehicles	s.3.50 (4) Local Govt. (Functions & General) Regulation 4. s.3.50.(5)	Local Public Notice (reasonable time) – not less than 28 days <ul style="list-style-type: none"> • All public utility services • St John’s Ambulance • Fire & Emergency Services Authority • Occupier of land that will lose access • Main Roads Commissioner 	<ul style="list-style-type: none"> • Council Website • Newsletter (if close to next regular publication) • Letter to residents and business proprietors
--	--	---	--

LEGAL/POLICY:

The ROW leg is under the care, control and management of the Town, however, to enable an obstruction to occur, this is actioned in accordance with section 3.50 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

To improve the area for residents both in amenity and improved safety, while maintaining control over Town vested infrastructure giving a sustainable solution to a deteriorating situation.

FINANCIAL/BUDGET IMPLICATIONS:

In accordance with clause 4 of Policy No 2.2.8, Rights of Way, the applicant was required to pay a bond for the process to proceed. If approved, the bond will be used to install bollards in the approved locations/s.

COMMENTS:

Should Council agree to proceed with the ROW Obstruction, a report detailing all submissions received by affected parties for and against the proposal will be submitted in a further report to the Council before a notice is sent to the Commissioner of Main Roads showing advice of the contents of the notice and obtaining the agreement of the Minister of Planning.

9.2.4 Request for Safety Improvements to existing Verge Parking in Mabel Street, North Perth

Ward:	North	Date:	19 April 2010
Precinct:	North Perth P8	File Ref:	PKG0130
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that in response to the petition which was received requesting the Town make safe Verge Parking on Mabel Street adjacent to 396 Charles Street, North Perth, a detailed assessment of the parking layout, traffic and accident statistics for Mabel Street has been undertaken by the Town's Technical Services officers (refer Plan No. 2699-RD-1 attached); and*
- (ii) *CONSIDERS that the existing angle parking on the verge on the south side of the Mabel Street does not present a dangerous situation, either to general road users, to pedestrians, nor to the author of the petition who lives in the property directly across the road from the angle parking as it complies with Australian Road Rules and Road Traffic Code 2000 and has a very low accident rate.*

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

That clause (ii) be deleted and a new clause (ii) be inserted as follows:

“(ii) REFERS the matter to the Town's Local Area Traffic Management Advisory Group for further consideration.”

Debate ensued.

AMENDMENT PUT AND CARRIED (5-2)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Harvey, Cr McGrath, Cr Maier

Against: Cr Burns, Cr Topelberg

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.4

That the Council;

- (i) *NOTES that in response to the petition which was received requesting the Town make safe Verge Parking on Mabel Street adjacent to 396 Charles Street, North Perth, a detailed assessment of the parking layout, traffic and accident statistics for Mabel Street has been undertaken by the Town's Technical Services officers (refer Plan No. 2699-RD-1 attached); and*
 - (ii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group for further consideration.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of investigations regarding a request for safety improvements in the angle parking in Mabel Street, North Perth (near Charles Street).

BACKGROUND:

At its Ordinary Meeting held on 13 April 2010 the Council, under Order of Business No 5. *The Receiving of Petitions, Deputations and Presentations*, was advised of the receipt of a petition from Mr A Nibali of Mabel Street, North Perth, along with 40 signatures, requesting the Town make safe Verge Parking on Mabel Street adjacent to No. 396 Charles Street, North Perth, whereby the Chief Executive Officer recommended that the petition be received and referred to the Director Technical Services for investigation and report.

DETAILS:

Mabel Street, which runs between Charles Street and Fitzgerald Street, is classified as an access road in accordance with the Metropolitan Functional Road Hierarchy.

The Mabel Street carriageway is just over 6.0m wide and has speed humps strategically located along its entire length (as have the majority of other access roads in the area bounded by Charles, Walcott, Fitzgerald and Angove Streets). The road reserve width is 20.0m and the verges are approximately 7.0m wide.

Very few, if any, complaints are received from residents in this area regarding speed and volume of traffic using these roads, due to the existence of the traffic calming measures.

Existing Parking – South Side of Mabel Street Near Charles Street:

As can be seen from the aerial photograph below (taken in 2001) the verge area in question comprised loose sandy/gravelly material and the Town received numerous complaints, mainly from the neighbour opposite, regarding vehicles parking on the verge generating dust etc.



In 2004/05 the area in question was brick paved to alleviate the dust concerns, lines marked to formalise angle parking and no stopping restrictions imposed on the north side of the street to facilitate vehicle manoeuvring. All properties on the north side of the street have adequate off road parking. The following aerial photo shows the current brick paved verge area which comprises 8 x angle parking bays.



Assessment/Discussion:

An assessment of the existing angle parking was undertaken to determine whether, as the petitioners have requested, *"that the Town make safe Verge Parking on Mabel Street adjacent to 396 Charles Street, North Perth"*.

Compliance with standards:

The *Australian Road Rules* and the *Road Traffic Code 2000* specify that vehicles should not be parked closer than 10.0 metres from an intersection. The angle parking in Mabel Street fully complies with this requirement (*refer attached plan No 2699-RD-1*). Bicycle parking 'U' rails were previously installed within the 10.0m setback to ensure vehicles do not park illegally in this zone.

The angle parking bays are 5.30m in length and 2.50m wide with a reversing area of 6.0m (*no stopping restrictions are in place on the north side of Mabel Street opposite the angle parking*).

Accident Statistics:

Over the last 5 years there have been 8 x accidents in the vicinity of this intersection. From the accident diagram ALL of the accidents, except for one, occurred in Charles Street. The accident types comprised:

- 3 x rear end on north bound lane Charles Street
- 1 x rear end on north bound lane Charles street (vehicle turning right into Mabel)
- 2 x rear end on south bound lane Charles Street
- 1 x rear end on south bound lane Charles Street (vehicle turning right into driveway – west side of Charles)
- 1 x side swipe (vehicle travelling right out of Mabel).

Traffic speeds/Volumes:

As previously mentioned, very few, if any, complaints, are received from residents in this area regarding speed and volume of traffic using these roads due to the existence of the traffic calming measures.

The 85% percentile speeds are below 50kpn (48kph) and the traffic volumes are about 850 vehicles per day. Given that Mabel Street runs between Fitzgerald and Charles Streets and provides access to over 80 properties (not including the adjoining street), these statistic are more than acceptable.

Conclusion:

From a traffic engineering perspective, the angle parking on Mabel Street fully complies with acceptable design standards. There is no evidence of an increase in (or any) accidents that have occurred as a result of the parking. The volumes and speeds in Mabel Street are well within the acceptable criteria. A *No Stopping* restriction is in place on the north side of Mabel Street.

It is therefore considered that, in this case, the existing angle parking on the verge on the south side of Mabel Street does not present a dangerous situation, either to general road users, to pedestrians, or to the author of the petition, who lives in the property directly across the road from the angle parking

CONSULTATION/ADVERTISING:

N/A.

The petitioners will be advised of the Council decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council*”.

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

A petition was received requesting the Town make safe Verge Parking on Mabel Street adjacent to 396 Charles Street, North Perth. Following receipt of the petition a detailed assessment of the parking layout, traffic and accident statistics for Mabel Street was undertaken by the Town’s Technical Services officers.

Following the assessment, as outlined in the report, it is considered that the existing angle parking on the verge on the south side of the Mabel Street does not present a dangerous situation, either to general road users, to pedestrians, nor to the author of the petition who lives in the property directly across the road from the angle parking.

The A/Chief Executive Officer advised that Cr Burns declared a financial interest in Item 9.3.1. She departed the Chamber at 8.44pm. She did not speak or vote on this matter.

Cr Buckels departed the Chamber at 8.44pm.

9.3.1 Investment Report as at 31 March 2010

Ward:	Both	Date:	6 April 2010
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 March 2010 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Buckels and Cr Burns were absent from the Chamber and did not vote on this matter. Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 March 2010 were \$15,774,304 compared with \$15,774,304 at 28 February 2010. At 31 March 2009, \$13,973,265 was invested.

Total accrued interest earned on Investments as at 31 March 2010:

	Budget	Actual	%
	\$	\$	
Municipal	350,000	309,262	88.36
Reserve	300,000	312,206	104.07

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.

No investment funds have been required to be drawn down during this month. The investment interest income received is over budget due to the increasing interest rates during the financial year as the market condition improves.

The Australian Government Guarantee Scheme for Large Deposits and Wholesale Funding (the Guarantee Scheme) was announced in October 2008 amid extraordinary developments in the global financial system. Given that funding conditions have subsequently improved significantly, and that a number of similar schemes in other countries have closed, the Australian Government on the 7 February 2010 has announced that the Guarantee Scheme will also close to new borrowing from 31 March 2010.

The Town current deposits of \$1 million or below with Australian-owned banks are automatically guaranteed by the Government, with no fee payable will remain in place until October 2011.

The report comprises of:

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

9.3.3 Financial Statements as at 31 March 2010

Ward:	Both	Date:	12 April 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 March 2010 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Buckels returned to the Chamber at 8.46pm.

Debate ensued.

Cr Burns returned to the Chamber at 8.47pm.

Debate ensued.

Cr Harvey departed the Chamber at 8.47pm.

Debate ensued.

Cr Harvey returned to the Chamber at 8.49pm.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 March 2010.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 March 2010:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-42);
- Monthly Financial Positions Graph (page 43-45).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Net Result

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

YTD Actual	-	\$4.7 million
YTD Budget	-	\$6.2 million
Variance	-	-\$1.5 million
Full Year Budget	-	\$12.9 million

Summary Comments:

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

Operating Revenue

YTD Actual	-	\$32.1 million
YTD Budget	-	\$31.8 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$34.7 million

Summary Comments:

The total operating revenue is currently on budget.
Major variances are to be found in the following programmes:

Governance – 78% over budget;
Law Order and Public Safety – 29% below budget;
Health – 16% over budget;
Other Property and Services – 78% over budget;
Administration General – 45% over budget.

More details variance comments are included on the page 34 – 42 of this report.

Operating Expenditure

YTD Actual	-	\$28.2 million
YTD Budget	-	\$28.4 million
YTD Variance	-	-\$0.2 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently on budget.

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

Education and Welfare – 30% below budget;
Transport – 10% over budget;
Administration General – 81% below budget.

Detailed variance comments are included on the page 34 – 42 of this report.

Income Statement by Nature and Type Report

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

Capital Expenditure Summary

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

Capital Works shows total expenditure including commitment for year to date at the 31 March 2010 of \$6,656,618 which represents 54% of the revised budget of \$12,414,350.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$132,900	\$141,261	\$85,616	61%
Plant & Equipment	\$1,229,450	\$1,317,450	\$903,165	69%
Land & Building	\$12,659,500	\$3,699,724	\$3,269,828	88%
Infrastructure	\$7,570,415	\$7,255,915	\$2,398,008	33%
Total	\$21,592,265	\$12,414,350	\$6,656,618	54%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$19,301,112 and non current assets of \$141,839,904 for total assets of \$161,141,016.

The current liabilities amount to \$7,438,362 and non current liabilities of \$13,783,229 for the total liabilities of \$21,221,591. The net asset of the Town or Equity is \$139,919,425.

Restricted Cash Reserves

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

The balance as at 31 March 2010 is \$8.8m. The balance as at 30 June 2009 was \$7.3m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$272,791 is outstanding at the end of March 2010.

Of the total debt \$121,291 (44%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 March 2010 including deferred rates was \$655,052 which represents 3.27% of the outstanding collectable income compared to 3.83% at the same time last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 March 2010 was \$3,954,154.

Net Current Asset Position

The net current asset position as at 31 March 2010 is \$12,790,953.

Beatty Park – Financial Position Report

As at 31 March 2010 the operating deficit for the Centre was \$195,255 in comparison to the year to date budgeted deficit of \$257,082.

The cash position showed a current cash surplus of \$143,584 in comparison year to date budget estimate of a cash surplus of \$153,891. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.3.5 Sponsorship - The Autobiography of Doolann - Leisha Eatts

Ward:	Both	Date:	19 April 2010
Precinct:	All	File Ref:	FIN0008
Attachments:			
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES a grant of \$1,000 for sponsorship towards the Autobiography of Doolann-Leisha Eatts, subject to the Town of Vincent being suitably acknowledged as a sponsor.

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

That the recommendation be amended to read as follows:

“That the Council;

- (i) APPROVES a grant of \$1,000 for sponsorship towards the Autobiography of Doolann-Leisha Eatts, subject to the Town of Vincent being suitably acknowledged as a sponsor; and*
- (ii) ASKS Mrs Doolann-Leisha Eatts to give a presentation at the Town of Vincent Library and Local History Centre once her autobiography has been published.”*

AMENDMENT PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.5

That the Council;

- (i) APPROVES a grant of \$1,000 for sponsorship towards the Autobiography of Doolann-Leisha Eatts, subject to the Town of Vincent being suitably acknowledged as a sponsor; and*
- (ii) ASKS Mrs Doolann-Leisha Eatts to give a presentation at the Town of Vincent Library and Local History Centre once her autobiography has been published.*

PURPOSE OF REPORT:

To seek financial support for the sponsorship of the Autobiography of Doolann-Leisha Eatts.

BACKGROUND:

Mrs Eatts has written to the Mayor to seek financial support from the Town to enable her autobiography to be published.

Doolann-Leisha Eatts is a Nyungah Woman Elder who was born at Badjaling in the Eastern District Wheatbelt.

Mrs Eatts has a historical connection to the areas that form part of the Town of Vincent and has participated in significant Council events to perform "Welcome to Country" and shared invaluable stories of her life experiences in the local area to the community.

Mrs Eatts has also been a critical resource for the Town's officers in providing advice and information on relevant protocols with regard to Council ceremonies and functions.

DETAILS:

Doolann-Leisha Eatts is writing her autobiography to document the many journeys and experiences that she has experienced as a Nyungah woman living in the various parts of Western Australia.

Her experiences include ones that will inspire and motivate others through the struggles of discrimination, family violence, government policies affecting indigenous people, forced labour, surviving poverty and enduring the early deaths of many family members.

The autobiographical account will be an invaluable educational resource for schools and libraries, providing a historical chronicle that has a local connection to the Town of Vincent.

The autobiography will also provide a greater understanding on the importance of cultural respect and diversity and community engagement that overall assists the reconciliation process that the Town of Vincent has undertaken to support.

CONSULTATION/ADVERTISING:

The Town will require that Town of Vincent Logo and acknowledgement of sponsorship are evident on the written material in relation to the Autobiography. Ms Eatts will be requested to provide two copies of her book to the Town's Library, as part of the sponsorship.

Support for the project will also be recognised in all relevant media as well as the opportunity to feature the book and author in the Town's library.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The submitted application addresses the following strategic objective of the Town's Strategic Plan 2009–14:

- "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 autobiography will provide a critical historical narrative to educate and inform indigenous and non-indigenous community members about Nyungah culture and heritage and will serve as an important tool to highlight the rich diversity that exists in the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Funds will be drawn from the Donations Account.

COMMENTS:

Doolann-Leisha Eatts is currently assisting the Town through the Vincent Reconciliation Group for the public art project at Banks Reserve. She has been an invaluable resource on indigenous matters for the Town, and in particular the Community Development team. Mrs Eatts is well respected by the officers for her knowledge and inspirational stories of indigenous communities in the local area.

It is therefore recommended that this sponsorship proposal be supported.

9.4.1 Delegations for the Period 1 January 2010 to 31 March 2010 – Ranger Services

Ward:	Both	Date:	9 April 2010
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer:	J MacLean, Manager Ranger & Community Safety Services S Raines, Coordinator Statutory Processes		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 January 2010 to 31 March 2010 as shown at Appendix 9.4.1; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$39,670 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	\$865
<i>Details Unknown/Vehicle Mismatched</i>	\$3,105
<i>Equipment Faulty (Confirmed by Technicians)</i>	\$1,070
<i>Failure to Display Resident or Visitor Permit</i>	\$12,365
<i>Interstate or Overseas Driver</i>	\$6,670
<i>Ranger/Clerical Error</i>	\$6,485
<i>Signage Incorrect or Insufficient</i>	\$1,640
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	\$1,500
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	\$3,590
<i>Litter Act</i>	\$475
<i>Dog Act</i>	\$1,250
<i>Health Act</i>	\$500
<i>Pound Fees Modified</i>	\$155
TOTAL	\$39,670

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

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

(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 January 2010 to 31 March 2010 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

The next most prevalent withdrawal class is that of "*Interstate/Overseas Driver*." Where the driver of a vehicle is identified as being from another Country, it is impractical to pursue the matter. Furthermore, for a number of States, the Town has been unable to obtain ownership information; however, this is being further investigated and negotiated with each State's vehicle registration authority.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at Appendix 9.4.1.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.2 of the Town of Vincent Strategic Plan 2009-2014: "*Manage the organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$865
Details Unknown/Vehicle Mismatched	\$3,105
Equipment Faulty (Confirmed by Technicians)	\$1,070
Failure to Display Resident or Visitor Permit	\$12,365
Interstate or Overseas Driver	\$6,670
Ranger/Clerical Error	\$6,485
Signage Incorrect or Insufficient	\$1,640
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,500
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$3,590
Penalties Modified	\$0
Litter Act	\$475
Dog Act	\$1,250
Health Act	\$500
Pound Fees Modified	\$155
TOTAL	\$39,670

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

15. CLOSURE

The Presiding Member, Deputy Mayor Sally Lake, declared the meeting closed at 8.56pm with the following persons present:

Cr Sally Lake (Deputy Mayor)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
Rob Boardman	A/Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 April 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010