



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

28 JULY 2009

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

INDEX (28 JULY 2009)

ITEM	REPORT DESCRIPTION	PAGE
9.1 DEVELOPMENT SERVICES		
9.1.1	Further Report – No. 14 (Lot 1 Strata: 12592) Orange Avenue, Perth - Proposed Front Fence Addition, including Dividing Wall with No. 16 Orange Avenue, Perth, to Existing Single House – Application for Retrospective Approval (PRO4662; 5.2009.128.1)	17
9.1.2	Further Report - Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate - Proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar) (PRO0775; 5.2009.89.1)	110
9.1.3	No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval (PRO4689; 5.2009.131.1)	98
9.1.4	No. 19 (Lot 301 D/P: 43351) Blake Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey with Loft, Single House (PRO2783; 5.2009.248.1)	22
9.1.5	Nos. 65-67 (Lot 6 D/P: 7730) View Street, North Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Two (2) Two- Storey Grouped Dwellings (PRO4719; 5.2009.137.1)	133
9.1.6	No. 497 (Lot 37 D/P: 672) Beaufort Street, Highgate - Proposed Change of Use from Furniture and Hardware Showroom to Warehouse, Showroom, Shop and Eating House and Associated Alterations and Additions (PRO2340; 5.2009.169.1)	149
9.1.7	No. 14 (Lot 1 Strata: 54029) Ellesmere Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Roof Top Terrace (PRO4696; 5.2009.93.1)	27
9.1.8	No. 13 (Lot 15 D/P: 931) Melrose Street, Leederville - Proposed Demolition of Existing Single House and Construction of Two-Storey Building comprising Five (5) Multiple Dwellings including Undercroft Carpark (PRO3947; 5.2009.130.1)	126
9.1.9	No. 14 Farr (Lot 2 D/P: 7287) Avenue, North Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Single House (PRO4776; 5.2009.243.1)	34
9.1.10	No. 99 (Lot 127 D/P: 2099) East Street, Mount Hawthorn - Proposed Change of Use from Residential to Residential and Unlisted Use (Bed and Breakfast) (PRO2997; 5.2009.143.1)	39
9.1.11	No. 52 (Lot 152 D/P: 3002) Mabel Street, North Perth - Proposed Demolition of Existing Single House (PRO4768; 5.2009.235.1)	42
9.1.12	No. 3 (Lot 117 D/P: 12521) Deague Court, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Three-Storey Grouped Dwellings (PRO4723; 5.2009.146.1)	45

9.1.13	No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory and State Administrative Tribunal (SAT) Review Matter No. CC615 of 2009 (PRO0011; 5.2009.185.1)	141
9.1.14	Beaufort Street Terraces - Consideration for Re-Entry on the State Register of Heritage Places (PLA0098)	51
9.1.15	Progress Report No. 1 - Integrated Transport and Parking Strategy (PLA0084)	154

9.2 TECHNICAL SERVICES

9.2.1	Proposed 2-Hour Parking Restrictions – Bruce Street, Leicester Street, Hayley Avenue & Ragen Alley, Leederville (PKG0070) Leederville Precinct	158
9.2.2	Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville – Specified Maintenance RES0062) Oxford Centre Precinct	160
9.2.3	Fitzgerald Street - Proposed Bus Queue Jump Facility at the Walcott Street Intersection, North Perth (TES0178) North Perth Precinct	55
9.2.4	Tender No. 407/09 – Supply and Delivery of Sand (TEN0415) All Precincts	59
9.2.5	Tender No. 408/09 – Installation of Signage (TEN0416) All Precincts	61
9.2.6	Tender No. 404/09 – Supply and Delivery of Limestone (TEN0412) All Precincts	64
9.2.7	Tender No. 403/09 – Manufacture and Supply of Signage (TEN0411) All Precincts	67
9.2.8	Tender No 405/09 – Supply and Delivery of Clay Pavers (TEN0413) All Precincts	69
9.2.9	Tender No. 409/09 – Supply and Laying of Kerbing (TEN0414) All Precincts	163
9.2.10	Tender 401/09 – Pavement Marking Services (TEN0409) All Precincts	72
9.2.11	Tender No 402/09 – Traffic Management Services (TEN0410) All Precincts	75

9.3 CORPORATE SERVICES

9.3.1	Investment Report as at 30 June 2009 (FIN0033)	166
9.3.2	Annual Plan – Capital Works Programme 2009/10 (FIN0025)	78
9.3.3	Harmonisation of Disability Parking Permit Schemes in Australia – Submission (CMS0053)	80

9.4 CHIEF EXECUTIVE OFFICER

9.4.1	Delegations for the Period 1 April 2009 – 30 June 2009 (ADM0018)	171
9.4.2	Strategic Plan 2006-2011 – Progress Report for the Period 1 April 2009 – 30 June 2009 (ADM0038)	91
9.4.3	Audit Committee - Receiving of Unconfirmed Minutes - 16 July 2009 (FIN0106)	93
9.4.4	Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 20 July 2009 (RES0082)	95
9.4.5	Investment Policy Amendment – Government Guaranteed Authorised Deposit Taking Institutions (ADI's) Investments (FIN0033)	168
9.4.6	Information Bulletin	174
9.4.7	LATE ITEM: Members Equity Stadium - Progress Report No. 3/2009 (RES0085/RES0108)	175

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

10.1	Notice of Motion – Councillor Dudley Maier – Request for additional information for inclusion into Reports relating to Development Applications	183
------	---	-----

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

Nil	186
-----	-----

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil	186
-----	-----

13. URGENT BUSINESS

Nil	186
-----	-----

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

Nil	186
-----	-----

15. CLOSURE

186

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 28 July 2009, commencing at 6.00pm.

At 6.14pm the Chief Executive Officer advised that Mayor Nick Catania is an apology for the start of the meeting, as he had a prior commitment and will be late. As the Deputy Mayor, Steed Farrell is also an apology for the meeting, in accordance with Standing Orders Clause 2.1, Councillors should nominate a Councillor to preside over the meeting, until the Mayor arrives.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Youngman

That Cr Ian Ker assume the Chair and preside over the meeting in the absence of Mayor Nick Catania.

There were no other nominations.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania had not yet arrived at the meeting. Cr Farrell was an apology for the meeting.)

Cr Ian Ker assumed the chair at 6.15pm.

1. DECLARATION OF OPENING

The Presiding Member, Cr Ian Ker, declared the meeting open at 6.15pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Catania – apologies – arriving late due to a prior commitment.
Cr Steed Farrell – due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member (from 7.01pm)
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “The Guardian Express” (until approximately 9.00pm)

Approximately 54 Members of the Public

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

Nil.

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

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

1. Jonathan Heim of 136 Alma Road, North Perth – Item 9.1.3. Stated Gelatino is an expanding business making and delivering gelati to 12 franchises across WA. Advised, according to the website (which has “conveniently” out of order in the last few days) it has 3 other franchise opportunities currently advertised. Advised the website states “*Gelatino is poised to become the leading manufacturer of gelato products in WA*”. Stated at the current location, expansion will most likely necessitate building larger premises and more refrigeration units. Stated residents he has spoken to do not want this area to be a light industrial as such activity is out of character with its future as a vibrant and progressively developing Town with shops, cafés and restaurants which are attractive to families, young professionals and inner city workers. Stated he sent complaints to Council about the “ugly” refrigeration container used by Gelatino and Fiorentina began in October 2008. After Council ordered the removal of the container in November 2009 it was “sneakily” relocated to the rear of the premises so it was not visible to the Fitzgerald Street shop front however, it is still clearly visible from Alma Road and Forrest Street and an “eye sore” to neighbours. Stated as no building application has been lodged by Gelatino to build an appropriate freezer, he presumes there was never any intention to remove the container. Stated that several complaints were made about excessive, unreasonable and unlawful noise, excessive and noisy traffic and untidy rubbish from numerous neighbours from early February and have been ongoing ever since. Stated the owners and operators have repeatedly “snubbed” orders from Council to control excessive rubbish and lower noise of the roof compressor and refrigeration container, when is it going to stop? Believes the Town Planner has failed to address the problem with traffic from trucks delivering and distributing goods to and from Gelatino to support their expanding manufacturing business despite it being an objection submitted during the comment period. Believes the Town has not specified (and would like it done) any conditions in relation to where loading and unloading of goods is allowed to happen.
2. Amy Hughes of 136 Alma Road, North Perth – strongly objects to Item 9.1.3. Stated the recommendation is a “joke”. Believes it should not have this privilege when they have been unlawfully operating and ignoring community and Council complaints since October 2008. Stated if approved, Gelatino will be able to reapply after a year and again community feedback be sort and the “saga” will continue and they are tired of complaining to no avail. Urged Council to see reason and allow Gelatino a maximum 3 months to relocate with no option to reapply. Believes light industrial activity should simply not be condoning properties fronting Fitzgerald Street in a retail area directly adjacent to residential properties. Finds it hard to understand why there has been such resistance from the proprietors to relocate their expanding manufacturing business to a more appropriate area. Believes there is a complete lack of respect for the law and the community. Stated she approached Izzi Messina about overflowing bins of Gelatino and Fiorentina’s in January 2009 and told him that rats were feeding from them in the evenings and “he responded aggressively and made her feel intimidated by stepping into her personal space”.

Cr Ker advised Ms Hughes that Standing Orders of Council preclude derogatory comments being made about Councillors.

Stated Izzi Messina is not personally listed as an applicant however, Town Staff have advised that they have been in contact with both Izzi and Carmelo regarding the shipping container, noise and rubbish and were forced to visit them in person on 21 April as correspondence issued on 31 March was “conveniently” not received by

Gelatino. Believes Mayor Catania should not be voting on this issue due to a personal relationship with the Messina family and he visits Fiorentina almost everyday and as declared in a newspaper.

Cr Ker stated whatever decision is made, there is no way the Council can preclude Gelatino reapplying. That is a matter of natural justice and as far as individual Council Members declaring an interest in an item, that is for them alone and they are responsible for that decision under the Local Government Act.

3. Nola Ferguson of 408-410 Fitzgerald Street, North Perth – Item 9.1.3. Totally opposed to the proposed changes for shop to light industry. Stated she pays full Council and water rates and asked if the container also does so. Stated the devaluation of her property from what it is now and if changed to light industrial would be huge. Stated the increase in heavy traffic through the shared driveway which is through her car parking area is going to be significant. They have many children through that car parking area and she can foresee problems there. She is totally opposed to the 12 month approval suggested and believes 3 months to enable Mr Messina to remove the container would be appropriate.

4. Melissa Romano of 1/400 Fitzgerald Street, North Perth – Item 9.1.3. Stated that whilst Gelatino is supportive of the recommendation in support of the application, further information is provided as follows, Gelatino;

- have been operating from the premises for 4 years without a problem;
- is not the only commercial operation from the property, which also includes a patisserie, hairdressers, pizza shop and dentist; and
- is not the only commercial premises producing food waste and whilst officers suggested use is “light industrial”, there many other food operators and retailers that produce goods from their premises in and around the Town.

Asked how their use is any different to Bakers Delight across the road, which manufacture bread during the evening and wholesale and retail from the shop, or New Norcia Bakery in Mt Hawthorn, Lawleys in Mt Lawley and countless others who manufacture produce onsite and wholesale and retail from their operation. Stated their goods are sold all over Perth, however more specifically they produce and retail produce next door at Fiorentina. Stated over the last 4 years Gelatino have paid its food and eating house licenses and are checked on a quarterly basis by Town inspectors and not once have they ever had an issue with food operation, yet they are being accused of harbouring rodents from the business – which is absurd. Stated they fail to comprehend how people who chose to live in close proximity to retail centres and especially those who chose to purchase property abutting commercial property can then argue that businesses such as theirs are not warranted in North Perth or any other town centre. Stated the Town’s policies state that they can retail fruit and vegetables from the site, which would have a greater impact on the neighbours. Advised that no deliveries are accepted prior to 8am or after 5pm, with loading predominantly done from the front of the building. Yet arguments relating to noise, rubbish and deliveries are specifically directed at Gelatino’s, although there are other tenancies that operate from 4am and others that trade until midnight. Acknowledged the sea container at the rear of the premises has caused a degree of discomfort to operations and neighbours and they have formally asked Council for 6 months in order to seek alternative premises for storage and to formalise the container being positioned on their land. Advised that since their application they have successfully secured another tenancy in the complex and are making a formal application and enquiry to the Council and shall be submitting plans in the course of the next 2 weeks with intentions of removing the container prior to the requested 6 months.

5. George Vajda of 9 Lincoln Street, Perth (in which he and his family have lived for 55 years) – Petition 5.1. In support of Mrs Gagliardi who submitted the Petition who has, over the years, often complained about obscene language which she has had to endure, antisocial behaviour of people living in the hostel and her anxiety of having

men unknown to her living next door. Stated that they never received any consultation when the hostel was established nor having been notified about anything regarding the hostel in the last 50 years and they were therefore feel “*left in the dark*” and any questions were “*fobbed off*”. Concerned about the people who might move in without their knowledge who have to go through a certain programme before they can be released into the public area. Doesn’t believe it is a good idea to have a hostel of this nature practically next door to the Silver Chain respite home and similar facilities in the area. Advised that he has also had some experiences which may or may not come from the residents of the home e.g. letterboxes in the street being smashed, mirror of his car being smashed. Stated they have a certain amount of fear about their personal safety and the elderly people in the vicinity.

6. Sara Gagliardi of 17 Lincoln Street, Perth – Petition 5.1. Asked what is the process involved with organisations that run facilities such as that at 19 Lincoln Street? Stated over the years she has once heard that it was once run by the Wesley Mission and now run by the United Church. Asked if it is as easy as applying for a licence to operate such a facility and, over the years (decades in this instance) that the licence carries through irrespective of the change in organisations?

Cr Ker asked the Director Development Services to provide an answer.

The Director Development Services stated that any approved use goes with the land and it is transferable to respective owners and occupiers of the premises. Also stated that premises of this nature are governed by the Town’s Town Planning Scheme and also health requirements under the Town’s Health Local Law and Health Act.

Cr Ker advised that the Petition will be received by the Council tonight, it will be investigated and then a report will subsequently come to Council.

7. Trevor Goodman Jones of 423 Beaufort Street, Highgate – Item 9.1.2. Stated no reference is made in the report to the huge increase in use that the area has received in the last 12 months. As stated on page 14 of the report “*there has been no substantial change to the way the premises have been operating successfully for eight years as an outdoor bar function room and a seasonal outdoor amphitheatre essentially the application is about maintaining the status quo*”. Believes this statement is untrue as the use of the amphitheatre has taken a dramatic increase since the middle of last year and prior to that period the performances in the amphitheatre could possibly be count on 1 or 2 hands for the whole year. However, it is now being used every Friday, Saturday and Sunday night for 2/3 to 3/4 of the year. Believes this to be quite a startling increase of 1,500-2,000%. Stated it has been a huge increase and has come upon the residents of the area without any consultation or thought being given to them. Urged Council to reinstate the restriction of music in the area finishing at 10pm as per the initial report from last meeting. Stated page 9, point 4 of the report states that the owners are happy to cease all live music at 10am and the acoustic recommendations for noise management in the amphitheatre being supplied to the Luxe Bar by Lloyd George Acoustics (which he believes the Town has a copy of the report) also states that the Luxe Bar should maintain a strict curfew of 10pm for live music performances. Asked that the use of DJ’s remain as an exemption for the amphitheatre as, according to the website programme, most Friday nights last season were just DJ’s no performances and as the report clearly identifies DJ’s do not fall into the definition of a theatrical performance. Concerned over the number of patrons allowed onto the site and he has been informed by Council that this is a retrospective application and yet no reference is made on the report to that effect, however, others are identified as retrospective.

8. Andy Freeman of 121 Albert Street, Osborne Park – Item 9.1.2. Thanked the Council for finding a compromise regarding the initial recommendations that were posted 2 weeks ago. Stated they are happy with the gist of most of the recommendations however, they have a couple of proposed changes to bring them in line with existing parameters and the Racing, Gaming and Liquor Guidelines. Agreed to no live performances from rock bands and any electronic music however, not allowing DJ's is unreasonable although they are happy to agree to restrict the music that DJ's perform to no electronic music or house music however, DJ's playing laid back jazz, Latino and background music should be allowed as it is easier for them to manage, rather than a live band performing and along with this some of the entertainment lined up for the coming season and the past season. It actually supports other live elements and performances not just sole DJ performances. Believed maximum number of patrons at 150 is not fair, nor financially feasible for them as business owners to operate with this restriction. Stated essentially the application is about maintaining the status quo as back in 2001 the Town issued a maximum accommodation certificate with maximum numbers for 220. Stated the restriction at 160 was decided in 1997, however never made a condition of planning approval. Stated the 150 restriction for 2 years would not enable them to operate a venue without financial suffering. Believed the complaints came from music noise which was due to their team programming the wrong styles of entertainment and they have learnt from previous mistakes as have been communicating quite thoroughly with the Town and these key learning's have been reflected in the coming seasons programme which restricts the line of entertainment and showcases a far more manageable entertainment selection. Stated incorrect programming and music styles have nothing to do with patron numbers and they are happy to compromise on music and band genres and are planning further great investments to improve attenuation with the space. Stated a greater capacity in the amphitheatre will only approve attenuation and assist in absorbing the sound waves that will be created for other noise. Stated there have been 7 noise complaints made between December 2008 and June 2009 however, Health Services have not been able to prove non-compliance and unreasonable noise was not detected by the sound metres during these 3 after hour attendances. Advised that the Town's Planning Department stated "*there is an opportunity for the Council to favourably consider the application for greater patron numbers under the current approved land use*". Stated they are active members of the Accord and have been abundantly co-operative with the Town since they took over the operation in 2007. Stated that they have added a management plan, which has a 24 hour mobile contact number to contact Luxe Bar on should there be any problems, as well as paying security to stay 30 minutes after the close of business everyday to assist in hailing taxis or moving people on.
9. Niare Severin of 432 Beaufort Street, Highgate – Item 9.1.2. Expressed her concerned about increased numbers and increased noise levels. Stated the last summer was bearable however, she expects if there is any increase, it would be unbearable.
10. Kim *Bitstrip* of 20 Ryan Crescent – Item 9.1.2. Stated he is an actor sometimes employed by the Luxe Bar and whilst he respects and appreciates concerns of nearby residents, hundreds of people have been safely entertained by the Luxe Bar despite perhaps the mix being wrong. Stated one of the most innovative, enjoyable and vibrant performance seasons is just completed at the Luxe Bar and as part of the performance electronic and amplified music was used, not just DJ's. Advised that this is part of the single biggest entertainment and theatrical district in Perth inner city where precious/little of this activity is seen. Believes it is well worth preserving and supporting.
11. Michelle Mok, co-owner of Bamboo and Luxe Bar and operating manager for 7½ years of 31 Unwin Avenue, Wembley Downs – Item 9.1.2. Advised numbers are not increasing, they are actually being decreased due to an error that occurred between Planning and Health. Stated 8 years ago the original owner chose the Beaufort Street location mainly for the vibrancy and diversity offered by the Town and she prides both

businesses as being an integral part of the social fabric of the Street. Stated that they have been asked many times to open a venue in Fremantle or Scarborough however, they feel it is very much about this area. Stated residents in the Town are excited about development, change and progress and are a direct representation of the Bamboo customer and they highly value the arts in their local community. Familiarised herself with the Vision 2024 and has learnt some information; the medium age of residents is 37.55 years, the predominate group (35%) would be classified as couples and singles 25-44 years old. Stated the Town's age population is declining which is consistent with trends that suggest inner urban areas are generally not sort out by retirees, except where a particular lifestyle is chosen or for reasons associated with proximity to medical facilities. Stated the Town is a place of cultural diversity with residents which origins lie in Europe and Asia and 45% of whom were born overseas. Advised the Vision states "*we encourage creativity, innovation and imitative to realise the vibrancy and diversity of our vision*". Stated the five unique areas of Vincent namely Leederville, West Perth, North Perth, Mt Hawthorn, Mt Lawley and Highgate are all fashionable destination districts which satisfy the growing sophisticated Perth population. Stated these are busy commercial areas nestle along side peaceful suburbs where old and new lie and sit side-by-side. Stated these contrasting backdrops are important to the Town. Believes that Bamboo contributes to the Town community by providing jobs in the art sector, creating a unique environment that nurtures culture, creativity and innovation. Advised that Bamboo is not a nightclub, pub or restaurant, in fact it is probably not unlike any venue you have been to. Stated that she comes from an art background and every decision she makes facilitates creative endeavours.

12. Claire French, programme manager of Bamboo since September 2008, beginning as a contractor and now employed full time to programme and manage the space of Bamboo. Of 276 Guildford Road, Mt Lawley – Item 9.1.2. Stated over the course of the Summer season she conducted up to 3 art events per week employing over 80 theatre practitioners, musicians and multi disciplined artists. Advised that, as a vastly growing space Bamboo is celebrated amongst its community for the diversity and originality of its programme. Stated since the Summer she has designed a new programme for October 2009 to May 2010 with a focus towards community partnerships. All programming reflects the noise and space restrictions with a 10pm curfew for finishing amplified music and they are very happy to stick within the restrictions. Stated this season will feature sold out events from last year. Stated the Bamboo Summer customers are characterised by arts, media and business professionals from diverse age groups and enjoying the sit down meals will be young professionals, young families and 65 year old pensioners who love their jazz. Stated it is hard enough to run the art events as a profitable enterprise and with the capacity decrease, making it almost impossible for foresee financial long jeopardy within Bamboo, limiting not only the amount of people enjoying the space but also national and international touring music ensembles from not being able to perform in Bamboo – simply due to not covering costs. Stated Luxe Bar has been running as a successful venue over the course of 8 years and Bamboo is their way of giving back to the community. Advised that she is excited and privileged to be involved with this and hopes the Town can see its uniqueness and vitality.
13. Anne Courtley of 6 St Albans Avenue, Highgate (for 19½ years) – Item 9.1.2. Stated Bamboo has never had planning approval for amplified sound and only had planning approval for 60 people. Stated for the past 18 months the applicants have allowed up to 3 times the amount of people to attend the area and they have fully utilised amplified sound for live performances. Stated for the past 10 months the Council has been aware of the non-compliance, due to letters and telephone calls of complaint from local residents and now the matter is before Council for retrospective approval. Stated the area around Bamboo is predominately residential and all but a few of the homes were built some 50 years or more before the building that houses Bamboo. Advised that there have been 23 complaints submitted to Council about noise and general disturbance concerning Bamboo. Personally she is happy to have live music

and creative acts in the local vicinity and applauds those that bring them to her however, the applicants must be and remain aware that the noise levels generated by their patrons and by electronically enhanced sound can have a negative effect on residents who have resided in the area long before Bamboo existed. Believes residents have the right to the amenity to opening their home windows during the warmer months without incurring the cool wallpaper tones, base beats and the noise of rowdy patrons returning to their vehicles. Asked Council to bear in mind the voice of the local residents when determining closing times and patron numbers.

14. Francine Allan of 12 Clarence Street, Mt Lawley – Item 9.1.2. Supports Luxe Bar and Bamboo. Relishes the dynamic and rich lifestyle that venues such as these provide local residents. Stated the opportunities to engage in the cultural activities on offer are few and far between within Perth let alone within the Town of Vincent. Stated from where she resides, the noise from Bamboo is no more disruptive than the noises from the soccer and events at Members Equity Stadium.
15. Stefan Kopec of 16 Melrose Street, Leederville – Item 9.1.8. Stated there have been multiple applications for this site for multiple dwellings with this last application having 5 non-compliances. Stated they have a huge problem on the street of car parking. Advised that on Friday alone he had to call Council because there were 11 illegally parked cars, 5 in Melrose Street alone (car parking over driveways) which he has photographic evidence of. Believed every time an application comes in, it gets smaller and smaller however, at the same time it is supposedly proposed for 4.6 and they have come in for 5 with many non-compliances. Asked Council to strongly object to the proposal.

Cr Messina departed the Chamber at 6.59pm.

16. Anthony Rizzacasa, owner and building designer of 13 Melrose Street, Leederville – Item 9.1.8. Stated that they have provided 8 car bays for 5 apartments plus 2 additional visitor bays (10 in total), 3 apartments will receive 2 car bays each and 2 apartments will receive 1 car bay each plus 2 visitor bays. Stated that they have considered the parking in Melrose Street very seriously as they know it is a very contentious issue and have maximised the parking as much as possible, in fact it is actually more than what is required and is also compliant, if they could physically put more parking in, they would. Stated that they are permitted to put 5.5 multiple dwellings and they are proposing 5. Advised that the application has been to Council a few times before and this particular application has been scaled back substantially and neighbours concerns of bulk have been taken into consideration hence why they have only put 2 apartments above the 3 ground floor apartments. Advised that they have also introduced a skillion roof to keep the height down and, the building itself is lower than the neighbouring developments. Stated that they have evaluated the Street and have gone for a skillion style, contemporary, modern forward thinking exciting development as, not only is that part of the make up of the inner city areas, it is also a sustainable development style because it allows valuable northern light to enter each apartment. Advised that they have taken onboard all the issues of the neighbours and as mentioned by the Planner, they have resubmitted a plan to accommodate the requirements increasing landscaping and all highlight windows above on the second floor so there is no issue of overlooking whatsoever. Stated that this has been an enormous financial strain and they are just trying to do what they are entitled to do.

Cr Messina returned to the Chamber at 7.01pm.

Cr Ker advised that Mayor Catania had now arrived.

Mayor Catania entered the Chamber, assumed the chair at 7.01pm and apologised for arriving late.

17. John Kaye of 15 Melrose Street, Leederville – Item 9.1.8. Believed the only reason the complex has been scaled down is because it could not get through Council. Stated that Council has listed 8 non-compliant requirements to the proposal i.e. on the proposal, the distance between the first floor to the eastern boundary be a maximum of 1.869m however the Council requirement is 6.3m, which is a significant difference and it is almost mirror image on the western side. Stated he cannot understand why the applicant continuously disregards Council regulations. Believed this proposal for 4 houses will only exacerbate the problem with parking on Melrose Street. Stated they would be happy with the development if it adhered to Council Guidelines, in particular, one that adhered to the Council Policy for a maximum of 4 houses to be built on a block of this size and not 5. Stated the development has caused considerable stress over the last 21 months for his family who do not want to see the streetscape development negatively.
18. Chris Horan of 65 View Street, North Perth applicant/owner for Item 9.1.5. Stated their decision to retain a lot of the existing structure of the existing building was taken primarily as they saw it as an environmentally responsible approach to construction, rather than knocking down what was there and replacing it with something similar. Acknowledged that this has led to some variations in the Town Policy (outlined in the report) and they worked closely with the Town Planner to reach compromises, most of these which are now supported. Understands that some conditions have been placed on the application which they feel are reasonable and which they are happy to comply with. Advised the other 2 owners are also in attendance and they are happy to take any questions that may arise in relation to this.

Cr Messina departed the Chamber at 7.03pm.

19. Randa of 81 Glendower Street, Perth – Item 9.1.2. Stated when she first moved into the area across from Hyde Park she was quite aware that she was going to be living across from a Park and was unaware of what that necessarily meant, noise wise. Stated when she moved in, she made a decision that there are variables that would change that she cannot always control and that is the risk that she needed to take. Advised she has lived there for 3 years and in that time many things have changed i.e. terrible smells from the Lake and different sounds for different wildlife that have been introduced or taken away. Believes as a resident that is something she needs to accept. Stated when you move into an area such as Mt Lawley, Highgate, inner city, that is the reality of the situation, there will be variables and the purpose of the area is to be what it is. Stated Mt Lawley is and stands for primarily attracting tourists and offering a level of culture and entertainment. Believes residents that move into that area are aware of that, as that is the attractiveness of that area and if that is killed, that is going to lower prices of real estate in the area and that needs to be considered and weight all things.

Cr Messina departed the Chamber at 7.05pm.

20. Jan Phillips of 123 Joel Terrace, Mt Lawley – Item 9.1.13. Stated it has been since 1992 when the current owners purchased this property that she has been living next door to this “wreck” and she is trying to share and be neighbourly. Urged the Council to resist their desire to demolish and support the local community, a number of whom have written letters in support of retaining the building.

There being no further speakers, public question time closed at approx. 7.08pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Ms A. Gagliardi of Lincoln Street, Perth, along with 27 signatures opposing the continuing operation of 19 Lincoln Street, Perth as a Hostel.

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

Moved Cr Messina, Seconded Cr Ker

That the Petition be received and referred to the Director Development Services for investigation and report.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 14 July 2009.

Moved Cr Ker, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held 14 July 2009 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Local Government Structural Reform

A. Community Consultation

As Councillors and Members of the Public may be aware, the Town of Vincent is progressing the matter of local government reform (along with other local governments) as requested by the Minister for Local Government, the Hon John Castrilli.

As part of its progression of various matters, the Town of Vincent is carrying out extensive consultation with its residents as follows;

- a Special Newsletter was delivered to all residences and businesses in the Town (20,000 copies), with reply-paid envelopes
- Posters have been displayed in Town buildings
- the Town's webpage on-line survey has been active since 14 July 2009;
- an invitation has been issued by the Chief Executive Officer to address the Town's Precinct and Community Groups.

As part of the Town's consultation process, I wish to also remind you that a Public Meeting will be held at the Town of Vincent Administration & Civic Centre at 7.00pm tomorrow night. Of course, all ratepayers and residents are welcome.

B. Town's Checklist – Response from the Department of Local Government (DLG)

As Councillors will be aware, as requested by the Minister for Local Government, the Town submitted its Checklist to the DLG on 30 April 2009.

I am very pleased to advise that on Thursday 23 July 2009, the Town received a letter from the DLG providing comments on the Town's Checklist, as follows;

"The Local Government Reform Steering Committee's assessment places local governments into one of three categories as follows:

Category One: Local Governments in this category have provided evidence which indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.

Category Two: Local Governments in this category have been assessed to require structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.

Category Three: Local Governments in this category have been assessed to require significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.

On the basis of the checklists assessment, the Town of Vincent was placed in CATEGORY ONE: which indicates there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.

The assessment of the Town of Vincent's checklist and associated documents has identified numerous key strengths, which include:

- *comprehensive strategic planning in place;*
- *progress towards a structured asset and infrastructure management framework;*
- *demonstrated evidence of a long term financial management plan in place with clear links to the Town's operations and strategic planning;*
- *community participation at local government elections;*
- *demonstrated ability to efficiently process building applications and meet statutory reporting timeframes;*
- *demonstrable evidence of a strategic policy approach to attract investment and business development to the district;*
- *demonstrable evidence of significant funding partnerships in place with the State Government and the private sector to attract investment and increase community service provision;*

- *demonstrable evidence of a formal consultation policy in place to effectively engage with the community in future planning processes;*
- *demonstrable evidence of planning for demographic change and population growth incorporated into key corporate documents;*
- *demonstrable evidence of comprehensive environmental management planning undertaken across a range of environmental issues;*
- *demonstrable planning and finance strategies in place to provide optimal service delivery in response to community expectations; and*
- *demonstrable evidence of partnerships in place to address regional issues.*

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

- *noted delays with processing development applications."*

C. Funding

I am pleased to announce that the Town's Funding Application for \$10,000 has been approved.

I encourage the Town's Ratepayers and Residents to lodge their submission with the Chief Executive Officer by 14 August 2009.

C. Town's Project Team

The Town's Project Team has met on four occasions.

7.2 Members Equity Stadium

I have approved of a Late Report Item 9.4.7 on tonight's Agenda concerning the possible redevelopment of Members Equity Stadium, as there has been considerable media comment since the Minister for Sport and Recreation's announcement on Saturday 25 July 2009. When this item is discussed later this evening, both the Chief Executive Officer and I will be more than happy to provide verbal information to supplement the Agenda's report.

In summary, I welcome the Minister's decision advising that;

- the State Government supports the provision of a Rectangular Stadium in WA; and
- Members Equity Stadium is the preferred option for the Rectangular Stadium;

We look forward to having meaningful and fruitful discussions with the State Government in this matter.

7.3 Information Bulletin IB03 – State Administrative Tribunal Decision Regarding the Hanson Batching Plant Appeal

I draw your attention to tonight's Agenda at Information Bulletin IB03, in which the State Administrative Tribunal (SAT) has upheld the applicant's appeal to continue operations at this site.

7.4 Guardian Express

Congratulations to the Guardian Express, which has been voted the Community Newspaper Australia's Best Southern Division Newspaper with a circulation of under 40,000 copies per week. The Newspaper was awarded the prize at a ceremony in Melbourne on Friday with the Judges lauding the paper's quality journalism, innovative design, great features, impressive real estate, motoring and classifieds sections.

The Judges said; *"The Guardian Express is a creative, forceful and authoritative newspaper. Its strong lead pages raise issues using quality photography. We applaud the great editorials and news stories and broad lifestyle emphasis in each edition. Great journalism from all writers and photographs"*.

Journalist Phynea Papal is here this evening and we would like to congratulate her and her newspaper on the award, well done!

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. Whilst he firmly believes that pursuant to Section 5.63 of the Local Government Act I have an interest in common to a significant number of electors or ratepayers, he has decided to disclose his Impartiality interest in this matter, for the public record and to avoid any ambiguity. The extent of his interest being that:

1. He has known Izzi Messina for many years, in fact, ever since he was a young child.
2. Since Izzi Messina's election to the Town of Vincent as a Councillor, he has had a professional relationship with him (and other Councillors) whilst dealing with Council business matters.
3. He is aware that Cr Messina is the son of one of the Company Directors for the Applicant (Gelatino) and as such is "closely related" to the Applicant.
4. He is aware that Cr Messina was an employee of the Applicant (Gelatino).
5. He has known Carmelo Messina and the Messina family for many years, as they have been long term residents of the Town and Carmelo Messina is a Director of Gelatino, who is the Applicant for the Development Application in Item 9.1.3.

Mayor Catania declared that he would consider this matter on its merits and will vote accordingly.

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

8.3 Mayor Catania declared a Financial interest in Item 9.4.5 – Investment Policy Amendment. The extent of his interest being that he is the chairperson of the North Perth Community Bank, in which the Town has shares.

8.4 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.

- 8.5 Cr Burns declared a Financial interest in Item 9.4.5 – Investment Policy Amendment. 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.
- 8.6 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank, in which the Town has shares.
- 8.7 Cr Messina declared a Financial interest in Item 9.4.5 – Investment Policy Amendment. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank, in which the Town has shares.
- 8.8 Cr Messina declared a Financial and Proximity interest in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of his interest being that he is related to the applicant. He was previously employed by Gelatino and the site abuts his current business and operation.
- 8.9 Cr Burns declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of her interest being that she has an association with the applicant or person seeking a decision, being that the Applicant's son is a fellow Council Member.
- 8.10 Cr Maier declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of his interest being that he has an association with the applicant or person seeking a decision, being that the applicant's son is a fellow Council Member.
- 8.11 The Chief Executive Officer, John Giorgi declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of his interest being that:
1. Since Izzi Messina's election to the Town of Vincent as a Councillor, in his role as Chief Executive Officer, he has had a professional relationship with him (and other Council Members) whilst dealing with Council business matters.
 2. Since this matter arose late in 2008, in his capacity as Chief Executive Officer he has had a need to provide professional advice to Cr Messina, to ensure compliance with Clauses 5.3 and 5.4 of the Town's Code of Conduct and Clause 7 of the Town of Vincent Policy 4.1.26 - Council Members and Employees Business dealings with the Town.
 3. As Chief Executive Officer, he has had a need to oversee the Town's handling of this matter and Development Application, to ensure that the matter has been handled strictly in accordance with the Town's Code of Conduct and relevant Policy.

4. He is aware that Cr Messina is the son of one of the Company Directors for the Applicant (Gelatino) and as such is "closely related" to the Applicant.
5. I am aware that Cr Messina is or was an employee of the Applicant (Gelatino).
6. In his capacity as Chief Executive Officer he has known Carmelo Messina for approximately 10 years, as a business proprietor in the Town and is aware that Carmelo Messina is a Director of Gelatino, who is the Applicant for the Development Application in Item 9.1.3.

For information, he has not had input into the preparation of Item 9.1.3 and his involvement has been limited to the usual vetting of the Officers final report, in his role as Chief Executive Officer, for the finalising of the Agenda.

Mr Giorgi declares that he has provided his advice throughout the processing of this application in a professional, unbiased and objective manner.

- 8.12 The Director Development Services, Rob Boardman declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of his interest being that:
1. Since Izzi Messina's election to the Town of Vincent as a Councillor, in his role as Director Development Services, he has had a professional relationship with him (and other Council Members) whilst dealing with Council business matters.
 2. Since this matter arose in October 2008, in his capacity as Director Development Services, he has had a need to provide professional advice to Cr Messina in relation to Clauses 5.3 and 5.4 of the Town's Code of Conduct and Clause 7 of the Town of Vincent Policy No. 4.1.26 - Council Members and Employees Business Dealings with the Town.
 3. As Director Development Services, he has had a need to oversee the Development Services Directorate handling of this matter and Development Application to ensure that the matter has been handled strictly in accordance with the Town's Code of Conduct and relevant Policy.
 4. He is aware that Cr Messina is the son of one of the Company Directors for the Applicant (Gelatino) and as such is "closely related" to the Applicant.
 5. He is aware that Cr Messina is or was an employee of the Applicant (Gelatino).
 6. He does not know and has not had personal dealings with known Carmelo Messina, who is the Applicant for the Development Application in Item 9.1.3.

As a consequence, there may be a perception that his impartiality on the matter may be affected. Mr Boardman declared that he has provided his advice and dealt with the matter at all times in an open, transparent, unbiased, accountable and objective manner.

- 8.13 Cr Doran-Wu declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of her interest being that she has an association with the Applicant or person seeking a decision, being that the Applicant's son is a fellow Council Member.

- 8.14 Cr Lake declared an interest affecting Impartiality in Item 9.1.3 – No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval. The extent of her interest being that she has an association with the Applicant or person seeking a decision, being that the Applicant's son is a fellow Council Member.
- 8.15 Cr Ker declared an interest affecting Impartiality in Item 9.1.15 – Progress Report No. 1 - Integrated Transport and Parking Strategy. The extent of his interest being he is a professional transport planner who has undertaken integrated transport plans for other local governments and might be involved in tenders for any consultancies under this strategy and he is co-ordinating a session at the WALGA Roads and Traffic Forum on 5 August 2009 at which this strategy proposal will be presented.

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

Nil.

10. REPORTS

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

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

Items 9.1.3, 9.1.2, 9.1.8, 9.1.5 and 9.1.13.

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 9.2.2 and 9.4.1.

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

Item 9.1.3, 9.3.1 and 9.4.5.

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

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

Cr Messina	Items 9.1.6, 9.1.15 and 9.4.6.
Cr Youngman	Nil.
Cr Ker	Item 9.2.1.
Cr Doran-Wu	Nil.
Cr Lake	Item 9.4.7.
Cr Burns	Nil.
Cr Maier	Item 9.2.9.
Mayor Catania	Nil.

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

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

Items 9.1.1, 9.1.4, 9.1.7, 9.1.9, 9.1.10, 9.1.11, 9.1.12, 9.1.14, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.2.10, 9.2.11, 9.3.2, 9.3.3, 9.4.2, 9.4.3 and 9.4.4.

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

Nil.

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

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

Items 9.1.1, 9.1.4, 9.1.7, 9.1.9, 9.1.10, 9.1.11, 9.1.12, 9.1.14, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.2.10, 9.2.11, 9.3.2, 9.3.3, 9.4.2, 9.4.3 and 9.4.4.

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

Items 9.1.3, 9.1.2, 9.1.8, 9.1.5 and 9.1.13.

Cr Burns departed the Chamber at 6.36pm.

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

Moved Cr Messina, Seconded Cr Doran-Wu

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

Items 9.1.1, 9.1.4, 9.1.7, 9.1.9, 9.1.10, 9.1.11, 9.1.12, 9.1.14, 9.2.3, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.2.10, 9.2.11, 9.3.2, 9.3.3, 9.4.2, 9.4.3 and 9.4.4.

CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

9.1.1 Further Report – No. 14 (Lot: 1 STR: 12592) Orange Avenue, Perth - Proposed Front Fence Addition, including Dividing Wall with No. 16 Orange Avenue, Perth, to Existing Single House – Application for Retrospective Approval

Ward:	South	Date:	21 July 2009
Precinct:	Hyde Park; P03	File Ref:	PRO4662; 5.2009.128.1
Attachments:	001		
Reporting Officer(s):	J Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner Derek Bower for proposed Front Fence Addition to Existing Single House including Dividing Wall with No. 16 Orange Avenue, Perth, at No. 14 (Lot: 1 STR: 12592) Orange Avenue, Perth, Application for Retrospective Approval, and as shown on the plans stamp-dated 15 April 2009, subject to the following conditions:*
 - (a) *the proposed automatic gate is to be able to open at least 3 metres for vehicle access and permit visual truncations as required by the Town's Truncation Policy;*
 - (b) *the maximum height of the solid portion of the wall between Nos. 14 and 16 Orange Avenue within the front setback area being 1.2 metres above the natural ground level with a minimum of fifty (50) percent visually permeable above 1.2 metres to a maximum height of 1.8 metres;*
 - (c) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989;*
- (ii) *ADVISES the applicant and owners that the unauthorised solid portion of the boundary wall shall be reduced to 1.2 metres within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above boundary fence remain after the twenty-eight (28) day period.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

FURTHER REPORT:

The Council considered a proposal for proposed Front Fence Addition to Existing Single House – Application for Retrospective Approval at its Ordinary Meeting held on 14 July 2009 and resolved as follows:

“That the item be DEFERRED to obtain clarification about the application.”

In this regard, the application was deferred in order to obtain further clarification, in particular regarding the 1.8 metre solid dividing wall which exists between the properties of Nos. 14 and 16 Orange Avenue. It is confirmed that this dividing wall does form part of the original and current (retrospective) application.

It is noted that the planning application for the proposed front fence was received by the Town on 15 April 2009; however, it came to the Town’s attention, via a site inspection carried out on 7 July 2009 that construction of the respective walls had commenced. The applicant advised the Town’s Officers that the construction of the wall commenced approximately 2 months ago; hence, this application is now viewed as retrospective. The applicant has ceased any further works to the walls.

The Town's Planning Officers have further considered the audio recordings and matters debated at the Council Meeting held on 14 July 2009 in relation to the retrospective 1.8 metre high solid dividing wall between Nos. 14 and 16 Orange Avenue, and share a similar view with respect to its undue impact on the streetscape. As the applicant proposes two 1.8 metre high walls, one facing Orange Avenue, and the other being the northern dividing wall between Nos. 14 and 16 Orange Avenue, it is recommended that the Town approves the front wall facing Orange Avenue as it stands, but conditions the dividing wall between Nos. 14 and 16 Orange Avenue to be reduced in wall height to 1.2 metres solid above the natural ground level, and fifty (50) per cent visually permeable above this portion up to a maximum height of 1.8 metres.

In light of the above, the Agenda Report heading, preamble and Officer Recommendation have been amended. Conditions have been added to require the applicant to reduce the height of the dividing wall between Nos. 14 and 16 Orange Avenue.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 14 July 2009.

“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 the owner Derek Bower for proposed Front Fence Addition to Existing Single House (Retrospective Application), at No. 14 (Lot: 1 STR: 12592) Orange Avenue, Perth, and as shown on the plans stamp-dated 15 April 2009, subject to the following conditions:

- (i) the proposed automatic gate is to be able to open at least 3 metres for vehicle access and permit visual truncations as required by the Town’s Truncation Policy; and*
- (ii) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 6.38pm.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr

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

“(iii) the maximum height of the sold portion of the wall between numbers 14 and 16 Orange Avenue within the front setback area being 1.2 metres above the natural ground level with a minimum of fifty percent visually permeable above 1.2 metres.”

Debate ensued.

The Presiding Member, Mayor Nick Catania stated that he was receiving advice on the proposed amendment, as he felt it may not be able to be dealt with in this application.

Debate ensued.

The Presiding Member, Mayor Nick Catania stated that it would be preferable to defer this matter for further consideration, as it was unclear whether the front side fence was a part of the application.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Messina

That the item be DEFERRED to obtain clarification about the application.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

ADDITIONAL INFORMATION:

The above amendment is for the constructed 1.8 metre Earth wall for the common boundary between No. 14 and No. 16 Orange Avenue, which has been supported by the owners of No. 16 Orange Avenue. The front fence for No. 16 Orange Avenue has been issued a Building Licence, as planning approval was not required.

<i>Consultation Submissions</i>		
<i>Support (1)</i>	<i>No Comments Provided</i>	<i>Noted.</i>
<i>Objection</i>	<i>Nil</i>	<i>Noted.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

** The 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 variation to the Acceptable Development Criteria (SADC 13) fencing requirements of the Town's Residential Design Elements Policy 3.2.1 is of a minor nature and is not considered to have an undue impact on the streetscape. The solid portion to 1.8 metres extends for a length of 1.7 metres over the front boundary which has a width of 9.72 metres. Furthermore, the other portions of the fencing indicate a metal mesh with a 50 per cent visual permeability with a solid portion of 600 millimetres above the footpath level. The proposed fence complies with the Town's Truncation Policy and no objections were received during the advertising process.

As per the performance criteria of the Town's Residential Design Elements Policy 3.2.1, the 1.8 metre earth wall is not considered to restrict the building including its entrance from being visible from the street. This is evident at the site inspection carried out by the Town's Planning Officer's, which revealed that the retrospective fence does not intrude on the visibility of the existing building. This is supported through the applicant's submission, which discusses that the front fence is in keeping with the streetscape of Orange Avenue. For example, No. 12 Orange Avenue has a front fence which is very similar to the one at No. 14. Although there is no record in the Town's files that this fence was approved, no complaints have been received and it is not believed to have a significant impact on the existing streetscape. Furthermore the proposed front fence complies with the requirements for adequate sightlines and vehicle access points.

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. 19 (Lot: 301 D/P: 43351) Blake Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey with Loft, Single House

Ward:	North	Date:	21 July 2009
Precinct:	North Perth; P08	File Ref:	PRO2783; 5.2009.248.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Jenic Designs on behalf of the owner M & E Macri for proposed Demolition of Existing Single House and Construction of Two-Storey with Loft, Single House, at No. 19 (Lot 301 D/P: 43351) Blake Street, North Perth, and as shown on plans stamp-dated 30 June 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Blake Street setback area and the Norham Street setback area including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (g) *the solid portion adjacent to the Norham Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 17 Blake 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. 17 Blake Street in a good and clean condition; and*
- (vi) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

Landowner:	M & E Macri
Applicant:	Jenic Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	611 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

26 February 2003

The Western Australian Planning Commission conditionally approved a green title (freehold) subdivision at the subject property.

- 27 July 2004 The Council at its Ordinary Meeting conditionally approved a proposed additional two-storey single house to existing single house on proposed Lot 2.
- 16 December 2004 The Western Australian Planning Commission endorsed the new diagram of survey creating Lots 301 and 302.
- 14 August 2007 The Town under delegated authority from the Council conditionally approved the demolition of the existing single house on the subject lot.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a two-storey with loft single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Setbacks: Ground Floor -North (Blake Street) -East Upper Floor -North (Blake Street)	To be consistent with the existing streetscape 1.5 metres The main building is required to be setback 2 metres behind all portions of the ground floor	Inconsistent with the existing streetscape Nil – 1.59 metres In line with the ground floor main building line to 1.6 metres behind the ground floor main building line	Supported – see comments below. Supported – not considered to have an undue impact on the neighbouring property and consent received from the affected neighbour. Supported – see comments below.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (22.28 metres) of the length of the balance of the boundary behind the front setback, to one side boundary	East Wall -Wall Height = 3.5 metres -Wall Length = 8.8 metres	Supported – not considered to have an undue impact on the neighbouring property and consent received from the affected neighbour.

Consultation Submissions	
Advertising is not required in this instance as the applicant has obtained the signatures of all owners and occupiers of the neighbouring dwellings in accordance with the Town's Community Consultation Policy.	
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

A Planning Approval for Demolition of Existing Single House for No. 19 Blake Street, North Perth was issued on 14 August 2007. The Demolition Licence application for the subject place, lodged on 7 June 2007, was cancelled on 2 February 2009 and thus progression towards the demolition of the place did not occur. As such, a new Development Application for demolition and redevelopment of the subject place was submitted on 29 June 2009.

A Heritage Memorandum was prepared by the Heritage Services on 9 August 2007 as part of the Development Application submitted in 2007. A summary of the Memorandum is detailed below:

"The subject brick and tile dwelling at No. 19 Blake Street, corner Norham Street, North Perth was constructed circa 1928 in the Inter-war Bungalow style of architecture. In 2004, a two-storey single rendered brick and tile dwelling was constructed to the rear of the subject place.

Blake Street appears in the Post Office Directories between 1915 and 1916, by which time approximately seven residential dwellings are listed along the street. The subject dwelling is first listed in 1928 and is listed in association with Mr Frank Lathlain. The streetscape along Blake Street comprises of dwellings in a mix of styles and ages, though with similar scale and setbacks. Immediately surrounding the subject dwelling are dwellings dating from about 1900, late 1960s and 1980s.

The subject property is not listed on the Town's Municipal Heritage Inventory and is considered to have little cultural heritage significance.

Notwithstanding the above, there are two large Canary Island Date Palms within the front setback area. During the period of community consultation a submission was received expressing concern about the removal of these trees. Whilst the trees are not on the Town's significant tree inventory it is recommended that the owner be encouraged to retain the trees and encourage them into any future development as per the Officer Recommendation."

With regards to the above Heritage Memorandum, it is considered that no further heritage research is required and a full heritage assessment is not warranted in this instance.

Street Setbacks

The required setbacks as set out in the Town's Residential Design Elements Policy are required to create articulation in buildings to the street, and to provide an interesting elevation that is free of flush type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal incorporates a reasonable amount of vertical and horizontal articulation that provides interest in the elevation fronting Blake Street. In this instance, the reduced street setbacks are considered to be supportable.

Blake Street is a narrow street characterised by a diverse range of lot sizes, land uses and buildings. The lots on the south side of Blake Street where the subject property is located, include a commercial building on the corner of Walcott and Blake Streets as well as the site of the former Knutsford Arms Hotel, now vacant, that has approval for a three-storey mixed use development. Furthermore, the other four lots adjoining the subject property, are large lots that have the development potential for up to four dwellings each. The setbacks of the single houses range from approximately 7 to 9 metres, with one dwelling having its secondary frontage to Blake Street, having a setback of approximately 1.3 metres to Blake Street.

The north side of Blake Street consists of a car park to shops located on Walcott Street, a café and nine dwellings that have dual frontage to Redfern Street. Of these nine dwellings, two have been subdivided, with one house facing Blake Street and one house facing Redfern Street; three are orientated towards Blake Street. The other four dwellings are located in the centre of the lot, with setbacks ranging from 11 to 15 metres.

Notwithstanding the above, it can be assumed that the applicant wishes to subdivide in the future, given the potential exists for a dwelling to front Norham Street on the rear portion of the lot.

The existing streetscape of Blake Street consists of a diverse range of land uses, lot sizes and street setbacks. In this instance, the proposed ground floor and upper floor setbacks are supportable given the nature of the existing built form and characteristics of the street.

Conclusion

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.

9.1.7 No. 14 (Lot: 1 Strata: 54029) Ellesmere Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Roof Top Terrace

Ward:	North	Date:	21 July 2009
Precinct:	North Perth; P08	File Ref:	PRO4696; 5.2009.93.1
Attachments:	001 ; 002		
Reporting Officer(s):	A Reynolds, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the landowner M Dalle-Nogare (owner) for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Roof Top Terrace, at No. 14 (Lot: 1 Strata: 54029) Ellesmere Street, North Perth, and as shown on the demolition plan stamp-dated 23 March 2009 and amended plans stamp-dated 22 June 2009, 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;*
- (ii) any new street/front wall, fence and gate within the Ellesmere Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (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) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony on the first floor within the 7.5 metre cone of vision to the eastern and western boundaries, bedroom 5 on the first floor within the 4.5 metre cone of vision to the eastern boundary and the roof top terrace within the 7.5 metre cone of vision to the eastern boundary being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties at Nos. 12 Ellesmere Street and 2A Highlands Road respectively, stating no objections to the proposed privacy encroachments.*

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

COUNCIL DECISION ITEM 9.1.7

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

Landowner:	M Dalle-Nogare
Applicant:	M Dalle-Nogare
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	391 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

24 February 2007 The Western Australian Planning Commission approved a survey strata subdivision at No. 14 Ellesmere Street.

DETAILS:

The proposal involves the Demolition of Existing Single House and Construction of a Two- Storey Single House and Roof Top Terrace.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Building Setbacks:			
Ground Floor			
- South (Primary Street)	To reflect the predominant streetscape pattern (minimum of 7.65 metres)	4.0 metres	Supported - refer to 'Comments' section below.
- West	1.8 metres (as it adjoins battleaxe access way)	Nil	Supported – as it is not considered to have any undue impact on the adjoining property and the amenity of street.
First Floor			
- South (Primary Street)	A minimum of two (2) metres behind each portion of the ground floor setbacks	Flush with the proposed ground floor setbacks	Supported - refer to 'Comments' section below.
Balcony 2			
- South (Primary Street)	A minimum of one (1) metre behind the ground floor setback.	Flush with the proposed ground floor setbacks	Supported - refer to 'Comments' section below.
- East	4.9 metres	1.1 - 2.12 metres	Supported – as it is not considered to have any undue impact on the adjoining property and the amenity of street.
- West	4.1 metres (as it adjoins battleaxe access way)	Nil	Supported – as it is not considered to have any undue impact on the adjoining property and the amenity of street.
Building Wall Height:	A maximum of 7.0 metres (top of concealed roof)	First floor: 6.2 – 7.365 metres Roof Top Terrace Access Well: 9.5 – 9.7 metres	Supported - refer to 'Comments' section below.

<p>Horizontal and Vertical Articulation: First Floor - East</p> <p>- West</p>	<p>Any portion of wall involving a setback variation and greater than 9 metres in length is required to incorporate horizontal or vertical articulation</p> <p>Any portion of wall involving a setback variation and greater than 9 metres in length is required to incorporate horizontal or vertical articulation</p>	<p>9.5 metres</p> <p>9.5 metres</p>	<p>Supported – as not considered to have any undue impact on adjoining property and amenity of street.</p> <p>Supported – as not considered to have any undue impact on adjoining property and amenity of street.</p>
<p>Roof Form:</p>	<p>To be compatible with existing streetscape</p>	<p>Concealed roof form proposed</p>	<p>Supported – as the contemporary roof form of the proposed dwelling will not have an undue impact on the adjoining properties or the amenity of the Ellesmere Street streetscape. The proposed concealed roof does not unduly increase the bulk of the dwelling nor does it cause undue overshadowing on the adjacent properties and open space.</p>
<p>Buildings on Boundary: - West</p>	<p>Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only</p>	<p>Maximum height: 7.365 metres</p> <p>Average height: 7.275 metres</p>	<p>Supported - refer to 'Comments' section below.</p>
<p>Privacy Setbacks: First Floor: Balcony 1 - East</p>	<p>7.5 metres</p>	<p>4.35 metres</p>	<p>Not supported – as it is considered to have an undue impact on the neighbouring property. The opening will be required to be screened or the affected neighbour's consent obtained.</p>

- West	7.5 metres	7.4 metres	Not supported – as it is considered to have an undue impact on the neighbouring property. The opening will be required to be screened or the affected neighbour’s consent obtained.
Bedroom 5 - East	4.5 metres	2.35 metres	Not supported – as it is considered to have an undue impact on the neighbouring property. The opening will be required to be screened or the affected neighbour’s consent obtained.
Roof Top Terrace (northern elevation) - East	7.5 metres	5.1 metres	Not supported – as it is considered to have an undue impact on the neighbouring property. The terrace will be required to be screened or the affected neighbour’s consent obtained.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • First floor street setback • Building height • Horizontal and vertical articulation • Privacy 		<p>Not supported – refer to 'Comments' section below.</p> <p>Supported in part – refer to 'Comments' section below.</p> <p>Supported in part – the amended plans demonstrate an increase in articulated upper floor walls portions.</p> <p>Supported – all major openings that are not compliant with the privacy requirements of the Residential Design Codes will be required to be screened to a minimum of 1.6 metres above the finished floor level.</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:

Demolition

The subject dwelling is constructed of brick and tile in Interwar Bungalow style of architecture circa 1939, and features a triple-gabled front. Two prominent gabled roof forms are apparent on the front elevation with a narrower gable roof projecting through the central front.

The Wise's Post Office Directories indicate that Archibald J. Howard-Ward is listed as the first occupier of the subject dwelling in 1940. Since then the subject dwelling has been owned by various owners.

A full Heritage Assessment (attached) was undertaken for No. 14 Ellesmere Street, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Ellesmere Streetscape

The Ellesmere streetscape has, and will continue to be, subject to change as the development potential of the larger lots within the immediate locality are realised. Although the calculated average setback distance is a minimum of 7.65 metres, the setback distances range from 4.84 – 9.83 metres. Further, given the width of Ellesmere Street, the elevated nature of the land, and in conjunction with the adjacent Les Lilleyman Reserve, which enhances the localities sense of openness, the proposed ground floor street setback is considered to be supportable.

The required upper floor setbacks, as set out in the Town's Residential Design Elements Policy, are designed to create articulation to the street and to provide an interesting elevation that is free of 'flush' type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates a reasonable amount of horizontal articulation, variations in building material and large openings that provide interest in the elevation fronting Ellesmere Street. For these reasons, the reduced upper floor setbacks are considered to be supportable.

Boundary Wall

A proposed two-storey boundary wall will abut an existing vehicular access leg and will be setback 8.15 metres from Ellesmere Street. The location of the proposed two-storey boundary wall, and the reduced wall height as per the amended plans, allows the overall impact of the wall on the adjacent properties and the amenity of the street to be lessened.

Building Height

Amended plans have been received demonstrating a reduced overall wall height for the building. The Residential Design Elements Policy allows for variation to building heights under certain circumstances, including instances where the natural level of the site is sloping, provided a compliant two storey height presence is maintained when viewed from the street. In this instance, the natural ground level slopes 700 millimetres from east to west. The proposed dwelling incorporates a roof top terrace and associated access well which has a significant street setback of 8.15 metres and will therefore, have a reduced impact on the Ellesmere streetscape. The overall building height variation is not considered to have an undue impact on the Ellesmere streetscape as the width of the street, the elevated ground level of the street in conjunction with the adjacent Les Lilleyman Reserve enhances the localities sense of openness.

Conclusion

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 No. 14 Farr (Lot 2, D/P: 7287) Avenue, North Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Single House

Ward:	South	Date:	21 July 2009
Precinct:	Smith's Lake; P06	File Ref:	PRO4776; 5.2009.243.1
Attachments:	001		
Reporting Officer(s):	C Roszak		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the owner V Fiorenza for proposed Partial Demolition of, and Alterations and Additions to Existing Single House, at No. 14 (Lot 2, D/P: 7287) Farr Avenue, North Perth, and as shown on plans stamp-dated 23 June 2009, 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;*
- (ii) first obtaining the consent of the owners of No. 12 and 16 Farr Avenue for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 12 and 16 Farr Avenue in a good and clean condition;*
- (iii) the proposed garage structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only;*
- (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) the proposed garage door shall have a minimum of 50 per cent visual permeability; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate within the Farr Avenue setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

- (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

COUNCIL DECISION ITEM 9.1.9

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

Landowner:	V Fiorenza
Applicant:	V Fiorenza
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:	486 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The application seeks approval for the partial demolition of, and alterations and additions to the existing single house. The application is being referred to the Council as it involves significant variations to the Town's Street Walls and Fencing requirements, as well as the open space requirement specified within the Residential Design Codes. It is noted that such variations are specified in the Town's Non-Variation of Specific Development Standards and Requirements Policy.

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
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Ground Floor -West	1.5 metres	Nil – 1.217 metres	Supported – not considered to have an undue impact on the Farr Avenue streetscape, or on the adjoining landowner; the neighbours consent, stating no objection to the proposal, has been received.
-East	2.2 metres	Nil – 1.2 metres	Supported – as above.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary	Two boundary walls proposed East Average Wall Height 4.083 metres West Average Wall Height 4.083 metres	Supported – not considered to have an undue impact on the Farr Avenue streetscape, or on the adjoining landowners; consent from the two neighbouring properties has been received.
Open Space	45 per cent	44.14 per cent	Supported – the proposed open space variation is considered to be of a minor nature, and is not considered to adversely affect the amenity of the surrounding area. Given the proposed development integrates the new addition with the existing Bungalow style home, the small size of the lot that adequate outdoor living areas are provided and the development is in close proximity to the Beatty Park Reserve, the variation is considered supportable.

Street walls and fences within the primary street setback area, including along side boundaries	The maximum height being 1.8 metres above the adjacent footpath level	Piers 1.885 – 2.057 metres	Not supported – considered to have an undue impact on the Farr Avenue streetscape, condition to comply with the Town’s Street Walls and Fences requirements.
	The maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres	Proposed gates are less than 50 per cent visually permeable	Not supported – as above.
	The piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres	Piers scale to 460 millimetres in width	Not supported – as above.
Carports and Garages	Garages are to be setback 0.5 metre behind the main building line	3.0 metres in front of the main building line	Supported – see ‘Comments’ below.

Consultation Submissions

Advertising is not required in this instance as the applicant has obtained the signatures of all owners and occupiers of the neighbouring dwellings in accordance with the Town’s Community Consultation Policy.

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 proposed tandem garage has a length of 13.0 metres, and an internal width of 3.305 metres. Accordingly, a variation to the Town’s Policy No. 3.2.1 relating to Residential Design Elements, due to the location of the garage in front of the main building line of the existing dwelling is sought. The requirement, which requires garages to be set back 0.5 metre behind the main building line, is enforced to preserve the streetscape appearance by ensuring an adequate setback of garages so they do not dominate the lot frontage. Although the proposed garage seeks a variation to the Town’s requirement, it is not considered that it will adversely affect the Farr Avenue streetscape or detract from the characteristic design of the existing dwelling. There are several existing dwellings within close proximity to the subject lot which also contain garages located in front of the main building line. Additionally, the proposed garage will be open on the front elevation and a condition has been applied requiring any future garage door to be a minimum of 50 per cent visually permeable, to ensure the structure maintains an open-style design.

It is further noted that the carport is located behind the proposed front fence, which further lessens the impact of the proposed garage on the Farr Avenue streetscape as it provides visual relief. It is noted that the applicant is faced with several building constraint and in the event the garage were to be setback in accordance with the Town's requirements, it would result in a significant encroachment on the dwelling's outdoor living areas. The overall proposal is considered to be sympathetic to the surrounding area, with due consideration being given to maintaining an architectural design characteristic to the Town of Vincent.

In light of the above, the variation to open space and the location of the garage is supported, and it is recommended that the Council approve the application, subject to standard and appropriate conditions.

9.1.10 No. 99 (Lot: 127 D/P: 2099) East Street, Mount Hawthorn - Proposed Change of Use from Residential to Residential and Unlisted Use (Bed and Breakfast)

Ward:	North	Date:	21 July 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2997; 5.2009.143.1
Attachments:	001		
Reporting Officer(s):	J Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner P M Jones for proposed Change of Use from Residential to Residential and Unlisted Use (Bed and Breakfast), at No. 99 (Lot: 127 D/P: 2099) East Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 13 May 2009, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, 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;*
 - (b) *the maximum number of bed and breakfast associated guests being accommodated shall be limited to two (2) people at any one time;*
 - (c) *the allocated guest bedroom, ensuite and living/eating areas are to be the only rooms used for the purposes of the bed and breakfast;*
 - (d) *this approval for bed and breakfast is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Council prior to continuation of the use; and*
 - (e) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (ii) *ADVISES the owner that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential house. This is because at the time of planning application for the development was submitted to the Town, the owner claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

COUNCIL DECISION ITEM 9.1.10

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

Landowner:	P M Jones
Applicant:	P M Jones
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House and Unlisted Use (Bed and Breakfast)
Use Classification:	“P” and “SA”
Lot Area:	376 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

8 February 2005 The Council at its Ordinary Meeting conditionally approved an application for partial demolition of, and alterations and additions to existing single house.

DETAILS:

The proposal involves a change of use from residential to residential and unlisted use (bed and breakfast) at the subject property.

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
Plot Ratio	N/A	N/A	Noted.
Based on the Short Term Accommodation Policy No. 3.4.5 regarding the car parking requirements only.	2 car bays for keeper's family, plus 1 space per guest bedroom (3 car bays)	2 car bays provided (residents only)	Supported – See 'Comments' below.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> Parking to be a significant problem for the use of a bed and breakfast. Two car bays are in a single car driveway, therefore resulting in cars being parked on the road. 		Not Supported – see 'Comments' below.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Technical Services

Technical Services requires that the applicant provide two compliant car bays on-site for the residents.

Planning Services

The proposed bed and breakfast only has one guest room, therefore allowing for a maximum of 2 people to stay in the house at any one time (as per condition (i) (b)). The owner who lives at No. 99 East Street, Mount Hawthorn has advised that she lives alone and owns only one car; and as such the other car bay will be for the use of the guest. If the bed and breakfast ceases, then both the car bays are for future residents parking only, and will be in accordance with the above Technical Services comment.

With the restriction of this number of guests, it can be assumed that the guests will only occupy one car, if any, and on the above basis, the proposed number of car bays is sufficient and will not have an undue impact on the amenity of the area.

As to the single car driveway concern raised in the objection, an amended plan submitted proposes to widen the crossover, resulting in a double paved driveway area, which has been supported by the Town's Technical Services Officers.

A 12 month approval period is proposed to establish a trial period of the use, in order to assess its compatibility with the existing residential uses in the immediate area. The standard Section 70A notification on title that the Town will not issue residential or visitor car parking permits is not proposed in this instance as the approval is for a 12 month period only.

Conclusion

On the above basis, the proposal is recommended for approval subject to appropriate conditions.

9.1.11 No. 52 (Lot 152 D/P: 3002) Mabel Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	20 July 2009
Precinct:	North Perth; P08	File Ref:	PRO4768; 5.2009.235.1
Attachments:	001 , 002		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

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 the owner N Toutountzis for proposed Demolition of Existing Single House, at No. 52 (Lot 152 D/P: 3002) Mabel Street, North Perth, and as shown on plans stamp-dated 24 June 2009, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the applicable Town Planning Scheme and associated Policies for the retention of existing dwellings valued by the community;*
- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the applicable Town Planning Scheme and associated Policies;*
- (vi) *at the completion of the demolition, the site levels shall match into the existing verge, footpath and road levels; and*
- (vii) *a detailed vacant lot management plan, prepared in consultation with the Town's Health, Parks and Planning Services for the site at No. 52 (Lot 152 D/P: 3002) Mabel Street, North Perth shall be submitted and approved prior to the issue of a Demolition Licence. The Town encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan, until redevelopment works are carried out on site.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

Landowner:	N Toutountzis
Applicant:	N Toutountzis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to this proposal.

DETAILS:

The proposal involves the demolition of the existing single dwelling at No. 52 (Lot 152 D/P: 3002) Mabel Street, North Perth.

On 3 January 2009, a fire partially destroyed the subject place. Overall, evidence suggests that due to the extent of the fire damage, the place would not be able to be used as a residence or for any other purpose. The applicant has advised that no insurer has agreed to insure the property in its current state and the applicant is not able to proceed with redevelopment on the site at this time because of financial constraints.

As such, the applicant has requested, due to the condition of the place, in the event that the Council approves the proposed demolition of the subject place, that it omits the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the Town, prior to the issue of a Demolition Licence.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (1)	- Any new redevelopment should be consistent with the streetscape and should not be a duplex		Noted - any replacement development would need to be in accordance with the Town's Town Planning Scheme No. 1 and associated Policies.
Objection (1)	- The existing house should be retained to maintain the streetscape		Not Supported – the house has been significantly damaged by fire and its demolition is proposed to address safety concerns. Any new development would be assessed in accordance with the Town's Policy

		No. 3.2.1 relating to Residential Design Elements, which provides a framework to ensure that new development, responds to existing and established streetscapes.
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.

COMMENTS:

Heritage Services Comments

A detailed Heritage Assessment is contained in the attachment to this report.

The subject rendered brick and iron dwelling at No. 52 Mabel Street, North Perth was constructed in the Federation Bungalow style of architecture circa 1909. The dwelling has a hipped and gable roof form and a double room frontage.

Since the date of its construction, a number of the original exterior Federation details of the subject dwelling have been removed, including the rendering of the original tuck pointing, the replacement of the original windows with an aluminium window and the adding of the arched loggias in the 1930s. These alterations and additions have served to diminish the authenticity of the subject place.

A full heritage assessment was undertaken for No. 52 Mabel Street, North Perth on 9 July 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.

In light of the above, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

Conclusion

The applicant has requested that the condition, relating to the requirement for a redevelopment proposal, be removed by the Town prior to the issue of a Demolition Licence. This above condition is a standard condition, as per Clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the Town and is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for the dwellings to be retained. Whilst the request to remove the above condition is not generally supported, the Town's Health, Planning, Building and Heritage Services have some serious concerns regarding the structural integrity of the subject place, due to the severe impact of the fire, including taking into consideration the owner's financial constraint.

In light of the above, it is considered that the subject single house be approved for demolition, without the standard redevelopment requirement, rather with a condition in regards to vacant lot management plan, as per the Officer Recommendation.

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

Ward:	North	Date:	21 July 2009
Precinct:	Smith's Lake, P6	File Ref:	PRO4723; 5.2009.146.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by A Kisiel on behalf of the owner A Kisiel for proposed Demolition of Existing Single House and Construction of Two (2), Three-Storey Grouped Dwellings, at No. 3 (Lot: 117 D/P: 12521) Deague Court, North Perth, and as shown on plans stamp-dated , for the following reasons:

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

COUNCIL DECISION ITEM 9.1.12

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

Landowner:	A Kisiel
Applicant:	A Kisiel
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Existing Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	357 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background relates to the proposal.

DETAILS:

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.983	2	Supported – whilst the proposed development does not comply with the density requirement for average site area, it satisfies the criteria of Clause 6.1.3 of the Residential Design Codes relating to variation of site area requirements as the variation is no more than five per cent less in area specified in Table 1 (R Codes) and facilitates the development of lots with separate and sufficient frontage to more than one public street.
Buildings on the Boundary: Western Boundary-	Walls not higher than 3.5 metres with an average of 3 metres	Proposed boundary walls on western elevation are 3.080 metres Boundary walls proposed on 2 side boundaries	Supported – no undue impact on neighbouring properties or surrounding amenity. Supported – as above.
Boundary Setbacks: Western Boundary- First Floor	2.0 metres	0.75 – 2.26 metres	Supported – no undue impact on neighbouring properties or surrounding amenity.

Eastern Boundary- First Floor	2.1 metres	0.75 – 2.26 metres	Supported – as above.
Western Boundary- Loft (Second) Floor	2.2 metres	0.75 – 2.26 metres	Not supported – undue impact on neighbouring property and surrounding amenity.
Eastern Boundary - Loft (Second) Floor	2.3 metres	0.75 – 2.26 metres	Not supported – as above.
Privacy Setbacks: Western Boundary - Balcony First Floor	7.5 metres	3.75 metres	Not supported – undue impact on affected neighbouring property in terms of privacy.
Eastern Boundary - Balcony First Floor	7.5 metres	3.7 metres	Not supported – as above.
Western Boundary - Windows to meals room(west dwelling)	6.0 metres	2.8 metres	Not supported – as above.
Eastern Boundary - Windows to meals room(east dwelling)	6.0 metres	2.8 metres	Not supported – as above.
Western Boundary - Windows to living room(west dwelling)	6.0 metres	3.2 metres	Not supported – as above.
Eastern Boundary - Windows to living room(east dwelling)	6.0 metres	3.1 metres	Not supported – as above.

<p>Lofts:</p>	<p>Lofts are to be contained between the roof pitch area (no less than 35 degrees and no greater than 45 degrees) and the top of the ceiling of the storey immediately below</p> <p>Lofts are not to resemble an additional storey</p> <p>Dormer windows to lofts are to have a maximum aggregate length of 4.5 metres or 20 per cent of the length of the dwelling on that particular elevation, whichever is lesser.</p>	<p>The proposed 'lofts' are not contained between the roof pitch areas</p> <p>The proposed 'lofts' resemble additional storeys</p> <p>The proposed dormer windows to 'lofts' occupy 40.67 per cent of each dwelling on that particular elevation.</p>	<p>Not supported – undue impact on streetscape and surrounding amenity, and considered to be a third storey.</p> <p>Not supported – as above.</p> <p>Not supported – as above.</p>
<p>Number of Storeys:</p>	<p>2 Storeys</p>	<p>3 Storeys</p>	<p>Not supported - undue impact on streetscape and surrounding amenity.</p>
<p>Building Height:</p>	<p>7 metres to the top of the concealed roof</p>	<p>Maximum height of 9.92 metres to the top of the concealed roof</p>	<p>Not supported – undue impact on streetscape and surrounding amenity.</p>
<p>Setback of Garages and Carports:</p>	<p>Garages to be setback a minimum of 0.5 metre behind the main building line</p>	<p>Proposed garages of both dwellings are located 1.8 metres in front of the main building line</p>	<p>Not supported – undue impact on the streetscape and surrounding amenity. It is noted however, that the visual impact of the proposed garages is minimised as they are setback 1.2 metres behind the porches, are single garages and are setback 5.3 metres from Deague Court.</p>
<p>Street Setbacks: Upper Floor-</p>	<p>Upper floor to be setback a minimum of 2 metres behind the ground floor setback</p>	<p>Upper Floors are not setback the required 2 metres behind the ground floor setback</p>	<p>Not supported – undue impact on neighbouring properties or surrounding amenity. It is noted however, that the visual impact is minimised through the use of contemporary design, different materials, windows and balconies creating an interesting façade when viewed from Deague Court.</p>

	Balconies on upper floor are to be setback a minimum of 1 metre behind the ground floor setback	Balconies on upper floor are not setback the required 1 metre behind the ground floor setback	Not supported – as above.
Vehicular Access:	Driveways are not to exceed 40 per cent of the frontage Driveways to have a minimum width of 3.0 metres	Proposed driveways occupy 43.11 per cent of the frontages for both proposed lots Proposed driveways have a width of 2.8 metres	Supported – no undue impact on streetscape or surrounding amenity as proposed lots have a narrow frontage of 6.68 metres. Supported – as above.

Consultation Submissions

Support (0)		
Objection (7)	<p>Privacy – concern that proposed development will overlook neighbouring properties adversely impacting on privacy</p> <p>Overshadowing – concern that proposed development will overshadow neighbouring properties</p> <p>Visual impact of height, bulk and scale of the proposed development</p> <p>Streetscape and Character – proposed development would be totally out of character with the existing streetscape</p> <p>Parking – proposed development will exacerbate the problem of parking in the street</p> <p>Boundary Walls – objecting to the proposed height of the boundary walls</p>	<p>Supported – undue impact on affected neighbouring properties.</p> <p>Not supported – proposed development complies with the overshadowing requirements of the Residential Design Codes.</p> <p>Supported – undue impact on neighbouring properties and surrounding amenity.</p> <p>Supported – undue impact on character of streetscape.</p> <p>Not supported – both dwellings provide the necessary parking bays.</p> <p>Supported – amended plans have been submitted to the Town depicting the deletion of the two storey boundary walls as originally proposed.</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:

Revised Plans

The original plans submitted by the applicant dated 28 April 2009 demonstrated two storey boundary walls on the western and eastern boundaries, as well as proposing an overall height of 10.32 metres. It is noted that the revised plans dated 15 July 2009 have attempted to address these two variations with the deletion of the two storey boundary walls and a reduction of the overall height to 9.92 metres. It is the Town's practice to assess skillion roofs as concealed roofs, with a maximum height requirement of 7 metres; however, the proposed skillion roof does possess some characteristics of a pitched roof which have a height requirement of 9 metres. In any case, the proposed height is non-compliant with the Town's Residential Design Elements Policy (RDEs), and cannot be supported at Officer level.

Car Stackers

The applicant is proposing a hydraulic car stacker to accommodate two (2) vehicles. The Town's Policy only supports car stackers for a surplus in car bays in excess of the 2 required car bays. It is noted that there is adequate room for two car bays to be provided for each dwelling in tandem, one within the garage and one behind, and that insufficient details have been provided with regard to the specific details of the proposed car stacking system. Each car stacking system is site specific and would need to be assessed on its own merits in terms of its suitability for the proposed site. Therefore, in this instance, the car stacking system is not supported. However, in the event that the Council resolves to approve the proposed development a separate planning application would be required to be submitted to and approved by the Town.

Lofts

The proposed lofts do not comply with the acceptable development criteria of the RDEs relating to lofts, specifically clause BDADC 6(a), (b) and (c). The lofts are not contained within the roof space, increase the bulk of the building, and resemble a third storey. It is noted that a third storey is not permitted within the Smith's Lake Precinct. In addition, the dormer windows exceed the allowable length of 20 per cent of the length of the dwelling. In *Frank Iemma and Town of Vincent* [2008] WASAT 523, the State Administrative Tribunal (SAT) concluded that:

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

The proposed lofts are inconsistent with the provisions of the RDEs relating to lofts, and are therefore considered a third storey, which is not supportable at Officer level.

Conclusion

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

9.1.14 Beaufort Street Terraces - Consideration for Re-Entry on the State Register of Heritage Places

Ward:	Both	Date:	16 July 2009
Precinct:	All	File Ref:	PLA 0098
Attachments:	001 002		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES:**

- (a) *the report relating to the proposed consideration of the Beaufort Street Terraces for entry on the State Register of Heritage Places;*
- (b) *the letter dated 9 July 2009 from the Heritage Council of Western Australia relating to the proposed consideration of the Beaufort Street Terraces for entry on the State Register of Heritage Places, as shown in Appendix 001 and as "Laid on the Table"; and*
- (c) *the revised supporting documentation from the Heritage Council of Western Australia relating to the proposed consideration of the Beaufort Street Terraces for entry on the State Register of Heritage Places, as shown in Appendix 002; and*

(ii) **AUTHORISES** the Chief Executive Officer to notify the Heritage Council of Western Australia:

- (a) *that the Town supports the proposed registration of the Beaufort Street Terraces for entry on the State Register of Heritage Places; and*
- (b) *to consider the proposed amendments to the supporting documentation for entry on the State Register of Heritage Places as detailed in the 'comments' section of the report.*

COUNCIL DECISION ITEM 9.1.14

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

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council that the Town has received a request from the Heritage Council of Western Australia to provide comment in relation to the proposed consideration of the Beaufort Street Terraces to be re-entered on the State Register of Heritage Places on an interim basis.

BACKGROUND:

The Beaufort Street Terraces comprising Nos. 225 - 227 (Lot 134) and Nos. 235 - 241 (Lots 108-109, 105-107, 102-104 and 100-101) Beaufort Street, Perth were first entered on the Town's Municipal Heritage Inventory in 1995 and re-entered on 12 September 2006. The Beaufort Street Terraces are listed as two separate heritage places on the Town's Municipal Heritage Inventory, with Nos. 225 - 227 Beaufort Street located to the south of Monger Street as one entry and Nos. 235 - 241 located to the north of Monger Street as another entry.

The Beaufort Street Terraces comprising both Nos. 225 - 227 Beaufort Street and Nos. 235 - 241 Beaufort Street were included on the State Register of Heritage Places on 31 July 2007 on an interim basis. This interim entry became invalid on 31 July 2008 by operation of Section 53 of the Heritage of Western Australia Act 1990. The interim entry was removed from the State Register of Heritage Places by publication of notice to that effect in the Government Gazette of 8 August 2008.

A Conservation Order under section 59 (4) of the Heritage of Western Australia Act 1990 was placed on the subject properties and issued by the Minister for Heritage on 30 December 2008. Conservation Orders are to ensure the ongoing protection of a heritage place until such time as they can be reinstated to the State Register of Heritage Places.

On 19 November 2008, the owner of No. 241 Beaufort Street lodged a review application with the State Administrative Tribunal in relation to the planning application for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), that was refused by the Council at its Ordinary Meeting held on 4 November 2008. The Orders issued by the State Administrative Tribunal on 30 March 2009 have been complied with by both the Applicant and the Respondent. The matter remains a reserved decision by the Tribunal.

It is understood that the property at No. 241 (Lots 100 & 101) has recently been sold; however, in accordance with the Town's rates database, settlement has not yet occurred.

DETAILS:

In accordance with Section 55 of the Heritage of Western Australia Act 1990, a place that has been removed from the State Register of Heritage Places, as is the case of the Beaufort Street Terraces, cannot be considered for re-entry onto the Register within a period of 5 years, except with leave of the Supreme Court and in accordance with such order as the Court sees fit.

In a letter dated 9 July 2009, the Heritage Council advised the Town of Vincent that the Supreme Court of Western Australia recently granted the Heritage Council of Western Australia the ability to recommence the registration process for the Beaufort Street Terraces.

Given this, the procedure for entry on to the Register outlined in Section 49 of the Heritage of Western Australia Act 1990 has recommenced. This procedure requires that prior to the entry of a place on the State Register of Heritage Places consultation is required from the municipal Council for the district in which the place situated.

In accordance with Section 49 of the Heritage of Western Australia Act 1990, the Heritage Council has invited the Town to comment on the proposed consideration of the Beaufort Street Terraces for entry on the State Register of Heritage Places and to provide specific comment on the revised assessment documentation attached to this report.

CONSULTATION/ADVERTISING:

The Heritage Council of Western Australia is required to advertise the proposed inclusion of the Beaufort Street Terraces on the State Register of Heritage Places in accordance with Section 49 of the Heritage of Western Australia Act 1990. Submissions close on 21 August 2009.

LEGAL/POLICY:

Heritage of Western Australia Act 1990.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

SUSTAINABILITY IMPLICATIONS:

The proposed inclusion of the Beaufort Street Terraces on the State Register of Heritage Places is considered a mechanism to ensure the long term conservation of the properties, and assist in promoting adaptive reuse and sustainable principles through retaining older style buildings in the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed inclusion of the Beaufort Street Terraces on the State Register of Heritage Places is supported by the Town's Officers, based on the recognised high level of cultural heritage significance associated with the place.

However, it is recommended that in proposing the inclusion of the Beaufort Street Terraces on the State Register of Heritage Places, the following comments relating to the revised assessment documentation are considered:

- Consideration to the listing of the Beaufort Street Terraces into two separate listings (Nos. 225 - 227 Beaufort Street and Nos. 239 - 241 Beaufort Street) to be consistent with the Town's Municipal Heritage Inventory. It is considered that this will provide greater clarity and understanding of the historical information relating to the place, particularly as no photographs or pictorial information is included in the physical description.
- Qualify in section 11.4 of the documentation that it is referring to the Town of Vincent Municipal Heritage Inventory.
- Qualify the current use status of the properties. It is understood that two of the properties in the group north of Monger Street are used for commercial purposes, namely both No. 235 and No. 239 Beaufort Street. Further research may be required to qualify the use status, as the documentary evidence suggests that only No. 235 is used for commercial purposes.

- Within the documentary evidence section 'the present' is used interchangeably between 2005 and 2009. It is recommended that 'the present' is consistent with the situation in 2009, particularly with regard to use status and ownership details of the properties.
- It is understood that the property at No. 241 Beaufort Street has recently been sold; however, in accordance with the Town's rates database, settlement has not yet occurred. It is recommended that this is factored into the ownership details of the documentation and that appropriate consultation occurs under Section 49 (b) (ii) of the Heritage of Western Australia Act 1990, to ensure that any prospective purchasers are provided the opportunity to provide comment on the proposed inclusion on the Register.
- Reference is made in the documentary evidence in relation to the addition of a lattice trim to the fence in 2008 at No. 214 Beaufort Street. This appendage to the front fence was undertaken without prior planning approval or a building licence issued from the Town and does not comply with the Town's planning policies and provisions or local government laws. As outlined in the background section of this report, the matter is waiting a determination by the State Administration Tribunal. It is considered that mentioning the addition of the lattice to the fence as it reads in the documentary evidence could be misconstrued being as supported on planning and heritage grounds. It is recommended that further detail is required to elaborate on the circumstances or the sentence be removed.

In light of the above, it is recommended that the Council supports the proposed re-entry of the Beaufort Street Terraces on the Register of Heritage Places on the condition that the recommendations listed above are forwarded to the Heritage Council of Western Australia for consideration.

9.2.3 Fitzgerald Street - Proposed Bus Queue Jump Facility at the Walcott Street Intersection, North Perth

Ward:	North	Date:	20 July 2009
Precinct:	North Perth P8	File Ref:	TES0178
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Proposed Fitzgerald Street Bus Queue Jump Facility on the approach to the Walcott Street Intersection, North Perth;
- (ii) **ADVISES** the Public Transport Authority that it **APPROVES** the proposal as outlined on attached Plan A as shown in Appendix 9.2.3 subject to;
 - (a) *cyclists being legally allowed to use the bus lane;*
 - (b) *a cycle safety audit of the final proposal being carried out; and*
 - (c) *consideration being given to buses being provided with an "advance signal phase".*

COUNCIL DECISION ITEM 9.2.3

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

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

To advise the Council of a proposal by the Public Transport Authority (PTA) to implement a "Bus Queue Jump Facility" at the Walcott Street Intersection North Perth.

BACKGROUND:

On 7 July 2009, a letter was received from the Public Transport Authority (PTA) advising the Town of their proposal to implement a Bus Queue Jump Facility on the north bound lane on Fitzgerald Street at the Walcott Street Intersection, North Perth.

The PTA has requested the Town's approval for the creation of the Bus Queue Jump Facility.

DETAILS:

PTA Request:

An extract of the letter received from PTA is outlined below.

"Buses travelling away from Perth on Fitzgerald Street are regularly experiencing significant delays at the intersection with Walcott Street. Patronage on the affected bus routes (886, 887 and 889) is significant and is increasing annually and therefore it has become necessary for the Public Transport Authority to consider the provision of bus priority at this intersection. This project forms part of the PTA Bus Priority Program.

This part of Fitzgerald Street has five northbound lanes and an opportunity currently exists for a bus queue jump lane to be implemented without the need for significant works or disruption. A similar facility was installed previously on the northern side of the intersection in Alexander Drive and has proved to be highly beneficial for bus operations.

Subject to Council agreement, it is proposed that the PTA would fund these works but request that Council undertake the necessary construction.

PTA now seeks the Town of Vincent's approval for the creation of a bus queue jump facility in Fitzgerald Street at the Walcott Street intersection as per the attached design."

Existing Intersection:

The intersection of Fitzgerald Street/Walcott Street comprises a four-way signalised intersection. Buses travelling northbound along Fitzgerald Street regularly experience significant delays at this intersection. As part of the PTA Bus Priority Program, an opportunity exists for one of Fitzgerald Street's five approach lanes to be converted into a "Bus Queue Jump Lane".

Proposal:

The bus priority proposal would see part of the existing 85m left turning lane and the 40m short through lane on the Fitzgerald Street approach converted into an 85m bus queue jump lane. This would leave a 40m left turning lane and vehicles wishing to turn left into Mabel Street would be able to do so from the bus lane. (Refer attached Plan A).

Modelling:

The intersection was modelled using SIDRA by PTA's consultants, Worley Parsons.

SIDRA is an advanced traffic evaluation tool that employs lane-by-lane and vehicle drive cycle models. This software package is used worldwide for intersection capacity, level of service and performance analysis by traffic design, operations and planning professionals.

As part of the analysis, signal phasing and timings were kept constant for the AM peak. Due to the Fitzgerald Street approach being close to capacity in the PM peak, 8 seconds of additional green time were allocated to Fitzgerald Street traffic to reduce the impact of the conversion of the short through lane into a bus lane. The overall cycle length was kept at 150 seconds.

Conclusions:

The conversion of the existing left turn and short through lane on the Fitzgerald Street approach to a bus queue jump lane was predicted by SIDRA to have very little impact in the AM peak. The degree of saturation slightly increased for the two remaining through lanes and the maximum queues for these lanes were predicted to increase by approximately 3 vehicles, from 12.9 vehicles to 16.1 vehicles. Vehicles on all other approaches are unaffected by this change.

For the PM peak, small changes to the phase timings will be required to minimise the impacts to Fitzgerald Street traffic. With the reallocation of 8 seconds of green time to Fitzgerald Street (keeping the overall cycle time constant at 150 seconds), SIDRA predicted an increase in queues on the Fitzgerald Street through lanes of 2 vehicles (from 57.9 to 60.2 vehicles). The reallocation of green time away from Walcott Street and Alexander Drive caused only a small increase to queue and delay on these approaches.

Officer's Comments:

In late 2004 the Council considered a proposal from PTA for modifications to the Alexander Drive, Walcott Street and Fitzgerald Street intersection to accommodate a proposed bus priority lane.

At it's Ordinary meeting held on 14 September 2004 the Council made the following decision (in part):

"That the Council;

- (i) *RECEIVES the report on Alexander Drive Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection North Perth;*
- (ii) *APPROVES in principle the proposal called Option 2 as outlined on attached Plan "Figure 2" subject to:*
 - (a) *cyclists being legally allowed to use the bus lane;*
 - (b) *a cycle safety audit of the final proposal being carried out; and*
 - (c) *buses having an advance phase in the traffic signals; ..*

A meeting was subsequently held between the Town's officers and PTA's Consultants SKM where the following was advised:

- *That cyclists would be allowed to travel in this bus lane as:*
 - *There is currently no viable alternative for cyclists to traverse the intersection, and*
 - *The bus lane is short and cyclists are unlikely to delay buses over this short distance.*
- *That an additional bus phase will not be provided at this stage:*
 - *Consultants explained that a traffic analysis had been done and showed that the intersection has traffic queues back to Woodlands Street in the am peak. An additional phase for buses would increase the queue length and prevent buses from getting into the bus lane and create further delays.*
 - *The consultants further considered that an additional bus phase would be detrimental to buses in non-peak periods, as buses would be stopped and forced to wait for a bus phase.*
- *A cycle safety audit would be done as part of the overall road safety audit.*

The modified intersection works extremely well and a similar arrangement is proposed for the north bound approach. On assessing the proposal it is considered that the proposal should be supported.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(e) Work with State Government to improve public transport within the Town.”*

SUSTAINABILITY IMPLICATIONS:

Implementing measures to streamline bus movements is supported from a long term sustainability view point to reduce dependency on passenger vehicles.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

As mentioned in the report, a bus priority lane was created on the southern approach to the Alexander Drive/Walcott Street intersection in late 2004. This has worked extremely well.

A similar treatment is proposed for the northbound approach to the intersection (Fitzgerald/Walcott), to be accommodated within the existing carriageway.

PTA have requested that the Town implement this proposal. The scope of work will be assessed by the Director Technical Services and Manager Engineering Operations and the PTA will be duly advised.

This proposal is fully supported by the officers and Council's endorsement for the proposal is sought.

9.2.4 Tender No. 407/09 – Supply and Delivery of Sand

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	TEN0415
Attachments:	-		
Reporting Officer(s):	R Lotznicker, C Economo, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **DOES NOT ACCEPT** the tender submitted by All Earth Group for the Supply and Delivery of Sand for the reasons outlined in the report; and
- (ii) **NOTES** that the Town will continue to purchase sand, based on a quotation price.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to reject the tender for the Supply and Delivery of Sand and recall tenders.

BACKGROUND:

On 20 May 2009 a tender for the Supply and Delivery of Sand for a three (3) year period was advertised. At the close of the tender at 2.00pm on Wednesday 3 June 2009, one (1) tender was received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Details of the submission received are as follows:

		All Earth Group			
	Description	Land Sand yellow (Screened) \$/tonne	Fill Sand yellow (Screened) \$/tonne	Bricklayers Sand (Screened) \$/tonne	Washed White Sand (Screened) \$/tonne
1	Supply and Deliver to Town of Vincent Works Depot	\$15.84	\$13.20	\$21.78	\$23.92
2	Supply onto Town's vehicle - ex pit	Not provided	Not provided	Not provided	Not provided
3	Supply and deliver anywhere within the Town of Vincent	\$16.63	\$13.86	\$22.87	\$25.13

Officers' Comments

The Town does not currently have a tender for the supply and delivery of sand as the purchase of sand by the Town in 2008/2009 was less than \$30,000. The sand mostly used is unscreened yellow fill sand.

Tenders were called with the aim of achieving best value by entering into a three (3) year arrangement with a contractor.

The tender submitted by All Earth Group does not include a price for the supply of sand onto the Town's vehicle - ex pit. The Town often collects sand in its own, or its contractor's vehicles, as required.

All Earth Group tendered price of \$13.20 per tonne is for unscreened yellow sand delivered to the Town's depot. The Town currently purchases sand supplied to the Depot for less than \$11.00/tonne. Other sands, which are purchased on a quotation basis, are also less than the price offered by All Earth Group.

In accordance with the Tender, Town is not bound to accept the lowest tender and may reject any or all tenders submitted.

It is therefore recommended that the tender submitted by All Earth Group not be accepted and the Town continues to purchase sand on a quotation basis.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The value of purchasing sand is approximately \$45,000 per annum.

COMMENTS:

For the reasons outlined in the report, it is recommended that the Council rejects the tender submitted by All Earth Group for the Supply and Delivery of Sand.

9.2.5 Tender No. 408/09 – Installation of Signage

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	TEN0416
Attachments:			
Reporting Officer(s):	R Lotznicker; C Wilson, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by ATM Civil Pty Ltd, Allpack Signs and Sam's Repairs and Maintenance as being the most acceptable and advantageous to the Town for the Installation of Signage in accordance with the specifications detailed in Tender No. 408/09.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for the Installation of Signage for a three (3) year period.

BACKGROUND:

On 20 May 2009 a tender was advertised for the Manufacture and Supply of Signage for a three (3) year period. At the close of the tender on Wednesday 3 June at 2.00pm, four (4) tenders were received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Tenders were received from four (4) companies.

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1.	Past experience in similar projects/works	30%
2.	Contract Price	25%
3.	Organisational structure/capacity/resources	20%
4.	Compliance with Tender Specification	20%
5.	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, and Manager Engineering Operations.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Evaluation Criteria	Weighting	Sam's Repairs	Sudden Impact Signs	Allpack Signs	ATM Civil Pty Ltd
Past Experience in similar projects/works	30%	30	25	25	29
Contract Price	25%	24.64	3.09	24.5	25
Organisational structure/capacity/resources	20%	18	18	19	19
Compliance with tender specification and Health/Safety requirements	20%	10	15	18	18
References	5%	5	5	5	5
	100%	87.64	66.09	91.5	96
		3	4	2	1

The Town currently has a panel of contractors to supply this service. The four (4) tenderers who submitted prices complied with the tender requirements in varying degrees, as reflected in the evaluation table above.

Sam's Repairs & Maintenance (a one person operation) who currently undertakes almost all of the signs installation for the Town submitted the 2nd highest price overall and has provided a reasonable service over the last three years.

Given the varying needs and types of requirements under this contract it is considered that a panel of contractors be appointed comprising ATM Civil Pty Ltd, Allpack Signs and Sam's Repairs and Maintenance and that projects be allocated to the respective contractor based the works required and to achieve best value.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the Installation of Signage are charged to a specific capital works projects or various maintenance accounts as and when required.

The total cost of the installation of signage within the Town varies from year to year however it is estimated that \$40,000 to \$60,000 is spent annually on the replacement of existing and the installation of new signage.

A copy of the Tender Schedule is “Laid on the Table”.

COMMENTS:

It is recommended that the Council accepts the tenders submitted by ATM Civil Pty Ltd, Allpack Signs and Sam’s Repairs and Maintenance as being the most acceptable for the Installation of Signage in accordance with the specifications as detailed in Tender No. 408/09.

9.2.6 Tender No. 404/09 – Supply and Delivery of Limestone

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	TEN0412
Attachments:	-		
Reporting Officer(s):	R Lotznicker, C Economo, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted from WA Limestone for the Supply and Delivery of Limestone in accordance with the specifications detailed in tender No. 404/09.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for the Supply and Delivery of Limestone, for a three (3) year period.

BACKGROUND:

On 20 May 2009 a tender was advertised for the Supply and Delivery of Limestone for a three (3) year period. At the close of the tender on Wednesday 3 June at 2.00pm, one (1) tender was received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

A Tender was received from the following:

		WA Limestone	
		\$/Tonne (including GST)	
	Description	Type A	Type B
1	Supply and Deliver to: Town of Vincent Depot 1 Linwood Court Osborne Park 6017	9.70	16.10
2	Supply onto Town's vehicle - ex pit	5.20	11.60
3	Supply and deliver anywhere within the Town of Vincent	10.70	17.10
4.	Location of Quarry	Flynn Drive, Neerabup	

Note: Type A = 75mm
Type B = 19mm

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	30%
2	Organisational structure/capacity/resources	30%
3	Contract Price	20%
4	Compliance with Tender Specification	10%
5	Financial Capacity	5%
6	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services and the Manager Engineering Operations.

The tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	WA Limestone
Past experience in similar projects/works (25%)	30
Organisational structure/capacity/resources (25%)	30
Contract Price (25%)	20
Compliance with Tender Specification (15%)	9
Financial Capacity (5%)	4
Reference (5%)	5
Total	98
Ranking	1

WA Limestone has proven experience and capacity to undertake this contract, is the Town's current contractor and has held this contract with the Town for the past six (6) years, with the service and product they have supplied being more than satisfactory.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the supply and delivery of limestone is charged to a specific capital works project or the road maintenance account as and when required.

The total cost of supply and delivery of limestone within the Town varies from year to year dependant on what road rehabilitation projects are specified in the annual budget. During the 2008/09 financial year a total of about \$50,000 was required for the supply and delivery of limestone throughout the Town.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by W.A. Limestone as being the most acceptable for the Supply and Delivery of Limestone in accordance with the specifications as detailed in Tender No. 404/09.

9.2.7 Tender No. 403/09 – Manufacture and Supply of Signage

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	TEN0411
Attachments:			
Reporting Officer(s):	R Lotznicker, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Allpack Signs and Jason Sign Markers as being the most acceptable and advantageous to the Town for the Manufacture and Supply of Signage in accordance with the specifications as detailed in Tender No. 403/09.

COUNCIL DECISION ITEM 9.2.7

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for the Manufacture and Supply of Signage for a three (3) year period.

BACKGROUND:

On 20 May 2009 a tender was advertised for the Manufacture and Supply of Signage for a three (3) year period. At the close of the tender on Wednesday 3 June at 2.00pm, two (2) tender was received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Tenders were received from six (6) companies.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, and Manager Engineering Operations.

CRITERIA		WEIGHTING
1.	Past experience in similar projects/works	30%
2.	Organisational structure/capacity/resources	30%
3.	Contract Price	20%
4.	Compliance with Tender Specification	10%
5.	Financial Capacity	5%
6.	References	5%
TOTAL:		100%

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Evaluation Criteria	Weighting	Allpack Signs	Signhere Signs	Artcraft	Sudden Impact Signs	Sunny Signs	Jason Signmakers
Past Experience in similar projects/works	30%	30	30	15	20	25	30
Contract Price	30%	30	25.44	29.72	4.72	28.74	27.83
Organisational structure/capacity/resources	20%	20	20	18	20	20	20
Financial Capacity	10%	6	10	0	5	5	8
Compliance with Tender Specification	5%	5	4	2	5	3	5
References	5%	5	5	5	5	5	5
TOTAL:	100%	96	94.44	69.72	59.72	86.74	95.83
		1	3	5	6	4	2

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Funds for signage are contained in numerous operating and capital budgets. In 2008/09 the cost of signage, including street signs, parking signs and other signs, exceeded \$60,000.

A copy of the Tender Schedule is “Laid on the Table”.

COMMENTS:

It is recommended that the Council accepts the tenders submitted by Allpack Signs and Jason Sign Makers, as being the most acceptable for the Manufacture and Supply of Signage in accordance with the specifications detailed in Tender No. 403/09.

9.2.8 Tender No 405/09 – Supply and Delivery of Clay Pavers

Ward:	Both	Date:	17 July 2009
Precinct:	All	File Ref:	TEN0413
Attachments:	-		
Reporting Officer(s):	R Lotznicker; C Economo, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender from Midland Brick for the Supply and Delivery of Clay Pavers in accordance with the specifications as detailed in Tender No. 405/09.

COUNCIL DECISION ITEM 9.2.8

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for the Supply and Delivery of Clay Pavers for a three (3) year period.

BACKGROUND:

On 20 May 2009 a tender was advertised for the Supply and Delivery of Sand for a three (3) year period. At the close of the tender on Wednesday 3 June at 2.00pm, one (1) tender was received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Details for the submission received are as follows: (Prices include GST)

		Midland Brick	
ITEM		UNIT	RATE \$
1.0	Heavy Duty (232 x 115 x 60 mm)**		
1.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	697.00
1.2	Loaded on to Town's Truck	Per 1000	630.00
2.0	High Performance (232 x 115 x 76 mm)**		
2.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	929.00
2.2	Loaded onto Town's Truck	Per 1000	838.00
3.0	Cream/Charcoal Heavy Duty (232 x 115 x 60 mm)		
3.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	688.00
3.2	Loaded onto Town's Truck	Per 1000	601.00

		Midland Brick	
4.0	Cream/Charcoal High Performance (232 x 115 x 76 mm)		
4.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	886.00
4.2	Loaded onto Town's Truck	Per 1000	795.00
5.0	Common Cored Bricks		
5.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	687.00
5.2	Loaded onto Town's Truck	Per 1000	627.00

Tender Evaluation

Selection Criteria

The following weighted criteria was used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1.	Past experience in similar projects/works	30%
2.	Organisational structure/capacity/resources	30%
3.	Contract Price	20%
4.	Compliance with Tender Specification	10%
5.	Financial Capacity	5%
6.	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, and Manager Engineering Operations.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Midland Brick
Past experience in similar projects/works (30)	30
Organisational structure/capacity/resources (30)	30
Contract Price (20)	20
Compliance with Tender Specification (10)	9
Financial Capacity (5)	4
Reference (5)	5
Total	98
Ranking	1

Midland Brick have held this contract with the Town over the past six (6) years and have provided good service and a quality product. Their bricks are predominantly used as the preferred paving with the majority of streetscape upgrades undertaken throughout the Town.

The advantage of Midland Clay Pavers is that the bricks are double faced, which results in less wastage and easier and quicker laying. In addition, over time the bricks can simply be flipped over, resulting in a near new paved surface.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the supply and laying of clay pavers are charged against the respective capital works or footpath maintenance account as and when required.

The total value of this tender (per annum) is dependent on what projects are included in the capital works budget.

COMMENTS:

It is recommended that the Council accepts the tender submitted by Midland Brick as being acceptable for the Supply and Delivery of Clay Pavers in accordance with the specifications as detailed in Tender No. 405/09.

9.2.10 Tender 401/09 – Pavement Marking Services

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	TEN0409
Attachments:	-		
Reporting Officer(s):	R Lotznicker, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Linemarking Specialists for pavement marking services in accordance with the specifications detailed in Tender No. 401/09.

COUNCIL DECISION ITEM 9.2.10

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for pavement marking services for a three (3) year period.

BACKGROUND:

On 20 May 2009 a tender for Pavement Marking Services for a three (3) year period was advertised. At the close of the tender at 2.00pm on Wednesday 3 June 2009, one (1) tender was received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Tenders were received from the following:

(Prices include GST)

Item	DESCRIPTION	Unit	Linemarking Specialists
			\$
1.	One parking bay - tick marks (refer to AS1742.11 - 1999, Figure 7.1 C)	each	6.00
2.	One parking bay – solid lines, set out and paint (refer to AS1742.11 - 1999, Figure 7.1 A)	each	8.00
3.	One parking bay – angled solid lines, set out and paint (refer to AS1742.11 - 1999, Figure 7.1 B)	each	8.00
4.	Disable Parking bay with 'ACROD' logo 3.6m wide	each	2m ² blue paint & logo \$45.00

			Linemarking Specialists
Item	DESCRIPTION	Unit	\$
5.	Bus stopping bay - standard paint	each	50.00
6.	Bus stopping bay - cold applied plastic	each	140.00
7.	Bus stopping bay - Thermoplastic	each	140.00
8.	'NO PARKING' text height 300mm - stencil	each	20.00
9.	'NO STOPPING' text height 300mm - stencil	each	20.00
10.	Stencilling text height 300mm per letter	each	3.00
11.	Straight lines 80mm - 100mm wide	m	1.80/metre
12.	Arrows - straight and straight turn - 6000mm height	each	20.00
13.	Arrows - turn - 4000mm height	each	20.00
14.	'Piano Keys' one side of speed humps - Thermoplastic	m	150.00/side
15.	ROW speed humps - white out	m	35.00
16.	Blackout/Painting Over	m	20.00m ²
17.	Grinding Off	m	N/A
18.	Addition of Glass Beads		Included
19.	Blacking out of existing road markings		20.00m ² Or \$1.80/lineal metre

Cost of other items not included above or "value for money" pricing

1.	Availability to spot roads on new asphalt pavements in accordance with the Town of Vincent plan during the week		\$45.00/hr
2.	Availability to spot roads on new asphalt pavements in accordance with the Town of Vincent plan during weekends		\$90.00/hr

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Executive Manager Corporate Services, Mike Rootsey, Manager Parks Services, Jeremy van den Bok, and the Coordinator Engineering Services, Con Economo.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Linemarking Specialists
Past experience in similar projects/works (30%)	30
Organisational structure/capacity/resources (30%)	30
Contract Price (20%)	20
Compliance with Tender Specification (10%)	8
Financial Capacity (5%)	4
Reference (5%)	5
Total	97
Ranking	1

Linemarking Specialists have undertaken this work for the Town over the past three (3) years and have provided a good service.

Linemarking Specialists have the capacity and experience to undertake what is required.

It is recommended that Linemarking Specialists be awarded the tender to undertake pavement marking services.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with Pavement Marking Services are charged to a specific capital works project or the specific road marking maintenance account as and when required.

The total cost of Pavement Marking Services within the Town during the 2005/06 financial year was \$60,000.00.

COMMENTS:

It is recommended that the Council accepts the tender submitted by Linemarking Specialists for Pavement Marking Services in accordance with the specifications as detailed in Tender No. 401/09.

9.2.11 Tender No 402/09 – Traffic Management Services

Ward:	Both	Date:	21 July 2009
Precinct:	All	File Ref:	TEN0410
Attachments:			
Reporting Officer(s):	R Lotznicker, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Carrington’s Traffic Services and Vigilant Traffic Management, being the most acceptable to the Town for the provision of Traffic Management Services in accordance with the specifications detailed in Tender No. 402/09.

COUNCIL DECISION ITEM 9.2.11

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for Traffic Management Services.

BACKGROUND:

On 20 May 2009 a tender was advertised for the Manufacture and Supply of Signage for a three (3) year period. At the close of the tender on Wednesday 3 June at 2.00pm, six (6) tenders were received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Tenders were received from six (6) companies.

Tender Evaluation

Selection Criteria

The following weighted criteria was used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1.	Past experience in similar projects/works	30%
2.	Organisational structure/capacity/resources	30%
3.	Contract Price	20%
4.	Compliance with Tender Specification/Able to provide a TMP within the required timeframe in accordance with AS 1742.3 2009	15%
5.	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, and Manager Engineering Operations.

Each submission was assessed using the tender selection criteria in accordance with the tender documentation as follows.

Evaluation Criteria	Weighting	New Image Traffic	Vigilant Traffic Management	ATM	TRS	WARP	Carrington's Traffic Services
Past Experience	30%	26	28	30	30	30	30
Contract Price	30%	21.62	30.00	24.35	23.88	26.04	24.84
Organisational structure/ capacity/resources	20%	17	17	20	20	20	20
Compliance with Tender Specification/Able to provide a T.M.P. within the required time frame in accordance with AS 1742.3 2009	15%	10	13	10	9	8	15
References	5%	3	5	1	5	1	5
TOTAL	100%	77.62	93.00	85.35	87.88	85.04	94.84
		6	2	4	3	5	1

To comply with health and safety requirements and relevant legislation when carrying out works within the road reserve or in other public places, "Traffic Management" must be set up by accredited traffic management personnel in compliance with AS 1742.3 2002 to ensure the worksite is kept safe from passing traffic, pedestrians, etc.

In addition, the preparation of traffic management plans are required (from simple to complex) for specific works. These plans must be prepared by accredited traffic management personnel, submitted to the Town and kept on file.

While a project is in progress, a variety of temporary traffic management measures (depending on the size, duration and scope of the works), e.g. signage, barriers, traffic cones flashing directional message boards, traffic controllers (stop/go personnel) etc., needs to be implemented and maintained in compliance with the traffic management plan.

The submissions received were competitive, however, compliance with the request for tender specifications varied as did demonstrated financial capacity and demonstrated relevant experience.

The following companies are considered suitable to be included on a panel to provide the required services to the Town.

- Vigilant Traffic Management
- Carrington's Traffic Services

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with Traffic Management Services are charged to a specific capital works projects respective engineering and parks maintenance accounts as and when required.

The total cost of Traffic Management Services within the Town during the 2008/09 financial year was approximately \$120,000.00.

A copy of the Tender Schedule is “Laid on the Table”.

COMMENTS:

It is recommended that the Council accepts the tenders submitted by Vigilant Traffic Management and Carrington's Traffic Services, as being the most acceptable to the Town for Traffic Management Services in accordance with the specifications detailed in Tender No. 402/09.

9.3.2 Annual Plan – Capital Works Programme 2009/10

Ward:	Both	Date:	7 July 2009
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicker, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the 2009/10 Capital Works Programme as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

To present the Annual Plan and Schedule for the Capital Works Programme 2009/10 for Council Approval.

BACKGROUND:

At the Special Council Meeting held on 1 July 2009, Council adopted the Annual Budget 2009/10.

DETAILS:

The Capital Works Programme now forms part of the Annual Plan for the Town of Vincent. The Directors and Managers from the three Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$21.5 million of Capital Works.

The programme takes into consideration the following factors:

- Budget/funding;
- Existing workload commitments of the workforce;
- Consultation requirements;
- Liaison with other agencies/service areas;
- Employee leave periods;
- Festive season leave period; and
- Cash flow requirements.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2009/10 Annual Budget.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009 – 2014 – Key Result Area 1 – Natural and Built Environment.

Objective 1.1; *“Improve and Maintain the Environment and Infrastructure.”*

SUSTAINABILITY IMPLICATION:

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmental, financial and sound.

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works Programme is funded in the 2009/10 Annual Budget.

COMMENTS:

The schedule of projects may be subject to change during the year. However, the Capital Works Programme will be initially implemented on the basis of the timing as outlined in the attached programme.

Quarterly progress reports on the Capital Works Programme will be prepared for Council throughout the year.

The projects listed will ensure the Town’s infrastructure and assets are upgraded and maintained for the overall benefit of the community.

9.3.3 Harmonisation of Disability Parking Permit Schemes in Australia - Submission

Ward:	Both	Date:	6 July 2009
Precinct:	All	File Ref:	CMS0053
Attachments:	-		
Reporting Officer(s):	D Retsas		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Town's submission for the Harmonisation of Disability Parking Permit Schemes in Australia to provide feedback on the development of an Australian Disability Parking Scheme.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

To seek approval to submit the feedback form in relation to the Harmonisation of Disability Parking Permit Schemes in Australia.

BACKGROUND:

The Town has been invited by the Department of Local Government and Regional Development (DLGRD) to provide comments and recommendations to the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) in regard to the Harmonisation of Disability Parking Permit Schemes in Australia - Discussion Paper 2009.

The discussion paper was developed by a national working group whose Western Australian (WA) representatives are from the National Disability Services (NDS) and from the DLGRD.

The proposed scheme will require legislative amendments to the Local Government (Parking for Disabled Persons) Regulations 1988 and to the WA Road Traffic Code 2000 as well as administrative changes in regard to new eligibility criteria and new national permit design if the proposed changes are adopted.

The discussion paper provided the opportunity for broad participation in the development of the harmonisation of disability parking permit schemes, and an opportunity for the Town to comment on the legislative and administrative framework, which will be amended if the proposed scheme is adopted.

Submission of the feedback form Harmonisation of Disability Parking Permit Schemes in Australia will be accepted up to Friday 31 July 2009, by the Department of FaHCSIA.

DETAILS:

FaHCSIA has provided a framework by which comments can be submitted, through the provision of a discussion paper and a submission sheet for completing the feedback, either as an individual or as a group, in regard to the proposed Australian Disability Parking Scheme.

The proposed scheme and submission sheet covered the following areas:

- Eligibility Criteria;
- Parking Concessions;
- Permit Design; and
- Additional comments about the Australian Disability Parking Scheme.

The Town has distributed the discussion paper and feedback has been sought and collated from the Universal Access Advisory Group (UAAG) and the Ranger and Community Safety Services.

All sections of the submission sheet contain some feedback from the Town of Vincent; however selected areas of interest were given priority when providing responses.

Each section is outlined by the proposal, key changes for WA, followed by the questions, raised in the submission sheet, then a recommended comment. Some answers are from a multiple choice selection.

It is recommended that the comments as listed in the following report be approved to be submitted to FaHCSIA.

Feedback about the proposed Australian Disability Parking Scheme:

Question 1: Do you support all aspects of the proposed scheme?

Comment:

No.

If no please comment on each of the proposals below:

Contents:

- Eligibility Criteria;*
- Parking Concessions;*
- Disability Parking Permit Design;*
- Australian Disability Parking Scheme; and*
- Additional Comments about the proposed Australian Disability Parking Scheme.*

A. Eligibility Criteria:

The following eligibility criteria, based upon functional ability, are proposed for permanent permits.

The Proposal:

Consistent eligibility criteria: permanent permit:

Information: *Under the proposed Australian Disability Parking Scheme, you would be eligible for a permanent permit if:*

Criteria 1: *You are unable to walk and always require the use of a manual wheelchair or powered mobility device, or*

Criteria 2: *Your ability to walk is permanently and severely restricted and you sometimes require the use of a mobility or medical aid. This does not include a walking stick, shopping trolley or pram, or*

Criteria 3: *You do not use a mobility or medical aid but your ability to walk is permanently restricted by a significant medical condition or disability, which sometimes requires the physical assistance of another person and limits your access to the community.*

Key Changes in WA:

- *The new criteria will assess how a person functions in the community rather than by their medical diagnosis; and*
- *The national proposal will be supplemented with a detailed scoring assessment tool to be developed for agencies to determine eligibility.*

Question 2: Which statement best describes your view about the eligibility criteria for the proposed scheme?

- ***I fully support all these eligibility criteria;***
- ***I support one or more of these eligibility criteria, with minor amendments; and***
- ***I do not support any of the eligibility criteria.***

Comment:

I (We) support one or more of these eligibility criteria, with minor amendments.

Please describe your concerns:

Comment:

Uniform eligibility criteria would assist people moving interstate to live, but are not necessary for people visiting other states/territories, as their eligibility is established in their place of residence.

The potential problem with moving from current state/territory criteria to a uniform set of criteria is that the existing permit holders might become ineligible under the new criteria, Whilst the proposed criteria do not appear to disadvantage existing WA permit holders, the change from medical diagnosis to how a person functions in the community could have unforeseen adverse impacts.

It appears other states/territories have less rigorous criteria or assessment than WA (based on the proportion of the population with permits – 2.8% in WA; 5% or more in NSW and Queensland). Harmonisation of disability parking permit eligibility criteria should acknowledge existing WA permit holders by an automatic entitlement to a permit under the new scheme.

In regard to the national proposal that the new selection criteria will be supplemented with a detailed scoring assessment tool to be developed for agencies to determine eligibility, it would be appropriate to engage local governments, disability services and agencies such as National Disability Services WA (NDSWA) in discussions to develop a national assessment tool.

Whilst the aim of the national eligibility criteria is to bring states/territories into line, it would be advantageous to introduce a review process, which could be carried out on a regular basis for example every 5 years, to determine the continuing eligibility of permanent permit holders.

The Proposal:

Consistent eligibility criteria – temporary permit:

Information: *Under the proposed Australian Disability Parking Scheme, you would be eligible for a temporary permit if:*

Criteria 1: *Your ability to walk is significantly restricted on a temporary (rather than permanent) basis and you sometimes require use of a mobility or medical aid. This does not include a walking stick, shopping trolley or pram, or*

Criteria 2: *You do not use a mobility or medical aid but your ability to walk is restricted by a significant medical condition or disability, which requires the physical assistance of another person and limits your access to the community for the temporary period. Temporary permits will be issued for a minimum of six months and a maximum of 12 months. Arrangements for extending permit eligibility will continue to be managed separately by state and territory administrators.*

Key Changes in WA:

- *Minimum length of temporary permit extended from 3 months to 6 months; and*
- *Maximum length of temporary permit reduced from 23 months to 12 months.*

Question 3: The minimum period for temporary permits of six months is:

Choose from one of the following responses for each statement;

- **Just right, Too short, Too long.**

Comment:

Just right- as this extends the minimum temporary permit in WA from three to six month.

Question 3.1: The maximum period for temporary permits of twelve months is:

Comment:

Too short – comment below

Please explain the reason for your choice and describe your suggested alternative:

Comment:

The reduction in time for the temporary permit in WA from twenty three months to the proposed national standard of 12 months will create more difficulty for people with disabilities and their carers.

As it stands, the process to gain a temporary permit requires that specific eligibility criteria are met and assessment is conducted in regard to the applicant with a short-term disability. However, having a permit with a longer period of time provides the recipient with peace of mind if recovery time is extended and reduces stress in regard to administration processes for additional time extensions, if there is insufficient time.

Question 4: Consistent eligibility criteria, all permits:

The following statements apply to the proposed eligibility criteria overall:

Choose from one of the following responses for each statement;

- *Strongly disagree;*
- *Disagree;*
- *Neutral;*
- *Strongly agree;*
- *Agree;*
- *Don't know.*

Question 4.1: The eligibility criteria are clear and easy to understand:

Comment:

Disagree - as comments indicate that current permit holders are concerned they will no longer fit the selection criteria

Question 4.2: The proposed eligibility criteria will help the right people:

Comment:

Don't know- as this will only be reflected once the new scheme is in operation.

Question 4.3: There is a need for consistent eligibility criteria across Australia:

Comment:

Agree - as the harmonisation of national eligibility criteria should reduce confusion across states/territories.

B. Parking Concessions:

The Proposal:

National minimum standards for disability parking permit concessions:

Permit holders may park in reserved parking spaces displaying the International Symbol of Access (ISA). The following concessions would apply in other parking spaces:

1. *If the parking sign is up to and including 30 minutes – up to one hour.*
2. *If the parking sign is more than 30 minutes – twice the time limit.*
3. *Parking meters – time limit extension arrangements apply after the maximum period indicated on the meter has been reached.*

Points 1 and 2 relate to territory and/or local government operated parking areas.

Key Changes in WA:

- *The proposed parking concession that will apply to an area where the permissive parking sign is less than 30 minutes will enable the permit holder to use the space for more than twice the period indicated on the sign.*

Question 5: Select the (one) response that best describes your view about the disability parking permit concessions:

- *I fully support the minimum standards for parking concessions;*
- *I support these concessions, with minor amendments; I do not support these concessions; and*
- *I would prefer that concessions are consistently applied across all states and territories.*

Comment:

I (We) would prefer that concessions are consistently applied across all states and territories

Please describe your concerns:

Comment:

To make things simple and easy to use for permit holders, especially when travelling interstate, it would be desirable to have standard concessions. However, it should be noted that concessions in WA are currently granted under local government laws and are not State or Federal laws.

Local government must be included in the development of the Harmonisation of disability parking permit schemes, especially in respect to concessions. Whilst it is acknowledged that the Australian Local Government Association is a party to the discussions, the different roles of local government in the various states/territories means there is no single, nor even a consistent local government view that can be provided. State/territory local government associations need to be involved, at least where, as in WA local government has a substantial role at present.

Question 6: The following statements apply to parking concessions. Please select one response for each statement.

Choose from one of the following responses for each statement;

- **Strongly disagree;**
- **Disagree;**
- **Neutral;**
- **Strongly Agree;**
- **Agree;**
- **Don't know;**

Question 6.1: There is a need for consistent parking concessions across Australia.

Comment:

Strongly agree - as proposed consistent parking concessions will allow permit holders to be aware that consistent rules apply and are enforced from location to location.

Question 6.2: The proposed concessions are clear and easy to understand.

Comment:

Strongly disagree - as the information in regard to parking concessions for permit holders is confusing and difficult to display.

Question 6.3: *The proposed concession of twice the time limit on the parking sign will adequately meet the needs of permit holders.*

Comment:

Agree - as long as the permit holder is aware of the time extension on the parking sign

Question 6.4: *The proposed ticket/meter parking concession where the time extension occurs after the maximum time limit is reached is fair and reasonable.*

Comment:

Agree - as long as the permit holder is aware of the time extension on the parking ticket/meter.

C. Disability Parking Permit Design:

The Proposal:

Under the proposed Australian Disability Parking Scheme, there would only be one style of parking permit for eligible disability parking permit holders recognised throughout Australia. The disability parking permit would include two options, namely;

Option A: A permit fixed to the inside of the windscreen;

Option B: A permit to be hung from the rear view mirror once the car is parked.

It is proposed that the main areas of the new design will include the following features;

- (a) Be easily identifiable and readable;
- (b) The International Symbol for Access (ISA);
- (c) Display security features;
- (d) Include Australian images;
- (e) Limited specific state information on the back of permit; and
- (f) A clear front pocket so credit card size permits with photos can continue to be used in NSW and those jurisdictions who wish to continue to do so.

Key Changes in WA:

- Larger permit size;
- To be made from Polypropylene material;
- Option B to hang from rear view mirror;
- Improved security features;
- Option B requires permit holder to have mobility to place permit on, and remove it from the rear view mirror.
- Large print will assist accessibility and enforcement; and
- New permit will be more expensive to produce.

Question 7: Choose the response that best describes your views about the disability parking permit designs:

- *I fully support Option A for the disability parking permit;*
- *I fully support Option B for the disability parking permit;*
- *I support one of the proposed designs for the disability parking permit with minor amendments; and*
- *I do not support any of the proposed designs for the disability parking permit.*

Comment:

I (We) support one of the proposed designs for the disability parking permit with minor amendments.

Please provide your reasons for your view and suggested amendments:

Comment:

The discussion paper illustrates two styles of parking permits Option A and Option B.

Option A requires that the permit be fixed to the windscreen. This option would prove unsuitable for those eligible persons who are usually passengers, as the permit would not be easily transferred from one car to another.

The permit should not be one that is required to be fixed to the windscreen of a vehicle

Option B is designed to be hung from the rear view mirror of vehicles. This may be difficult for some people to achieve, as it requires leaning forward and across the vehicle whilst reaching up at the same time.

The style of permit and the way in which it is required to be displayed should allow options to suit the abilities of all qualifying persons, including placement in the same way that is accepted for a parking ticket i.e. behind the windscreen of the car.

In regard to proposed features (f) why has special mention has been made for NSW in regard to including a credit card sized pocket if the project was to provide National Harmonisation of disability parking permit designs?

It is difficult to understand the rationale for a different permit style for NSW especially when existing permit styles and categories will have to be changed elsewhere

Question 8: Disability parking permit design. The following statements relate to permit design.

Choose from one of the following responses for each statement;

- *Strongly disagree;*
- *Disagree;*
- *Neutral;*
- *Strongly agree;*
- *Agree;*
- *Don't know.*

Question 8.1: The proposed disability parking permit design will be easier to use than my current permit.

Comment:

Agree - dependent on the style of permit, display requirements and placement options for permit holders

Question 8.2: The proposed design will make it less likely to lose the permit.

Comment:

Agree - as the proposed permit will be made of stronger material and be larger than the current permit and less likely to be lost.

Question 8.3: The proposed design will reduce the opportunity for fraud.

Comment:

Agree - as the proposed design will incorporate improved security features into the card

Question 8.4: There is a need for a common disability parking permit design across Australia.

Comment:

Strongly agree- as there will be a consistent permit design for individuals, organisations and temporary permit holders

D. Australian Disability Parking Scheme:

The Proposal:

The proposed scheme is a practical measure to harmonise disability parking across states and territories within Australia. It will seek to improve social inclusion and participation of people with disability. The proposed scheme includes the nationally consistent eligibility criteria, parking permit concessions and a national permit design.

Question 9: Australian Disability Parking Scheme. The following statements relate to the proposed scheme overall.

Choose from one of the following responses for each statement;

- **Strongly disagree;**
- **Disagree;**
- **Neutral;**
- **Strongly agree;**
- **Agree;**
- **Don't know.**

Question 9.1: The proposed scheme will be less confusing for people who travel or move interstate.

Comment:

Agree- as uniform eligibility criteria could assist permit holders if they moved or travelled interstate however uniform eligibility criteria may create disadvantages for existing permit holders, therefore automatic entitlement would need to be considered

Question 9.2: The proposed scheme will increase the availability of disability parking for those who really need it.

Comment:

Disagree - although the proposed eligibility criteria will bring all states/territories into line due to the nature of our ageing population the demand for parking permits and ACROD parking spaces will continue to grow. For example, in WA 9,000 new applications are received each year.

Question 9.3: The proposed scheme will limit abuse by those who should not really have a permit.

Comment:

Agree- as the proposed eligibility criteria will establish a national standard which will be more rigorous than previously implemented in some states/territories. Security features to be embedded in the proposed permit design will also serve to reduce fraudulent use of permits

Question 9.4: Overall, the proposed scheme will be more effective than the current schemes.

Comment:

Neutral - Whilst proposed changes may lead to a harmonised national scheme, change will occur and its likely impact is unknown

E. Additional Comments about the proposed Australian Disability Parking Scheme:

Comment:

The Discussion Paper proposes the following principles;

- *Clear – Easy to understand by all participants in the scheme;*
- *Fair – Focused on those most in need of a disability parking permit, offering more consistent and reciprocal arrangements; and*
- *Robust – Effective at preventing and addressing abuse of the scheme.*

The Discussion Paper, in the introduction talks of state and territory disability parking permit schemes having;

- *Different eligibility criteria;*
- *Different concessions; and*
- *Different permit designs.*

The key issue appears to be reciprocity rather than any need for harmonisation per se.

Different assessment processes as well as standards between states/territories make reciprocity potentially inequitable as residents of a state/territory with less rigorous processes will have increased entitlement when travelling to a more rigorous state/territory than do residents of the latter state/territory. Harmonisation should include processes as well as standards, although this does not necessarily mean that exactly the same process has to be used, as each jurisdiction will have its own administrative systems. Harmonisation of outcomes should be the objective.

To make things simple and easy to use for permit holders, especially when travelling interstate, it would be clearly desirable to have:

- *Standard concessions; and*
- *A standard form of permit.*

The second issue mentioned in the Ministerial Foreword is that “widespread abuse of the system makes it difficult for legitimate permit holders to access parking when they need it”.

However, there is nothing in the paper that addresses this issue. In fact on page 14 of the Discussion Paper under the heading “what we are not consulting about”, it clearly states at point 3 that administration and enforcement arrangements remain the responsibility of each State and Territory.

Local government has the primary enforcement role in WA and must be included in decisions that have implications for enforcement

CONSULTATION/ADVERTISING:

Consultation has been undertaken with the UAAG, the Ranger and Community Safety Services and other service organisations in the Town. The Town’s Manager of Ranger and Community Safety Services was a member of the Working Group which met to consider this matter. He concurs with the Town’s comments.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

The submitted application for the *Harmonisation of Disability Parking Permit Schemes in Australia* addresses the following strategic objectives of the Town’s Strategic Plan 2009-2014:

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

“(a) Determine the requirements of the community and ensure that the services provided meet those needs.”

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The Harmonisation of Disability Parking Permit Schemes in Australia - Discussion Paper 2009 and submission report provided a timely opportunity for the Town to be involved with the developmental framework associated with the final FaHCSIA document, and participate in the promotion, social inclusion, and quality of life of Town of Vincent residents with disabilities.

9.4.2 Strategic Plan 2009-2014 – Progress Report for the Period 1 April 2009 – 30 June 2009

Ward:	Both	Date:	21 July 2009
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Directors		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2009-2014 for the period 1 April 2009 – 30 June 2009 as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April 2009 – 30 June 2009.

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.

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 Audit Committee – Receiving of Unconfirmed Minutes – 16 July 2009

Ward:	-	Date:	17 July 2009
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 16 July 2009, as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 16 July 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Plan for the Future - Strategic Plan 2009-2014, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter.

9.4.4 Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 20 July 2009

Ward:	South	Date:	21 July 2009
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Unconfirmed Minutes of the Stadium Committee meeting held on 20 July 2009, as shown in Appendix 9.4.4; and
 - (ii) **APPROVES;**
 - (a) *the request from Allia for an additional two (2) Permanent Sites (as defined by the Heads of Agreement (HOA)) around the perimeter fence not be approved, as Allia's request for additional signage on the perimeter fence can be approved as "Naming Signage" (if "Members Equity Stadium" is used), in accordance with Clause 8.1(b)(i) of the HOA; and*
 - (b) *Allia's request for additional signage in the following locations;*
 - (i) *1m x 6m (1 of) signage area on the northern pitch perimeter fence, approximately 12m west of the half way mark of the pitch;*
 - (ii) *1m x 6m (1 of) signage area on the southern pitch perimeter fence, approximately 12m west of the half way mark of the pitch; and*
 - (iii) *two (2) signs (1m x 6m) on the eastern perimeter fence;*
- for the 2009/10 season only, subject to the signage being limited to wording identifying the name of the Stadium (i.e. "Members Equity Bank Stadium", or whatever the final approved name is called);*
- (c) *the matter of pitch perimeter signage for 2010/11 and onwards being further reviewed on 30 June 2010;*
 - (d) *the Town's Chief Executive Officer being authorised to investigate and approve the specific signage locations, in liaison with the Stadium Manager, Rugby WA, Perth Glory Football Club (PGFC), Western Australian Rugby League (WARL) and Members Equity Bank; and*
 - (e) *the Town's Chief Executive Officer and Allia's Chief Executive Officer, together with the Naming Rights holder (Members Equity Bank) investigating the matter of Permanent Sites in the playing pitch and perimeter fence and providing a report to the next Stadium Committee meeting.*

COUNCIL DECISION ITEM 9.4.4

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 20 July 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) to delegate the following functions to the Committee;*
 - (a) to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) to receive and consider Performance Reports;*
 - (e) to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
 - (f) to review Naming Signage; and*
 - (g) to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan - Plan for the Future 2009-2014, Objective 4.1 - *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The Chief Executive Officer advised that Cr Messina had declared a financial and proximity interest in Item 9.1.3. He departed the Chamber at 6.37pm. He did not speak or vote on this matter.

9.1.3 No. 1/400 (Lot 1, Strata: 8289) Fitzgerald Street, North Perth - Proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval

Ward:	South	Date:	21 July 2009
Precinct:	North Perth Centre; P09	File Ref:	PRO4689; 5.2009.131.1
Attachments:	001		
Reporting Officer(s):	D Pirone, M Fallows, A Giles		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Gelatino on behalf of the owner C (Carmelo) Messina for proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval, at No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 9 July 2009, subject to the following conditions:

- (i) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) shall enter into a legal agreement with the Town that addresses the following undertakings to the satisfaction of the Town:*
 - (a) *the approval for the light industry (food manufacturing) use is valid for 12 months only;*
 - (b) *the approval for the refrigerated storage addition is valid for 12 months only;*
 - (c) *after the 12 months, the light industry (food manufacturing) use is to cease and revert to a shop/retail use; and*
 - (d) *after the 12 months, the refrigerated storage addition is to be removed entirely from the site;*
- (ii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject constructed works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989;*

- (iii) *within seven (7) days of the issue date of this 'Approval to Commence Development', an acoustic report prepared in accordance with the Town's Policy 3.5.21 relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented within twenty one (21) days of the date of issue. Certification from an acoustic consultant that the measures have been undertaken and that compliance with the assigned levels detailed in the Environmental Protection (Noise) Regulations 1997 has been achieved shall be submitted to the Town within twenty eight (28) days of the date of issue; and*
- (iv) *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.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Cr Burns returned to the Chamber at 6.37pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Doran-Wu, Seconded Cr Maier

That a new subclause (i)(e) be inserted as follows:

“(i)(e) a small retail outlet be established as soon as practicable in order to develop street interaction;”

Debate ensued.

They Mayor suggested changing Amendment No. 1 to delete the word “small”. The Mover, Cr Doran-Wu and Seconder, Cr Maier agreed.

During debate a query arose as to whether the Applicant would agree to this condition. As a Director of the Applicant was in the Public Gallery, it was suggested that he be asked for his comments.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Doran-Wu

That Standing Orders be suspended to enable the applicant to speak to clarify his position.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber and did not speak or vote on the matter.)

A Director of the Applicant, Mr Carmelo Messina addressed the Council and stated he would agree to the condition, if imposed by the Council.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Maier

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber and did not speak or vote on the matter.)

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-4)

For: Mayor Catania, Cr Doran-Wu, Cr Maier
Against: Cr Burns, Cr Ker, Cr Lake, Cr Youngman

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber and did not speak or vote on the matter.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Ker, Seconded Cr Youngman

That subclauses (i)(b) and (i)(d) be amended to read as follows:

“(i)(b) the approval for the refrigerated storage addition is valid for ~~12~~ 6 months only;

(i)(d) after the ~~12~~ 6 months, the refrigerated storage addition is to be removed entirely from the site;”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (4-3)

For: Cr Ker, Cr Lake, Cr Maier, Cr Youngman
Against: Mayor Catania, Cr Burns, Cr Doran-Wu

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber and did not speak or vote on the matter.)

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Youngman

That subclauses (i)(b) and (i)(d) be deleted and new clauses (v) and (vi) be inserted as follows:

“(v) ADVISES the applicant and owners that the unauthorised Refrigerated Storage Addition shall be removed within twenty-eight (28) days of notification; and

(vi) AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the Refrigerated Storage Addition remain after this twenty-eight (28) day period.”

Debate ensued.

AMENDMENT NO 3 PUT AND LOST (3-4)

For: Cr Lake, Cr Maier, Cr Youngman
Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Ker

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber and did not speak or vote on the matter.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-2)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake
Against: Cr Maier, Cr Youngman

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber and did not speak or vote on the matter.)

COUNCIL DECISION ITEM 9.1.3

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 Gelatino on behalf of the owner C (Carmelo) Messina for proposed Change of Use from Shop to Light Industry (Food Manufacturing) and Refrigerated Storage Addition to Existing Commercial Building - Application for Retrospective Approval, at No. 1/400 (Lot 1 Strata: 8289) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 9 July 2009, subject to the following conditions:

- (i) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) shall enter into a legal agreement with the Town that addresses the following undertakings to the satisfaction of the Town:*
 - (a) *the approval for the light industry (food manufacturing) use is valid for 12 months only;*
 - (b) *the approval for the refrigerated storage addition is valid for 6 months only;*
 - (c) *after the 12 months, the light industry (food manufacturing) use is to cease and revert to a shop/retail use; and*
 - (d) *after the 6 months, the refrigerated storage addition is to be removed entirely from the site;*
- (ii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject constructed works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989;*
- (iii) *within seven (7) days of the issue date of this 'Approval to Commence Development', an acoustic report prepared in accordance with the Town's Policy 3.5.21 relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented within twenty one (21) days of the date of issue. Certification from an acoustic consultant that the measures have been undertaken and that compliance with the assigned levels detailed in the Environmental Protection (Noise) Regulations 1997 has been achieved shall be submitted to the Town within twenty eight (28) days of the date of issue; and*
- (iv) *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.*

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

Landowner:	C Messina
Applicant:	Gelatino
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Light Industry
Use Classification:	“SA”
Lot Area:	1384 <u>91</u> square metres (<u>strata lot 1 and strata car bay 1</u>)
Access to Right of Way:	East side, 2.5 metres wide, sealed, privately owned

BACKGROUND:

- 15 September 1980 The City of Perth Council approved an application for the construction of a commercial (retail) building at the subject property.
- 29 October 2008 The Town received a telephone call regarding a refrigerated storage container located in the front car park of the commercial building at No. 400 Fitzgerald Street.
- 7 November 2008 –
18 December 2008 Subsequent to a site visit, the Town sent a letter to the owner advising that the refrigerated storage is unauthorised and is to be removed within 30 days or an application for retrospective Planning Approval be submitted. The owner requested an extension of time which was granted until 31 January 2009.
- 22 January 2009 The Town’s Officer conducted a further site visit and found that the refrigerated storage addition had been moved to the rear car park of the subject property.
- 29 January 2009 The owner submitted an application for retrospective approval for the refrigerated storage addition to be located in the car park at the rear of the site.
- 4 February 2009 A letter was sent to the owner advising that additional information is required for the planning application.
- 6 February 2009 –
9 February 2009 Several complaints received regarding noise and perceived loss of amenity associated with the refrigerated storage addition.
- 10 March 2009 The Town sent a letter to the owner advising of the additional information required for the planning application, as well as advising of several complaints received regarding noise, waste and amenity.
- 12 March 2009 The Town received a letter from the owner in response to the Town’s letter dated 10 March 2009.
- 27 March 2009 The Town received a letter from the owner advising that they have been progressing with matters raised in the Town’s letter dated 10 March 2009 along with a request for extension of time to submit the information for the planning application until 17 April 2009.

- 31 March 2009 The Town sent a letter to the owner advising that they have been granted an extension of time until 17 April 2009.
- 20 April 2009 A retrospective planning application for the refrigerated storage addition was lodged at the Town.
- 4 May 2009 Site visit conducted by the Town's Officers revealed that the use of the property is light industry (food manufacturing). An archive search of the property suggests that the last approved use for the tenancy was a shop. The owner was advised of this and the planning application was amended to include the retrospective change of use.
- 29 May 2009 –
19 June 2009 The application was advertised in accordance with the Special Advertising (SA) requirements and included letters to the surrounding land owners, a sign on site and a notice in the community newspaper.
- 16 June 2009 Submission received from the owner in response to issues raised.

DETAILS:

The proposal involves an application for retrospective approval for change of use from shop to light industry (food manufacturing) and for the refrigerated storage addition to be located in the rear car park of the subject property. The car bay in which the refrigerated storage addition is located is a strata car bay and is exclusively owned by the owner of strata lot 1. Furthermore, the owner has advised that the use of the refrigerated storage addition is temporary.

The applicant's submission is "*Laid on the Table*" and is summarised below:

Use of the Premises:

- The Town's Health Services have been acutely aware of the operations as they have been operating for 4 years and continually issue health food licences.
- It is unfair that the use is deemed light industry as it is causing a disbelief in the community.
- Produce is sold from the premises both at a retail capacity and wholesale.
- The equipment that is used is the same as a normal ice-cream shop albeit that the freezer room is somewhat larger.

Parking:

- The use of light industry (food manufacturing) has a lower car parking requirement than that of a shop.
- It is acknowledged that the refrigerated storage container uses one car bay; however, there is still a surplus of car parking for the entire site.
- Three additional car bays have been provided in tandem along the eastern portion of the building.

Waste:

- The business produces very little waste.
- The bins are kept in a tidy manner and are washed fortnightly by licensed contractors.

Noise:

- The compressors have been sound attenuated with any noise to the satisfaction of the Town of Vincent.

Refrigerated Storage Container:

- The storage container is located at the rear of the property and is not visible from the street.
- It is not excessive in height and bulk and scale.
- It does not overshadow any residential or commercial property.

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.
Car Parking			
Car parking requirement (nearest whole number)			= 22 <u>29</u> car bays
<ul style="list-style-type: none"> • Light Industry (Unit 1) = 80 square metres plus 15 square metres (storage container) – requires 3 car bays • <u>Take Away Food Outlet (Unit 2) = 11.25 square metres of seating area and 12.75 square metres of queuing area – requires 7.6 car bays</u> • Shop (Units 3, 4, 5) = 246 <u>225</u> square metres – requires 15.6 <u>15</u> car bays • Consulting Room (Unit 6) = 1 consulting room – requires 3 car bays Total = 24.6 <u>28.6</u> car bays			
Apply the adjustment factors.			(0.65025)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (the proposed development is within a District Centre Zone) 			= 14.34 <u>18.86</u> car bays
Minus the car parking provided on-site			22 car bays
Minus the most recently approved on-site car parking shortfall.			N/A
Resultant surplus			7.69 <u>3.14</u> car bays
Consultation Submissions			
Support (11)	<ul style="list-style-type: none"> • Produce is sold from the premises both at a retail capacity and wholesale • The change of use does not result in an increase in car parking requirements 	<ul style="list-style-type: none"> • Not supported – a site visit by the Town’s Officers revealed that the tenancy contains machinery for the manufacture of ice-cream and a small office located in the front of the tenancy. There is no shop front with a display on the premises. It is accepted that the ad-hoc sale of gelati has occurred on some occasion. • Supported – the industry use requires less car parking than a shop use. 	

	<ul style="list-style-type: none"> • The business produces very little waste • The compressors have been sound attenuated with any noise to the satisfaction of the Town of Vincent • The storage container is located at the rear of the property and is not visible from the street. It is not excessive in height and bulk and scale and it does not overshadow any residential or commercial property 	<ul style="list-style-type: none"> • Not supported in part – whilst it is difficult to quantify the meaning of ‘very little’, the Town has received several justified complaints in relation to overfilling of bins at No. 400 Fitzgerald Street, North Perth. • Not supported – no confirmation has been provided to Health Services that the unreasonable noise has been satisfactorily attenuated. The ‘sound attenuation’ measures that have been put in place are inadequate - a noise issue still exists. Further readings taken after hours on 1 July 2009 confirmed that the noise was still excessive in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>. • Not supported in part – the Town’s Officers have recognised that the current location is the least visible for an addition of this nature in terms of appearance; however, a condition has been applied for the addition to be removed after twelve months in the event a Planning Approval is granted.
<p>Objection (9)</p>	<ul style="list-style-type: none"> • Light industrial uses should not be located in District Centre zones. These zones should contain vibrant retail tenancies • The refrigerated container attracts rats and foul smells • The location of the refrigerated container in the rear car park has a detrimental impact on the amenity of the surrounding residential and commercial properties 	<ul style="list-style-type: none"> • Not supported in part – the Town’s North Perth Centre Precinct Policy states that only interactive uses should be supported on Fitzgerald Street, therefore a condition has been applied for the light industry use to cease after one year. • Not supported – the refrigerated container itself has not been identified to have attracted rats and/or caused smells. • Supported in part – the Town’s Officers have recognised that the current location is the least visible for an addition of this nature in terms of appearance; however, a condition has been applied for the addition to be removed after twelve months in the event a Planning Approval is granted.

	<ul style="list-style-type: none"> • The lane entrance from Alma Road is blocked with bollards • Noise from the refrigerated storage container • The light industrial use will result in a precedence being set for the area. • There has been an overload of electricity use due to the industry use • There is one water meter for the entire site and the water bill is divided evenly. The light industrial use consumes a lot more water than the other tenancies • Increase in traffic down the laneway 	<ul style="list-style-type: none"> • Not supported – this land is not a public Right of Way; it is part of the lot of No. 400 Fitzgerald Street. • Supported – it is confirmed that the refrigerated storage addition continues to emit unreasonable noise and is located in close proximity to noise sensitive premises. • Not supported – the Town does not use precedence as a means to support future applications; all applications are assessed on their own merits. Furthermore, a condition has been applied for the refrigerated storage addition and the light industry use to be removed and the use to cease after one year. • Not supported – there is no documentary evidence to support this claim. Irrespective, this is a civil matter. • Not supported – there is no documentary evidence to support this claim. Irrespective, this is a civil matter. • Not supported – the proposed use results in a lesser amount of car parking; therefore, it can be assumed that less traffic will use the laneway.
	<ul style="list-style-type: none"> • <u>Increase in traffic due to delivery trucks.</u> 	<ul style="list-style-type: none"> • <u>Not supported – The use has been operational for four years and there have been no complaints received in respect of delivery vehicles or increases in traffic as a result of the use.</u>
<p>Petition (39 Signatures)</p>	<ul style="list-style-type: none"> • Noise of storage container • Appearance of storage container 	<ul style="list-style-type: none"> • Supported – it is confirmed that the refrigerated storage addition continues to emit unreasonable noise and is located in close proximity to noise sensitive premises. • Supported in part – the Town’s Officers have recognised that the current location is the least visible for an addition of this nature in terms of appearance; however, a condition has been applied for the addition to be removed after twelve months in the event a Planning Approval is granted.

	<ul style="list-style-type: none"> Traffic in rear laneway 	<ul style="list-style-type: none"> Not supported – the proposed use results in a lesser amount of car parking; therefore, it can be assumed that less traffic will use the laneway.
	<ul style="list-style-type: none"> Excessive rubbish 	<ul style="list-style-type: none"> Supported in part – Health Services have received justified complaints in relation to overfilling of bins at No. 400 Fitzgerald Street, North Perth.
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:

Health Services

The existing refrigerated storage container located at this premises, being the subject of this retrospective planning application, is currently operating in contravention of the *Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997* and *Town of Vincent Policy 3.5.21 – Sound Attenuation*.

Sound level readings taken on 12 May 2009, prior to the erection of the ‘insulated wall’, indicated that the refrigerated storage container was operating 15 decibels above the allowable noise level between 10pm and 7am and 5 decibels above the allowable noise level between 7am and 7pm. The most recent sound level measurements of the refrigerated storage container were obtained on 1 July 2009, which confirmed that the refrigerated storage container continues to operate 15 decibels above the allowable noise level between 10pm and 7am, and 5 decibels above the allowable noise level between 7am and 7pm.

It is evident that the ‘insulated wall’ is ineffective in attenuating noise.

A brief history detailing Health Services’ noise investigation is detailed below:

- 6, 7 & 9 February 2009 Noise complaints received by the Town from three residents alleging that the refrigerated storage container located behind Unit 1, No. 400 Fitzgerald Street is emitting unreasonable noise levels 24 hours a day, 7 days a week.
- 12 February 2009 Sound level measurements were taken of the refrigerated storage container and it was determined that the container was operating 19 decibels above the allowable level.
- 31 March 2009 Correspondence was issued to the proprietor of Gelatino requiring that noise be attenuated within 7 days. It was recommended that the proprietor seek the services of an Acoustic Consultant to determine and implement appropriate sound attenuation measures.

- 1 May 2009 The correspondence issued on 31 March 2009 was reissued upon advice from Gelatino that the original correspondence was not received, requiring that noise be attenuated by 8 May 2009. Previous to this, follow-up sound level measurements were taken on 16 April 2009 when it was determined that a noise issue was still present.
- 12 May 2009 Follow-up sound level measurements were taken when it was determined that the refrigerated storage container was operating 15 decibels above allowable levels.
- 26 May 2009 Further correspondence and an Infringement Notice (warning) were issued to Gelatino requiring that sound levels be attenuated by 28 May 2009. An extension was granted until 17 June 2009.
- 28 June 2009 An inspection of the refrigerated storage container revealed that a wall structure made of refrigerative insulation panels had been erected around the compressor. There were sizeable gaps between the structure and the ground including at the level where the compressor was located, resulting in noise not being adequately attenuated.
- 1 July 2009 Follow-up sound level measurements taken after hours confirmed that the refrigerated storage container continues to operate 15 decibels above allowable levels.
- 6 July 2009 Further correspondence and warning Infringement Notice issued to Gelatino requiring that sound levels be attenuated by 13 July 2009. After this time, should further excessive noise readings be obtained, it is recommended that a \$250 Infringement Notice be issued, followed by \$500 Infringement Notices for any subsequent offences.

In light of the above findings, Health Services recommends that this application be refused or heavily conditioned in order to protect neighbours from proven, ongoing unreasonable noise. It is required that the applicant comply with the assigned levels detailed in the *Environmental Protection (Noise) Regulations 1997* at all times, to prevent further action being taken. Furthermore, the applicant must demonstrate compliance with the *Town's Policy 3.5.21 – Sound Attenuation*. Should approval be granted, it is deemed appropriate that the applicant submit an Acoustic Report within seven (7) days and is to comply with the recommendations of the Acoustic Report within twenty one (21) days of approval.

It is noted that some objectors to this application have done so on the basis of excessive rubbish. Health Services have received complaints since March 2009 alleging that the bins provided to Gelatino have been left in an untidy state and have been overfilled, causing an increased likelihood of unpleasant odours and pest harbourage. Health Services therefore require that the owner ensure that the bins and enclosure are kept clean and sanitary and that bins are not overfilled, in accordance with the *Town of Vincent Health Local Law 2004*. Whilst the Town acknowledges that the bins for this address are shared by all tenancies, it has been suggested to the owners of Gelatino/Fiorentina previously, that they order more bins should they find that excessive waste is accumulated, causing the lids to not close properly. Further inspections on 1 July 2009 revealed that the bins were again overfilled. Correspondence has been issued to all tenancies of No. 400 Fitzgerald Street, North Perth requiring compliance with the *Town of Vincent Health Local Law 2004*. This matter is being monitored on an ongoing basis.

Planning Services

The Town's Planning Officers have considered it appropriate to recommend that the proposed light industry use and the refrigerated storage addition be approved for a 12 month period only. The North Perth Centre Precinct Policy No. 3.1.9 states that within a District Centre zone, the area is to be consolidated as a node of shopping, commercial and community facilities for residents and workers in this and surrounding precincts. The policy further states that "*generally only shops, restaurants and similar uses are to be permitted to front Fitzgerald Street.*" The subject light industry use as it currently exists does not have an interactive frontage to Fitzgerald Street as there is no 'shop front' component in the use.

The refrigerated storage addition is a temporary building that if given permanent Planning Approval would set an undesirable standard for building development in the Town and in particular, the North Perth Town Centre. The Town's records indicate that there has only been one other approval for a temporary building; however, this was located to the rear of an existing building and was used as a small office. This temporary building did not adversely affect the amenity of the area nor did it create an unreasonable amount of noise.

Conclusion

In light of the above, it is recommended that the Council approve the application for a period of one year only and based on appropriate conditions to address the matters raised in the report.

9.1.2 Further Report - Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate - Proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar)

Ward:	South	Date:	21 July 2009
Precinct:	Forrest; P14	File Ref:	PRO0775; 5.2009.89.1
Attachments:	001		
Reporting Officer(s):	S Kendall, S Teymant		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by MGA Town Planners on behalf of the owner Mirauda Nominees Pty Ltd for proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar), at Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate and as shown on plans stamp-dated 20 March 2009, subject to the following conditions:

- (i) the premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is where the public may view a theatrical production, ~~and does not include live performances from rock bands, electronic music or disc jockeys, to a public audience.~~ The venue shall not operate independently of a performance;*
- (ii) no amplification or emission of sound, including the use of a public address system shall occur within, or from, the amphitheatre, unless compliance with the 'assigned levels' of the Environmental Protection (Noise) Regulations 1997 is achieved;*
- (iii) the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be 150 persons;*
- (iv) the amphitheatre shall cease all performances prior to 11pm with all activities ceasing at, or before 12 midnight each evening;*
- (v) the applicant shall comply with the Health (Public Building) Regulations 1992 at all times and shall submit an application for a 'Certificate of Approval' and obtain approval from the Town's Health Services prior to the area being used;*
- (vi) a detailed Management Plan for the outdoor amphitheatre shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*
 - (a) Operational Management - to ensure the premises is closed in accordance with condition (iv) above;*
 - (b) Noise Management - to control noise breakout from the premises. The applicant must establish a formal procedure for monitoring and managing noise levels;*
 - (c) Crowd/Patron Management - to control patron behaviour within the premises and minimise any potential impact on the surrounding locality from patrons arriving at and leaving the premises, and queuing and smoking outside the premises;*

- (d) *Security Management - outlining measures to prevent crime and ensure patron and public safety including proposed security lighting, video surveillance and security personnel;*
- (e) *Communications Strategy - outlining a complaint handling system which provides:*
- (1) *a telephone number and email address to log complaints and enquiries;*
 - (2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*
 - (3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *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; and*
- (ix) *venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies. In particular, display of the Vincent Accord Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details), must be undertaken prior to 25 September 2009.*

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

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 8.34pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.35pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Doran-Wu, Seconded Cr Maier

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

“(iv) the amphitheatre shall cease all performances prior to ~~H~~ 10pm with all activities ceasing at, or before ~~12-midnight~~ 11pm each evening;”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (6-1)

For: Mayor Catania, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier, Cr Youngman
Against: Cr Burns

(Cr Farrell was an apology for the meeting. Cr Messina was absent from the Chamber.)

Cr Messina returned to the Chamber at 8.36pm. The Presiding Member, Mayor Nick Catania advised that Item 9.3.1 was carried with an amendment.

Debate ensued.

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Doran-Wu

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

“(iii) the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be ~~150~~ 190 persons;”

Debate ensued.

AMENDMENT NO 2 PUT AND LOST (2-6)

For: Cr Burns, Cr Doran-Wu
Against: Mayor Catania, Cr Ker, Cr Lake, Cr Maier, Cr Messina, Cr Youngman

(Cr Farrell was an apology for the meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.2

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 MGA Town Planners on behalf of the owner Miraldo Nominees Pty Ltd for proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar), at Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate and as shown on plans stamp-dated 20 March 2009, subject to the following conditions:

- (i) the premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is where the public may view a theatrical production. The venue shall not operate independently of a performance;*
- (ii) no amplification or emission of sound, including the use of a public address system shall occur within, or from, the amphitheatre, unless compliance with the 'assigned levels' of the Environmental Protection (Noise) Regulations 1997 is achieved;*

- (iii) *the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be 150 persons;*
- (iv) *the amphitheatre shall cease all performances prior to 10pm with all activities ceasing at, or before 11pm each evening;*
- (v) *the applicant shall comply with the Health (Public Building) Regulations 1992 at all times and shall submit an application for a 'Certificate of Approval' and obtain approval from the Town's Health Services prior to the area being used;*
- (vi) *a detailed Management Plan for the outdoor amphitheatre shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*
 - (a) *Operational Management - to ensure the premises is closed in accordance with condition (iv) above;*
 - (b) *Noise Management - to control noise breakout from the premises. The applicant must establish a formal procedure for monitoring and managing noise levels;*
 - (c) *Crowd/Patron Management - to control patron behaviour within the premises and minimise any potential impact on the surrounding locality from patrons arriving at and leaving the premises, and queuing and smoking outside the premises;*
 - (d) *Security Management - outlining measures to prevent crime and ensure patron and public safety including proposed security lighting, video surveillance and security personnel;*
 - (e) *Communications Strategy - outlining a complaint handling system which provides:*
 - (1) *a telephone number and email address to log complaints and enquiries;*
 - (2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*
 - (3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *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; and*
- (ix) *venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies. In particular, display of the Vincent Accord Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details), must be undertaken prior to 25 September 2009.*

ADDITIONAL INFORMATION

It is not considered appropriate; that the definition for a 'theatrical performance' be further defined or be selective with respect to types of music permitted.

Since the formal period of Community Consultation for the proposed increase in patronage of outdoor amphitheatre of existing tavern (Luxe Bar), the Town has received 27 late submissions in support of the proposal. In accordance with the Town' Policy No. 4.1.5 Relating to Community Consultation '*any submissions/responses received after the closing date for submissions, where these are received in sufficient time, will be included into the Officers Report.*'

Accordingly, a brief summary of the comments received in the submissions are as follows:

- The amphitheatre provides a wonderful way to balance quality artistic performance and general entertainment in a relaxed, non-threatening venue.
 - The Perth summer has been 'crying out' for this kind of venue for years and the community are blessed that they have had the vision and enthusiasm to make it happen.
 - An urban area needs diversity of activity.
 - It is a beautiful outdoor setting with a great vibe and the Council is strongly urged not to place undue restrictions on the owners and promoters of this space.
 - This venue is 2.2 kilometres from the City Centre and in a State one quarter the size of the USA must be considered as an inner city venue. Perth is a city with massive urban sprawl and there are many quiet suburbs for residents to choose. Without a reasonable exclusion for live music in the inner suburbs, our music industry will not be sustainable.
-

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 14 July 2009 and resolved as follows:

"That the item be DEFERRED at the request of the applicant."

Further to the above, the Town's Officers met with the applicant to review the proposed conditions of approval to ascertain whether any amendments could be made which address both the Town's and the applicants concerns. The proposed amendments are listed below with the associated Officer Recommendation:

1. *"Condition Nos. 1 and 2, of having no amplified music is not realistic. We are happy to have a restriction only allowing us to have amplification within the amphitheatre if we are working within the environmental health regulations."*

Officer Comment - Permissible sound level emissions are governed by the Environmental Protection (Noise) Regulations 1997, which were designed to legislate against the emission of sound levels in a manner that would be considered 'unreasonable' and 'annoying' to most. As a result, it is considered that specific restriction of 'amplification' and a public address system in the amphitheatre is not necessary as the Environmental Protection (Noise) Regulations 1997 provides adequate means of recourse against noise generating activities. Conditions (i) and (ii) have been amended accordingly.

In relation to the Town's requirements of a 'theatrical performance' as outlined in condition (i) the applicant has also advised:

'I would think that as long as the music/performance is within the environmental parameters we should be allowed to have the flexibility of performance styles.'

Dj's are used in some of our productions, and also accompany a lot of our percussion style acts. They are also a lot easier to manage their volume than live bands, thus I would hope to be able to still use them in the amphitheatre.

Electronic and rock acts will not be part of our regular planned performance."

As outlined in the previous report to the Council on this matter, a theatre is defined as any "land or building where the public may view a theatrical production". Unfortunately, the Scheme does not have any information that would assist in the interpretation of a 'theatrical production'. However, it is acknowledged that a theatrical production may take varying forms, but it is important to ensure that the form of performance is not of a nature which makes the premises more akin to that of a Tavern, where entertainment in general is acceptable. A Tavern is defined under the Town's Town Planning Scheme as a follows:

"any land or building wherein the primary use is the consumption of beverages and may include an eating house or facilities for entertainment and to which a licence may have been granted under the provisions of the Liquor Licensing Act 1988"

Activities considered appropriate as proposed by the applicant include, but are not limited to:

- Public lectures;
- Poetry slams;
- Comedy nights;
- Theatre shows;
- Visual art exhibitions;
- Celebrity Chef nights; and
- Master classes.

2. *"The application was to align the numbers for the amphitheatre with the numbers that have been posted within the Luxe Bar for the past nine years namely 220 pax. We are happy to compromise to an agreed number of 190 pax."*

Officer Comment - It is acknowledged that a Maximum Accommodation Certificate of 220 persons was issued in accordance with the Health (Public Building) Regulations 1992 on 31 May 2002 by the Town's Health Services. The approval was issued strictly in accordance with the Health (Public Building) Regulations 1992 requirements, and does not override more limiting restrictions stipulated under other applicable legislation (in this case, the Town Planning Scheme). The maximum accommodation is a nominal figure calculated with the view of protecting patron's safety at public venues. Although it may be safe for premises to accommodate a set number of patrons, it does not necessarily provide a number that corresponds with 'orderly planning' principles.

In this regard, numbers set under the Health (Public Building) Regulations 1992 should not be confused with those set under the Town Planning Scheme. It is important to recognise that the original planning application was assessed on the understanding that it would accommodate up to 60 persons. In light of the significant number of objections received as part of this application, it is not considered appropriate to grant an approval to 190 persons in the first instance. The applicant is able to submit a planning application in the future for an increase in patronage once it has been demonstrated that the various new management structures and sound attention measures have been implemented successfully.

3. *"Alcohol has to be consumed in the 'access way from Beaufort Street to the amphitheatre' as it is a thoroughfare for toilets... this does not affect our numbers, and is within the RGL red Line of the property."*

Officer Comment - The Department of Racing Gaming and Liquor (DRGL) has identified this area for the consumption of alcohol. The accessway leads to patron toilets, and is an access area joining the internal and external components of the premises. It is therefore considered unrealistic to impose conditions on this area and this condition has been deleted.

4. *"We are happy to cease all live music by 10pm to keep within the permitted DB limitations. However, closing the space at 10.30pm is not realistic... we have outlined to continue various other 'silent, theatrical creative performances' after the 10pm finish of music. The current licence allows for the space to operate until 2am (same as Luxe bar)."*

Officer Comment - The Department of Racing Gaming and Liquor (DRGL) controls the hours of operation of licensed premises, based on licence type. However, the condition relating to hours of operation does have a planning purpose, because the amphitheatre is in bound by a predominantly residential area and it arguably has the potential to impact on the amenity of surrounding adjacent residences.

As evidenced by the objections raised to the retrospective proposal, there are issues with antisocial behaviour and noise which would undoubtedly be compounded by both Luxe Bar and the amphitheatre closing at the same time of 2am. It is recommended that all performances cease by 11pm with the outdoor amphitheatre venue ceasing by 12 midnight to enable opportunities to evenly disperse the patrons exiting both premises.

CORRECTED CAR PARKING ASSESSMENT:

The ratio of residential and commercial gross floor area was inadvertently miscalculated in the last report to the Council on 14 July 2009. A revision demonstrates that the application is not eligible for the adjustment factor relating to the mix of uses where at least 45 per cent of the Gross Floor Area is in residential use. Also, the number of seats in the calculation of the 'theatre' use has been reduced to reflect the condition of approval limiting the patronage to 150 persons. The Assessment Table has been amended to reflect these changes.

Car Parking Requirements			
Use	Floor Space Area	Method of Calculation	Car Parking Requirement
Office	321 square metres	1 car bay for every 50 square metres of gross floor area	6.42 car bays
Shops	193 square metres	1 car bay for every 15 square metres of gross floor area	12.86 car bays
3 Grouped Dwellings	Single bedroom units	1 car bay for each grouped dwelling	3 car bays
Tavern	150 square metres	As approved by the Council at the Ordinary Meeting held on 6 November 2001.	14.49 car bays
Theatre	220 150 seats	1 space per 6 seats provided	36.67 25 car bays

Workshop and cellar/store	141 square metres 115 square metres	1 car bay for first 200 square metres of GFA and 1 car bay for every 100 square metres thereafter. As per previous calculations presented to the Council at the Ordinary Meeting held on 23 June 1997	2.11 car bays 1.72 car bays <u>Total: 65.6 car bays</u>
Car parking requirement (nearest whole number)			77 66 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces - Brisbane Street car park) • 0.80 the development contains mix of uses where at least 45% of the GFA is in residential use. 			(0.578) <u>(0.7225)</u> 44.5 <u>47.685</u> car bays
Minus the car parking provided on-site			30 car bays
Minus the most recently approved on-site car parking shortfall 25.6 car bays (21.67 car bays after adjustment factors applied), resultant from the Change of Use from Café to Tavern, which was conditionally approved at the Ordinary Meeting of Council held on 6 November 2001.			21.67 car bay
Resultant surplus			7.17 <u>3.985</u> car bays

In light of the above, the previous Officer Recommendation has been amended to reflect the above amendments.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 14 July 2009.

"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 MGA Town Planners on behalf of the owner Mirauo Nominees Pty Ltd for proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar), at Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate and as shown on plans stamp-dated 20 March 2008, subject to the following conditions:

- (i) the premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is the provision of a theatrical style performance, and does not include amplified music, live performances from rock bands, electronic music or disc jockeys, to a public audience. The venue shall not operate independently of a performance;*
- (ii) amplification of any sound and the use of a public address system are not approved for use at the proposed amphitheatre;*

- (iii) *the maximum number of persons to occupy the proposed outdoor courtyard at any one time shall be 150 persons.*

After the operation of the venue for a two (2) year period the Town is prepared to consider an application for increased numbers of patrons on the merits of such application, however, it should be noted that the effects on nearby residential properties will be a primary consideration;

- (iv) *the applicant must comply with the Health (Public Building) Regulations 1992 at all times and shall submit an application for a 'Certificate of Approval' and obtain approval from the Town's Health Services prior to the area being used;*

- (v) *alcohol shall not be consumed in the accessway from Beaufort Street to the amphitheatre;*

- (vi) *the amphitheatre shall:*

(a) *cease operating and close at, or before 10.30 pm each evening; and*

(b) *cease all live music performances by 10.00pm.*

Temporary or permanent variation to the approved trading/operating hours requires prior written approval from the Town. The Town will consider any such application for reconsiderations on the merits of each application, and it should be noted that the effects on nearby residential properties will be a primary consideration;

- (vii) *a detailed Management Plan for the amphitheatre shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*

(a) *Operational Management - to ensure the premises is closed in accordance with condition (vi) above;*

(b) *Noise Management - to control noise breakout from the premises. The applicant must establish a formal procedure for monitoring and managing noise levels;*

(c) *Crowd/Patron Management - to control patron behaviour within the premises and minimise any potential impact on the surrounding locality from patrons arriving at and leaving the premises, and queuing and smoking outside the premises;*

(d) *Security Management - outlining measures to prevent crime and ensure patron and public safety including proposed security lighting, video surveillance and security personnel;*

(e) *Communications Strategy - outlining a complaint handling system which provides:*

(1) *a 24 hour telephone number and email address to log complaints and enquiries;*

(2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*

(3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information;*

- (viii) *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;*
- (ix) *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; and*
- (x) *venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies. In particular, display of the Vincent Accord Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details), must be undertaken prior to 25 August 2009.*

COUNCIL DECISION ITEM 9.1.3

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Burns

That the item be DEFERRED at the request of the applicant.

PROCEDURAL MOTION PUT AND CARRIED (5-1)

For: Mayor Catania, Cr Burns, Cr Ker, Cr Lake, Cr Messina

Against: Cr Maier

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

<i>Landowner:</i>	<i>Mirauo Nominees Pty Ltd</i>
<i>Applicant:</i>	<i>MGA Town Planners</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Theatre</i>
<i>Use Class:</i>	<i>Theatre</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>2151 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

25 November 1996

The Council approved an application for proposed eating house (café) with a basement cellar/store, shops, offices, 3 residential studio apartments, an amphitheatre/stage and workshop at the subject place. In relation to the amphitheatre, it is to be noted that it was only for 60 seats and that the applicant at the time made the following statements, copied verbatim from the Council minutes:

"(ii) entertainment/theatre (60 seats). This amphitheatre is for theatre not for loud music. It is intended that a theatre company be formed (a repertory company) that will perform the Classics as well as new local, interstate and international productions. This is

consistent with the nature of Beaufort Street as there are the Effie Crump and Civic Theatres continuing to do well. With the addition of the courtyard amphitheatre and commitment to a quality product, it is believed by the applicant, that the profile of the street can only be improved..."

23 June 1997

The Council approved an amended application for eating house (café) with a basement cellar/store, shops, offices, 3 residential studio apartments, an amphitheatre/stage and workshop on Lots 5 and 6 (Nos. 442-444) Beaufort Street, Highgate. Essentially, the concept of the development had not changed however amendments included a 1.5 metre building set back from the Beaufort Street boundary in accordance with the road widening reservation affecting the properties (and the resultant deletion of 3 car parking bays) and redistribution and additions to the floor areas, including a basement cellar/store (115 square metres).

13 January 1999

The Town issued a Section 40 certificate for the 'Eating House' (café) and Amphitheatre/stage, subject to no conditions.

3 May 2000

The Town issued a Maximum Accommodation Certificate under the Health Act 1911 and Health (Public Buildings) Regulations 1992 with the following maximum patron numbers:

<i>The Café;</i>	<i>50 persons</i>
<i>The Amphitheatre;</i>	<i>150 persons</i>

6 November 2001

The Council approved an application for change of use from eating house to tavern within the subject complex. The proposed use resulted in a shortfall of some 25.6 bays, for the whole complex and was based on a floor area of 150 square metres.

31 May 2002

The Town issued a Maximum Accommodation Certificate under the Health Act 1911 and Health (Public Buildings) Regulations 1992 with the following maximum patron numbers:

<i>Tavern/Bar (former Café)</i>	<i>180 persons</i>
<i>The Amphitheatre;</i>	<i>220 persons</i>

29 October 2008

The Town received an email from the applicant requesting a Section 40 certificate for the amphitheatre space. As a result of this email, it was apparent that the amphitheatre was not operating in accordance with the original planning application, in terms of maximum patron numbers.

22 January 2009

The Town advised the applicant in writing that any increase in the number of occupants for the amphitheatre (from the original 60 persons) will require a Planning Application to be submitted to and approved by the Town.

19 March 2009

The applicant submitted the subject planning application.

DETAILS:

The applicant is seeking an increase in the maximum number of patrons for the amphitheatre from 60 persons to 220 persons.

The approval for the amphitheatre space, which was granted by the Council at its Ordinary Meeting held on 23 June 1997, was based on the understanding that the amphitheatre was to be occupied by a maximum of 60 persons. Whilst this was not stated as a condition of Planning Approval, the approved plans stated that the amphitheatre was for 60 persons only. It was on the understanding that the amphitheatre would accommodate a maximum of 60 people that the planning application was assessed and determined, particularly in relation to the car parking requirements.

Subsequent and independent to the above planning approval, and as stated in the Background section of this report, the Town's Health Services issued a Maximum Accommodation Certificate for 220 persons for the amphitheatre space in 2002. The applicant was not aware of the restriction of patron numbers for the amphitheatre space and was of the understanding that it could accommodate up to 220 persons.

Specific detail of the amphitheatre venue, named 'Bamboo', and its operation is as follows:

- *The amphitheatre and adjacent Luxe bar have a Special Facility - Theatre Liquor Licence, which enables drinks to be served in association with outdoor performances.*
- *Both food and drinks are available throughout the performance, in keeping with the informal atmosphere.*
- *The amphitheatre is closed at the conclusion of the live acts, which are generally timed to run until 10pm.*
- *The amphitheatre is typically used 3 nights a week (Friday to Sunday) and is opened up prior to the show from 5pm or 6pm.*
- *The amphitheatre hosts a diversity of acts, within the umbrella of contemporary performing arts - plays, dance and music.*

The applicant has prepared two submissions in relation to this development application. These submissions are partially summarised below and are "Laid on the Table":

- *At the time of acquisition, the owners of the business were familiar with the certificate issued by the Town in respect to the amphitheatre advising that the facility could accommodate a maximum of 220 persons.*
- *The original approval for the amphitheatre of June 1997 contained no conditions limiting the number of patrons in the amphitheatre.*
- *There have been no substantial changes to the way the premises have been operating successfully for eight years - as an indoor bar/function room with a seasonal outdoor amphitheatre. Essentially this application is about maintaining the status quo.*
- *In relation to some of the objections it does appear that some of the comments received relate to the existing 'Tavern' the Luxe Bar, which has a late licence and associated DJ music.*
- *Luxe and Bamboo do not offer take away food and drink, so litter generated by guests is negligible.*

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>

<i>Consultation Submissions</i>		
<i>Support (5)</i>	<i>No comment provided.</i>	<i>Noted.</i>
<i>Objection (23)</i>	<ul style="list-style-type: none"> - <i>Increased traffic and parking issues</i> - <i>Excessive noise levels and amplified music great disturbance for adjoining residential land owners</i> - <i>Loutish behaviour associated with patrons leaving the premises</i> - <i>Lack of respect shown by patronage with regard to rubbish dumping and urinating on nearby residential properties.</i> - <i>Loss of residential amenity</i> - <i>The use is more like a night club not an amphitheatre and encourages eating, drinking and dancing</i> 	<p><i>Noted - as the proposal complies with the Town's Parking and Access Policy requirements for the provision of car parking.</i></p> <p><i>Supported in part - as a condition has been imposed to preclude amplified music.</i></p> <p><i>Noted - as appropriate conditions have been imposed on the approval to address patron behaviour.</i></p> <p><i>Not support - as above.</i></p> <p><i>Not supported - as appropriate conditions have been imposed on the approval to address patron behaviour, noise and patron numbers.</i></p> <p><i>Not supported - as appropriate conditions have been imposed to ensure the premises is not used as a nightclub.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Sustainability Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

Car Parking Requirements

The following car parking table has been compiled using the car parking requirements from the Ordinary Meetings of Council held on 23 June 1997 and 6 November 2001 and the current Policy No. 3.7.1 relating to Parking and Access.

<i>Car Parking Requirements</i>			
<i>USE</i>	<i>FLOOR SPACE AREA</i>	<i>METHOD OF CALCULATION</i>	<i>CAR PARKING REQUIREMENT</i>
<i>Office</i>	<i>321 square metres</i>	<i>1 car bay for every 50 square metres of gross floor area</i>	<i>6.42 car bays</i>

<i>Shops</i>	<i>193 square metres</i>	<i>1 car bay for every 15 square metres of gross floor area</i>	<i>12.86 car bays</i>
<i>3 Grouped Dwellings</i>	<i>Single bedroom units</i>	<i>1 car bay for each grouped dwelling</i>	<i>3 car bays</i>
<i>Tavern</i>	<i>150 square metres</i>	<i>As approved by the Council at the Ordinary Meeting held on 6 November 2001</i>	<i>14.49 car bays</i>
<i>Theatre</i>	<i>220 seats</i>	<i>1 space per 6 seats provided</i>	<i>36.67 car bays</i>
<i>Workshop and cellar/store</i>	<i>141 square meters 115 square metres</i>	<i>1 car bay for first 200 square metres of GFA and 1 car bay for every 100 square metres thereafter. As per previous calculations presented to the Council at the Ordinary Meeting held on 23 June 1997</i>	<i>2.11 car bays 1.72 car bays</i>
<i>Car parking requirement (nearest whole number)</i>			<i>77 car bays</i>
<i>Apply the parking adjustment factors.</i>			<i>(0.578)</i>
<ul style="list-style-type: none"> <i>• 0.85 (within 400 metres of a bus stop)</i> <i>• 0.85 (within 400 metres of a car park within excess of 75 car parking spaces - Brisbane Street car park)</i> <i>• 0.80 the development contains mix of uses where at least 45% of the GFA is in residential use.</i> 			<i>44.5 car bays</i>
<i>Minus the car parking provided on-site</i>			<i>30 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall</i>			
<i>25.6 car bays (21.67 car bays after adjustment factors applied), resultant from the Change of Use from Café to Tavern, which was conditionally approved at the Ordinary Meeting of Council held on 6 November 2001.</i>			<i>21.67 car bay</i>
<i>Resultant surplus</i>			<i>7.17 car bays</i>

Health Services

As detailed above, a Maximum Accommodation Certificate was issued for the amphitheatre located at Nos. 442-446 Beaufort Street, Highgate on 31 May 2002 by Health Services without consideration of the restrictions detailed in the Planning Approval issued on 25 November 1996. As a result, the current licensees of Luxe Bar purchased their business in early 2007 with an understanding that they would be able to accommodate 220 people in the amphitheatre at Luxe Bar.

An assessment of the current plans has been conducted and it is estimated that the amphitheatre has sufficient floor area, toilet provisions and exit width to accommodate approximately 190 people (this figure may change once a site assessment is completed). This maximum accommodation number is slightly lower than what was previously approved due to there being minor alterations to the premises. In order to safely comply with the provisions of the Health (Public Building) Regulations 1992, it is recommended that should approval be granted that the numbers be limited to 190 people.

In terms of compliance with the Environmental Protection (Noise) Regulations 1997, it is recognised that this amphitheatre is an open area and there is a strong likelihood that noise being emitted in this area will impact on neighbours. The Town received seven noise complaints from three residents between December 2008 and June 2009, however Health Services have not been able to prove non-compliance. Unreasonable noise was not detected by the sound level meter during three after hours attendances by the Town's Environmental Health Officers during the above time period. A further two after hours complaints were not attended by the Town's Environmental Health Officers as the complainant advised that the noise had reduced when Officers contacted the complainant direct. Furthermore, the offer to place a 'yellow brick' sound level data recorder in complainants' homes has not been accepted to date. Health Services are therefore of the view that outright refusal of this application is not justified on the basis of alleged noise pollution. Instead, this application is seen as an opportunity to place conditions on the applicant/Licensees with the aim of ensuring minimised disturbance to neighbours now and into the future.

It is recognised that the current Licensees of Luxe Bar have actively communicated with the Town's Officers in relation to noise management and are members of the local Vincent Liquor Accord group. Health Services will therefore be recommending that the Licensee demonstrates initiative in order to meet Vincent Accord requirements pertaining to noise, patron behaviour and the responsible service of alcohol.

Following the submission of an Acoustic Report, produced by Lloyd George Acoustics on 30 January 2009, it is Health Services' view that the recommendations detailed in this Officer report adequately address noise issues. The recommendations are similar to those expressed in this Acoustic Report in terms of the operation of the venue. Any future plans to alter the venue structure in order to achieve acoustic attenuation must be treated with caution due to the open space style of this venue. The noise recommendations detailed in this Officer report are therefore focused on the operation of the venue in terms of management practices.

Planning Services

The Town's Officers acknowledge that differing restrictions on patron numbers have been issued for the above place from both Planning and Health Services. However, as evidenced from the submission of this application it is imperative that the premises conform with the requirements of the Town's Town Planning Scheme No. 1 and associated policies. Notwithstanding this, it is considered that there is an opportunity to for the Council to favourably consider the application for greater patron numbers, under the current approved land use.

An 'Amphitheatre' is not listed under the Town of Vincent Town Planning Scheme No. 1 nor is it defined in Schedule 1 - Scheme Interpretations. However, it is considered that an 'Amphitheatre' is a form of theatre, which is defined in the Town of Vincent Town Planning Scheme No. 1 as "any land or building where the public may view a theatrical production". As suggested by the applicant, the Town's Officers concur that a theatre's primary purpose is for the provision of shows/entertainment to a public audience and that the type of performance can take many different forms, and is not restricted to the more traditional form of entertainment such as dramatic performances.

Notwithstanding this, there are certain forms of entertainment such as live performances from rock bands, electronic music and/or disc jockeys, which are not considered appropriate for a 'theatre' use. Such forms of entertainment engage participation (in the form of dancing and singing etc from patrons) and are often ancillary to alcohol consumption and general social interaction. As per the Officer Recommendation, these forms of entertainment should not be permitted at the subject venue.

Patron Numbers

There is concern as identified during the period of community consultation that there are amenity issues such as antisocial patron behaviour and noise issues which are impacting on the adjacent areas residential amenity. Whilst the applicants suggests such concerns may relate to the adjacent existing 'Tavern' the Luxe Bar, which has a late licence and associated DJ music, the Town must be cognizant that 23 objections have been received for the subject application.

To this end and in the pursuit of the orderly and proper planning and conservation of the amenities of the locality, it is recommended that the patron numbers of the subject premises be temporarily limited to 150 persons for a two year period. After such time, and after the implementation of the conditions, which have been imposed to address such matters as noise, and anti-social behaviour, the Town will be in more informed position to permanently endorse larger patron numbers as applied for.

Summary

In light of the above it is considered that the 'Amphitheatre' is an important emerging component of the Town's vitality and that the application should be conditionally approved as per the Officer Recommendation."

9.1.8 No. 13 (Lot 15 D/P: 931) Melrose Street, Leederville - Proposed Demolition of Existing Single House and Construction of Two-Storey Building comprising Five (5) Multiple Dwellings including Undercroft Carpark

Ward:	South	Date:	21 July 2009
Precinct:	Oxford Centre; P04	File Ref:	PRO3947; 5.2009.130.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the owner Metropolitan Project Management Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Building comprising Five (5) Multiple Dwellings including Undercroft Carpark, at No. 13 (Lot 15 D/P: 931) Melrose Street, Leederville, and as shown on plans stamp-dated 26 June 2009, 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;*
- (ii) 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;*
- (iii) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (iv) any new walls, fence and gate, including screens, entry statements and rock walls, between the Melrose Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *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;*
- (viii) *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;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Melrose 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*
- (x) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the balcony to unit 4 on the eastern and western elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper 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 Nos. 11 and 15 Melrose Place, 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.

Cr Doran-Wu departed the Chamber at 8.56pm.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Cr Farrell was an apology for the meeting. Cr Doran-Wu was absent from the Chamber.)

Landowner:	Metropolitan Project Management Pty Ltd
Applicant:	Metropolitan Project Management Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	693 square metres
Access to Right of Way	N/A

BACKGROUND:

12 February 2008 The Council at its Ordinary Meeting refused an application for the demolition of an existing house and construction of a two-storey mixed use development comprising two (2) offices and four (4) multiple dwellings at the above site for the following reasons:

- “1. *The street is predominantly residential.*
- 2. *Adverse impact on residential amenity and increased traffic.*
- 3. *Consideration of objections received.*
- 4. *Insufficient justification for Council to exercise its discretion.”*

8 July 2008 The Council at its Ordinary Meeting refused an application for the demolition of an existing single house and construction of seven (7) two-storey single bedroom multiple dwellings including lofts at the above site for the following reasons:

- “1. *Non compliance with density.*
- 2. *Bulk and scale incompatible with single bedroom dwelling.*
- 3. *Void space not consistent with the single bedroom dwelling.*
- 4. *Lack of diversity in the development.*
- 5. *Lack of justification for Council to exercise it’s discretion.”*

28 July 2008 The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 8 July 2008.

7 November 2008 The SAT resolved to dismiss the application for review and affirm the Town's decision.

For reasons set out in the full text of the review, the Tribunal resolved that the proposed development was incorrectly characterised as multiple dwellings and should properly be classified as 'Grouped Dwellings'. Grouped dwellings are not benefited with the density advantage associated with multiple dwellings in accordance with the Residential Design Codes of Western Australia (2008). The Tribunal therefore found that the proposed development exceeded the density of development allowable on the site.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of five multiple dwellings.

The applicant has provided a Neighbourhood Context Report, which is contained as an attachment to this report. The following comments, which have also been provided by the applicant, are provided in support of the application:

- *"With the design, it was concluded that a forward modern approach was suitable to Melrose Street as Melrose does not have any consistent or themed street scapes.*
- *The two storey development is actually much lower in bulk than existing developments and the scale is also minimised as only two apartments are located on the second floor.*
- *The development is well located in terms of existing public transport facilities and responds to the principles of transit orientated design and will encourage workers to commute to work via bike or public transport."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	5.5 dwellings	5 dwellings	No Variation
Plot Ratio	1 or 693 square metres	0.61 or 429 square metres	No Variation
Building Setbacks:			
Balcony to Melrose Street	1 metre behind ground floor building line	In line with ground floor building line	Supported – see ‘Comments’ section.
First floor to western boundary	6.3 metres	Minimum 2.9 metres to 5.7 metres	Supported - the elevation comprises many forms of horizontal or vertical articulation, which break up the bulk of the elevation.
First floor to eastern boundary	6.3 metres	Minimum 1.689 - 5.4 metres	Supported - as above.
Building Articulation	Any portion of wall greater then 9 meters to incorporate horizontal or vertical articulation	Eastern wall 11.39 metres without horizontal or vertical articulation	Supported - as the variation is considered minor and as the wall is broken up by a feature panel, which extends vertically from the ground floor, the height of the wall is broken up by the skillion roof of differing materials. Both elements moderate the visual impact of building bulk and scale on the adjoining property and is considered sufficient in this instance.

Communal Open Space	16 square metres	Nil	Supported – as each unit is providing more than 16 square metres of outdoor living area which compensates for the communal open space. Moreover, the proposal complies with the required overall open space. In this instance, it is considered that the outdoor living areas will meet the individual needs of residents.
Car Parking	Total - 10 Tenant car parking bays - 9 Visitor Car bays - 1	Total - 10 Tenant car parking bays - 8 Visitor Car bays - 2	Supported - in light of the concerns raised during the period of community consultation, the redistribution of car bays between tenants and visitors is considered acceptable.
Landscaping	The front setback to be devoid of car parking with the exception of visitors car parking and with a maximum of 50 percent hard stand surface	15 per cent landscaping in front setback	Supported - the front setback area provides readily accessible visitor car parking bays for the development. The car bays are bound by landscape beds and shrubbery that when mature, will partially screen the hard stand surface.
BDADC 3. Roof Forms	To be consistent with streetscape	Concealed roof proposed	Supported - as per the Performance Criteria of the Residential Design Elements Policy, the roof form has been designed so as not to unduly increase the bulk of the building and as there are a variety of roof forms along Melrose Street, ranging from skillion, hipped, low pitch to steeper pitches.
Privacy Unit 4 terrace to western elevation	7.5 metres or screening	4 metres	Not supported - considered to impact on the adjacent property owner and conditioned to comply.

Consultation Submissions		
<p>Since the community consultation period, the applicant has amended the plans to address comments received, particularly in relation to landscaping, car parking and overall utilisation of the site. The application was not readvertised as the amendments resulted in no further variations.</p>		
Support (2)	No comment	Noted.
Objection (4)	<ul style="list-style-type: none"> - Parking and traffic is an existing problem and the development would cause additional stress - The current proposal makes no provision for a temporary fence during construction which will make adjoining properties vulnerable to burglary - The proposal will have privacy implications to the adjoining properties - The development will significantly overshadow adjacent properties - The scale of the development and design is modern and does not fit in with the streetscape 	<p>Not supported - As the proposal complies with the parking requirements for multiple dwellings.</p> <p>Not supported – This is a civil matter and is subject to the Dividing Fences Act.</p> <p>Not supported - The applicant has designed the building to minimise any potential overlooking issues by the use of highlight windows. All other privacy encroachments have been conditioned to comply.</p> <p>Not supported - The proposal complies with the overshadowing requirements of the R Codes.</p> <p>Not Support - Refer to 'Comments' section below.</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.

Demolition

The existing subject place is a brick and tile dwelling that was constructed circa 1972. The low lying dwelling has a hipped roof with a single room street frontage, which features an aluminium bay window. The dwelling is considered to have minimal aesthetic value and/or architectural merit.

The place is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI) and is considered to have little cultural heritage significance. It is considered that a full heritage assessment is not warranted in this instance and approval should be granted for its demolition subject to standard conditions.

Street Setbacks

The Residential Design Elements Policy under clause 6.4.1 states that: '*residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties*'. Melrose Street contains a mix of developments that vary in age, height, style and building materials. In this context, Melrose Street is considered a dynamic and emerging contemporary streetscape.

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. It is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Melrose Street, and that the setback of the balcony will assist in the passive surveillance of the street.

Conclusion

It is considered that the proposed multiple dwelling development, which is in conformity with the density requirements of the Town's Town Planning Scheme No. 1, is innovative, and provides a more diverse housing choice for this inner city area. The overall contemporary style of the development will not impact on the streetscape and amenity of the area; rather it will set a benchmark for the evolving inner city Leederville landscape.

The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

9.1.5 Nos. 65-67 (Lot 6 D/P: 7730) View Street, North Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Two (2) Two- Storey Grouped Dwellings

Ward:	South	Date:	21 July 2009
Precinct:	Smith's Lake; P06	File Ref:	PRO4719; 5.2009.137.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 C B Horan on behalf of the owner P H & A I & K J Rae & C B Horan for proposed Partial Demolition of and Additions and Alterations to Existing Two (2) Two-Storey Single Houses, at Nos. 65 - 67 (Lot 6 D/P: 7730) View Street, North Perth, and as shown on plans stamped 16 June 2009, 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;*
- (ii) *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);*
- (iii) *first obtaining the consent of the owners of No. 260 Charles Street and No. 63 View Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 260 Charles Street and No. 63 View Street in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *any new street/front wall, fence and gate within the View Street setback area, including along the side boundaries within this street setback area and excluding the portion of wall, which is truncated at the north-west corner of No. 67 View Street and along this western boundary, shall comply with the following:*
 - (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

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

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *no permanent development or encroachment within 1 metre of the western boundary of No. 67 View Street, North Perth as a 1 metre wide right of way widening is a requirement of the Town; OR*
the landowner agrees to remove the development within the right of way widening area at their own cost at the time the land is required for the right of way widening;
 - (b) *no fill underneath the decking within the right of way widening area along the western boundary of No. 67 View Street;*
 - (c) *no development within the 2 metre x 2 metre truncation at the intersection of the right of way and corner of the proposed development at No. 67 View Street, North Perth;*
 - (d) *the driveway/opening to the carport to No. 65 View Street, being 3 metres wide;*
 - (e) *the rear balcony of No. 65 View Street within the 7.5 metre cone of vision to the eastern boundary and the roof top deck of No. 67 View Street within the 7.5 metre cone of vision to the southern and eastern boundaries being screened with a permanent obscure material to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 a major opening 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 owners of No. 260 Charles Street and No. 63 View Street stating no objection to the respective proposed privacy encroachment; and*
 - (f) *any new side boundary fencing being a maximum of 1.8 metres in height.*

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

- (vi) *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 dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 9.01pm.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

ADDITIONAL INFORMATION:

The front elevation was omitted from the Agenda Report and is now provided to all Council Members.

The applicant has forwarded a 'late submission' in the form of a colour elevation to assist the Council in its deliberations of the above matter.

Landowner:	P H & A I & K J Rae & C B Horan
Applicant:	C B Horan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Grouped Dwellings
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	529 square metres
Access to Right of Way	Western side, 3 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to two existing grouped dwellings. A City of Perth archive search confirms that the subject place was built circa 1932 and comprised two dwellings under the one single-storey hipped roof form. The archive plans state that these dwellings were 'self contained flats'. It is understood that the upper floor addition was undertaken in circa 1982.

In support of the proposal, the applicant has provided a written submission, which is partially summarised below and is "Laid on the Table":

- *"Car Parking - There is currently no off-street parking for the existing dwellings.*

The location of the subject lot within close proximity of retail precincts and public transport on both Fitzgerald and Charles Streets significantly reduces the emphasis on private vehicle ownership. Also, the reduction from two car bays to one, as originally proposed, provides additional landscaping and open space in the street set-back area, and better visual access for surveillance of the street.

- *Building Height - The decision to retain most of the existing ground floor structure has been taken primarily to reduce the environmental impact of the development. The height of the proposed development is governed by the existing floor and ceiling levels, and a desire to maintain the spatial proportions of the original building throughout the renovated houses. Notably:*
 - *The wall height on the street frontage has been reduced to 7 metres above existing levels at the base of the wall to reduce impact on the streetscape.*
 - *The proposed maximum wall height on the eastern side of the building has been reduced to 7.45m. Given the existing level difference across the eastern boundary, there will be no undue impact on the adjacent property.*
 - *Several design elements have been employed in order to reduce the perceived bulk of the development. The use of smaller elements such as sun shading and verandahs on the northern elevation offer interest and scale to the streetscape. Also, the proposed development is articulated as two distinct smaller dwellings, as opposed to the current appearance of one large dwelling.*
- *Street Walls and Fences - In order to reduce traffic noise from nearby Charles Street, a solid portion of wall over 1.2 metres in height is proposed for the length of the truncation in the north-west corner of the lot.*

As a design feature to add interest and minimise visual impact, this wall is to be constructed of glass bricks, with low plantings in front to further soften the appearance."

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.4 dwellings	2 dwellings	No Variation.
Plot Ratio	N/A	N/A	Noted.
SADC 5. Street Setbacks			
Upper floor both dwellings View Street	- Balcony 1 metre behind the ground floor main building line	Unit No. 65 - 1.1 metres in front of ground floor main building line Unit No. 67 - 1.1 metres in front of ground floor main building line	Supported – see 'Comments' section. Supported – see 'Comments' section.

	- 2 metres behind the ground floor main building line	Unit No. 65 - in line with ground floor main building line Unit No. 67 - in line with ground floor main building line	Supported – see ‘Comments’ section. Supported – see ‘Comments’ section.
SADC 7. Side Setbacks	Walls on upper floors being no longer than 9 metres without horizontal or vertical articulation	Portion of eastern facing wall of No. 65 View Street is 12.485 metres	Supported - as the variation is minor and the elevation has articulation in the form of windows and privacy screens.
BDADC 3. Roof Forms	Roof pitches between 30 and 45 degrees encouraged	Concealed Roof	Supported – see ‘Comments’ section.
R Codes Upper Floor Setbacks:			
Dwelling No. 65 to eastern boundary	3 metres	1.5 - 2.5 metres	Supported - as no objection has been received from the adjacent affected neighbour and as the variation is not considered to have an undue impact.
Carport to eastern boundary	1 metre	Nil	Supported - as no objection has been received from the adjacent affected neighbour and as the proposal complies with the R Code requirements for building on the boundary.
Side of Studio to Dwelling No. 65 to eastern boundary	1 metre	Nil	Supported - as above.
Rear Studio and garage to Dwelling No. 65 and No. 67 to Southern boundary	1.5 metre	Nil	Supported in part - as above, and as the applicant has proposed a 600mm setback of the balustrade to reduce the visual bulk of the garage.

Privacy			
Dwelling No. 65:			
Rear Balcony to eastern boundary	7.5 metres screening	or	4.3 metres
Front Balcony to eastern boundary	7.5 metres screening	or	2.8 metres
Dwelling No. 67:			
Rear Balcony to western boundary	7.5 metres screening	or	4.2 metres
Front Balcony to western boundary	7.5 metres screening	or	1.4 metres
Ground floor deck along western boundary	7.5 metres screening	or	Nil
Roof top deck to western, eastern and southern boundaries.	7.5 metres screening	or	0.6 metre - 1.6 metres
Building Height	7 metres to top of concealed roof	Dwelling No. 65 maximum height - 7.47 metres Dwelling No. 67 maximum height - 8.34 metres	Supported - as above. Supported - as above. Supported in part - screening is proposed; however, further information is required on the type of screening to ensure it complies with the Town's screening requirements. Supported - the dwellings comply with the 7 metre height requirement at the View Street frontage, no objections received from adjacent affected neighbours and the overall height of the development is less than the existing two-storey build.

Retaining	Not more than 0.5 metre without approval	Approximately 0.9 metre along western boundary to match existing finished floor level of house	Not supported - whilst the fill will enable the ground floor and outdoor areas to be almost level, the approval of the fill in the right of way widening area may result in complications when this land is required for the widening of the right of way. The Town's Officers have no objection to an elevated decking along this side which is considered more temporary and can be more readily removed in the future when required.
Parking	Two-spaces per dwelling	One space per dwelling	Supported – currently, there is no car parking provided on-site and the retention of the main building structure makes it difficult to provide additional car parking without compromising open space and outdoor living opportunities. A condition of approval requiring a section 70 Notice will ensure future owners are aware of car parking constraints on the site.
Driveways	Minimum width 3 metres and not within 0.5 metre of side boundary	2.7 metres wide Nil setback to eastern boundary	Not supported- conditioned to be a minimum of 3 metres. Supported - this setback ensures the retention of a verge tree.
Front Fences	Maximum height of piers 1.8 metres Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres	Piers - 2.3 metres Portion of wall solid to 2.3 metres at truncation with right of way	Not supported - conditioned to comply. Supported - considered to provide screening from the right of way and Charles Street. The proposed coloured glass feature is considered to reduce the wall's impact on the streetscape.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted

General Comment (1)	Proposed setbacks may be over bearing on the streetscape Concern with long term impact of lack of car parking provision, dwellings of this nature are likely to have more then one occupant and 2 or more cars	Not Supported - refer to comments below. Noted - refer to above comments relating to Parking.
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.

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'*. Dwellings along View Street are inconsistent in architectural style and both streetscapes contain a mix of developments that vary in height, style and building materials. In this context, View Street is considered a dynamic and emerging contemporary streetscape.

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.

It is considered the proposed street setbacks are compliant with the Performance Criteria for this standard in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to View Street, and that the setback of the balcony will assist in the passive surveillance of the street. Furthermore, in light of the observation that there is a lack of a consistent streetscape setting, and that there is a dwelling directly opposite the subject place, with some elements of the upper floor directly above the ground floor, there is scope to consider and support such a variation.

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 View Street. There is no consistent pattern of roof forms on either side of View Street.

Summary

The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal clearly satisfies the Performance Criteria for each of these variations. The development is not considered to compromise the streetscape but rather contribute 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.

At 9.05pm the Presiding Member, Mayor Nick Catania called an adjournment of the meeting for 5 minutes.

The Meeting resumed at 9.15pm, with the following persons present;

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

One Member of the Public was present and no journalists were present.

9.1.13 No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory and State Administrative Tribunal (SAT) Review Matter No. CC615 of 2009

Ward:	South	Date:	20 July 2009
Precinct:	Banks; P15	File Ref:	PRO0011; 5.2009.185.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Raisah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Allerding & Associates on behalf of the owner K D & R R Sharpe for proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory, at No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 21 May 2009, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building, which contributes to an important cultural landscape;*
 - (b) *the existing place has cultural heritage significance in terms of its aesthetic and social values and is listed on the Town's Municipal Heritage Inventory/Heritage List as a Management Category B – Conservation Recommended; and*
 - (c) *consideration of the objections received; and*

-
- (ii) *INVITES MAYOR AND/OR COUNCILLOR(S)..... to attend an on-site mediation, to commence at 10 am on 31 July 2009 (or other date if the matter is rescheduled) for a duration of 3 hours, on behalf of the Council on the Review (appeal) relating to the Renovation Notice in accordance with Section 409 of the Local Government (Miscellaneous Provisions) Act 1960.*
-

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Ker nominated to attend an on-site mediation.

The Presiding Member, Mayor Nick Catania called for further nominations.

No further Nominations were received.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

For: Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier, Cr Messina

Against: Mayor Catania, Cr Youngman

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.13

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Allerdig & Associates on behalf of the owner K D & R R Sharpe for proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory, at No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 21 May 2009, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building, which contributes to an important cultural landscape;*
 - (b) *the existing place has cultural heritage significance in terms of its aesthetic and social values and is listed on the Town's Municipal Heritage Inventory/Heritage List as a Management Category B – Conservation Recommended; and*
 - (c) *consideration of the objections received; and*
- (ii) *INVITES MAYOR Nick Catania AND COUNCILLOR Ian Ker to attend an on-site mediation, to commence at 10 am on 31 July 2009 (or other date if the matter is rescheduled) for a duration of 3 hours, on behalf of the Council on the Review (appeal) relating to the Renovation Notice in accordance with Section 409 of the Local Government (Miscellaneous Provisions) Act 1960.*
-

Landowner:	K D & R R Sharpe
Applicant:	Allerding & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	521 square metres
Access to Right of Way	North-western side, 4 metres wide, partially sealed, publicly owned

BACKGROUND:

It is understood that the current owners purchased the property in 1993 as a long term investment. Since this time, the place has been left vacant and boarded up. The abandoned nature of the place over the years has caused some health and safety issues, mainly in the form of overgrown vegetation creating a potential fire hazard for nearby properties.

Since 1996, several letters have been forwarded to the owners from the Town, requesting that the matter of overgrown vegetation and the general state of the place be addressed. In April 1998, the Town requested that the owner again address issues concerning the property, namely the condition of the garage/shed adjoining the right of way and the neighbouring garage/shed. As a result of the ongoing concern from the Town, the owners resolved to submit an application for demolition of the subject place on 5 June 1998. A further background of the property is provided below:

- 12 October 1998 The Council at its Ordinary Meeting refused an application for Planning Approval for the demolition of the dwelling. The application was refused on the grounds that the place was found to have cultural heritage significance in terms of its contribution to the streetscape and it was subsequently listed on the Town's Municipal Heritage Inventory. As there were no heritage planning policies in place at the time this application was assessed, a detailed heritage assessment of the place was not prepared.
- 27 September 2000 The Town issued the owners of the property with a Health Notice - House Unfit for Human Habitation and Urgent Securing Works, requesting that the dwelling be secured and cleaned and that the land and vegetation be properly maintained.
- 5 December 2000 The Council at its Ordinary Meeting refused an application for Planning Approval for the demolition of the dwelling.
- 21 December 2000 The owner of the subject place submitted an application for review to the former Minister for Planning under the *Town Planning and Development Act 1928*.
- 11 June 2001 The former Minister for Planning and Infrastructure Hon Alannah MacTiernan dismissed the appeal and noted the following:
- "I am of the view that considerable view should be given to the retention of buildings which are on a local government Municipal Inventory and which form part of a cohesive streetscape... it is not appropriate for heritage dwellings to be neglected to the point where demolition is the only option."*

- 3 March 2006 In response to a complaint regarding the alleged unsatisfactory condition and recent use of the subject building the Town wrote to the owners requesting all breeched openings on the building structure (doors and windows) be resecured. A recommendation was also made for the treatment of all white ant infested timber at the subject property.
- 14 March 2006 The Town wrote to the owners of the subject place advising of the various financial and non-financial incentives available to them as an owner of a Heritage Listed property.
- 21 June 2006 In accordance with Clause 45 of the Heritage of Western Australia Act 1990 all local government authorities are to compile and maintain a Municipal Heritage Inventory. Community Consultation of the Town of Vincent Municipal Heritage Inventory (MHI) Review commenced on 21 June 2006. Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners. 121 of these were objections. No objections were received from the owners of the subject place.
- 12 September 2006 The Council at its Ordinary Meeting adopted those places, which did not receive any written objections and/or are included on the State Register of Heritage Places, onto the MHI, as part of the MHI review. As no objections were received from the owners of the subject place, the subject place was re-entered onto the MHI.
- 23 March 2009 The Council resolved to issue a Renovation Notice in accordance with section 409 of the *Local Government (Miscellaneous Provisions) Act 1960*. Specifically the notice required:

"1. *You are hereby required to bring the appearance of the Building on the Property into conformity with the general standard of appearance of the buildings in the locality, including carrying out the works set out in the schedule:*

Schedule

- (a) *Repair and make good roof elements to be in proper working order;*
- (b) *Repair and make good fascia and associated woodwork to front gable;*
- (c) *Remove corrugated iron cladding to all external openings (doors and windows);*
- (d) *Reinstate and reglaze all external windows and doors to be in proper working order;*
- (e) *Repair and make good the decorative timber valence of verandah;*
- (f) *Take down and remove the exposed timber pergola structure at the rear of the property;*
- (g) *Take down and remove the disused hot water tank, which is located on the roof; and*
- (h) *Remove weeds and general building debris."*

- 5 May 2009 Planning Consultants Allering and Associates submitted an application to the State Administrative Tribunal (SAT), for review of the above notice, resolved by Council on 23 March 2009, on behalf of the owners of the subject place.
- 14 May 2009 The Town's Officers attended a Directions Hearing at the SAT. At this Directions Hearing, the applicants requested that the SAT review be held in abeyance pending the Town's consideration of a planning application for the demolition of the place.
- 19 May 2009 Planning Consultants Allering and Associates submitted a planning application for the demolition of the subject place on behalf of the owners.

DETAILS:

The proposal involves the demolition of the existing Federation Bungalow at No. 125 Joel Terrace and its associated removal from the Town's Municipal Heritage Inventory.

The Town has issued the owner of the subject place with a Renovation Notice in accordance with Section 409 of the *Local Government (Miscellaneous Provisions) Act 1960*. The applicant does not wish to comply with this Notice and has submitted an application to the SAT, which is currently being held in abeyance until such time as the Council has considered this subject application for demolition. Notwithstanding the above, the SAT has made the following orders in the event that the Council does not approve the demolition at the Ordinary Meeting of Council on 28 July 2009.

- "1. *The matter is referred to mediation to commence at 10 am on 31 July 2009 for duration of 3 hours on site at No. 125 Joel Terrace.*
2. *The Mayor or President of the respondent is invited to attend and/or nominate one or more councillors and/or the Chief Executive Office of the respondent to attend the mediation".*

The applicant's have employed a Heritage Consultant to provide comment on the Town's Heritage Assessment. The Heritage Consultant's (Laura Gray Heritage and Conservation Consultant) submission is "*Laid on the Table*" and partially summarised below:

- *There is no compelling evidence of cultural heritage significance that would warrant inclusion on the Town's Heritage List.*
- *Streetscape is not an individual attribute for a place. Arguably, the place detracts from the streetscape.*
- *It could be argued that the community does not value the derelict places within their built environment and certainly has no social value.*

Furthermore, the applicant has provided the following comments in relation to the objections raised during the period of community consultation:

- *"Demolition will reward the owner for a policy of demolition by neglect."*

Response - As detailed by the Heritage Assessment prepared by our Heritage Architect (Laura Gray Heritage and Conservation Consultant), the property does not demonstrate a level of cultural heritage significance to substantiate inclusion on the heritage list.

- *"The house and its contribution to Joel Terrace should be preserved for future generations."*

Response - There are other houses on Joel Terrace that are considered to have greater contribution to Joel Terrace and these are not included in the Council's heritage list.

- *"The Town should stand by its policies so that developers, prospective and existing owners are cognizant of planning requirements and responsibilities for properties within a specific locality and those that have heritage orders placed on them."*

Response - The Council can consider and approve applications for deletion from the Heritage List and this request for exclusion from the heritage list is put forward as the property does not demonstrate a level of cultural heritage significance to substantiate inclusion on the heritage list.

- *"Multiple people over the last couple of years have expressed a strong interest in acquiring the house and renovating it."*

Response - Not a relevant planning consideration.

- *"Concern over the demolition of the shared garage at the rear of the property."*

Response - Civil matter – not relevant to this application.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support	Nil		Noted.
Objection (12)	<ul style="list-style-type: none"> - Demolition will reward the owner for a policy of demolition by neglect. - The house and its contribution to Joel Terrace should be preserved for future generations. - The Town should stand by its policies so that developers, prospective and existing owners are cognizant of planning requirements and responsibilities for properties within a specific locality and those that have heritage orders placed on them. - Multiple people over the last couple of years have expressed a strong interest in acquiring the house and renovating it. 		<p>Supported - as the demolition of the place would set an undesirable precedent for demolition by neglect.</p> <p>Supported - as this western side of Joel Terrace contains much of its original housing stock and thus the retention/restoration of existing dwellings is favoured and encouraged.</p> <p>Supported.</p> <p>Noted.</p>

	- The demolition of the shared garage at the rear of the property.	Not supported - as this is a civil matter, to be resolved between the effected parties.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil; as the Town at this stage is being presented by its Officers.

* 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.

Heritage Value

A detailed Heritage Assessment, prepared in accordance with the Town's Heritage Management Policy No. 3.6.2 relating to Assessment, has been prepared for the property. This assessment is contained in an attachment to this report and indicates that the place meets the threshold for entry onto the Town's Municipal Heritage Inventory (MHI) for the following reasons:

- The place has *some aesthetic value* as its scale and composition contributes to a local cultural landscape, which comprises predominantly Federation style residences for the portion of Joel Terrace, between Pakenham Street and Leslie Street, built within a two year period from 1911 to 1913.
- The place has *some aesthetic value* as a good example of the Federation Bungalow style of architecture.
- The place is representative of the growth of suburban areas and the establishment of suburban identities that occurred in Perth during the years immediately ensuing the Gold Rush period.
- The place has *some social value* as it is valued by the local community for its contribution to the built environment of the Town of Vincent, and as a result contributes to the community's sense of place.

As can be seen above, the place is considered to be significant to the locality and worthy of its continued inclusion on the Town's Municipal Heritage Inventory.

Building Condition

As noted in the attached Heritage Assessment, the place has been subject to neglect and the building appears to be in a state of slow and steady decline. However, as per the Town's Heritage Management Policy No. 3.6.5 relating to Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI) and in accordance with good conservation practice *'the poor state of a place listed on the MHI should not in itself be a reason for removal from the Inventory'* or indeed reason for demolition approval.

As per the above policy, if structural failure is cited as a justification for the demolition of a place, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of the majority of its significant fabric and/or prohibitive costs. In this instance, no such evidence has been provided.

Given the general observations on the condition of the place, it is undeniable that works and technical expertise to rectify and conserve the place are required. However, when weighed against the significance of the place, and the possibilities available to conserve the place, demolition is not considered to be the only reasonable, feasible or desirable choice. The place is located in a desirable position in terms of spatial aspects, access, topography and setback; such that contextual restrictions that often are associated with heritage buildings are not present in this circumstance, allowing greater flexibility in terms of development (alterations and additions) options than might normally be present. These contextual aspects, along with the possibilities of rectifying those portions of the significant fabric that require work, as well as the degree of local heritage significance that this place has, is considered sufficient to justify further efforts to conserve the place.

Summary

It is therefore recommended that the proposed demolition of the existing dwelling be refused as per the Officer Recommendation and that the Mayor and/or Council Members be nominated to attend the on-site mediation as part of the SAT review.

9.1.6 No. 497 (Lot: 37 D/P: 672) Beaufort Street, Highgate - Proposed Change of Use from Furniture and Hardware Showroom to Warehouse, Showroom, Shop and Eating House and Associated Alterations and Additions

Ward:	South	Date:	20 July 2009
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2340; 5.2009.169.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the owner P D & A D Robinson for proposed Change of Use from Furniture and Hardware Showroom to Warehouse, Showroom, Shop and Eating House and Associated Alterations and Additions, at No. 497 (Lot: 37 D/P: 672) Beaufort Street, Highgate, and as shown on plans stamp-dated 12 May 2009, 8 July 2009, and 9 July 2009, subject to the following conditions:

- (i) the gross floor area of the warehouse shall be limited to 178 square metres;*
- (ii) the gross floor area of the showroom shall be limited to 85 square metres;*
- (iii) the gross floor area of the shop shall be limited to 62 square metres;*
- (iv) the public floor area of the eating house shall be limited to 17 square metres;*
- (v) the eating house shall only operate during the opening times of the warehouse, showroom and shop;*
- (vi) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$7,476 for the equivalent value of 2.67 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
 - (b) lodge an appropriate assurance bond/bank guarantee of a value of \$7,476 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (vii) *prior to the first occupation of the development, two (2) class three 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;*
- (viii) *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; ~~and~~*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 6 building; in particular, the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*

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

Moved Cr Youngman, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-5)

For: Cr Ker, Cr Maier, Cr Youngman

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

(Cr Farrell was an apology for the meeting.)

Reasons:

- 1. Shortage of car parking.**
- 2. Consideration of objections received.**
- 3. Consistent with other development application decisions in the vicinity.**

Landowner:	P D & A D Robinson
Applicant:	P D Robinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Warehouse and Showroom
Use Class:	Warehouse, Showroom, Shop and Eating House
Use Classification:	"P"
Lot Area:	449 square metres
Access to Right of Way	West side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 26 June 1996 The Council at its Ordinary Meeting refused an application for change of use from shop to eating house.
- 24 September 1999 The Town under delegated authority from the Council conditionally approved an application for change of use from shop to furniture and hardware showroom.
- 24 June 2003 The Town under delegated authority from the Council approved an application for change of use from furniture and hardware showroom to eating house and associated alterations and additions, subject to a condition requiring that a reciprocal car parking be provided on an adjacent lot and a legal agreement being provided to ensure this.
- 13 April 2004 The Council at its Ordinary Meeting refused a consideration of the reciprocal car parking condition placed on the Delegated Approval granted by the Town on 24 June 2003. The approval granted on 24 June 2003 was never acted upon.
- 23 November 2004 The Council at its Ordinary Meeting conditionally approved a change of use from furniture and hardware showroom to office, shop, eating house and warehouse. This approval was never acted upon.

DETAILS:

The proposal involves the change of use from furniture and hardware showroom to warehouse, showroom, shop and eating house. There are minor internal works being conducted to include a kitchen, a disabled toilet and ramps to ensure disabled access.

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
Plot Ratio:	N/A	N/A	Noted – no variation.
Car Parking			
Car parking requirement (nearest whole number)			= 12 car bays
<ul style="list-style-type: none"> Warehouse and Showroom (3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof) – Gross Floor Area = 178 square metres (warehouse) and 85 square metres (showroom) Total = 263 square metres (requires 3.63 car bays) 			

<ul style="list-style-type: none"> • Shop (1 space per 15 square metres of gross floor area) – Gross Floor Area = 62 square metres (requires 4.13 car bays) • Eating House (1 space per 4.5 square metres of public floor area) – Public Floor Area = 17 square metres (requires 3.77 car bays) <p>Total car bays required = 11.53 car bays</p>		
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 		(0.7225) = 8.67 car bays
Minus the car parking provided on-site		Nil
Minus the most recently approved on-site car parking shortfall.		6 car bays
Resultant shortfall		2.67 car bays
Bicycle Parking		
<p>Warehouse – N/A Showroom – N/A Shop</p> <ul style="list-style-type: none"> • 1 space per 300 square metres (proposed = 62 square metres) of public area for employees (class 1 or 2) = 0.21 space • 1 space per 200 square metres (proposed = 62 square metres) of public area for visitors (class 3) = 0.31 space <p>Eating House</p> <ul style="list-style-type: none"> • 1 space per 100 square metres (proposed = 17 square metres) of public area (class 1 or 2) = 0.17 space • 2 spaces plus 1 space per 100 square metres (proposed = 17 square metres) of public area (class 3) = 2.17 space <p>Total class one or two bicycle spaces = 0.38 spaces = Nil Total class three bicycle spaces = 2.48 spaces = 2 space</p>		
Consultation Submissions		
Support	Nil	Noted.
Objections (6)	<ul style="list-style-type: none"> • Lack of car parking 	<ul style="list-style-type: none"> • Supported in part – the subject building has been built boundary to boundary and never had any car parking available on-site. It is recommended that the Council support the car parking shortfall; however, a condition be applied that cash-in-lieu of car parking is required to be paid.
	<ul style="list-style-type: none"> • Already too many coffee shops existing on Beaufort Street 	<ul style="list-style-type: none"> • Not supported – the proposed eating house component of the development is of a minor nature in comparison to the shop and showroom component and will be exclusively for the customers of the shop and showroom.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability Implications		Nil

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

COMMENTS:

Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 2.67 car bays would equate to a payment of \$7,476. The parking shortfall is not considered excessive given its locational context, and is therefore supported subject to a cash-in-lieu payment.

Conclusion

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.

9.1.15 Progress Report No. 1 - Integrated Transport and Parking Strategy

Ward:	Both	Date:	16 July 2009
Precinct:	All	File Ref:	PLA 0084
Attachments:	001 002		
Reporting Officer(s):	T Woodhouse, C Wilson		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES:**
 - (a) *the Progress Report relating to the Integrated Transport and Parking Strategy;*
 - (b) *the letter dated 6 July 2009 from the Town of Victoria Park relating to the Integrated Transport and Parking Strategy, as shown in Appendix 9.1.15; and*
 - (c) *the outcomes of the Integrated Transport and Parking Strategy Workshop, as shown in Appendix 9.1.15; and*
- (ii) **SUPPORTS** *the Town's continual involvement in the Integrated Transport and Parking Strategy for the Inner City Perth Metropolitan Area, comprising the Local Government Authorities of the Town of Vincent, Town of Cambridge, City of Perth, City of South Perth, City of Subiaco, and Town of Victoria Park.*

COUNCIL DECISION ITEM 9.1.15

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Integrated Transport and Parking Strategy for Inner City Perth Metropolitan Area and receive the outcomes of the Integrated Transport and Parking Strategy Workshop held at the Town of Victoria Park on 29 April 2009.

BACKGROUND:

The first workshop relating to the Integrated Transport and Parking Strategy (ITPS) was held on 6 June 2007. The workshop indicated good levels of support for the proposal and key issues, options, opportunities and implications to be addressed in the ITPS were identified. The following vision statement was developed at the first workshop:

'To achieve an efficient, effective and sustainable transport and parking system by adopting a whole of government and balanced approach to all elements that influence the transport system'.

Since the initial workshop, various developments have taken place to progress the Strategy, including; letters of support from the Public Transport Authority and the Department for Planning and Infrastructure, the employment of a Project Manager, meetings and verbal expressions of support from key stakeholders and discussion with Professor Newman and the Greens Senator's office (Scott Ludlam), to gain support for the project and options for light rail in particular. The participants are also seeking a letter of support from Main Roads WA on this initiative.

A subsequent workshop was held at the Town of Victoria Park on 29 April 2009 and was attended by the relevant local government authorities and State agencies. The Town's Acting Manager Planning, Building and Heritage Services and Acting Senior Planning Officer (Strategic) attended on behalf of the Town. The outcomes of the workshop are included as an attachment to this report.

DETAILS:

The purpose of the proposed Integrated Transport and Parking Strategy is to provide sustainable transport and parking infrastructure strategies that could be applied consistently and equitably across the Local Government Authorities of the Town of Vincent, Town of Cambridge, City of Perth, City of South Perth, City of Subiaco, and Town of Victoria Park.

Intent

The intent of the proposal is to identify and agree on the strategic objectives and commitments to achieve alignment of regional and local needs for transport and parking. The reasons for undertaking the above are outlined as follows:

- Strategic plan objectives that relate to parking and transport should be consolidated as a corporate priority;
- No clear framework and/or improvement plan in place at State level;
- Broad State Government support across the inner city region is required due to substantial involvement in implementation;
- A consolidated and co-ordinated approach is needed; and
- There is a definite need for common standards which can establish a moral obligation to implement.

Objectives

The proposed objectives of the ITPS are to provide:

- A plan for development of transport and parking infrastructure over the next 20/25 years based on an objective assessment of projects using a triple bottom line method;
- A suite of commitments to ensure its success;
- A two tiered approach for regional and local levels;
- More convenient access to more frequent and balanced public transport services;
- Sufficient and conveniently located car parking to access public transport and shopping centres with a recognisable pricing structure across the region;
- Road congestion management to spread delay more equitably across the road network and to alleviate highly visible delays at key intersections;
- Improved cycling and walking opportunities; and
- Presentation of ITPS outcomes to individual key participants, resulting in a balanced approach to the integration of Transport, Parking and Land Use.

Memorandum of Understanding

A key element to formally reflect the level of involvement of the key participants to develop, manage and finance the ITPS will be the preparation of a Memorandum of Understanding. The workshop held on 29 April 2009 assisted in identifying and developing the key points to be incorporated into the Memorandum of Understanding between all parties. Elements to be included in the Memorandum of Understanding relate to Governance; Consultancy Arrangements; Funding; and 'In Kind' Arrangements. The key participants have been identified as follows:

- Town of Vincent;
- Town of Cambridge;
- City of South Perth;
- City of Subiaco;
- Town of Victoria Park;
- City of Perth;
- Public Transport Authority;
- Department of Planning (formerly the Department for Planning and Infrastructure); and
- Main Roads Western Australia.

Current Status

Following the ITPS Workshop held at Victoria Park on 29 April 2009, the Town of Victoria Park sent a letter to the Department of Planning dated 9 June 2009 requesting a meeting to determine the level of involvement from each party. The letter acknowledged that one of the key outcomes of the Workshop held on 29 April 2009 was the crucial role in which the Department of Planning has to play in the success and progress of the ITPS.

It is understood that following the anticipated meeting with the Department of Planning, the Public Transport Authority and representatives outlined above, progression can then be made in the finalisation of the Memorandum of Understanding to provide the basis to engage a consultant to undertake the Strategy. A preliminary timeline for the Integrated Transport and Parking Strategy development is detailed within the outcomes of the Workshop held on 29 April 2009 attached to this report.

The Town of Victoria Park has also been invited to undertake a presentation on the Integrated Transport and Parking Strategy at the 2009 Roads and Transport Forum to be held on 5 August 2009 at the Perth Convention Exhibition Centre. It is anticipated that the above presentation will provide an opportunity to outline the benefits of the proposed Strategy and also acknowledge the positive stakeholder involvement in the process to date, as well as outlining the potential stakeholders and partners in the Strategy.

CONSULTATION/ADVERTISING:

The Town of Victoria Park is currently undertaking informal consultation with various stakeholder groups to promote the Integrated Transport and Parking Strategy.

LEGAL/POLICY:

The proposed Memorandum of Understanding to be signed by all parties will guide the legal and policy implications of the Project.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 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; and

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

SUSTAINABILITY IMPLICATIONS:

The proposed Integrated Transport and Parking Strategy provides the opportunity to promote a sustainable and integrated long term approach to the improved management of transport and parking at the Town and the Inner City Metropolitan area more generally. The proposed Strategy also promotes recognising the balance between regional and local needs for transport and parking to create sustainable communities in liveable urban precincts into the future.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications are detailed in the table relating to 'Proposed Funding and 'In kind' Arrangements' of the outcomes to the Workshop held on 29 April 2009, attached to this report. Finalisation of the financial implications for the Town will be specified in the proposed Memorandum of Understanding.

Verbal advice from the Town of Victoria Park has indicated that the majority of the funding for the Project will be contributed by the Department of Planning, who are likely to undertake the tendering and administration of the Project, and the Public Transport Authority. It is anticipated that each Local Government Authority will contribute equally the remainder of costs.

The actual monetary contribution from the Town has yet to be established and will depend on the finalised scope of the Project. However, it has been indicated verbally that the amount would be in the order of \$20,000 to \$30,000 from each Local Government Authority and up to \$50,000 from the State agencies. It is anticipated that the contribution from the Town would be considered in the 2010 - 2011 Draft Budget.

COMMENTS:

The proposed Integrated Transport and Parking Strategy initiated by the Town of Victoria Park presents a positive approach to the importance of promoting a Strategy that recognises the local and regional context of managing parking and transport issues within the inner city metropolitan area.

It is considered that the key objectives of the proposed Integrated Transport and Parking Strategy are in line with the Town's Strategic direction for managing parking and transport, as identified in the Town's Local Planning Strategy, the draft Car Parking Strategy and associated Precinct Parking Management Plans currently being finalised by Luxmoore Parking Consultants. Furthermore, it is considered that the Strategy also supports the strategic direction promoted by the State Government through Network City (2004) and the Directions 2031 Spatial Framework currently out for consultation.

In light of the above, it is recommended that the Council supports the objectives of the Integrated Transport and Parking Strategy and the continual involvement of the Town in the preparation and implementation of the Strategy.

9.2.1 Proposed ~~2-Hour~~ Parking Restrictions – Bruce Street, Leicester Street, Hayley Avenue & Ragen Alley, Leederville

Ward:	South	Date:	8/7/2009
Precinct:	Leederville (P3)	File Ref:	PKG0070
Attachments:	001		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	C Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of a two (2) hour parking restriction in Bruce Street; Leicester Street, Hayley Avenue and Ragen Alley;*
- (ii) *APPROVES the introduction of ~~a two (2) hour~~ various parking restrictions in Bruce Street, Leicester Street, Hayley Avenue and Ragen Alley between 8.00am and 5.30pm, Monday to Friday, as illustrated on attached Plan 2661-PPA;*
- (iii) *PLACES a moratorium, where appropriate, on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *INFORMS the Residents of the Council's decision.*

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

COUNCIL DECISION ITEM 9.2.1

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Doran-Wu

That the item be DEFERRED for further information to be provided.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of consultation with residents in Bruce Street, Leicester Street, Haley Avenue and Ragen Alley, to determine the support for the introduction of a two (2) hour parking restriction and seek the Council's approval of the introduction of this restriction.

BACKGROUND:

The Town received correspondence from various residents in Bruce Street (between Oxford and Leicester Streets) about the issues caused by parking congestion in the street. The major issue related to the number of vehicles parking in the street for long periods of time, resulting in a lack of parking for residents and their visitors. As Bruce Street represents one of only four (4) streets in the Leederville precinct near the Town centre which remain unrestricted, it was decided to survey the residents in these streets.

DETAILS:

On 15 May 2009, 72 letters were distributed to residents with properties adjacent to Bruce Street, Leicester Street, Haley Avenue or Ragen Alley, requesting them to provide comments over a 14 day period, regarding the proposed introduction of a two (2) hour parking restriction from Monday to Friday inclusive, between 8.00am and 5.30pm, to bring the parking in the street into line with restrictions in the Leederville area.

The consultation letter also included details of the Town's policy on eligibility for exemption from the time restrictions through residential and visitor parking permits.

At the close of the consultation period, thirty five (35) responses were received (49% response) with twenty seven (27) in favour and eight (8) against the proposal. A summary of comments received is attached at appendix 9.2.1.

CONSULTATION/ADVERTISING:

Residents were consulted via a letter drop in relation to the proposed parking restriction in the affected streets.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Implementing parking restrictions in Bruce Street, Leicester Street, Haley Avenue and Ragen Alley, will require the manufacture and installation of twenty (20) new signs and will cost approximately \$2,000.00.

COMMENTS:

The majority of respondents (77%) were in favour of the proposed introduction of parking restrictions in Bruce Street, Leicester Street, Haley Avenue and Ragen Alley. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as shown on plan No 2661-PP-1

9.2.2 Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville – Specified Maintenance

Ward:	South	Date:	10 July 2009
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	-		
Reporting Officer(s):	R Lotznicker, K Steicke		
Checked/Endorsed by:	M Rootsey, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the specified maintenance requirements at the Department of Sport and Recreation Office (DSR) Building, 246 Vincent Street, Leederville;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to fund the purchase of polycarbonate chair mats and painting works at it's DSR Building, estimated to cost \$14,740, to be funded from the Department of Sport and Recreation Building Reserve Fund; and*
- (iii) *ADVISES the Department of Sport and Recreation of its decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Farrell was an apology for the meeting.)

PURPOSE OF REPORT:

To request that the Council approve the purchase of floor mats to extend the life of the carpet, and undertake internal painting at the Town's Department of Sport and Recreation (DSR) building.

BACKGROUND:

At its Ordinary Meeting held on 12 August 2003, the Council approved of the Major Land Transaction for the DSR Office Building, 246 Vincent Street, Leederville, with the building works completed in early 2005.

At its Ordinary Meeting held on 24 August 2004, the Council considered a progress report on the internal fit out, where the following was advised

"The internal fit out architects, Oldfield Knott, have provided the Town with a full set of plans and specifications and colour boards. The internal fit out designers have liaised with Peter Hunt Architect with regard to the building colours. The fit out colours have been selected to complement the building colours. Peter Hunt Architect advise that the internal colours are acceptable, however DSR have verbally indicated that some colours may slightly vary, due to alternative products being sought."

DETAILS:

Carpet Wear

Recent inspections of the carpet at the DSR building have revealed that it is showing signs of excessive wear, particularly at workstation locations, caused by chair castors. In one area the castors damaged the carpet to such an extent that a portion of the carpet required replacement.

The carpet manufacturers (Godfrey Hirst) inspected the carpet and provided a report on the affected areas. Unfortunately the carpet warranty does not extend to replacement due to excessive wear caused by the chair castors.

Patching of the badly worn/torn areas of the carpet (at two workstations) was undertaken and the new carpet sections are being protected by polycarbonate chair mats.

Painting

Recent inspections also showed that the majority of the walls in the meeting room, board room and passage ways require repainting, due to wear and tear (high use areas). The estimated cost of these works is \$9,000.

Officers' Comments:

Given the excessive carpet wear as mentioned above, it is considered prudent to protect the remaining sections of carpet located under desk chairs to ensure that the carpet at these locations does not wear prematurely.

It is therefore considered that the best way to achieve this is with the placement of polycarbonate chair mats at these locations. A total of 140 mats are required to be located at each workstation to protect the carpet and extend its replacement life to at least twelve (12) years.

In addition, it is considered necessary to undertake painting works on the areas mentioned above.

FINANCIAL/BUDGET IMPLICATIONS:

It is proposed that the mats be purchased from Park Carpet Company at a cost of \$5,740.00. It is proposed that the painting works, estimated to cost \$9,000, be undertaken by the Town's term maintenance painting contractor.

It is recommended that the funds be sourced from the DSR Reserve fund, which was established at the Ordinary Meeting of Council held on 13 May 2002 for the following purposes: *"for building upgrade/maintenance/repairs/renovation and replacement of fixtures and fittings associated with the office building and land"*.

The reserve fund currently contains \$226,160.00.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY IMPLICATIONS:

Not applicable.

SUSTAINABLY IMPLICATIONS:

It is estimated that floor mats to be located at each workstation will protect the carpet and extend its replacement life to at least 12 years (from new). Painting will also prolong the life of the internal wall partitioning.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area Four: 4.1.2 Manage the organisation in a responsible, efficient and accountable manner. *(e) Implement an Asset Management Program to better forecast and maintain management of the Town's assets and infrastructure.*

COMMENT:

It is therefore recommended that the Council approve to fund the works, as outlined in the report, estimated to cost \$14,740, from the DSR Building Reserve Fund.

9.2.9 Tender No. 409/09 – Supply and Laying of Kerbing

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	TEN0414
Attachments:			
Reporting Officer(s):	R Lotznicker, C Economo, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Downer EDI and Kerbing West for the Supply and Laying of Kerbing in accordance with the specifications as detailed in Tender No. 409/09.

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

That the recommendation be amended as follows:

“That the Council ACCEPTS the tender submitted by Downer EDI and Kerbing West for the Supply and Laying of Kerbing in accordance with the specifications as detailed in Tender No. 409/09, subject to Kerbing West only being used when Downer EDI cannot perform the work required within a reasonable timeframe.”

AMENDMENT PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier, Cr Messina
Against: Cr Youngman

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.9

That the Council ACCEPTS the tender submitted by Downer EDI and Kerbing West for the Supply and Laying of Kerbing in accordance with the specifications as detailed in Tender No. 409/09, subject to Kerbing West only being used when Downer EDI cannot perform the work required within a reasonable timeframe.

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for the Supply and Laying of Kerbing for a three (3) year period.

BACKGROUND:

On 20 May 2009 a tender was advertised for the Supply and Laying of Kerbing for a three (3) year period. At the close of the tender on Wednesday 3 June at 2.00pm, five (5) tenders were received. Present at the opening were the Manager Engineering Design Services and Finance Officer - Accounts Payable.

DETAILS:

Tenders were received from five (5) companies.

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	30%
2	Organisational structure/capacity/resources	30%
3	Contract Price	20%
4	Compliance with Tender Specification	10%
5	Financial Capacity	5%
6	References	5%
TOTAL:		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, and Manager Engineering Operations.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Evaluation Criteria	Weighting	Riverlea Corporation	Roadside Kerbing	Kerbing West	WA Kerbing	Downer EDI
Past Experience in similar projects/works	30%	25	27	29	26	29
Contract Price	30%	24.6	24.91	22.58	30	28.74
Organisational structure/capacity/resources	20%	15	15	19	15	20
Financial Capacity	10%	5	8	9	8	10
Compliance with Tender Specification	5%	2	3	4	4	5
References	5%	0	1	5	4	5
TOTAL:	100%	71.6	78.91	88.58	87	97.74
		5	4	2	3	1

Tender Summary

The Town's current Contractor is Kerbing West, who have provided a most satisfactory service. The five (5) companies complied with the tender requirements in varying degrees, as reflected in the evaluation table above. Downer EDI scored the highest, and Kerbing West the second highest. It is therefore recommended that the tender be awarded to Downer EDI and Kerbing West.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the supply and laying of kerbing are charged to a specific capital works project or the road maintenance account as and when required.

The total cost of kerbing within the Town varies from year to year dependent on what road rehabilitation projects are specified in the annual budget. During the 2007/08 financial year a total of \$180,000 was required for the supply and laying of kerbing. A copy of the Tender Schedule is “Laid on the Table”.

COMMENTS:

It is recommended that the Council accepts the tender submitted by Downer EDI as being the most acceptable for the Supply and Laying of Kerbing in accordance with the specifications as detailed in Tender No. 409/09.

Mayor Catania, Cr Burns and Cr Messina declared a financial interest in Item 9.3.1. They departed the Chamber at 9.43pm. They did not speak or vote on this matter.

Cr Doran-Wu nominated Cr Ker to assume the Chair. No other nominations were received.

Cr Ian Ker assumed the Chair at 9.43pm.

9.3.1 Investment Report as at 30 June 2009

Ward:	Both	Date:	7 July 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	B C Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 June 2009 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Lake, Seconded Cr Youngman

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Farrell was an apology for the meeting. Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 June 2009 were \$8,782,999 compared with \$11,482,999 at 31 May 2009. At 30 June 2008, \$10,282,320 was invested.

Total accrued interest earned on Investments as at 30 June 2009:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	474,088	72.94
Reserve	485,710	478,593	98.53

COMMENT:

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

The report comprises of:

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

Mayor Catania, Cr Burns and Cr Messina remained out of the Chamber as they had also had declared a financial interest in Item 9.4.5.

9.4.5 Investment Policy Amendment – Government Guaranteed Authorised Deposit Taking Institutions (ADI's) Investments

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	B Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Amended Investment policy July 2009 as detailed in Appendix 9.4.5(a).

COUNCIL DECISION ITEM 9.4.5

Moved Cr Youngman, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Farrell was an apology for the meeting. Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)

Mayor Catania, Cr Burns Cr Messina returned to the Chamber at 9.44pm. The Chief Executive Officer advised that the Item 9.3.1 and Item 9.4.5 were carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Government Guarantee on Deposits of Authorised Deposit-Taking Institutions (ADI) and the amendment to the investment policy.

BACKGROUND:

The recent turmoil in the financial markets has resulted in a great deal of media coverage over the security of money on deposit both here in Australia and internationally. Much of the media coverage concerns foreign banks and financial institutions overseas rather than Australian institutions. The public uncertainty led the Federal Government to announce that it will guarantee money on deposit in banks for the next three years. The Australian Government introduced the Guarantee to match moves by international governments and keep Australia's financial services system competitive. It was not because it believed an Australian bank was likely to fail.

Australian Government Deposit Guarantee Changes

On 12 October, 2008 the Federal Government announced that they plan to guarantee all money on deposit made at all Authorised Deposit-Taking Institutions (ADI) regulated by the Australian Prudential Regulation Authority (APRA).

On 24 October 2008 the Federal Treasurer announced a number of changes to the deposit guarantee initiative originally released on 12 October 2008.

The key points are as follows:

- Eligible deposits of any amount are fully guaranteed until 28 November 2008 but from that date, the system has important changes for investors with deposits above \$1m;
- Investors with total deposits of less than \$1m are fully guaranteed at no cost and should continue to search for the highest yielding deposits with maturity of 11 October 2011 or earlier from among the many approved Australian banks, Australian subsidiaries of foreign-owned banks, building societies and credit unions;
- From 28 November 2008, deposits over \$1m are no longer guaranteed unless the deposit-taking institution takes out the optional government deposit guarantee for a fee of between 0.70% and 1.50% per annum. This fee is to be paid by the deposit-taking institution (but most likely will be passed on to the customer via a lower interest rate for guaranteed deposits). It is expected that deposit taking institutions will offer a higher yielding non-guaranteed rate and a lower yielding Government guarantee option for amounts over \$1m, essentially giving the investor the choice;
- The fee will be based on a sliding scale as determined by the credit rating of the institution: 0.70% p.a. for AA rated institutions; 1.00% p.a. for A rated institutions; and 1.50% p.a. for BBB rated or below/unrated institutions;
- The optional fee only applies to amounts over \$1m, with the first \$1m automatically covered at no cost; and
- Depositors can opt-in to have their balance above \$1m guaranteed by the Government but do so at a reduced interest rate most likely to be roughly in line with the guarantee fee.

DETAILS:

The Government announcement indicates that the guarantee fee will be set based on the credit rating of the financial institution.

It is proposed that the Town continues investing with the AA credit rating in Group A of our Investment policy to a maximum percentage of 45 %, A+ to A- credit rating in Group B to a maximum of 30%, BBB+ to BBB- credit rating of Group C up to a maximum of 5% and to invest up to \$1M for each Government Guaranteed ADI in Group D up to a maximum of 90%.

The Town should amend its investment policy to allow investment in other institutions with other credit rating as long as there is a Government Guarantee on the first million dollars. The major banks in Group A of our investment policy with AA credit rating are financially stable and sound and the Town should still continue to invest with them.

FINANCIAL/BUDGET IMPLICATIONS:

Under the Guarantee Scheme, eligible ADIs can obtain guarantees for deposit balances totalling over \$1 million per customer and for wholesale funding liabilities. Access to the Guarantee Scheme is voluntary. Separate arrangements apply for deposit balances totalling up to and including \$1 million per customer per institution. Such deposits are guaranteed by the Australian Government under the Financial Claims Scheme and this guarantee is free. Information on the guarantee is set out in the Deed of Guarantee, (see Appendix 9.4.5(b)).

LEGAL/POLICY:

The Town has the authority to invest based on the Town's Investment Policy 1.2.4 which are made in accordance with:

- Local Government Act 1995 – Section 6.14;
- The Trustees Amendment Act 1997 – point 6, re: Part 111 Investments; and
- The Commonwealth of Australia Deed of Guarantee 20 November 2008

STRATEGIC IMPLICATIONS:

The adoption of the investment policy is in keeping with the Council's Plan for the Future - Strategic Plan 2009-2014:

Key Result Area: 2.1.1: "Promote the Town of Vincent as a place for investment appropriate to the vision for the Town."

(c) Implement policies and practices to promote appropriate investment."

COMMENTS:

It is recommended the Council consider to continue investing with the AA credit rating in Group A of the Town's Investment Policy to a maximum percentage of 45 %, A+ to A- credit rating in Group B to a maximum of 30%, BBB+ to BBB- credit rating of Group C up to a maximum of 5% and amend the investment policy to invest up to \$1M with other Government Guaranteed Authorised Deposit-Taking Institutions (ADI) in Group D up to a maximum of 90% as regulated by the Australian Prudential Regulation Authority (APRA). It will maximise our return with no guarantee fees payable and low financial risk.

It is also recommended that the policy be reviewed after three years (or sooner) if there is any change to the legislation on the Government Guarantee.

9.4.1 Delegations for the Period 1 April 2009 to 30 June 2009

Ward:	Both	Date:	20 July 2009
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland, S Giles		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 April 2009 to 30 June 2009 as shown at Appendix 9.4.1; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$46,826.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$930.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$6,480.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$400.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$7,475.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$11,830.00</i>
<i>Ranger/Clerical Error</i>	<i>\$7,910.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$2,270.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$2,640.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$4,600.00</i>
<i>Penalties Modified</i>	<i>\$25.00</i>
<i>Litter Act</i>	<i>\$1000.00</i>
<i>Dog Act</i>	<i>\$100.00</i>
<i>Health Act</i>	<i>\$1000.00</i>
<i>Pound Fees Modified</i>	<i>\$166.00</i>
TOTAL	\$46,826.00

COUNCIL DECISION ITEM 9.4.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell was an apology for the meeting.)

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 April 2009 to 30 June 2009 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 *"Interstate or Overseas Driver"*. This is where the Town is unable to proceed with an Infringement Notice through the enforcement procedures, due to the driver not holding, nor possibly intending to hold a Western Australian Drivers Licence. The Town is also limited on the information available of vehicles being driven with interstate registration plates.

Other than the above category, the next most prevalent withdrawal class 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.

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)	\$930.00
Details Unknown/Vehicle Mismatched	\$6,480.00
Equipment Faulty (Confirmed by Technicians)	\$400.00
Failure to Display Resident or Visitor Permit	\$7,475.00
Interstate or Overseas Driver	\$11,830.00
Ranger/Clerical Error	\$7,910.00
Signage Incorrect or Insufficient	\$2,270.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$2,640.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$4,600.00
Penalties Modified	\$25.00
Litter Act	\$1000.00
Dog Act	\$100.00
Health Act	\$1000.00
Pound Fees Modified	\$166.00
TOTAL	\$46,826.00

COMMENTS:

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

9.4.6 Information Bulletin

Ward:	-	Date:	21 July 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 28 July 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 28 July 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Department of Local Government regarding Change of Department Title
IB02	Letter from the Department of Transport regarding Perth Bicycle Network Local Government Grants Funding 2009-2010
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/405 of 2008 – Hanson Construction Materials Pty Ltd v Town of Vincent (No. 71 Edward Street, East Perth)
IB04	Letter from Building and Construction Industry Training Fund (BCITF) regarding BCITF Operations – Financial Results for 2008/2009 and Plans for 2009/2010
IB05	WALGA Bulletin, “The Reform Report, The Voice of Local Government”
IB06	Universal Access Advisory Group – Receiving of Unconfirmed Minutes (CMS0067)
IB07	Progress Report on Local History Collection: January to June 2009 (CMS0002)
IB08	State Government, Department of Water Trial Winter Sprinkler Ban (RES0039)

9.4.7 LATE ITEM: Members Equity Stadium - Progress Report No. 3/2009

Ward:	South	Date:	28 July 2009
Precinct:	Beaufort, P13	File Ref:	RES0085/RES0108
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No. 3/2009 as at 28 July 2009 on the possible redevelopment and upgrade of Members Equity Stadium, as detailed in this report;*
- (ii) *NOTES that;*
 - (a) *the Minister for Sport and Recreation has advised that the State Government will be contacting the Town to enter into discussions with the Town concerning Members Equity Stadium;*
 - (b) *the State Government has not provided any specific details of its proposed development to the Town;*
 - (c) *the State Government wants to enter into discussion with the Town's Stadium Managers (Allia Venue Management) concerning the future management of the Rectangular Stadium;*
 - (d) *the Minister for Sport and Recreation made an announcement on Saturday 25 July 2009, concerning Members Equity Stadium, however, no details have been provided to the Town;*
 - (e) *the Minister's Announcement, as reported in the print and television media made references to (as shown in Appendix 9.4.7A, 9.4.7B and 9.4.7C);*
 - 1. *the State Government will not build an eastern stand for \$73 million (as proposed by the Town) but elements of the Town's proposal will be incorporated into any new development;*
 - 2. *the preferred option is for a "progressive rebuild" of Members Equity Stadium;*
 - 3. *the Government using an example of Skilled Park on the Gold Coast (Queensland) that was built two (2) years ago at a cost of \$160 million as a possible model for redevelopment;*
 - 4. *the State Government wants to "run" the new Rectangular Stadium itself; and*
 - 5. *the State Government aims to have a final proposal by the middle of 2010; and*
 - (f) *Rugby WA have informally advised the Town that it has received a \$2 million loan from the State Government to upgrade the Stadium lights to 1,400 lux, in order to comply with Australian Rugby Union requirements, and to provide temporary facilities such as corporate, extra seating, however the Town has not been provided with any specific details.*

COUNCIL DECISION ITEM 9.4.7

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Mayor Catania gave a verbal update on details listed in the report. He and the Chief Executive Officer answered questions.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the possible redevelopment and upgrade of Members Equity Stadium as at 28 July 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 March 2009, the Council considered a Confidential Report on this matter and resolved as follows;

"That the Council;

- (i) *RECEIVES the progress report No. 2/2009 as at 18 March 2009 on the possible redevelopment and upgrade of Members Equity Stadium, as detailed in this report;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to allocate \$11,000 from the Perth Oval Reserve Fund to appoint the following consultants:*
 - (a) *\$8,000 to appoint a Quantity Surveyor to carry out detailed cost estimates for the Proposed Stage 2 Redevelopment; and*
 - (b) *\$3,000 to appoint a Scheduler/Construction Programmer to carry out a detailed project timeline for the Proposed Stage 2 Redevelopment;*
- (iii) *ADOPTS the following position concerning Members Equity Stadium and advises the Department of Sport and Recreation accordingly:*
 - (a) *the Town will not lease Members Equity Stadium to the State Government on a long term basis;*
 - (b) *the Town will not relinquish control of its asset and the Stadium Management Committee; and*
 - (c) *that it considers the most acceptable and cost efficient option of delivering the Proposed Stage 2 Redevelopment of Members Equity Stadium is by a Financial Assistance Agreement between the State Government and the Town;*

(iv) *NOTES that:*

- (a) *Rugby WA have engaged an external consultant at an estimated cost of \$120,000 to assist them in securing a rectangular stadium and to obtain other information to lobby the government on the merits of upgrading Members Equity Stadium; and*
- (b) *the Council's decision (clauses (iii), (iv) and (v)) of the Ordinary Meeting of Council held on 8 April 2008 has not been implemented by the stakeholders and has been superseded by the recent events for the Proposed Stage 2 Redevelopment Upgrade of Members Equity Stadium and therefore the allocated \$35,000 will no longer be used; and*
- (v) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to enter into discussions with the Minister for Sport and Recreation, Department of Sport and Recreation and other Members Equity Stadium Stakeholders."*

Previous Progress Reports

Progress reports have been submitted to the Ordinary Meeting of Council held on 24 March 2009, 24 February 2009, 8 April 2008, 4 December 2007, Special Meeting of Council held on 29 May 2007 and Ordinary Meetings of Council held on 13 June 2006, 11 April 2006, 14 February 2006, 22 November, 12 July and 26 April, 22 March 2005, 21 December and 26 October 2004.

Meetings with Rugby WA and Allia

The Chief Executive Officer has attended informal meetings with Allia Venue Management and Rugby WA on almost a weekly/fortnightly basis, since late April 2009. Perth Glory Football Club have also attended several meetings.

The purpose of these informal meetings is to discuss the progress of the possible development of Members Equity Stadium and Rugby WA's move to Members Equity Stadium.

Rugby WA - L.E.K. Report

On 21 April 2009, Rugby WA provided a copy of the "Strategic Review of the Proposed Upgrade to Members Equity Stadium" report to the Town for comment. The report was prepared by L.E.K. Consulting for Rugby WA. LEK is a leading consulting firm with over 850 professionals world-wide. Their Australia office is located in Melbourne.

The public release of the report received considerable media coverage.

Meetings with Minister for Sport and Recreation/Department of Sport and Recreation (DSR)

The Mayor and Chief Executive Officer met with the Minister for Sport and Recreation on 9 June 2009 and 22 July 2009.

At both these meetings, the Minister has been most complimentary about the relationship the State Government has with the Town. He has indicated that the State Government supports a rectangular stadium. The State Government:

- wants to have control of its facility – considering it will be provided a significant amount of money for the project;
- wants to control the governance of the stadium; and
- wants to resolve the management of the stadium.

Letters from Minister for Sport and Recreation

- 9 June 2009 Letter from Minister seeking Town's commitment on "*outstanding issues*" regarding redevelopment of Members Equity Stadium, including;
- *"The State having control of the site*
 - *Resolution of management contractual arrangements*
 - *The State controlling the final design and development of any upgrade in order to ensure appropriate standard, amenity and minimisation of life cycle costs."*
- 26 June 2009 Minister's letter stated (inter alia);
- "The State Government will not consider funding for the proposed Stage 2 of Members Equity Stadium until resolution of governance and management of the Stadium can be agreed."*
- 30 June 2009 Town's letter concerning Members Equity Stadium to the Minister is summarised as follows;
- "Council Member Briefing Session*
- This matter was briefly discussed at a Briefing Session for Council Members held on 16 June 2009. At the Briefing Session the Councillors present requested more details in order that they can make an informed decision at a Council Meeting.*
- Previous Council Decision*
- As you are aware, at the Ordinary Meeting of Council held on 24 March 2009, the Council considered a progress report on Members Equity Stadium and resolved inter-alia as follows;*
- "That the Council;*
- (iii) *ADOPTS the following position concerning Members Equity Stadium and advises the Department of Sport and Recreation accordingly:*
 - (a) *the Town will not lease Members Equity Stadium to the State Government on a long term basis;*
 - (b) *the Town will not relinquish control of its asset and the Stadium Management Committee; and*
 - (c) *that it considers the most acceptable and cost efficient option of delivering the Proposed Stage 2 Redevelopment of Members Equity Stadium is by a Financial Assistance Agreement between the State Government and the Town; ...*
 - (v) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to enter into discussions with the Minister for Sport and Recreation, Department of Sport and Recreation and other Members Equity Stadium Stakeholders."*

Proposal to Change Council Decision

In order for this matter to be progressed, the Council will need to rescind its previous Council decision of 24 March 2009, however as mentioned above, prior to doing so further information and details are required.

Outstanding Issues

1. *The State having control of the Site*

The Town has freehold ownership of the land currently occupied by Members Equity Stadium and also the nearby Loton Park. Part of this land is the subject of a Trust which requires it to be used in perpetuity for "the purposes of a Sports Oval and for other such recreation purposes as the Council from time to time determines".

Can you please clarify:

1.1 *what "the State having control of the site" means? Does it mean the State acquiring ownership of the land?*

1.2 *if ownership is not required and a long term lease is preferable;*

(a) *what term is requested;*

(b) *what rent and financial consideration will be paid; and*

(c) *what conditions (if any) will be requested?*

2. *Resolution of the Management Contractual Arrangements*

Heads of Agreement:

The Stadium is currently the subject of a number of legal documents. The prime document is the Heads of Agreement (HOA) which prescribes the terms and conditions for the site and facility. It also prescribes the contractual obligations between the Town and its Manager (Allia Venue Management Pty Ltd). The HOA commenced on 7 February 2004 and will expire on 6 February 2024.

Redevelopment Clause:

The HOA contain a Redevelopment Clause which prescribes what is to occur in the event of a redevelopment of the Stadium. A copy is attached at Appendix 1.

Stadium Manager and Committee:

The current relationship between the Town and its Manager is most satisfactory and ensures that the Town incurs minimal cost under the current terms and conditions. The Stadium Committee, which comprises of the Town and the major users, is the governance model for the control of the Stadium and the Manager.

The Stadium Committee model works most satisfactorily.

Can you please clarify what is specifically meant by "resolution of the management contractual arrangements"?

3. *The State controlling the final design and development of any Upgrade in order to ensure appropriate Standard, Amenity and Minimisation of Life Cycle Costs*

The Town currently has a contract with Peter Hunt Architect as a result of the tender for Stage 2 redevelopment of the Stadium.

As you are aware, the Town's Architect has prepared a number of design options for the Stadium. Can you please clarify the following:

- 3.1 *Will the Department of Sport and Recreation (DSR)/State Government call new tenders for Architect, Consultants and Builder?*
- 3.2 *Will the Department of Sport and Recreation (DSR)/State Government manage, the tender, be responsible for project management of any new development?*
- 3.3 *Will the Department of Sport and Recreation (DSR)/State Government be responsible for payment of all costs associated with a redevelopment facility?"*

Town's Proposed Concept Plans

As reported to the Ordinary Meeting of Council held on 24 February 2009, the proposed Stage 2 concept plans are similar to the Town's Stage 2 Redevelopment, which was presented to the Major Stadia Taskforce. The concept plans will provide;

1. an increased capacity from 18,156 to 25,144 (seating will increase from 13,099 to 22,344);
2. the construction of a new Eastern Stand, which will incorporate the majority of the new facilities;
3. a total of 35 additional corporate suites (11 existing and 24 new);
4. improved lighting (1100 lux to 1400 lux);
5. a new electronic scoreboard;
6. two new video replay screens;
7. a new playing pitch and sub-soil drainage; and
8. increased CCTV surveillance for patron safety.

The plans include the usual facilities such as kitchens, food outlets, toilets, etc, in the new Eastern Grandstand. There will also be additional change-rooms, player and spectator facilities such as sports lounge, media centre, break-out room and the latest medical facilities on-site to meet Australian Rugby Union (ARU) international requirements. In addition, player security and safety will be improved with the provision of a drive-through for coaches and ambulances.

The redevelopment of Members Equity Stadium is in keeping with the recommendations of the Major Stadia Taskforce that suggested that Member Equity Stadium be the second stadium in the State catering specifically for soccer and rugby.

Rugby WA Loan

In mid July 2009, Rugby WA informally advised that they have received a \$2 million from the State Government, to upgrade the lights from 1,000 lux to 1,400 lux. This is estimated to cost either \$330,000 or \$850,000, depending upon which option issued.

Another \$1 million is required for temporary corporate facilities, temporary seats.

No specific details have been provided to the Town.

Rugby WA have been advised;

1. any lights installed at Members Equity Stadium will become the property of the Town; and
2. it is an extremely tight timeframe to install the new lights before 1 February 2010, therefore they should progress the matter as soon as practicable and lodge details with the Town.

Details have also been requested about the temporary facilities requested.

Deed of Licence <Refer to Item 9.4.4>

At the Stadium Committee meeting held on 20 July 2009 the committee considered a New Deed of Licence and resolved as follows:

Moved by Cr Farrell, Seconded by John Giorgi

That;

- (i) *the Rugby WA Deed of Licence be SUPPORTED IN PRINCIPLE, subject to clarification of the various Terms and Conditions included in the Licence; and*
- (ii) *it be NOTED that;*
 - (a) *the Town's Chief Executive Officer is currently investigating the various Terms and Conditions and obtaining costings and will be providing a report to the next Stadium Committee Meeting; and*
 - (b) *a number of the Terms and Conditions are outside the control of the Town and these require further investigation and clarification.*

CARRIED (5-0)

(Bill Nosworthy was absent.)"

The Chief Executive Officer, John Giorgi, advised that a new Deed of Licence had been received on 10 July 2009 from Rugby WA and that this is currently being checked and the various requested Terms and Conditions being investigated and costed. Clarification is also required as to who will be responsible for payment of the items.

A number of items are outside the Town's control (e.g. State Government) and this requires further investigation and clarification.

The Chief Executive Officer is currently investigating the implication of the conditions and at the time of writing this report, information was unavailable.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future - Strategic Plan 2009-2014 - Objective 1.1.6(h) - *"Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government and stakeholders."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Funding

There are no funds in the Town's Budget for a major redevelopment of Members Equity Stadium. The Perth Oval Reserve Fund contains \$343,621 as at 30 June 2009.

COMMENTS:

To date, there is very little specific detail about the Government's intention. The proposed discussions will obviously give a clearer indication of what is being proposed.

Further reports will be submitted to the Council, once further information is received concerning this matter.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion - Councillor Dudley Maier – Request for additional information for Development Application Reports

That the Council REQUESTS that all development applications reported to Council show what consultation has been undertaken including listing the adjacent affected properties and whether the owner and/or occupier was consulted.

COUNCIL DECISION ITEM 10.1

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Youngman

That the recommendation be amended as follows:

“That the Council REQUESTS that all development applications reported to Council show what consultation has been undertaken including listing the adjacent affected properties and whether the owner and/or occupier was consulted or street blocks when consultation involves the broad community.”

Debate ensued.

AMENDMENT PUT AND CARRIED (6-2)

For: Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier, Cr Youngman

Against: Mayor Catania, Cr Messina

(Cr Farrell was an apology for the meeting.)

Debate ensued.

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

For: Cr Ker, Cr Lake, Cr Maier, Cr Youngman

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

(Cr Farrell was an apology for the meeting.)

BACKGROUND INFORMATION PROVIDED BY CR MAIER:

Cr Maier’s intention is that each Development Application report have a simple table that lists who was consulted in accordance with the Community Consultation Policy. For example:

11 Smith Street – owner

13 Smith Street – sign on site

15 Smith Street – occupier and owner

22 Jones St – occupier and owner

CHIEF EXECUTIVE OFFICER COMMENTS:

As Council Members are aware, a report was submitted to the Council meeting held on 24 March 2009 (Confidential Item 14.1) concerning the Chief Executive Officer's Internal Organisational Review (IOR), which was carried out from March - April 2009. The Terms of Reference are shown below and Number 3 specifically relates to a review of the Development approval process, as follows;

REVIEW – TERMS OF REFERENCE

1. Review the current Organisational Structure to ascertain if it best meets the needs of our organisation to achieve our current and future objectives, as outlined in our *Strategic Plan 2009-2014* and *Plan for the Future 2009-2014*.
2. Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.
3. **Review our;**
 - (a) **processes, procedures and Council Policies/Guidelines (and other relevant documentation) to;**
 - (i) **improve the processing of development applications, subdivisions to ensure they are issued within the statutory timeframes;**
 - (ii) **and the issuing of building licences within 20 working days; and**
 - (b) **processes and procedures with the view to improving our internal customer service and external customer focus and delivery and focus.**
4. Review our employee resources, including remuneration levels and performance expectations, when benchmarked against other similar local governments and organisations.
5. Review and reassess the organisation and its service delivery and practises to;
 - (a) achieve a minimum of 3% cost savings against the Draft Operating Budget 2009-10, without impacting or reducing our front line services or levels delivered to the community;
 - (b) identify other improvements and efficiencies;
 - (c) identify whether any current services could be discontinued, modified and/or reduced; and
 - (d) identify additional sources of revenue/income.

The Chief Executive Officer reported the IOR findings to a Council Member Confidential Forum/Briefing session held on 16 June 2009. The Chief Executive Officer has also reported to the Council (as part of our Local Government Reform Checklist) the times taken to approve Building and Development Applications. The Town currently exceeds the recommended approval times for the processing of Development Applications. The Chief Executive Officer has been informed by the Department of Local Government that they will recommend that the Town will need to address this matter.

As previously advised, the IOR Recommendations have been prioritised and will be progressively implemented as “high, medium or low”. The Chief Executive Officer has requested this matter be carried out as a “High Priority” and the review of the Development approval process is well advanced and a report is due in late July, with the aim for implementation by August 2009.

Cr Maier's Motion was submitted without any prior discussion or information to the Chief Executive Officer or the Town's administration. Subsequently, an email was sent to Cr Maier on 22 July 2009, advising of the above and recommending Cr Maier defer submitting his Motion until the Chief Executive Officer's report has been finalised. Alternatively, that Cr Maier submit a reworded Motion which will include his request for Community Consultation details to be considered and included as part of the Chief Executive Officer report. Cr Maier declined.

The Motion, if approved by the Council, will precede the Chief Executive Officer's report on the findings of the IOR report relating to the specific Term of Reference (Number 3) - Development approval process - which is due very shortly. It will also be imposed without allowing any prior input from the Chief Executive Officer, and without any details of the impact of such a decision (e.g. concerning staff resources required, workload involved, length of reports, possible delay in finalising reports etc).

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, Mayor Nick Catania, declared the meeting closed at 10.25pm with the following persons present:

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

One Member of the Public was present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 28 July 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009