



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**14 JUNE 2011**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 June 2011, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

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

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

“We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future”.

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

**(a) Apologies:**

Cr Steed Farrell – apology – arriving late due to work commitments.  
Cr Taryn Harvey – apology – arriving late due to work commitments.  
Cr Anka Burns – apologies due to being unwell.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Steed Farrell	North Ward (from 7.24pm)
Cr Taryn Harvey	North Ward (from 6.11pm until 8.07pm)
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary) (until 8.30pm)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 8.30pm)

Approximately 23 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. Steven Robinson of Witchcliffe Way, Dianella – Item 9.1.9. Stated the following:
  - From the outset WA Billboards have worked towards a proposal that would enhance the site and provide a social dividend.
  - It is a small pocket of land left over from road widening and has been owned by a series of people involved in commercial developments. However, to date no-one has been able to formulate a commercially viable option for the land for a number of reasons i.e. restricted access and encroachments onto the property.
  - WA Billboards' proposal is that two signs are erected as per the alternative option submitted and supplied in information packs to Councillors last week.
  - They have enlarged the paved area by the traffic signals to make it safer for pedestrians and will incorporate public seating, water drinking fountains including a pet fountain and bicycle racks.
  - Lighting will enhance public safety and reassure commuters in the evenings.
  - Signs will be located up against the walls to the adjacent building, screening the walls and protecting them from graffiti attacks.
  - Balance of the land (approx. 80%) will be landscaped with waterwise gardens including 2 mounds and, on 1 they would like to display a piece public artwork. The theme for the artwork and landscaping has been outlined to Councillors however, they are prepared to work with the Council to develop a fresh concept or make a cash contribution towards artwork, preferably hosted on the site.
  - They currently maintain the corner of Newcastle and Loftus and are happy to extend the Council the same protections for Fitzgerald Street as exist there.
  - It is foreseeable and reasonable that, sometime in the future, the value of the land in Fitzgerald Street will increase to the point where it will be commercially viable to have it amalgamated into another lot that would clear the way for it to be developed in a conventional sense.
  - Requested the Council's approval on the following grounds:
    - the site is a special case; and
    - the land cannot currently be developed in a conventional manner as Council may prefer due to its small size, impediments, access and encroachments.
  - Their proposal provides a viable option in the short to medium term which will open up the area, stop graffiti damage and improve the amenity of the street and intersection in general. They will provide and maintain valuable community infrastructure at no cost to the Town.
  - Their proposal creates no noise, does not increase traffic loading nor requires any street parking in the area, paving does not have to be reclaimed or move any services such as the Western Power power poles.

**Cr Harvey entered the Chamber at 6.11pm.**

2. Ten Ellyard of 15 Bulwer Avenue, Perth – Item 9.1.11. Stated the following:
  - Supported the application.
  - After the application was refused by the Planning Manager which was despite the Heritage Department's recommendation for approval, he brought the matter to SAT, had 2 mediation hearings and a SAT member considered that there was sufficient reason to bring the matter to the full Council for reconsideration.
  - They have spent well over a year renovating and restoring the heritage look and were very conscious of it when they designed the small front carport.
  - Showed a picture superimposed from an adjacent street of a carport which has a very minimal visual impact on the house and the street.

- Believes out of the 5 reasons for rejection only 3 a significant:
    - 1.5m setback from the front fence – because there is an existing brick boundary wall this does not apply (as found by SAT);
    - Town Policy 3.2.1 relating to carports being located at the rear where there is a laneway – it has been explained to him that the reason for this is to limit the number of front driveways and crossovers however, in their case they already have both and they are only trying to put a cover over the existing driveway. There are only 9 houses on the street, 2 with front garages, the corner with a large double carport and No. 5 already has a carport approved by the Council.
    - Objection by Heritage Council – matter was referred to Heritage Services Department and after some consideration they recommended the planning application.
  - Urged the Council to approval this application.
3. David Reid of Town Planning and Urban Design, Level 7, 182 St George's Terrace, Perth – Item 9.1.2. Advised that he fully supports the officer recommendation.
4. Pierre Legeron of 134 Chelmsford Road, North Perth – Item 9.1.3. Stated the following:
- Concerned over the impact of the double storey building with a 6.5m high parapet wall built on the boundary of his property.
  - Following deferral at the last meeting the developer has amended the plans to comply with one of the many outstanding non-compliances – front setback.
  - As a result, the non-compliant 6.5m high wall on the boundary has moved back and the issue of “boxing” has moved from the front living area to the side of his house therefore it will be 200mm from his roof eaves and will create a 9-10m long dark shadow on his house and plunge his living room into darkness.
  - Liaised with Cr Topelberg to explore solutions to the issue and submitted amended plans of the development for consideration.
  - Found that Unit 1 with mirror image of the unit free and its ground level was dropped to the same level than the existing natural ground (which is 400-500mm lower) and this would offer an acceptable 0.9-1m gap to his roof eaves and the Unit 1 wall on the boundary. These corrections need to be made to give him and his family a chance to keep some light in the living room windows and avoid the 6.5m wall which will degrade his property and subsequently decrease its value.
  - Submitted drawings of his best interpretation of the drawings and did not picture any of the adjacent properties and the drawings are made to look like a new development is being built on a large vacant space.
  - Requested the Council to consider the issue further and hopes a proper solution can be found.
5. Peter Wheatly of 130 Chelmsford Road, North Perth – Item 9.1.3. Stated the following:
- Opposed to the application.
  - The current application meets the Building Code for frontage setback. He has spoken to a number of residents on Chelmsford Road who objected to the first plan and who now welcome these changes.
  - Supports the objections of the previous speaker to the present parapet wall. The argument that sunlight will filter down the tunnel formed by this wall which is nearly touching the roof is ridiculous. The wall should be articulated by 1m and because the side setback of 1m is not allowed on this property because of the possibilities of the size of the block, give Pierre the necessity to have to cut, he believes, 1m eave from his roof. Together, these changes will open space for sunlight and warmth to flow into his house.

6. Ben Charter of Greg Rowe & Associates – Item 9.1.3. Stated the following:
  - They have had 3 rounds of plans in relation to this matter, each time going back in good faith and made changes as per requests from landowners, Councillors and Staff. It has now been narrowed it down to one final issue – the height of the abutting parapet wall and, essentially, they have investigated requests for a design change to make it a single storey parapet wall on the basis that there needs to be an equal treatment given on both sides.
  - In terms of reduction and impact of the dwelling, that has been made by removing the counter levered balcony – pushed right back approximately 4-5m.
  - The parapet wall has also been pushed from view from the street also which was a main concern from Councillors.
  - Regarding solar access, it relates to wall length. Based on the existing situation with the fence height and the eaves of the roof of the abutting dwelling, it is currently to the current consideration which means, you have a single storey parapet wall extending over the fence line – there is no way that it won't.
  - In good faith they have investigated every single design change they can and have come back and found that in terms of solar access, it is about wall length. The wall will stick above the existing fence line for a single storey parapet and will also do so for a double storey parapet. If they change to a single storey parapet, there is no guarantee that the length would not change and be made longer. A compliant single storey parapet wall could extend the whole length of the abutting property and give it no solar access whatsoever which they have avoided as it is not the best outcome for the abutting owner and not right to do.
  - Urged the Council to support the application.
  
7. Andrew Del Marco of 25 Hutt Street, Mt Lawley.
  - Submitted a petition supporting the implementation of the integrated wetlands design at Hyde Park Lakes. This issue is dear to many people including himself.
  - He originally put in a submission when the options were put out to public comment and there was a petition which supported “the ornamental lake option”.
  - At the last meeting it was revealed that Council had changed its tact and was going for an Option 2A – a modified ornamental lake.
  - Given the public has heard very little, if anything, from the Council about what is going on over the 1½ year since it was last put to the Council, he felt it important that the Council know the community feel strongly about the issue and was concerned that it was heading in the wrong direction, that is lining the lakes, shrinking them, moving it more and more away from the natural end of the spectrum. They understanding Hyde Park is not a natural lake although it once was and it is now a beautiful park with many Arcadian features.
  - The petition is calling on the Council to implement the integrated wetland masterplan option at Hyde Park to create a more sustainable and healthy lake environment for all. This option recognises the long term reduction in rainfall and does not rely as heavily on ground water extraction, it hopefully maintains the current size and impact of the lakes. It also gives more respect to the natural wetland values of Hyde Park Lakes and the Arcadian Heritage features of the park as it was supported by the Heritage Council. It also provides enhanced educational and recreational amenities for children, visitors and residents. These benefits are relative to the ornamental lake option which the Council was supporting and might still be supporting subject to the advice of Departments.
  - There are over 314 legitimate signatures on the Petition (there were a few extra which did not provide the relevant information) which were mostly collected by him and his family. Over half are residents/ratepayers and the others were park users, from the local primary school or local shops.
  - However the Council proceeds, the public is concerned once they know what the realities are declining rainfall, water quality issues. People are concerned that the Council was not supporting an option that did not access these issues.
  - Believes the Council needs to raise the awareness of its residents on this issue.

8. Jason Lord of 5/210 Carr Place, Leederville – Item 9.1.8. Stated the following:
- Read the report and most of the support he gains by reading it is based on criteria that is not applicable to the particular location. It is noted in many places that the site is located in a transitional zone between commercial and residential and it then uses the criteria for a commercial zone to assess the site. A transitional zone is to transition from a commercial to residential otherwise it would be a commercial zone. Therefore how can commercial guidelines be used for assessment? Requested the assessment be on what it is deemed to be.
  - The reports refers to potential to review the R-Codes etc. which may eventually lead to the support of the proposed dwelling however, believes it is wrong to anticipate what that review might be. Requested deferral for any decision to support this being based on the review being done and outcomes given.
  - The report states “*the Town Planning Scheme and Residential Design Codes allow for variations subject to the Town being satisfied that there be no impact of the amenity on the adjoining neighbours*”. He is an adjoining neighbour and will be impacted – his privacy, quality of life, friends going to visit etc.
  - Amenity is the pleasant or normal satisfactory aspects of a location which contributes to its overall character and enjoyment to visitors and the resident.
  - Moved to Leederville 14 years ago, lives near a pub and do not complain. They assessed the Masterplan and still chose to stay in Leederville and now feels this proposal is changing this half way through. Requested the Council stick to the Masterplan or reopen it for public debate so people can make an informed decision about whether they stay in the area or move.
9. Norelle O’Neill, Chair of the Mt Hawthorn Precinct Group (MHPG) of 1 Matlock Street, Mt Hawthorn. Stated the following:
- Town to City Status
- This has gone ahead and been gazetted without one credible reason as to why that is going to happen. The MHPG conveys its sincere thanks to Crs Lake, Maier and Buckels for having the courage and intelligence at the outset to vote against this proposal, it is unfortunate they were defeated. They represented the residents and ratepayers – people who elected them into their role.
  - Those on the Council that do not think that \$60,000 to change the name is a significant impost on residents and ratepayers perhaps need to consider why they are Councillors.
- Guardian Express article “Traffic Chaos Drives Move” particularly a quote from the CEO “The Town has not received any formal complaints and did not have any record of traffic being an issue in the area”
- Believes it is unfortunate that the MHPG and Friends of Britannia need to remind the CEO that he chaired 2 public meetings on 1 November and 6 November regarding the Britannia Reserve Masterplan where the community made it more than clear that the area cited in the Article was indeed extremely problematic in regards to traffic and parking.
  - On 6 November the CEO, Mayor, Rugby representative and the Town’s senior traffic officer all agreed to address and rectify the issue before the current season. They have the same problems every Saturday morning and presumably the reason that absolutely nothing has been done is perhaps related to the fact that the CEO does not remember chairing these meetings.

There being no further speakers, Public Question Time closed at approx. 6.27pm.

**(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 Mr A. Del Marco of Hutt Street, Mt Lawley along with 314 signatures, stating that the residents call on the Town to implement the Integrated Wetland Masterplan Option at Hyde Park Lakes to create a more sustainable and healthy Lake environment for the community and wildlife.

The Chief Executive Officer recommended that this petition be received and referred to the Town's Administration for investigation and report.

The Chief Executive Officer advised that the Hyde Park Lakes Working Group meet last week to consider this matter and also information received from the Department of Environment and Department of Water, which will enable the Council to consider which option it wishes to progress.

The Chief Executive Officer also advised that regarding the meeting with the Minister for Environment and Water which was schedule for 4.00pm 14 June 2011 with the Mayor and Cr McGrath, unfortunately the Minister's office rang to advise that the Minister was unwell and the meeting was unfortunately postponed until later June 2011. The purpose of the meeting is to obtain from the Minister clear guidelines so the Council can progress the most appropriate option. The Director Technical Services has advised that he is currently preparing a report that will be presented to the Council as soon as he has all of the available information.

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the petition be received as recommended.*

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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

Minutes of the Ordinary Meeting of Council held on 24 May 2011.

**Moved Cr Maier, Seconded Cr McGrath**

*That the Minutes of the Ordinary Meeting of Council held 24 May 2011 be confirmed as a true and correct record.*

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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

**7.1 Employee of the Month Award for the Town of Vincent for June 2011**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$120 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For JUNE 2011, the award is presented to Natalie Greaves, Communications Officer, Hunrhu Kek, Manager Information Tech and Simon Cooper, Information Technology Officer, who were nominated by the Chief Executive Officer, John Giorgi, as a result of their outstanding efforts in implementing the Town's new website.

This project has been ongoing for almost one year and the Officers concerned have worked tirelessly and above and beyond the "call of duty" with the website consultant to ensure that the Town's website looks professional and is of the latest technology.

Congratulations to Natalie, Hunrhu and Simon - well done!!

**Received with Acclamation!**

**7.2 Letter received from the Highgate Primary School regarding "Walk to School Day" Highgate PS Wednesday 25 May 2011**

We received a letter from the Highgate Primary School which is indicative of a number of similar events that occurred with other Schools in the Town of Vincent which is "Walk to School Day". This occurred during the last week of May 2011 and it was a demonstration that walking is a healthy exercise and of course to go to School and eat a healthy breakfast.

I attended the Highgate Primary School (as well as Mt Hawthorn Primary School) where approximately 100 people attended. The Town provided for the funds for the healthy breakfast as was done for a number of schools.

The letter addressed to me from the Committee Convener of Highgate Primary School, Heather McVeigh read as follows:

*"Thank you to you and Jamie Bennett for attending our "Walking to School Day" for Highgate Primary School and for your tremendous monetary contribution towards making this a successful school initiative.*

*It was much appreciated that you and Jamie made the effort to walk from Hyde Park to the undercover area of Hyde Park Primary School, where the children, parents and teachers enjoyed a healthy snack of fruit and toast. Your enthusiasm for the event contributed to the great atmosphere and camaraderie among those who participated. Without the generous monetary contribution from the Town of Vincent, we could not have supplied the breakfast, which completed a wonderful walk and which added to the healthy message we aimed to project.*

*Thank you again for all you and Jamie did to support this event. Your input helped to ensure that this was an extremely successful occasion. Also this type of collective effort helps to heighten staff, student and parent morale as well as a sense of belonging in our school community. Enclosed is a copy of our school newsletter acknowledging the Town of Vincent's support."*

Thank you to the Highgate Primary School for their letter.

7.3 City Status

It is with pleasure that I advise you that the Council's decision for the Town to be designated a "City" was approved and gazetted on Friday 10 June 2011.

The Town will be known as the City of Vincent, effective from 1 July 2011.

This is a significant milestone in the history of the Town indicating the popularity of Vincent in attracting people to our local government to make it their home.

May I take this opportunity to congratulate the Councillors, Chief Executive Officer and Town's Administration on this significant occasion.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Topelberg declared an Impartiality interest in Item 9.1.5 – No. 304 (Lot 6; D/P: 2411) Fitzgerald Street, North Perth – Proposed Construction of Three-Storey Commercial Building Comprising Showrooms – Amendment. The extent of his interest being that the applicant is a client of the business where he is employed. Cr Topelberg stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

**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 9.1.9, 9.1.11, 9.1.2, 9.1.3 and 9.1.8.

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

Items 9.1.1, 9.3.1, 9.4.2, 9.4.3 and 9.4.5.

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

Nil.

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

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

Cr Topelberg	Item 9.3.2.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Item 9.1.14.
Cr Maier	Items 9.1.4, 9.1.10, 9.1.13, 9.2.1, 9.2.3, 9.2.5 and 9.4.6.
Mayor Catania	Nil.

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

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

Items 9.1.5, 9.1.6, 9.1.7, 9.1.12, 9.2.2, 9.2.4, 9.3.3, 9.3.4 and 9.4.1.

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

Nil.

**New Order of Business:**

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

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.5, 9.1.6, 9.1.7, 9.1.12, 9.2.2, 9.2.4, 9.3.3, 9.3.4 and 9.4.1.

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

Items 9.1.9, 9.1.11, 9.1.2, 9.1.3 and 9.1.8.

**(c) Those items identified for discussion by Council Members;**

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

**ITEMS APPROVED “EN BLOC”:**

The following Items were approved unopposed and without discussion “*En Bloc*”, as recommended:

**Moved Cr Lake, Seconded Cr Buckels**

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

*Items 9.1.5, 9.1.6, 9.1.7, 9.1.12, 9.2.2, 9.2.4, 9.3.3, 9.3.4 and 9.4.1.*

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

**9.1.5 No. 304 (Lot 6; D/P: 2411) Fitzgerald Street, North Perth – Proposed Construction of Three-Storey Commercial Building Comprising Showrooms - Amendment**

<b>Ward:</b>	South	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4676; 5.2011.22.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Applicant's submission and associated documentation		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Studio Di Architettura on behalf of the owner Tayshan Pty Ltd for proposed Amendment to Proposed Construction of Three-Storey Commercial Building comprising Showrooms, at No. 304 (Lot 6; D/P 2411) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 2 and 11 May 2011, subject to the following conditions:*

- (i) the maximum gross floor area for the showroom component shall be limited to 1023 square metres. Any increase in gross floor area, as well as change of use for the subject land, shall require Planning Approval to be applied to and obtained from the Town and shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy 3.7.1;*
- (ii) the proposed development within the 4.5 metre road widening area along Fitzgerald Street does not form part of this approval;*
- (iii) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald Street;*
- (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 to and approved by the Town prior to the erection of the signage;*
- (v) doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with the street;*
- (vi) no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning in accordance with the Town of Vincent Town Planning Scheme No. 1;*
- (vii) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
  - (a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$14,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,400,000); and*

- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (viii) *first obtaining the consent of the owners of Nos. 308-312 and No. 300 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 308-312 and No. 300 Fitzgerald Street in a good and clean condition;*
- (ix) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (paved area, landscaping) which encroach the Other Regional Road Reserve/road widening requirement when the road reserve/road widening is required. This Agreement shall be registered as a Caveat on the Certificate of Title;*
- (x) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
- (a) **Schedule of External Finishes**
- A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved;*
- (b) **Construction Management Plan**
- A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;*
- (c) **Landscaping**
- A detailed landscaping plan shall be submitted and approved prior to the issue of the Building Licence; and*

(d) Design Features

*Additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building wall facing No. 300 and Nos. 308 - 312 Fitzgerald Street to reduce the visual impact of the boundary walls; and*

(xi) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:**

(a) Underground Power

*The power lines adjacent to the subject lots shall be placed underground for the complete length of the Fitzgerald Street frontage of the development, at the full expense of the developer; and*

(b) Entry Gates

*Any proposed vehicular entry gates adjacent to the commercial car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial uses at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development.*

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

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

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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<b>Landowner:</b>	Tayshan Pty Ltd
<b>Applicant:</b>	Studio Di Architettura
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Showroom
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	496 square metres
<b>Access to Right of Way</b>	Rear side, 5 metres wide, sealed, public

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the Town's Officers do not have delegation to consider variations to Planning Approval for a three (3) storey commercial building.

**BACKGROUND:**

9 June 2009 The Council at its Ordinary Meeting resolved to grant conditional approval for the demolition of existing showroom building and construction of a three-storey commercial building, comprising showrooms.

**DETAILS:**

The proposal involves the following amendments to the plans that were approved by the Council at its Ordinary Meeting held on 9 June 2009:

- Reducing the gross floor area of the showrooms from 1062.41 square metres to 1023 square metres;
- Changing the internal layouts of each storey;
- Minor changes to the approved front and rear setbacks as well as building heights; and
- Incorporating a disabled (ACROD) bay as per the new requirements.

In addition, the application once again proposed development within the 4.5 metre road widening area along Fitzgerald Street. As such, the application was referred to the Department of Planning for comment; they were unable to support the proposal. As a result, condition (ii) has been placed to ensure that no development, within the road widening area of Fitzgerald Street, forms part of this approval.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Hyde Park Precinct – Commercial</b>		
<b>Front Setbacks:</b>		
Ground Floor –	Setback from the street alignment consistent with the adjoining land and in the immediate locality	4.5 – 6.66 metres
First Floor –		Balcony - 4.5 metres Building - 6.7 metres
Second Floor -		Balcony - 4.5 metres Building - 6.7 metres
<i>Officer Comments:</i>		
<p><b>Supported</b> - The adjoining existing verandah at No. 300 Fitzgerald Street is setback at 4.8 metres from Fitzgerald Street and the existing development at No. 296 Fitzgerald Street has a street setback of 2 metres. It is considered that the variations will not have an undue impact on the streetscape. It should be noted that the display of furniture on the balcony is not supported.</p>		
<b>Rear Setbacks:</b>		
Ground, First, and Second Floors	6 metres	1.743 metres
<i>Officer Comments:</i>		
<p><b>Supported</b> – Inclusive of the width of the right of way, the rear of the proposed building will be setback 6.641 metres from the adjoining residential property on the other side of the right of way. The proposal complies with the overshadowing requirements.</p>		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Number of Storeys and Height:</b>	Two Storeys – 7 metres Three Storeys may be considered	Three storeys - 12 metres
<i>Officer Comments:</i>		
<b>Supported</b> – The building height is consistent with the existing development at No. 300 Fitzgerald Street, and consistent with the existing Fitzgerald Street streetscape.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
<b>Department of Planning</b>	The Department is unable to support the proposal for development within the 4.5 metre road widening area along Fitzgerald Street; however, would be willing to reconsider a design that takes into account the 4.5 metre road widening requirement for ORR (Other Regional Road) Fitzgerald Street, and includes a transport statement.	Noted – A Condition has been placed that all development proposed within the 4.5 metre road widening area along Fitzgerald Street does not form part of this approval.
<b>Advertising</b>	No further advertising to the public was conducted as the application proposes internal alterations and minor amendments to the Planning Application 5.2009.50.1, which results in variations which are similar or reduced variations, to the variations advertised as part of the current Planning Approval issued by the Council on 9 June 2009.	

<b>Car Parking – Commercial Component</b>	
Car parking requirement (nearest whole number)	11 car bays (nearest whole number)
Showroom - 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres or part thereof (proposed 1023 square metres)= 11.23	
Apply the parking adjustment factors.	(0.7225)
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</li> </ul>	7.9475 car bays
Minus the car parking provided on-site	6 car bays
Minus the most recently approved on-site car parking shortfall	2.67
Resultant surplus	0.7225 car bays

With the original planning application, a shortfall of 2.67 car bays was approved. As a result, the applicants paid the cash-in-lieu amount of \$7,476.00 on 20 August 2009. Therefore, the shortfall of the original planning application has been included as an adjustment factor as part of this amended planning approval.

<b>Bicycle Parking</b>	
N/A	Noted.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"1. Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The proposed amendments that are supported by the Town's Officers, along with the minor internal alterations from the initial planning approval 5.2009.50.1, are not considered to result in any further variations or impacts on the existing streetscape and neighbouring properties. The Town's Officers are not prepared to recommend support for the proposed development within the 4.5 metre road widening area along Fitzgerald Street, as noted by comments received from the Department of Planning. Therefore, a condition has been placed stating that any proposed development within the 4.5 metre road widening area along Fitzgerald Street does not form part of this approval.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed in the Officer Recommendation.

**9.1.6 No. 136A (Lot 2; STR: 47138) Glendower Street, Perth - Proposed Construction of Two-Storey Grouped Dwelling with Loft to Existing Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	Hyde Park; P13	<b>File Ref:</b>	PRO5371; 5.2011.79.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme APPROVES the application submitted by V Zupanovich on behalf of the owner V Zupanovich & L Ruljancich for proposed Construction of Two-Storey Grouped Dwelling with Loft to Existing Grouped Dwelling, at No. 136A (Lot 2 STR 47138) Glendower Street, Perth, and as shown on plans stamp-dated 10 May 2011, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Glendower Street;*
- (ii) *any new street/front wall, fence and gate within the northern front setback facing the Right of Way, including along the side boundaries within this right of way setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of Nos. 136B Glendower Street, Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 136B Glendower Street in a good and clean condition; and*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
  - (a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma; and*

(b) Screening

*The loft terrace and the living room terrace on the southern elevation shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes 2010. 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. 136 and 136B Glendower Street, Perth stating no objection to the respective proposed privacy encroachments.*

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

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

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

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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<b>Landowner:</b>	V Zupanovich & L Ruljancich
<b>Applicant:</b>	V Zupanovich
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant Site
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	757 square metres
<b>Access to Right of Way</b>	Western and Northern Sides, 5 & 6 metres wide, sealed, Town Owned

**PURPOSE OF REPORT:**

The application is being referred to the Council due to the height and scale of the dwelling proposed.

**BACKGROUND:**

30 August 2006 Western Australian Planning Commission approved survey strata subdivision of the existing lot into three lots with associated Common property.

14 February 2011 Development Application received by the Town for Two-Storey Grouped Dwelling with Loft to Existing Grouped Dwelling.

**DETAILS:**

The proposal involves the construction of a Two-Storey Grouped Dwelling with Loft at the rear of the existing single dwelling fronting Glendower Street. The site is accessed by a right of way accessed from Glendower Street to the south and Vincent Street to the north. The site is also accessed by an additional right of way that runs east/west on the northern side of the subject property. The site, with an area of 160 square metres, is vacant and abuts a pitched roof two- storey dwelling to the east and a single storey dwelling to the south.

The applicant has stated that *“The proposed house has been designed as a simple rectilinear form. In order to reduce overall height and bulk, floor levels have been staggered to preserve natural site levels.”* It is noted the dwellings’ location at the rear of an existing dwelling to the immediate south and bounded by right of ways to the west and east along with commercial properties to the west, allows the dwelling to fit into the site without compromising the existing streetscape.

The applicant's submission is *‘Tabled’*.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Front Setbacks</b> <b>Upper Front</b>		
- Northern (Bedroom 1 –Bath 1)	2.5 metres -2.7 metres	0.9 metre – 1.7 metres
<i><b>Officer Comments:</b></i>		
Supported. The proposed portion of wall at the front of the dwelling facing the northern Right of Way matches the bulk of the adjoining property, apart from the proposed balcony. It is considered the balcony provides some interest to this section of wall. It is also noted this section of wall is well articulated with a two tone wall finish and windows presented to the ROW. The presence of the balcony and windows also provide additional surveillance to the dual right of ways. It is on this basis that the variation is supported.		
<b>Side Setbacks</b> <b>Lower</b>		
- Western Bedroom 2	2.0 metres	Nil
Bedroom 3 - Shower	2.0 metres	1.0 metre
<i><b>Officer Comments:</b></i>		
Supported. The proposed western (Bedroom 2) wall abuts the right of way, and therefore will not provide a detrimental impact to the right of way or the adjoining property owners.		
The proposed portion of wall (Bedroom 3 to Shower) is provided with a 1.0 metre setback from the boundary and given the nature of the wall abutting the right of way, will not affect the adjoining property owners or the street.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Upper</b>		
- Western Bedroom 1	3.0 metres	Nil
Living Room – Terrace	3.0 metres	1.0 metre
Balance	6.06 metres	5.06 metres
- Eastern Terrace	6.4 metres	3.0 metres
<b><i>Officer Comments:</i></b>		
<p>Supported. The proposed portion of wall (western to Bed 1) abuts the right of way (5 metres wide) and, therefore, will provide no detrimental impact to the right of way or adjoining property owners. It is on this basis that the variation is supported.</p> <p>The proposed portion of wall (Living Room to Terrace) provides a degree of separation from the Right of Way. In addition, given the design of the upper level pantry to the terrace wall with a two tone finish and the presence of a long narrow window, this will provide interest to the section of wall proposed.</p> <p>The proposed section of wall (balance), which includes the balcony, is deemed to be appropriately set back and provides a degree of articulation to the remainder of the dwelling along the western facade.</p> <p>The proposed eastern section of wall consists of a boundary parapet wall with two terraces at either end of the structure. It is considered that at both ends, the proposed terraces are unlikely, given their orientation, to impact to the adjoining properties by reducing ventilation or provision of light. In addition, given the terraces are effectively screened from any major living areas of the adjoining properties to the east, the variation is supported.</p>		
<b>Buildings on the Boundary</b>		
Western Boundary		
- Average Height	3.0 metres	5.75 metres
- Maximum Height	3.5 metres	6.0 metres
Eastern Boundary		
- Compliant		
<b><i>Officer Comments:</i></b>		
<p>Supported. It is noted the proposed western boundary parapet wall abuts the existing right of way and, therefore, the impact of a two level parapet wall is minimised to any potential adjoining property. In addition, the two tone brick and rendered wall look, provides articulation to the ROW to reduce its impact. It is on this basis the average wall and maximum parapet wall height proposed, is supported.</p>		
<b>Lofts</b>	Not to resemble an additional storey	From the southern elevation, resembles a third level.
<b><i>Officer Comments:</i></b>		
<p>Supported. Whilst the loft space from a sectional point of view for the dwelling is considered a third level, it is noted that the maximum height of a normal dwelling with a pitched roof can be a height of 8.5 metres under the Town's Policy No. 3.2.1 relating to Residential Design Elements (8.8 metres proposed). Whilst the dwelling slightly exceeds this, it is noted the loft space is well setback from Glendower Street itself and the third level of the proposed dwelling still provides less height than the existing adjoining dwelling. It is also noted the proposed loft complies with all the side setback requirements of the R Codes and given the overshadowing proposed complies with the requirements, it is considered the loft will not be detrimental to the adjoining property owners. It is on this basis that the variation is supported.</p>		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Site Works</b>		
Fill	Not to exceed 0.5 metre above natural ground level.	A maximum of 0.674 metre.
<i>Officer Comments:</i>		
Supported. The fill is mainly contained within the brick buildup of the property and no privacy concerns result.		
<b>Privacy</b>		
Rear Terrace (south) – Facing East	7.5 metres	0.4 metre
Rear Terrace (south) – Loft	7.5 metres	5.6 metres
<i>Officer Comments:</i>		
Supported. The proposed terrace on the second level mainly abuts a two-storey parapet of the adjoining dwelling to the east, which protects the privacy of the adjoining property. No objection has been received from the adjoining property owner. On this basis, the variation is supported. However, the proposed upper loft is required to be screened to a height of 1.65 metres from finished floor level along the southern elevation.		
<b>Roof Forms</b>		
Roof Pitch	30 degrees – 45 degrees	Flat – 7 degrees minimum
<i>Officer Comments:</i>		
Supported. The proposed roof pitch is mainly flat; however, given its location well off the street and behind an existing property, the impact of this on the street will be minimised. Furthermore, the location of the property in relation to the immediately abutting commercial properties along Fitzgerald Street is consistent with the nature of the buildings in the vicinity. The roof pitch is supported.		
<b>Building Height</b>		
Top of External Wall (roof above)	6.0 metres	7.6 metres
<i>Officer Comments:</i>		
Supported. It is noted the proposed dwelling, mainly along the rear and south western portion of the façade, presents a variation to the height requirements. It is noted however, the proposal is compliant in terms of overshadowing. It is noted that the height of the adjoining property to the east, is in effect a more dominant dwelling in terms of total height. Furthermore, given the location of the subject lot at the rear of the existing dwelling which fronts Glendower Street, the impact of height will not be detrimental to the existing streetscape. It is on this basis the variation is supported.		
<b>Street Walls</b>		
Front Fencing – maximum of solid portion to be 1.2 metres in height. (Northern ROW)	1.2 metres	1.8 metres
<i>Officer Comments:</i>		
Not supported. The proposed fencing is to be visually permeable above a height of 1.2 metres above natural ground level and will be conditioned accordingly.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (2)	<ul style="list-style-type: none"> <li>No Objections to proposal.</li> </ul>	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Object as the dwelling has deviated so far from the acceptable development requirements.</li> <li>Concern regarding the height of the proposed dwelling which at 7.6 metres appears excessive.</li> <li>If proposal goes ahead, we would want the same variations and degree of latitude extended to other developers in so far as their deviations to the acceptable development standards.</li> </ul>	<p>Noted. The variations proposed are supported given they meet the performance criteria listed in the Residential Design Codes and the Residential Design Elements Policy.</p> <p>See Above.</p> <p>Noted. Each application is assessed on its own merit and will be subject to the normal Planning Approvals process.</p>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	<p>The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states:</p> <p><i>"1. Natural and Built Environment</i></p> <p><i>1.1 Improve and maintain the natural and built environment and infrastructure</i></p> <p><i>1.1.2 Enhance and maintain the character and heritage of the Town."</i></p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

It is considered the proposed development presents as a three storey dwelling along the southern façade of the dwelling; however, given the subject survey strata lot is located at the rear of the existing dwelling, well setback from Glendower Street and bounded on two sides by rights of way, the impact and visual identification will be reduced. In addition, it is noted that there is an existing two-storey grouped dwelling immediately abutting the site to the east, which is of a similar scale to the proposed dwelling but has a pitched roof design and therefore greater in height. The size and scale of the adjoining dwelling reduces the impact the subject dwelling has on the immediate area.

It is also noted that whilst the proposed dwelling presents a number of variations to the acceptable development criteria of the Residential Design Elements Policy and the Residential Design Codes, they are deemed to comply with the relevant performance criteria. In addition, given the size and nature of the block, it is difficult to appropriately design a dwelling to accommodate the necessary living requirements, without proposing variances to the acceptable development criteria. In light of the above, it is considered that the proposed two-storey with loft grouped dwelling be supported, subject to the conditions recommended above.

**9.1.7 No. 32 (Lot 21; D/P: 100843) Church Street, Perth – Proposed Construction of Three-Storey Single House - Amendment to Planning Approval**

<b>Ward:</b>	South	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO4604; 5.2010.473.4
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by MacCormac Architects on behalf of the owner K S & A L Seng for Proposed Construction of Three-Storey Single House – Amendment to Planning Approval, at No. 32 (Lot 21; D/P: 100843) Church Street, Perth, and as shown on plans stamp-dated 11 May 2011, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Church Street;*
- (ii) *any new street/front wall, fence and gate within the Church Street setback area, including along the side boundaries within these street setback areas, shall comply with the Town’s Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of No. 30 Church 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. 30 Church Street and the western and northern right of way in a good and clean condition; and*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town’s Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;*

(b) **Screening – First Floor Living Room**

*The first floor fire rated living room window on the western elevation within the 6 metre cone of vision to the western boundary, shall be of a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include*

*a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 56 and 58 Palmerston Street, Perth, stating no objection to the respective proposed privacy encroachment.*

*All screens provided shall comply with the definition of the Residential Design Codes 2010.*

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

(c) *Screening – First Floor Rear Balcony*

*The first floor rear balcony to the dining/meals room on the north-west and east elevations, within the 7.5 metre cone of vision to the western and eastern boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first 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 demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 60 & 62 Palmerston Street and No. 30 Church Street, Perth, stating no objection to the respective proposed privacy encroachment.*

*All screens provided shall comply with the definition of the Residential Design Codes 2010.*

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

(d) *Screening – Second Floor Rear Balcony*

*The second floor rear balcony to the master bedroom on the north- west elevation, within the 7.5 metre cone of vision to the western boundary, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first 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 demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 60 & 62 Palmerston Street, Perth, stating no objection to the respective proposed privacy encroachment.*

*All screens provided shall comply with the definition of the Residential Design Codes 2010.*

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

(e) Design Features

*Revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the western elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

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

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

<b>Landowner:</b>	K S & A L Seng
<b>Applicant:</b>	MacCormac Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	188 square metres
<b>Access to Right of Way</b>	West side, 3 metres wide, sealed, privately owned North side, 4 metres wide, sealed, privately owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the Town's Officers do not have delegation to consider minor variations for an amended Planning Approval for the proposed construction of a three (3) storey single house.

**BACKGROUND:**

6 October 2009      The Council at its Ordinary Meeting resolved to grant conditional approval for the proposed three storey single house.

**DETAILS:**

The proposal involves the following amendments to the plans that were approved by the Council at its Ordinary Meeting held on 6 October 2009:

- Revised eastern wall from first floor, to full height (ceiling of third storey) instead of 1200mm, as approved in Building Licence;
- Revised eastern wall from 1<sup>st</sup> floor, to full height;
- Decrease the top of wall height from 9.8 metres to 9.6 metres;
- Revised eastern wall on the ground floor, perpendicular to Church Street and adjoining No. 30 Church Street, from 1.8 metres in height (solid) to now 2.4 metres in height (solid) with opening for compliance with visual truncation;

- Revised internal layout for small portion of ground floor involving Bath, Bed 2 and Bed 1;
- On western elevation, reduced glass block to 1<sup>st</sup> floor only; and
- 1.6 metre high (0.9 metre solid wall and louvers above) on the northern balcony on the first floor for screening.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (20.44 metres on the eastern and western boundaries and 3.99 metres on the northern boundary) of the length of the balance of the boundary behind the front setback, to one side boundary.	Walls proposed on three (3) boundaries.  -East Wall Height = 9.6 metres Wall Length = 26 metres  -West Wall Height = 9.6 metres Wall Length = 26 metres  -North Wall Height = 9.6 metres Wall Length = 5.99 metres
<i>Officer Comments:</i>		
<p><b>Supported</b> – No objection received from neighbouring landowner when application was initially Approved by the Council at OMC held on 6 October 2009, when height of wall was approved at 9.8 metres, as the proposed building will be built up against an existing three-storey dwelling.</p> <p>In addition, there is a three metre wide right of way along the western boundary, which acts as a significant setback for the development.</p> <p>In addition, there is a four metre wide right of way along the northern boundary, which acts as a significant setback for the development.</p>		
<b>Building Height:</b>	Maximum height for a concealed roof development is 7 metres.	Maximum height of proposed building is 9.6 metres.
<i>Officer Comments:</i>		
<p><b>Supported</b> – The proposed amendment from 9.8 to 9.6 metres is supported as the height is consistent with other three-storey developments along Church Street.</p>		
<b>Privacy Setbacks:</b>		
<i>First Floor</i>		
Fire rated clear glass block to the living room on the western elevation.	6 metres.	3.5 metres to the western property boundary.
Rear Balcony to the Dining/Meals on the north-west elevation and east elevation.	7.5 metres.	3 metres – 5 metres to the western property boundary.  Nil to the eastern property boundary.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<i>Second Floor</i>  Balcony to the Master Bedroom on the north-west elevation.	7.5 metres	3 metres to the western property boundary.
<b>Officer Comments:</b>		
<p><b>Supported in Part</b> – With the first floor clear glass block for the living room, a condition has been applied for the applicant to demonstrate that it is in accordance with the R-Codes visual privacy requirements of being a obscure material and non-openable, at the Building Licence stage.</p> <p>While with the rear balconies on the first and second floors, conditions have been applied for the balconies to be screened in accordance to the R-Codes, as the amended plans, as part of this application, still do not provide screening in accordance with the requirements.</p>		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions	
<b>Advertising</b>	No further advertising to the public was conducted as the application proposes internal alterations and minor amendments to the Planning Application 5.2009.303.1, which results in variations which are similar or reduced variations, to the variations advertised as part of the current Planning Approval issued by the Council on 6 October 2009.

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  "1. Natural and Built Environment 1.1 Improve and maintain the natural and built environment and infrastructure 1.1.2 Enhance and maintain the character and heritage of the Town."
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The proposed amendments from the initial planning approval 5.2009.303.1 are supported by the Town's Officers as they are not considered to result in any further variations or impacts on the existing streetscape and neighbouring properties.

When first assessed, the revised plans for this amended planning application proposed an increase of the western and eastern front wall along Church Street, from 1.8 to 2.4 metres in height, all solid. The maximum height allowed for a solid front wall, from a primary street is 1.2 metres, whereas from a secondary street, behind the primary street setback line, the maximum allowed is 1.8 metres. As part of the plans approved by the Council on 6 October 2009, it was conditioned that the application comply with the Town's standard visual truncation policy that endorses all internal vehicular access way to ensure the safety of pedestrians and other road uses.

While vehicle access for the subject property is from the northern right of way, the proposed front wall impacts on the neighbouring properties that have vehicle access from the front of their premises via Church Street.

In addition, a solid 2.4 metre high wall will reduce the ability of those residents from viewing the street to check for pedestrians and vehicles entering the street from Palmerston Street into Church Street. Given No. 30 Church Street, Perth, has a 2.4 metre high front wall which complies with the Town's visual truncation requirements, allowing the subject property to build a 2.4 metre high solid front wall to the boundary will remove the ability of users of No. 30 Church Street to have a visual truncation for their vehicular access.

As a result, the applicants have revised their plans for the front wall abutting No. 30 Church Street on the eastern elevation, to comply with the Town requirements for visual truncations and sightlines, by providing an opening within the eastern front wall, within the 1.5 metre truncation area, with the maximum solid portion in the truncation area being 0.65 metre high.

In regards to the other alterations as part of this amendment to the first planning approval, the remainder have been deemed acceptable, except for the 1.6 metre high (0.9 metre solid wall and louvers 0.7 metre in height above) on the rear balcony to the Dining/Meals room. Given the louvers portion proposed does not comply with visual privacy requirements of the Residential Design Codes, the initial condition of the Council Approval dated 6 October 2009, regarding screening of the rear Balcony to the Dining/Meals room on the first floor, has been maintained. In addition, with the fire rated clear glass block window proposed to the living room on the first floor western elevation, a condition has been placed to ensure that at the Building Licence stage, the applicant demonstrates that the glass window is in compliance with the visual privacy requirements of the Residential Design Codes.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed in the Officer Recommendation.

**9.1.12 Scarborough Beach Road Activity Corridor Project – Endorsement of the Urban Design Framework**

<b>Ward:</b>	Both	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0205
<b>Attachments:</b>	<a href="#">001</a> – Scarborough Beach Road Urban Design Framework		
<b>Tabled Items:</b>	Appendix – Scarborough Beach Road Urban Design Place Analysis		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **ENDORSES** the:

(a) *Scarborough Beach Road Urban Design Framework as shown in Appendix 9.1.12, to inform policy development, Town Planning Scheme amendments and Metropolitan Region Scheme amendments, as well as infrastructure projects relating to streetscape enhancement, by implementing measures such as footpath upgrades, improved street lighting, street tree planting and improved street furniture; and subject to the Urban Design Framework being amended as follows;*

(1) *reference to a ‘dedicated public transport alignment’ through Precincts F, G and H, being amended to refer to ‘shared public transport alignment’ instead; and*

(2) *any reference to deciduous trees being removed; and*

(b) *inclusion of the Scarborough Beach Road Urban Design Framework as a reference document into the Town’s Local Planning Strategy and the preparation of the Town of Vincent Town Planning Scheme No. 2; and*

(ii) **REFERS** the Scarborough Beach Road Urban Design Framework to the Department of Planning, to inform the Place Making Strategy.

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**COUNCIL DECISION ITEM 9.1.12**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

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**PURPOSE OF REPORT:**

The purpose of this Report is to seek the Council’s endorsement of the Scarborough Beach Road Urban Design Framework, and to refer a copy of the document to the Department of Planning, to inform the overarching Place Making Strategy.

**BACKGROUND:**

13 June 2008            The Town participated in the Scarborough Beach Road Activity Corridor scoping project facilitated by the then Department for Planning and Infrastructure.

- July 2008 Hassell Planning Consultants completed a Scoping Report and Action Plan for Scarborough Beach Road, which recommended that 3 studies be undertaken, namely; a Population/Land Use Target Study, a Transport Strategy and a Place Making Strategy.
- 10 September 2008 The Town accepted an invitation from the then Department for Planning and Infrastructure to participate in the working group for the Scarborough Beach Road Activity Corridor Demonstration Project.
- 6 February 2009 The Town provided the then Department of Planning and Infrastructure in-principle support to the project management structure as outlined within the Statement of Intent for the Project.
- February 2009 Fortnightly working group meetings commenced, facilitated by the Department of Planning and attended by representatives from the Town of Vincent, the City of Stirling, the Public Transport Authority, Main Roads WA, and as required, the Consultants engaged to undertake the Population and Land Use Target Study and the Transport Study, namely Syme Marmion and Sinclair Knight Merz respectively.
- May 2010 Information sessions were held at the Town's Administration and Civic Centre, whereby general information about the Project was presented to the community.
- 15 June 2010 The Department of Planning and the Town's Strategic Planning Section presented to the Council Member Forum, providing an update on the Scarborough Beach Road Activity Corridor Project.
- 22 February 2011 The Council considered a report relating to the three (3) road design options for Scarborough Beach Road between Main Street and the Mitchell Freeway, as part of the Scarborough Beach Road Activity Corridor Project. The Council endorsed Option 2, resulting in a 3.5 metre increase in the existing 5 metre road reservation for this portion of the road.
- April 2011 Community workshops were undertaken at the Town's Administration and Civic Centre, whereby two urban design options for the future development of Scarborough Beach Road were presented, one relating to a targeted option, the other to a significant option.

**DETAILS:**

The then Department for Planning and Infrastructure, initiated the Scarborough Beach Road Activity Corridor Demonstration Project in 2008 – 2009.

A letter received from the Department, dated 28 January 2009, clearly sets out the three elements of the Scarborough Beach Road Activity Corridor Project, which emerged as recommendations of the Scarborough Beach Road Action Plan undertaken in 2008:

1. Population/Land Use Study;
2. Transport Strategy; and
3. Place Making Strategy.

The Action Plan recommended the completion of these studies in order to inform both State and Local Government in proving best practice transport and land use solutions along the length of Scarborough Beach Road.

Although element one (the Population/Land Use Study) was completed by consultant Syme Marmion & Co, and element two (the Transport Strategy) was completed by consultant Sinclair Knight Merz, element three, a high level non-statutory document which effectively will be the Land Use Strategy, will be undertaken by the respective Local Government areas, that being the City of Stirling and the Town of Vincent, and co-ordinated by the Department of Planning.

The Town has undertaken detailed site analysis, extensive community consultation, and comprehensive urban design exercises to inform the Scarborough Beach Road Urban Design Framework, which will feed back into element three, the Place Making Strategy.

More specifically, in order to inform the Scarborough Beach Road Urban Design Framework, the Town facilitated two workshops in April 2011, whereby two urban design options for the future development of Scarborough Beach Road were presented. The first option related to targeted development, whilst the second option related to significant development.

Following feedback from the community, it was acknowledged that although there is general support for the more significant level of development along Scarborough Beach Road, in terms of mixed land uses (creating a vibrant and dynamic village atmosphere) and public transport in the form of light rail, there is strong opposition to the built form proposed in the significant option, particularly in terms of what was considered as excessive building heights.

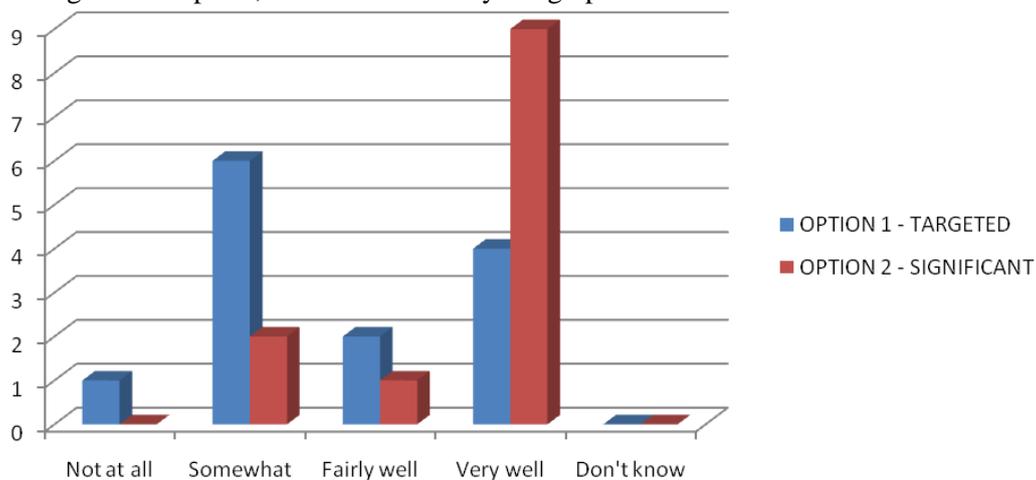
As a result, a composite option has been developed, taking into consideration the land use and transport proposals identified in the significant option, and the built form proposals identified in the targeted option. This composite option forms the basis for the Scarborough Beach Road Urban Design Framework, as shown in Appendix 9.1.12.

**CONSULTATION/ADVERTISING:**

Landowners and community members were encouraged to attend an initial information session in May 2010, whereby general information about the Project was presented, and feedback from the community received in relation to their experiences of Scarborough Beach Road and how they see it likely to develop in the future.

Subsequently, the Town facilitated additional workshops in April 2011, in order to provide the community with an update on the progress of the Project, as well as to present the two urban design options for the future development of Scarborough Beach Road. Attendees were provided with the opportunity to provide feedback on which of the two urban design options they preferred.

Following feedback from the community, it was evident that there was considerable support for the significant option, as demonstrated by the graph below:



Once the Council endorses the Scarborough Beach Road Urban Design Framework, the document will be advertised for public comment for a period of twenty-eight (28) days, inviting written submissions from the public.

**LEGAL/POLICY:**

- Town of Vincent Town Planning Scheme No. 1;
- City of Stirling District Planning Scheme No. 2;
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
- Metropolitan Region Scheme; and
- Planning and Development Act 2005.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 1.1: *“Improve and Maintain the Environment and Infrastructure:*

- 1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.4 Take action to improve transport and parking in the Town and mitigate the effects of traffic.*
- 1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

**SUSTAINABILITY IMPLICATIONS:**

The Scarborough Beach Road Activity Corridor Project is based on the premise of best practice sustainability principles.

It aims to provide an overarching transport and land use concept that, when implemented over time, will significantly improve the form and function of the road and its surrounds into the future for residents, cyclists, pedestrians and public transport patrons alike.

As such, it is envisaged that this Urban Design Framework, which sets out the future land use concept for the road, will inform and facilitate development along Scarborough Beach Road in a sustainable manner, by making efficient use of existing land and infrastructure, accommodating a balanced transport mode share along Scarborough Beach Road, and promoting a diversity of high quality land uses.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2010/2011 Budget lists \$58,200 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

In its current state, Scarborough Beach Road is unlikely to attract or be suitable for high activity land uses. The dominant role and function of the road as a district distributor reduces its ability to attract the appealing developments needed to create vibrant, pedestrian orientated environments along the road. As such, this Project, including the Urban Design Framework, forms the first step to improving the future development of Scarborough Beach Road in terms of transport function and land use.

In light of the above, it is recommended that the Council endorse the Scarborough Beach Road Urban Design Framework, and refer a copy of the document to the Department of Planning, to inform the Place Making Strategy, in accordance with the Officer Recommendation.

**9.2.2 Proposed extension of the road name ‘Edward Street’ to the newly created road reservation between Robertson Street and Claisebrook Road, Perth**

<b>Ward:</b>	South	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	City of Perth (19)	<b>File Ref:</b>	TES0247
<b>Attachments:</b>	<a href="#">001</a> – Plan of indicative section of road to be named ‘A’ <a href="#">002</a> – Plan of indicative section of road to be named ‘B’ <a href="#">003</a> – Deposited Plan 66731 <a href="#">004</a> – Deposited Plan 66716		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	A Munyard, Senior Technical Officer Land and Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the proposed extension of the road name ‘Edward Street’ to the newly created road reservation between Robertson Street and Claisebrook Road, Perth created on attached Deposited Plans 66731 and 66716 and as shown indicatively on attachments 9.2.2 A & B; and*
- (ii) *ADVISES the Geographic Names Committee of its decision.*

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval of the application of the name “Edward Street” to the newly aligned road reservation between Robertson Street and Claisebrook Road, Perth.

**BACKGROUND:**

The creation of the Graham Farmer Freeway road reservation necessitated the re-alignment or closure of several existing roads within its path, and the acquisition of privately owned land by Main Roads WA (MRWA). Where necessary, new road reserves have been created, and these require Council’s approval of the road names.

**DETAILS:**

MRWA have lodged Deposited Plans with Landgate, to formalize the new alignments for sections of Edward Street. The realignments were implemented at the time of the creation of the Graham Farmer Freeway, however they were not dedicated as public roads, to become parts of the Edward Street Road Reservation.

Now that the road reserves have been legally created by Deposited Plans 66731 and 66716, the geographic names Committee has requested the Council’s approval of the application of the name “Edward Street” to the new sections of road.

**CONSULTATION/ADVERTISING:**

Consultation is not required for naming of roads and rights of way.

**LEGAL/POLICY:**

The naming is being carried out in accordance with the requirements of Landgate's Geographic Names Committee, which requires that the Council approve the application of the name.

**RISK MANAGEMENT IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

*“Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment”.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In order to apply the name 'Edward Street' to the newly aligned part of the road, Geographic names Committee require the Council's approval. Therefore, the Council is requested to adopt the Officer's recommendations that the name 'Edward Street' be applied to the portions of road created on attached Deposited Plans 66716 and 66731.

**9.2.4 'Household Hazardous Waste' and 'E- Waste' Disposal Day – Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0083
<b>Attachments:</b>	<a href="#">001</a> – HHW flyer example 1 <a href="#">002</a> – toxfree report <a href="#">003</a> – HHW flyer example 2 <a href="#">004</a> – MRC brochure		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	S Rutherford, Waste Management Officer R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES the following;*
- (a) *the results of the survey conducted of those who attended the Household Hazardous Waste' and 'E-Waste' Disposal Day held in the Loftus Centre Carpark on 26 February 2011;*
  - (b) *the cost of the collection held on 26 February 2011 was approximately \$145,000;*
  - (c) *'paint wastes' was the largest component of the Household Hazardous Waste collected comprising 60% of the collected material (refer attachment 2, Table one);*
  - (d) *there is 'currently' no specific State funding for temporary Household Hazardous Waste collection days for 2011-2015, however the Town's Residents can dispose of their Household Hazardous Waste at the following permanent Household Hazardous Waste facilities;*
    - *Tamala Park Waste Disposal Facility (MRC)*
    - *Recycling Centre Balcatta (City of Stirling)*
    - *JRF (Jim) McGeough Resource Recovery Facility (WMRC); and*
  - (e) *members of the Mindarie Regional Council's Waste Education Strategy Steering Group are investigating the funding options and costs involved in holding a disposal day in the 2011/2012 financial year for limited items such as 'E-Waste only' or 'Paint only' are looking to be a favourable and more cost effective option at this stage;*
- (ii) *INFORMS the Town's residents of the importance of removing Household Hazardous Waste from their house hold waste and of the existence of the nearest 'Permanent Household Hazardous Waste' facilities as outlined in clause (i)(d) above; and*

- 
- (iii) *RECEIVES a further progress report once the outcomes of discussions by Mindarie Regional Council's Waste Education Strategy Steering Group regarding arranging disposal day/s during the 2011/2012 financial year, as outlined in clause (i)(e)above, have finalised.*
- 

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

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

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the results from the Household Hazardous Waste (HHW) and E-Waste Disposal Day, held on Saturday 26 February 2011. The benefits and costs of holding regular collection days within the Town are also outlined in the report.

**BACKGROUND:**

The HHW Program is funded by the Waste Authority through the Landfill Levy, and is administered by the Western Australian Local Government Association (WALGA). The three (3) year pilot phase of the Program began in 2008 and is due to end on 30 June 2011.

At its Ordinary Meeting held 21 December 2010, the Council considered a report on HHW and 'E-Waste' Disposal Day where the following decision was made:

*"That the Council:*

- (i) *APPROVES the holding of a Household Hazardous Waste (HHW) and E-Waste disposal day on Saturday 26 February 2011;*
- (ii) *NOTES that:*
- (a) *the event will be funded by the State Government through Western Australian Local Government Association (WALGA);*
  - (b) *the location for the disposal day is yet to be determined however it is more than likely to be held in one of the Town owned carparks; and*
  - (c) *flyers will be distributed within the Town of Vincent only, however residents from other Mindarie Regional Council (MRC) member Councils will also be entitled to drop off their hazardous waste on the day; and*
- (iii) *REQUESTS that the Chief Executive Officer investigate the benefits and costs of holding more regular collection days within the Town and identifies potential external funding sources to assist in this, and that a report be presented to Council in time for consideration for inclusion in the 2011/12 budget."*

**DETAILS:****Town of Vincent HHW and E-Waste Disposal Day:**

A 'temporary' HHW Disposal Day was held on Saturday 26 February 2011 at the Loftus Centre car park by Toxfree (contractors collecting hazardous waste).

Ranger Services staff monitored the car park the night before the event, erecting "No Parking" signs to ensure no cars were parked at the HHW setup location. Traffic management was implemented in the North Western part of the car park to ensure a smooth flow of vehicles entering and exiting the site, along with minimal disruption to the traffic associated with the Library and gym etc.

Mobile Garbage Bins and Mobile Recycle Bins were lined up so that they could be easily utilised by both Town and Toxfree staff when vehicles brought items in plastic bags and cardboard boxes.

A total of six (6) Town of Vincent staff members and six (6) Earth Carer members (volunteers on behalf of Mindarie Regional Council Earth Carers program) worked throughout the day, between 8.00am and 3.00pm. Tasks included traffic control, conducting surveys, handing out HHW information flyers (*refer attachment 1*) and removing e-waste from vehicles and depositing into skip bins.

Two '9 cubic metre skip bins' were delivered to the Loftus car park on the morning of the event. By 10.30am, one skip bin had already been filled with e-waste so arrangements were made for a third (12m<sup>3</sup>) skip bin to be delivered. Toxfree also had to call in a second truck to transport the HHW collected on the day. The Toxfree report (*attachment 2*) states that this event was one of the busiest collections to date.

**Survey Results**

As mentioned above staff conducted surveys on the day and collected the following information:

- Postcodes to determine where people came from
- How did you hear about today?
- What items did you bring with you?
- Would you use this service again?
- How many events per year?

The results of the survey are outlined/discussed below:

Postcodes

Postcode	Quantity
6000 (Perth)	22
6003 (Highgate)	21
6004 (East Perth)	4
6005 (West Perth)	30
6006 (North Perth)	<b>103</b>
6007 (Leederville)	49
6008	5
6009	2
6016 (Mt Hawthorn)	<b>104</b>
6050 (Mt Lawley)	48

Postcode	Quantity
6052	2
6054	1
6060	10
6066	1
6012	1
6018	2
6020	1
6024	2
6015	3
6026	1
6051	2
6053	2
6027	1
6102	1
6014	7
6059	2
6100	2
6064	2
6010	1
<b>TOTAL</b>	<b>432</b>

Officer Comments:

*Most of the vehicles surveyed on the day were from Mount Hawthorn and North Perth, with 104 and 103 vehicles respectively. These two suburbs are within the closest proximity to the disposal location which is a likely reason for the result.*

*Note: Totals for the following questions may add up to more than the total number of vehicles that participated on the day (432), as some chose more than one option for their answer.*

How did you hear about today?

Flyer	140
Newspaper	72
Banner	21
<b>Other</b>	
Referred by council	4
Staff	1
Loftus Centre	1
Website	3
Word of mouth	4

Officer Comments:

*The most successful advertising method was the HHW flyer, which was distributed to residential letterboxes together with the General Junk Bulk Verge Collection flyers. By delivering the pamphlets together, people were already thinking about items they needed to get rid of at the verge collection, therefore easily identifying any potential items that could be separated and included in the HHW Disposal Day.*

*This hopefully encourages residents to behave in a similar manner before future verge collections- identifying HHW and electrical products as items to be diverted from the waste stream and not to be placed in the green or yellow lidded Mobile Garbage Bins, or on the verge during Bulk pickup.*

What items did you bring with you?

E/Waste	172
Batteries	61
HHW	352
- of which, paint	225

Officer Comments:

*Paint was the most common HHW item disposed of on the day, with over half of all participating vehicles on the day disposing of paint.*

*E -Waste was extremely successful with a total volume of over 30 cubic metres (1 x 12m<sup>3</sup> skip and 2 x 9m<sup>3</sup> skip bins) of E-Waste collected on the day.*

Would you use this service again?

YES = 429

NO = 2

MAYBE = 1

Officer Comments:

*Almost all vehicles surveyed responded yes to this question.*

*One person replied No to the survey as they claimed "the queue being too long". At the beginning of the day – mainly between 9.00am and 11.00am- staff were inundated with the extremely large volume of e-waste being dropped off. With a lack of staff available to unload the heavy items and place them in the skip bins, this created a backlog of cars.*

How many events per year?

Once	247
Twice	161
Three +	24

Officer Comments:

*The majority of 'vehicles' surveyed would like a service such as the one provided at this event, at least once a year. Although, there was a significant number of respondents that would like to see these events occurring at least twice a year.*

**Collection Results:**

Paint wastes were the largest component collected on the day and made up 60% of the total weight collected and a large quantity of lead acid batteries were collected.

Hydrocarbon/fuels and pesticides also contributed reasonable amounts to the overall volume collected including 15kgs of Schedule X Pesticides. One member of the public delivered an entire ute full of fluorescent tubes which contributed to the extraordinary quantity of fluorescent tubes. Also 14kgs of PCB Capacitors were received.

Attachment 2, Table 1 outlines the weights of various categories of waste collected.

### **HHW Program 2011-2015**

On 12 February 2011 the Minister for Environment; Water, announced that the next phase of the HHW Program (2011-15) will be allocated funding of \$10 million, and will include the following three (3) main aspects:

- Disposal of waste from permanent HHW facilities; and
- Training for staff at permanent HHW facilities.

#### Disposal of waste from 'Permanent' HHW facilities:

There are currently 14 facilities located at landfill sites or transfer stations, which are managed by Local Governments and Regional Councils. All WA householders can dispose of HHW at the permanent HHW facilities, and the HHW Program provides funding for the recycling/disposal of the HHW collected at these facilities.

The closest permanent HHW facilities for Town of Vincent residents are:

- Tamala Park Waste Disposal Facility (MRC)
- Recycling Centre Balcatta (City of Stirling)
- JRF (Jim) McGeough Resource Recovery Facility (WMRC)

#### Training for staff at 'Permanent' HHW facilities:

Training in the safe handling and storage of household hazardous waste will be available to the staff of the 14 facilities.

#### Holding and Disposing of waste from 'temporary' collection days:

Temporary collection days are short term (one day) collection points for HHW where householders can drop off HHW for free.

#### Officers Comments:

*Currently, NO temporary collections days have been scheduled for 2011 to 2015. When the next phase of the HHW Program begins, periodic budget reviews will be undertaken to determine the feasibility of holding temporary collection days, however there have currently been none scheduled or budgeted.*

### **Costs and benefits of holding more regular collection days within the Town:**

#### Cost of the 2010/2011 Temporary HHW Disposal Day:

Costs associated with the HHW Disposal Day on 26 February 2011 are outlined below.

#### *Funded by the HHW Program through WALGA:*

- |   |           |
|---|-----------|
| • Toxfree including staff, collection and disposal of HHW items | \$133,000 |
| • SIMS E-Waste including skip bin hire and delivery of e-waste  |           |
| • to for recycling  | \$4,600   |
| • Artwork/Publishing costs                                      | \$3,500   |
| • Subtotal  | \$141,100 |

*Funded by Town of Vincent:*

- Advertising- including HHW flyer delivery and newspaper advertisement \$2,200
- Staff costs \$1,000
- Subtotal \$3,200

Therefore the Total costs for the one (1) collection day when taking into account artwork and publishing costs labour costs accrued by Engineering staff and Rangers were just under \$145,000.

Benefits:

The obvious benefits of conducting more regular Temporary HHW Disposal Days, is to minimise the quantity of hazardous waste in the waste stream. As can be seen from the results of the survey the majority of those questioned (247) indicated that they supported holding one (1) collection day per annum, with 161 considering that two (2) collections should be undertaken.

Potential external funding sources:

The cost of holding the 2010/2012 HHW Disposal Day on 26 February 2011 was in the order of \$145,000. The Town's costs were \$3,200 with the remaining costs borne by the State Government.

As mentioned above, the funding for the next phase of the HHW Program (2011-2015) will not be used for temporary collection days.

Officer's Comments:

*There are no other funding sources available for this initiative for Local Governments at this stage however members of the MRC Waste Education Strategy Steering Group (WESSG) are liaising with MRC to investigate the funding options and costs involved in holding a disposal day in the 2011/2012 financial year. Collection days for limited items such as 'E-Waste only' or 'Paint only' are looking to be a favourable and more cost effective option at this stage.*

**CONSULTATION/ADVERTISING:**

The Waste Management Officer distributed letters to the Department of Sport and Recreation, TOV Library, Gymnastics WA, the Loftus and Community Centre outlining the details of the event, and to ensure no other scheduled events requiring the Loftus Centre car park would conflict with the HHW Disposal day.

HHW flyers (*refer attachment 1*) were distributed to every residential letterbox and newspaper advertisements (*refer attachment 3*) were placed in the local Voice and Guardian newspapers.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The risk of HHW in the domestic waste stream has long term detrimental effect on the environment.

### **STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

#### *"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.3: Take action to reduce the Town's environmental impacts and provide leadership on environmental matters."*

### **SUSTAINABILITY IMPLICATIONS:**

HHW contains toxic substances that should be diverted from landfill and alternative waste treatment plants. Some HHW products such as batteries, e-waste and fluorescent tubes, also contain valuable components such as zinc, manganese and steel which, like many natural resources, are found in limited supply. By separating and disposing of HHW products in the correct way, these valuable resources can be recycled into a range of new products.

#### Town of Vincent's Sustainable Environment Strategy 2011-2016

The Town is endeavouring to make the residential community and business owners aware of the opportunities that exist to reduce, reuse and recycle. It also supports the following objective:

*"9. Reduce the use of Toxic and hazardous materials within the Town and facilitate the proper disposal of such materials."*

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

As mentioned above the costs associated with the HHW Disposal Day held on 26 February 2011 were just over \$145,000 however there are no other funding sources available for this initiative for Local Governments at this stage however discussions are proceeding with MRC for possible collection days for limited items such as 'E-Waste only' or 'Paint only'. The costs of these are yet to be determined.

### **COMMENTS:**

As mentioned above while there is 'currently' no specific State funding for temporary HHW collection days (2011-2015) all WA householders can dispose of HHW at the permanent HHW facilities, and the HHW Program provides funding for the recycling/disposal of the HHW collected at these facilities.

There are currently 14 facilities located at landfill sites or transfer stations, which are managed by Local Governments and Regional Councils.

The closest permanent HHW facilities for Town of Vincent residents are:

- Tamala Park Waste Disposal Facility (MRC)
- Recycling Centre Balcatta (City of Stirling)
- JRF (Jim) McGeough Resource Recovery Facility (WMRC).

However discussions are proceeding with MRC for possible collection days for limited items such as 'E-Waste only' or 'Paint only'. The costs of these are yet to be determined.

**9.3.3 Portion of No. 3 (Town Lots Y214 & Y215) Lawley Street, West Perth – Proposed Lease for Azzurri Bocce Club**

<b>Ward:</b>	South	<b>Date:</b>	2 June 2011
<b>Precinct:</b>	Hyde Park	<b>File Ref:</b>	PRO1242
<b>Attachments:</b>	<a href="#">001</a> – Town Lots Y214 & Y215; Leased area for the Bocce Club		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Lumbis, Administration Officer Technical Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a Lease from 1 September 2011 to 31 August 2016, for the premises located at No. 3 (portion of Town Lots Y214 & Y215) Lawley Street, West Perth, (as hachured and outlined in yellow) as shown in Appendix 9.3.3, being granted to the Azzurri Bocce Club as follows:*

- (a) **Term:** *five (5) years plus five (5) year option;*
- (b) **Rent:** *\$4,225/annum indexed to CPI;*
- (c) **Outgoings:** *to be paid by the Lessee;*
- (d) **Rates & Taxes:** *to be paid by the Lessee; and*
- (e) **Permitted Use:** *Community recreational and leisure activities.*

*subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details regarding the Azzurri Bocce Club lease and their request for a new Lease. The area of the lease is hachured and outlined in yellow – as shown in Appendix 9.3.3.

**BACKGROUND:**

The Azzurri Bocce Club has held a lease over portion of 3 Lawley Street, West Perth in their own right since August 2006.

Previous to that period, the Bocce Club occupied the property under a sub lease arrangement with the Western Australian Italian Club, who held the lease with the Town.

The current lease is due to expire on the 31 August 2011.

**DETAILS:**

The Town's Officer's spoke with the Azzurri Bocce Club on the 13 May 2011 to ascertain if the Club would be seeking a new lease.

The Town received correspondence from the Azzurri Bocce Club on the 26 May 2011 which in part stated as follows:

*"The Azzurri Bocce Club hereby accepts the renewal of our lease agreement between us and the Town of Vincent".*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Town of Vincent Policy 1.2.1 – Terms of Leases:

1. *Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.*
2. *Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term."*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Azzurri Bocce Club have been excellent tenants during their lease periods. There have been no breaches of any Lease conditions.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2011-2016 – Key Result Area One:

*"1.1.4 Enhance and maintain the Town's Infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current annual lease payment is \$4,225 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI) index. It is recommended that given the use, this agreement be continued, subject to satisfactory negotiations.

**COMMENTS:**

Azzurri Bocce Club Inc. has been a good tenant for the past ten (10) years and the Town's Administration has no hesitation supporting a new lease for a five (5) year period, with a five (5) year option.

**9.3.4 No. 3 Lawley Street, West Perth (Lots Y205 – Y210, Y216 – Y215 and Reserve 32662) – Proposed Addendum to Lease for Perth Soccer Club**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2011
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	PRO0981/RES0032
<b>Attachments:</b>	<a href="#">001</a> – Corrected Perth Soccer Club Leased Area		
<b>Tabled Items:</b>	Nil.		
<b>Reporting Officer:</b>	T Lumbis, Administration Officer Technical Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of a variation to the lease agreement between the Perth Soccer Club and the Town of Vincent dated 21 July 1999 to remove the Perth Town Lots Y211, Y214 and Y215 (public Car park), as shown in Appendix 9.3.4 from the lease; and*
- (ii) *AUTHORISES the Chief Executive Officer to finalise the legal documentation to the lease agreement between the Town of Vincent and the Perth Soccer Club, to reflect the correct boundaries, which exclude Perth Town Lots Y211, Y214 and Y215.*

---

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for a variation to remove Perth Town Lots Y211, Y214 and Y215 public car park from the lease agreement, to rectify an error in the original lease.

**BACKGROUND:**

On 8 September 1997 the Council resolved to approve of a lease for Dorrien Gardens between Perth Soccer Club and Town of Vincent. Subsequently, negotiations commenced and a draft lease showing the land description was provided to the Club, which did not include Perth Town Lots Y211, Y214 and Y215.

**DETAILS:**

The current lease is for the period; 1 January 1998 to 31 December 2007. An option to renew for a further five (5) years was granted at the end of 2007, with the lease period continuing from 1 January 2008 to 31 December 2012. A further option is available for 1 January 2013 to 31 December 2017.

A recent review of the lease documentation associated with this area has revealed that the car park area, Lots Y211, Y214 and Y215 had been incorrectly included in the Dorrien Gardens lease between the Town of Vincent and the Perth Soccer Club.

Research was conducted on this matter and it was found that, when the draft lease was sent for review it initially showed that **the leased area did not include the car park**.

However, following negotiations and adjustments to the lease documents with both parties when the final lease was forwarded to the Club, the car park Lots Y211, Y214 and Y215 were incorrectly included, due to an administrative error. The Town also has a separate Lease with the Azzuri Bocce Club. [However, the Bocce Club is also in the incorrectly leased land – which is obviously an error.]

It is noted that the Perth Soccer Club have not maintained the car park during the lease period, as required by the Lease – the Town has undertaken this responsibility, as the Town's Administration was of the view that the carpark was not part of the Leased area.

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

The Director Corporate Services recently met with the Treasurer of the Perth Soccer Club and the advised him of the situation. The Treasurer was advised of the course of action that the Town intends to take to rectify the position and acknowledges that the lease area needs to be amended.

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

Town of Vincent Policy 1.2.1 – Terms of Leases:

- “1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

#### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Minimal risk implications. However, as the lease is incorrect, it needs to be corrected to reflect the proper lease area.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2011-2016 – Key Result Area One:

- “1.1.4 Enhance and maintain the Town's Infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

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

A Deed of Variation to the Lease will be prepared by the Town's Administration and will be checked by the Town's Solicitor. An estimated cost is \$500.

#### **COMMENTS:**

The addendum to the lease will rectify the current position and reflect the intended area to be included into the lease document between the Town of Vincent and the Perth Soccer Club.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of May 2011.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

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

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the Town of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
06/05/2011	Withdrawal of Caveat	2	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: No. 50-50A (Lot 448 and 449; D/P 31893 and Lot 277; D/P 2355) Alma Road, North Perth
16/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: BankWest Function on 17, 18 and 19 May 2011 (Super Suite)

Date	Document	No of copies	Details
16/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo, NSW 2011 re: Concert* on 4 February 2012 (Stadium) *Commercial-in-Confidence until released to the Public
17/05/2011	Withdrawal of Caveat	2	Town of Vincent and Downings Legal, Level 11, 2 Mill Street, Perth 6000 re: No. 602-610 (Lot: 89 D/P: 692, Lot: 404 and 405 D/P: 32639) Beaufort Street, Mount Lawley - Proposed Demolition of Existing Commercial Buildings and Construction of Four-Storey Mixed Use Development Comprising Twenty (20) Multiple Dwellings, Shops and Associated Basement Car Parking
17/05/2011	Deed of Covenant	3	Town of Vincent and Bendigo and Adelaide Bank Limited of The Bendigo Centre, Bendigo, Victoria and Demol Investments Pty Ltd of 59 Weir Road, Baskerville, WA re: re: No. 602-610 (Lot: 89 D/P: 692, Lot: 404 and 405 D/P: 32639) Beaufort Street, Mount Lawley - Proposed Demolition of Existing Commercial Buildings and Construction of Four-Storey Mixed Use Development Comprising Twenty (20) Multiple Dwellings, Shops and Associated Basement Car Parking
24/05/2011	Lease Documents	3	Town of Vincent and Grow (WA) of 1018 Logan Road, Holland Park, Queensland 4121 re: Lease of Premises at No. 81 Angove Street, North Perth - For three (3) years from 1 June 2011 until 31 May 2014
27/05/2011	Deed of Licence	2	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Jesus Heals Us Ministry (WA) Inc of 37 Windelya Road, Kardinya WA 6163 re: Perth 4 Jesus Event on 30 September 2011, 1 and 2 October 2011 (Stadium)
27/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: BankWest Function on 31 May 2011 (Gareth Naven Room)
27/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Monadelphous Function on 1 and 2 June 2011 (Gareth Naven Room and Suites 1, 2, 3, 10 and 11)
27/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: APHRA - Pharmaceutical Exams on 7 June 2011 (Gareth Naven Room, nib Lounge and Suites 1-13)
27/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Australian Institute Geoscientists WA Function on 20 June 2011 (Gareth Naven Room and nib Lounge)
31/05/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Maximum Ad Function on 4 June 2011 (Gareth Naven Room)

**9.1.9 No. 374 (Lot 801; D/P: 29435) Newcastle Street, corner of Fitzgerald Street, Perth - Proposed Signage Addition (Billboard) and Associated Landscaping**

<b>Ward:</b>	South	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0776; 5.2011.185.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items</b>	Applicants submission and associated documentation including a proposed alternative signage elevation		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by WA Billboards on behalf of the owner Zhens Australia Pty Ltd for proposed Signage Addition (Billboard) to Existing Bank, at No. 374 (Lot 801; D/P 29435) Newcastle Street, corner of Fitzgerald Street, Perth, and as shown on plans stamp-dated 12 April 2011, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policy No. 3.5.2 relating to Signs and Advertising; and*
- (iii) consideration of the objection received.*

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**Moved Cr Maier, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND LOST UNANIMOUSLY (0-7)**

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

Reasons:

1. Difficulty of developing the site;
2. The temporary proposal provides a social dividend to the community; and
3. The proposal is of a temporary nature (i.e. 5 years).

**ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Maier, Seconded Cr McGrath**

*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 WA Billboards on behalf of the owner Zhens Australia Pty Ltd for proposed Signage Addition (Billboards) and Associated Landscaping, at No. 374 (Lot 801; D/P 29435) Newcastle Street, corner of Fitzgerald Street, Perth, and as shown on amended plans stamp-dated 27 April 2011, subject to the following conditions:*

- (i) the application is considered a special case and the approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) this approval for billboards (2) (signage) is for a period of 5 years 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 Town prior to the continuation of use;*
- (iii) the signage shall not have flashing or intermittent lighting;*
- (iv) the applicant/owner shall maintain adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (v) the billboards (2) shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (vi) advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (vii) billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town;*
- (viii) the provision of appropriate seating and a drinking fountain shall be conveniently located within the site to the satisfaction of the Chief Executive Officer;*
- (ix) provision and maintenance of landscaping using waterwise plants with a preference for local Australian plants to the satisfaction of the Chief Executive Officer on advice from the Manager Parks and Property Services and the Co-ordinator Safer Vincent. The landscaping shall be planted and maintained thereafter by the owner(s)/occupiers at their own expense; and*
- (x) the owner(s), or the applicant on behalf of the owner(s), shall:*
  - (a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either undertake a Public Art Project (Option 1) or pay a Cash-in-Lieu Contribution, of \$5,000 (Option 2); and*

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

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

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

**OR**

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

**Debate ensued.**

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

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

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<b>Landowner:</b>	Zhens Australia Pty Ltd
<b>Applicant:</b>	WA Billboards
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Signage
<b>Use Classification:</b>	"Unlisted"
<b>Lot Area:</b>	262 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The application is referred to the Council as the Town's Officers do not have the delegation to approve or refuse billboards.

**BACKGROUND:**

20 December 1999 The Council, at its Ordinary Meeting, resolved to conditionally approve the proposed mobile telephone microcell telecommunication facility.

10 October 2000 The Council, at its Ordinary Meeting, resolved to refuse proposed signage to existing building at No. 372 (Lot 2) Newcastle Street (contiguous to the eastern boundary of the subject site).

22 February 2005 The Council, at its Ordinary Meeting, resolved to conditionally approve proposed two-storey mixed use development comprising one (1) eating house and two (2) multiple dwellings and associated undercroft car parking.

23 August 2005 The Council, at its Ordinary Meeting, refused an application for two (2) hoarding signs and a "piazza" with three bench seats, a ground plaque and reticulated lawn and landscaping.

**DETAILS:**

The proposal involves signage (two billboards) and associated landscaping. The billboards will be placed at 45 degrees across the lot, in an “L” shape design. It will be positioned so that the long side of the “L” faces south west and will be seen by users of the Newcastle/Fitzgerald Street intersection, and the short side of the “L” would face northwest up Fitzgerald Street. The long sided sign will be 12.6 metres in length and 3.3 metres in height (inclusive of the supports) and the short side sign will be 4 metres in length and 2 metres in height (inclusive of the supports).

The rest of the site is proposed to be extensively landscaped.

The applicant's submission is “*Tabled*”.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Signage</b>	Billboard signs are not permitted.	Billboard sign.
<i>Officer Comments:</i>		
Not Supported- As per the Town’s Policy No. 3.5.2 relating to Signs and Advertising, billboards are not permitted within the Town.		
<b>Beaufort Precinct Statement</b>	This area is to form an extension to Northbridge with shops, restaurants and other interactive uses continuing to be the predominant uses, cementing the physical link between Northbridge and the surrounding residential areas.	Billboard sign (unlisted use).
<i>Officer Comments:</i>		
Not Supported – The proposed billboard is considered to have a negative visual impact on the amenity of the area and the proposed landscaping is not considered to provide sufficient interaction with the street or with other land uses in the vicinity nor provide an acceptable ‘gateway’ into the Town.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (0)	Nil.	Noted.
Objection (1)	Nil.	Noted.
<b>Advertising</b>	The proposal was advertised for 14 days as per the Town’s Policy No. 4.1.5 relating to Community Consultation. The application was not referred to the Department of Planning (DOP) as the proposed Billboard is not within the MRS road widening area along Newcastle Street.	

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The Town’s <i>Strategic Plan 2011-2016</i> - Objective 1 states:  “1. <i>Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the Town.</i> ”
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

## COMMENTS:

The subject property is on the edge of the East Perth Redevelopment Authority (EPRA) City of Perth area, and forms part of the entrance from this area into the Town of Vincent. The EPRA area has been substantially upgraded and developed over recent years as part of *The Village Northbridge Project*.

The document, *New Northbridge Design Guidelines*, prepared by EPRA, indicates that the portion of the *New Northbridge Design Guidelines* area opposite the subject property is included in the 'Russell Square Precinct'. The Design Guidelines states the following:

### *"Russell Square Precinct*

*... The Precinct is to continue to encourage a rich social and cultural diversity with an emphasis on residential development in single lot, multiple dwelling and mixed use buildings. Compatible non-residential uses including small local shops, community facilities, recreational uses, restaurants, coffee shops, medical consulting rooms, service industries and small showrooms and workshops are also encouraged to be developed.*

*New development is to be mixed use in nature with commercial on the lower floors and residential above. Landmark buildings at street intersections should act as gateways to the Precinct.*

*Newcastle Street has been upgraded with tree planting, verge improvements and underground power."*

The Design Guidelines clearly indicate that this section of Newcastle Street and the opposite Project area will create a pleasant, attractive and conducive urban village environment.

## **Billboard Signage**

As per the Town's Policy No. 3.5.2 relating to Signs and Advertising, billboards are not permitted within the Town of Vincent.

The location of the sign is at a prominent junction on the corner of Fitzgerald and Newcastle Streets. It is noted that the site forms an effective 'gateway' into the Town and there is a concern that the presence of a billboard within the Town and, in particular, on a prominent entry point into the Town, would create a disjointed and aesthetically displeasing image of the area and the Town more generally.

The proposed signage is considered large and obtrusive, does not complement the area and will create a significant adverse impact on the amenity of the streetscape and the area generally. Moreover, the billboard does not enhance and reinforce the character of the locality or the Town of Vincent overall, and any approval, limited or otherwise, would be inconsistent with the orderly and proper planning of the area.

In light of the above, the proposed billboard is contrary to the provisions of the Town's Policies relating to Signs and Advertising and the Beaufort Precinct Statement and is therefore, recommended for refusal.

**9.1.11 No. 15 (Lot 41; D/P: 1177) Bulwer Avenue, Perth – Carport Addition to Existing Single House - State Administrative Tribunal (SAT) Review Matter No. DR 110/2011**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO3189; 5.2011.21.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans and Heritage Impact Statement <a href="#">002</a> – Applicant’s Submission		
<b>Tabled Items:</b>	SAT Orders dated 6 May 2011		
<b>Reporting Officers:</b>	C Harman, Statutory Planning Officer; H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 15 (Lot 41; D/P: 1177) Bulwer Avenue, Perth – Carport Addition to Existing Single House - State Administrative Tribunal (SAT) Review Matter No. DR 110/2011; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 110/2011, the application submitted by E J Ellyard for Carport Addition to Existing Single House at No. 15 (Lot 41, D/P: 1177) Bulwer Avenue, Perth, and as shown on plans stamp-dated 18 January 2011, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with clause SADC 8 (a) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements, which requires carports and garages to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way;*
  - (c) *the non-compliance with Australian Standard AS2890.1, which requires covered car bays to be a minimum of 5.4 metres in length; and*
  - (d) *consideration of the comments provided by the Heritage Council of Western Australia.*

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**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST UNANIMOUSLY (0-7)**

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

**Reasons:**

1. **The proposal is covering an existing car bay;**
2. **The Heritage Officers have no objection to it; and**
3. **The fabric is light and easily removable.**

**ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.11**

**Moved Cr Maier, Seconded Cr Buckels**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 110/2011, the application submitted by E J Ellyard for Carport Addition to Existing Single House at No. 15 (Lot 41, D/P: 1177) Bulwer Avenue, Perth, and as shown on plans stamp-dated 18 January 2011, subject to the following conditions:*

- (a) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Bulwer Avenue;*
- (b) any new street/front wall, fence and gate within the Bulwer Avenue setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (c) no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning; and*
- (d) the carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the main building.*

Debate ensued.

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

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

<b>Landowner:</b>	E J Ellyard
<b>Applicant:</b>	E J Ellyard
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	435 square metres
<b>Access to Right of Way</b>	North & West sides, Sealed, 3 metres wide

**PURPOSE OF REPORT:**

To comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).

Section 31 of the State Administrative Tribunal Act 2004 states as follows:

*"31. Tribunal may invite decision-maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*

- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
- (a) *affirm the decision;*
  - (b) *vary the decision; or*
  - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the revised application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.

#### **BACKGROUND:**

17 March 2011 The Town, under delegated authority, refused an application for Carport Addition to Existing Single House 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 clause 1.4 of the Town’s Policy No. 2.2.12 relating to Truncations, which requires the 1.5 metres by 1.5 metres truncation area to be clear of any obstructions above the height of 0.65 metre;*
- (iii) the non-compliance with clause SADC 8 (a) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements, which requires carports and garages to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way;*
- (iv) the non-compliance with Australian Standard AS2890.1, which requires covered car bays to be a minimum of 5.4 metres in length; and*
- (v) consideration of the comments provided by the Heritage Council of Western Australia.”*

6 April 2011 The applicant appealed the Town’s decision to the State Administrative Tribunal, and a Directions Hearing was held on 20 April 2011.

5 May 2011 Mediation was held on-site by the SAT, where the SAT has ordered the Town to reconsider its decision on or before 14 June 2011 pursuant to s31 (1) of the *State Administrative Tribunal Act 2004* (WA). The SAT and the applicant were made aware that the Officer’s Recommendation would likely not be in support of the proposal; however, the SAT member directed the Town’s Officers to refer the matter to an Ordinary Meeting of Council in any case.

#### **DETAILS:**

The subject site is on the Town’s Municipal Heritage Inventory and is classed as Category A-Conservation Essential. Eight of the eleven houses in the street block are also on the Town’s Municipal Heritage Inventory and the subject site is adjacent to the Highgate Primary School, which is also on the State Heritage Register. The Town’s Heritage Impact Statement can be viewed in Attachment 9.1.11(a).

The proposal involves the addition of a carport to the front of the subject property. The carport consists of 3 posts on one side only and a curved roof which cantilevers over the carport area. The proposed carport is adjacent to an existing brick fence which is 1.8 metres high, as well as a wrought iron gate along the front boundary.

In justifying the carport, the applicant has stated that the carport has been designed so as to minimise the impact on the streetscape and the visual dominance of the structure. Whilst there is an existing garage at the rear of the site, modifying it to accommodate two cars would result in the loss of the courtyard. The carport is also being built over an existing driveway area and is constrained in size so as to only allow a small car to park there. The applicant's submission can be viewed in Attachment 9.1.11(b).

Furthermore, at the on-site mediation, the SAT Member made comment that due to the fact that the solid brick street fence between Nos. 15 and 13 Bulwer Avenue was existing, it would be impractical to enforce any visual truncation requirements to that side boundary.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Building Setbacks:</b>		
<b>- South</b>	1 metre.	Nil.
<i>Officer Comments:</i>		
Not Supported – considered to have an undue impact on the amenity of the streetscape. Bulwer Avenue consists of numerous places on the Town's Municipal Heritage Inventory, as well as the State Register and, therefore, the carport is considered to disrupt this heritage streetscape.		

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	Nil.	Noted.
Objection	Nil.	Noted.
<b>Advertising</b>	The proposal was advertised for 14 days as per the Town's Policy No. 4.1.5 relating to Community Consultation.	

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes), Planning and Development Act 2005, State Administrative Tribunal Act 2004 and the Town's Policy No. 4.1.23 – State Administrative Tribunal.
<b>Strategic</b>	The Town's <i>Strategic Plan 2011-2016</i> states:  "1. Natural and Built Environment 1.1 Improve and maintain the natural and built environment and infrastructure 1.1.2 Enhance and maintain the character and heritage of the Town."
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

It is considered that the proposed carport has the potential to disrupt the Bulwer Avenue streetscape, which has been successfully maintained over time and in light of the above, it is recommended that the Council refuse the application.

**9.1.2 Nos. 173-179 (Lot 501; D/P: 68593) Stirling Street corner of Parry Street, Perth - Proposed Change of Use from Office to Eating House (Unit 3) (Amendment to Planning Approval)**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0331; 5.2011.196.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Applicant submission		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG on behalf of the owner Sunswep Corporation Pty Ltd for proposed Change Of Use from Office to Eating House (Unit 3) (Amendment to Planning Approval) at Nos. 173-179 (Lot 501; D/P: 68593) Stirling Street corner of Parry Street, Perth, and as shown on plans stamp-dated 18 April 2011, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Parry and Stirling Streets;*
- (ii) *the public floor area of the eating house shall be limited to 68.8 square metres;*
- (iii) *all signage that does not comply with the Town's Policy No. 3.5.2 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;*
- (iv) *prior to the first occupation of the development, an additional three (3) class one or two bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (v) *the windows, doors and adjacent floor areas of the eating house fronting Parry Street shall maintain an active and interactive frontage to this street;*
- (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 \$6,840 for the equivalent value of 2.28 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$6,840 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; and*

(vii) *bin numbers, collection and stores shall meet with the Town's minimum service provision.*

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Buckels, Seconded Cr McGrath**

*That the recommendation be adopted.*

Debate ensued.

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

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

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<b>Landowner:</b>	Sunswept Corporation Pty Ltd
<b>Applicant:</b>	TPG Town Planning and Urban Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial/Residential/Commercial R80
<b>Existing Land Use:</b>	Car Park
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	2288 square metres
<b>Access to Right of Way</b>	Not applicable.

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the application is an amendment to a Planning Application which was previously approved by the Council at its Ordinary Meeting held on 26 October 2010.

**BACKGROUND:**

- 9 February 2010 The Western Australian Planning Commission conditionally approved the subdivision of Nos. 208-212 Beaufort Street and Nos. 173-179 Stirling Street, Perth.
- 14 September 2010 The Council at its Ordinary Meeting deferred their decision with respect to an application for demolition of the existing car park and construction of a six storey building comprising forty (40) single bedroom multiple dwellings and twenty-five (25) multiple dwellings including car parking.
- 26 October 2010 The Council at its Ordinary Meeting conditionally approved the demolition of the existing car park and construction of a five storey mixed use development comprising thirty-seven single bedroom multiple dwellings, twenty multiple dwellings and six offices and associated car park.
- 13 January 2011 The Town under Delegated Authority from the Council conditionally approved a change of use from Office to Eating House (Unit 3).
- 14 March 2011 TPG, on behalf of the owner, Sunswept Corporation Pty Ltd, withdrew an application for proposed change of use from office to consulting rooms (unit 1).

**DETAILS:**

The proposal involves the change of use from office to eating house (unit 3) (amendment to planning approval). The applicant has stated that 68.8 square metres of the total 86 square metres of the proposed eating house will be used as public floor area. The opening of the eating house will be between 7 am and 10 pm daily.

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

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Car Parking	12.28 car bays	10 car bays (shortfall of 2.28 car bays)
<i>Officer Comments:</i>		
Refer to "Comments" below.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	The proposed café is supported for the following reasons: <i>"The café will add diversity to an area currently dominated by office/warehouse type uses; The café will improve the amenity of the area by providing a local service for nearby residents and workers; and There is adequate parking along Stirling Street to accommodate the parking shortfall."</i>	Noted.
Objection	Nil.	Noted.
<b>Advertising</b>	Advertising was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

**Car Parking**

In the Agenda Report to the Council considered at its meeting held on 26 October 2010, 19 car bays and 56 car bays were allocated for the commercial uses and residential component respectively. The car parking calculation for the proposed change of use to eating house is as follows:

<b>Car Parking-Commercial Component</b>	
Car parking requirement (nearest whole number)	
Office: 1 car bay per 50 square metres gross office floor area (proposed 481 square metres)= 9.62 car bays	25 car bays
Eating House: 1 car bay per 4.5 square metres of public area (proposed 68.8 square metres)= 15.28 car bays	
Total car bays required= 24.9 car bays= 25 car bays	
Apply the parking adjustment factors.	(0.4913)
<ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of an existing public car park in excess of 75 spaces)</li> <li>▪ 0.85 (within 800 metres of a rail station)</li> </ul>	12.28 car bays
Minus the car parking provided on-site	19
Minus the most recently approved on-site car parking shortfall	Nil
<b>Surplus</b>	6.72 car bays

For this application, the applicant has stated the following:

*“Nine (9) bays, which were thought to be surplus, have since been sold as additional residential bays. This leaves a total of 10 bays available for the commercial portion of the development.”*

Given the above, the car parking calculation is recalculated as follows:

<b>Car Parking-Commercial Component</b>	
Car parking requirement (nearest whole number)	
Office: 1 car bay per 50 square metres gross office floor area (proposed 481 square metres)= 9.62 car bays	25 car bays
Eating House: 1 car bay per 4.5 square metres of public area (proposed 68.8 square metres)= 15.28 car bays	
Total car bays required= 24.9 car bays= 25 car bays	
Apply the parking adjustment factors.	(0.4913)
<ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of an existing public car park in excess of 75 spaces)</li> <li>▪ 0.85 (within 800 metres of a rail station)</li> </ul>	12.28 car bays

<b>Car Parking-Commercial Component</b>	
Minus the car parking provided on-site	10
Minus the most recently approved on-site car parking shortfall	Nil
<b>Shortfall</b>	2.28 car bays

<b>Bicycle Parking</b>		
Bicycle Parking	Offices- 1 space per 200 (proposed 481 square metres) square metres (class 1 or 2)= 2.405 spaces  Eating House  1 space per 100 square metres of public area (class 1 or 2)= 0.69 spaces  Total = 3 spaces	Not provided- Condition of Planning Approval.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes).
<b>Strategic</b>	The Town's <i>Strategic Plan 2011-2021</i> - Objective 1 states:  "Natural and Built Environment 1.1 Improve and maintain the natural and built environment and infrastructure 1.1.2 Enhance and maintain the character and heritage of the Town."
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

On 13 January 2011, the Town under Delegated Authority from the Council conditionally approved a change of use from Office to Eating House (Unit 3), which is a valid planning approval. However, there was confusion about how the parking assessment was calculated. The applicant wanted the Town to consider the application for a shortfall; however, the Town assessed the application based on the surplus (refer to Car Parking Assessment Tables above). The Town's assessment was correct as it is consistent with its practices for calculating parking requirements for any application.

Further to the approval, the applicant met with the Town's Officers to discuss the matter. The applicant advised that 9 bays out of the 19 bays for the commercial uses have already been allocated to residential uses and these apartments are already sold. Given the Town's assessment will have an impact on the Strata Plan, the applicant was requested to submit a new planning application for change of use from office to eating house, which is being referred to the Council for consideration.

The Town carried out the assessment for the previous application, based on the fact that the building has not yet been built and there is an existing surplus, hence an existing shortfall cannot be considered.

The Town's Policy No. 3.7.1 relating to Parking and Access states 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.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

*“If the total requirement (after adjustment factors have been taken into account) is 11-40 bays or less-a minimum of 15 per cent of the required bays is to be provided.”*

The subject application for Nos. 173-179 Stirling Street has a total car parking requirement of 12.28 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, a total of 1.84 car bays are required to be provided on-site. Ten car bays are provided on-site for the commercial component of this development.

Given the site is located within 800 metres of the train station (McIver Station) and public car parks (Brisbane and The Stadium Car Parks), the shortfall will not have an undue impact on the amenity of the area. There are existing time restrictions within the streets surrounding the subject development to facilitate a “churn” in the parking spaces, which in turn will ensure that there are adequate short-term parking facilities for all user types. Accordingly, the shortfall is supported subject to the payment of a cash-in-lieu contribution.

**9.1.3 Further Report - Nos. 132, 132A & 132B (Lots 2, 3 & 4; D/P: 68092) Chelmsford Road, North Perth - Proposed Construction of Three (3) Two Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	2 June 2011
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO5354; 5.2011.37.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans <a href="#">002</a> – Amended Heritage Impact Statement for No. 130 Chelmsford Road, North Perth		
<b>Tabled Items</b>	Applicant's submission.		
<b>Reporting Officers:</b>	T Cappellucci, Planning Officer (Statutory); H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

1. *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 Zen Creative on behalf of the owner F Ranieri & P J & R Sgro for proposed Construction of Three (3), Two Storey Single Houses, at Nos. 132, 132A & 132B (Lots 2, 3 & 4; D/P: 68092) Chelmsford Road, North Perth, and as shown on the amended plans stamp-dated 1 June 2011, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Chelmsford Road;*
- (ii) *any new street/front wall, fence and gate within the Chelmsford Road setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of Nos. 130 & 134 Chelmsford Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 130 & 134 Chelmsford Road in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;*

(b) Landscaping and Reticulation Plan

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

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

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

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

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

(c) Screening – Unit 3 Balcony

*The upper floor front balcony on the eastern elevation of Unit 3, within the 7.5 metre cone of vision to the eastern boundary, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owner of Nos. 130 Chelmsford Road, North Perth, stating no objection to the respective proposed privacy encroachment.*

*All screens provided shall comply with the definition of the Residential Design Codes 2010.*

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

- 2. AUTHORISES the Chief Executive Officer to WRITE to the Western Australian Planning Commission and/or the Department of Planning and Infrastructure to highlight the difficulties that its approval of the subject three lot subdivision in a north south orientation has resulted in for both the applicant and the Town. Specifically, as the subdivision has resulted in a lot configuration that has no regard for the original and established streetscape pattern evident in and valued by the Town; making it difficult for the design of a development that sits well within and complements the existing character of Chelmsford Road.*

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND LOST (2-5)**

**For:** Mayor Catania, Cr Topelberg

**Against:** Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

**(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)**

**Reasons:**

- 1. Non-compliances in regard to the number and height of boundary walls; and**
- 2. Impact of the 2 storey parapet wall.**

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<b>Landowner:</b>	F Ranieri & P J & R Sgro
<b>Applicant:</b>	Zen Creative
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single Houses
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	650 square metres
<b>Access to Right of Way</b>	North side, 4 metres wide, sealed, dedicated road

The Council considered the subject application at its Ordinary Meeting held on 24 May 2011, and resolved as follows:

*“That the item be DEFERRED for further consideration”.*

**FURTHER REPORT:**

During Public Question Time, the owner of the adjoining property at No. 134 Chelmsford Road, North Perth, spoke about the bulk and scale of the proposed two-storey parapet wall abutting his property from unit 1, whereby he requested that the parapet wall be similar to what is proposed for unit 3 which abuts the heritage listed property at No. 130 Chelmsford Road.

In addition, the owner of No. 130 Chelmsford Road, North Perth, also spoke during Public Question Time and the concerns he raised were in regards to ensuring the development does not affect neighbours and the streetscape along Chelmsford Road, as well as complying with front setbacks.

During Council Member discussion, the following issues were raised in regard to the plans proposed:

- Front setbacks, in particular, the upper floor, to be set back further within the subject site;
- The proposed two-storey parapet wall of unit 1, abutting No. 134 Chelmsford Road, to be setback behind the front setback of No. 134 Chelmsford Road and perhaps be similar in scale and bulk to the parapet wall of unit 3 abutting No. 130 Chelmsford Road; and
- Front balconies to be compliant with the visual privacy requirements.

The applicant has submitted amended plans with the following amendments from the plans which were presented at the Ordinary Meeting of Council held on 24 May 2011:

- The ground floor front setback to Chelmsford Road of units 1 and 2 have been increased from 4.8 metres and 5.4 metres respectively, to now both setback 6 metres. In addition, the setback of unit 3 on the ground floor is now 6.4 metres, in lieu of the previously proposed 9.6 metres.
- Cantilevered balcony configuration has been deleted and the following setbacks have been proposed for the front balconies:
  - Setback of Unit 1 upper floor balcony has increased from 2.75 metres to 6.7 metres from Chelmsford Road;
  - Setback of Unit 2 upper floor balcony has increased from 3.44 metres to 6.7 metres from Chelmsford Road; and
  - Setback of Unit 3 upper floor balcony has increased from 5 metres to 6 metres from Chelmsford Road.
- Upper floor setbacks of the first floor lounge for each unit now comply with the required setback of being a minimum of 2 metres behind each portion of the ground floor setback.
- 1.65 metre high obscure screen from the unit 1 balcony towards No. 134 Chelmsford Road, which results in no visual privacy issues from the subject balcony.
- The single storey parapet wall adjoining No. 130 Chelmsford Road, has been increased in length from 9.386 metres to 10.921 metres and has been amended from being setback 4.1 metres behind the main building line of No. 130 Chelmsford Road to now being level with the front setback of this dwelling.
- Garage door for Unit 3 has been amended to be setback 750 millimetres from the side boundary of No. 130 Chelmsford Road, and is now compliant with sightline requirements.
- Two-storey parapet wall proposed for unit 1, abutting No. 134 Chelmsford Road, has been retained. However, the parapet wall has been moved back to be aligned with the front setback of No. 134 Chelmsford Road, as well as the length of the parapet wall being shortened.

In regards to the two-storey parapet wall abutting No. 134 Chelmsford Road, the applicant has provided the following justification:

*“We have received advice from the abutting Landowner at 130 Chelmsford Road that “the same treatment abutting 134 Chelmsford Road (with respect to a single storey parapet) is sought abutting No. 130”. We were further advised that if the finished floor level of each of the proposed dwellings was lowered by 500mm, then the single storey parapet height would be level with the height of the existing boundary fence at No. 130.*

*It is important to outline at this point that design speculations cannot be made without providing information as to alternative design solutions. That is to say, a requested upper floor side setback of 1.2 metres cannot be requested, without any suggestion as to where approximately 13m<sup>2</sup> of internal floor space on an already small building area would be relocated to. Also, you will note that the single storey parapet height of the eastern boundary of dwelling 3 ranges from 2.8 to 3.5 metres.*

*We would also draw your attention to the location of the eastern boundary of No. 130 Chelmsford Road, which is located approximately 200mm from the eaves of the roof to that dwelling. If “the exact treatment” is to be provided to dwelling 1 as with dwelling 3, then could potentially be a parapet height ranging from 2.8 to 3.5 metres in height. Even if the Applicant was to lower the FFL by 500mm, the single storey parapet would extend at best 500mm above the height of the abutting fence, to a possible 1.2 metres. The point of this explanation is to outline that whichever path is taken (single or double storey parapet); the solar access to the abutting dwelling is going to be compromised. Our Office has discussed this matter in length with the abutting owner, to explain the pre-disposition of the subdivision configuration to solar access being compromised.*

*Another important point to consider in this instance is that the Applicant may wish to seek a longer single storey parapet abutting 130 Chelmsford Road, as a result of losing internal floor space on the upper floor. Given a single storey parapet that is compliant with average height and length requirements would sit at least 500mm above the fence line, there would still likely have a solar access impact, it is considered that the length of the parapet wall is the most important consideration.*

*Our Client in making the changes has taken into account the amenity afforded to the abutting dwelling, and in doing so, considers parapet length the most important consideration, given the location of the dwelling at 130 Chelmsford in close proximity to the fence, any parapet wall extent will have a solar access impact.*

*Based on the above, we feel it is important that this matter be fully understood by Council Staff, Elected Members, and Landowners, as the requested changes will not improve solar access to the dwelling at 130 Chelmsford Road. Rather, they will force our Client into the position to re-design the dwelling, and whilst having a more compliant parapet wall, would in a practical sense, further reduce solar access to the abutting dwelling. Given the abutting owner is commenting to obtain the best outcome for solar access, it is considered that the parapet, in the manner proposed, represents the best solar outcome, given the length of the parapet wall.”*

From the amended plans received, the following non-compliant matters from the Ordinary Meeting of Council held on 24 May 2011 have been amended as follows:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Ground Floor Front Setbacks – Chelmsford Road:</b>	To be consistent with existing streetscape. Average of 6.5 metres.	Unit 1 = <del>4.8</del> <u>6</u> metres Unit 2 = <del>5.445</del> <u>6</u> metres Unit 3 = <del>9.6</del> <u>6.4</u> metres Average proposed front setback is <del>6.615</del> <u>6.13</u> metres.
<b><i>Officer Comments:</i></b>		
Supported – <u>The amendments result in the ground floor front setbacks to Chelmsford Road complying with the Town’s Residential Design Elements Policy acceptable development standards, as the setbacks for all the three units maintain the character of the Chelmsford Road streetscape. Amended plans received showing the ground floor setback for Unit 3, directly adjoining the Heritage Listed property at No. 130 Chelmsford Road, North Perth, being increased from 6.14 metres to 9.6 metres. See ‘Comments’ section.</u>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Upper Floor Front Setbacks – Chelmsford Road:</b>	Balcony 1 metre behind ground floor.	Unit 1 = <del>2.05</del> <u>0.7</u> metres <del>in front</del> <u>behind</u> ground floor  Unit 2 = <del>2</del> <u>0.7</u> metres <del>in front</del> <u>behind</u> ground floor  Unit 3 = <del>4.7</del> <u>0.4</u> metres in front
<b>Officer Comments:</b>		
Supported – <u>While these setbacks for the balconies do not comply with being setback 1 metre behind the ground floor setback, it proposes a front elevation closer to the requirements of the Town’s Residential Design Elements Policy than the initial plans which were deferred at the Ordinary Meeting of Council held on 24 May 2011.</u>		
<u>The applicant has proposed to mitigate the visual impact of the balconies, in particular to the heritage listed property at No. 130 Chelmsford Road and No. 134 Chelmsford Road, by ensuring the balcony is open in nature with steel balustrades and a high ceiling to enable views through it, as well as providing adequate screening to the western boundary at No. 134 Chelmsford Road. Given this design approach and that the street setback area of the western boundary of the heritage listed place is heavily landscaped, which results in an obscured view to the heritage listed place, it is considered that the setting of the adjoining property at No. 130 Chelmsford Road, along with the remainder of the dwellings in the streetscape, are not significantly compromised by the upper floor balcony setbacks to Chelmsford Road.</u>		
<u>Amended plans received showing upper floor setback of Unit 3 Balcony being increased from 3.4 metres in front of the ground floor setback to 4.7 metres in front to accommodate the increased ground floor front setback proposed to Chelmsford Road. See ‘Comments’ section.</u>		
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.  To the eastern and western boundaries, maximum length of building on boundary allowed is 20.5 metres.	Four (4) boundary walls proposed on two (2) side boundaries.  <u>Unit 1</u>  Two Parapet Walls on Western Boundary: (Store) Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres) (Other) Wall Height – 6.1 metres to 6.5 metres (average = 6.3 metres)  Total Wall Length – Required: 2/3 = 20.5 metres Proposed length = <del>12</del> <u>11.67</u> metres

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
		<p><u>Unit 3</u></p> <p>Two Parapet Walls on Eastern Boundary: (Garage) Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres) (Retreat/Laundry) Wall Height – 2.8 metres to 3.5 metres (average = 3.15 metres)</p> <p>Total Wall Length – Required: 2/3 = 20.5 metres Proposed length = 15.3386 metres</p>
<b>Officer Comments:</b>		
<p>Supported –The two (2) parapet walls on both the western and eastern boundaries abutting Nos. 130 &amp; 134 Chelmsford Road, comply with the maximum length allowed but do not comply with the average height allowed. The store wall for Unit 1 directly abuts two (2) uncovered carbays that were recently approved by the Town under delegated authority at No. 134A Chelmsford Road, while the garage wall for Unit 3 directly abuts the existing rear garage at No. 130 Chelmsford Road.</p> <p>In regards to the two-storey parapet walls, the applicant, <u>as part of this deferral</u>, has amended the plans to <u>still</u> only provide a two-storey parapet wall adjoining the western property at No. 134 Chelmsford Road for Unit 1. Towards No. 130 Chelmsford Road from Unit 3, the upper floor has now been setback 1 metre from the side boundary, therefore resulting in a single storey parapet wall for the retreat/laundry wall, which is not in compliance in regards to the average height allowed (3.15 metre average height proposed; 3 metre average height allowed).</p> <p><u>In addition, while the parapet wall adjoining the heritage listed property to the east, as the parapet wall is setback approximately 14 metres from the front boundary and has been amended from being setback 4.1 metres behind the main building line of No. 130 Chelmsford Road to now being level, it is still</u> not considered to have a significant visual impact on the adjacent heritage building.</p> <p><u>While towards No. 134 Chelmsford Road, the two-storey parapet wall proposed for unit 1, has been retained. However, the parapet wall has been moved back to be aligned with the front setback of No. 134 Chelmsford Road, as well as the length of the parapet wall being shortened.</u></p> <p>Notwithstanding, <u>the previous Officer Recommendation remains unchanged</u> as these parapet walls are not considered to have an undue impact on the neighbouring property as it does not create excessive building bulk and scale, nor alter direct sun to major openings of habitable rooms and outdoor living areas as the overshadowing of the proposed development is within the subject property.</p> <p>In addition, there is an existing parapet wall at the rear of No. 130 Chelmsford Road, which the rear parapet wall for the garage of proposed unit 3 directly abuts.</p>		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Visual Privacy:</b>		
<u>Unit 1</u>		
Side (West) — Balcony	7.5 metres	1.2 metres to western boundary of No. 134 Chelmsford Road.
<u>Unit 3</u>		
Side (East) - Balcony	7.5 metres	1 metre to eastern boundary of No. 130 Chelmsford Road.
<b>Officer Comments:</b>		
Not Supported – A condition has been proposed that prior to the issue of a Building Licence, revised plans shall be submitted showing screening being provided in compliance with the R-Codes or a letter of support is received from the directly affected neighbours at Nos. 130 & 134 Chelmsford Road.		
<b>Sightlines:</b>	Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points.  Garage door for Unit 3 to be setback 750 millimetres from the side boundary.	Garage door for unit 3 <u>now</u> proposed with <del>at</del> 0.75 metre setback from side boundary.
<b>Officer Comments:</b>		
Not Supported – A condition has been proposed for the garage door for Unit 3 to be setback 750 millimetres from the side boundary. Condition has been removed as setback is now compliant.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

## Heritage

The subject place is located to the immediate west of No. 130 Chelmsford Road, North Perth, which is listed on the Town's Municipal Heritage Inventory with a Management Category B – Conservation recommended.

A Heritage Impact Statement was undertaken to assess the impact of the proposed development on the cultural heritage value of the adjoining heritage listed building. In the first instance, it is considered important to acknowledge that the approval of the narrow three lot subdivision in a north south orientation at Nos. 132, 132A and 132B Chelmsford Road, by the Western Australian Planning Commission against the Town's recommendation, has resulted in difficulties for both the applicant and the Town.

Specially, as the subdivision has resulted in a lot configuration that has no regard for the original and established Chelmsford Road streetscape pattern evident in and valued by the Town; making it difficult for the design of development that sits well within and complements the existing character of the Town's streetscapes. Given the above circumstances, the Heritage Impact Statement has concluded that the new development has sought to minimise the impact on the adjacent heritage listed property by virtue of side setbacks and its contemporary nature.

It is considered that the subject proposal has aimed to address the criteria stated in Town's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties and, therefore, there is no objection to the development.

In light of the above, with the exception of changes to the conditions in order to address the issues modified as a result of the deferral of the item at the Ordinary Meeting of Council held on 24 May 2011, it is recommended that the application be supported.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 May 2011.

*“OFFICER RECOMMENDATION:*

*That the Council;*

1. *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 Zen Creative on behalf of the owner F Ranieri & P J & R Sgro for proposed Construction of Three (3), Two Storey Single Houses, at Nos. 132, 132A & 132B (Lots 2, 3 & 4; D/P: 68092) Chelmsford Road, North Perth, and as shown on the amended plans stamp-dated 9 May 2011, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Chelmsford Road;*
- (ii) any new street/front wall, fence and gate within the Chelmsford Road setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) first obtaining the consent of the owners of Nos. 130 & 134 Chelmsford Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 130 & 134 Chelmsford Road in a good and clean condition;*
- (iv) no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;*
- (v) PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*

*(a) Construction Management Plan*

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;*

(b) Landscaping and Reticulation Plan

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

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

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

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

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

(c) Garage Door – Unit 3

*The garage door for unit 3 being setback 750 millimetres from the side boundary of No. 130 Chelmsford Road, North Perth; and*

(d) Screening – Unit 1 and Unit 3 Balcony

*The upper floor front balconies on the western and eastern elevations of Unit 1 and Unit 3 respectively, within the 7.5 metre cone of vision to the western and eastern boundaries respectively, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 130 & 134 Chelmsford Road, North Perth, stating no objection to the respective proposed privacy encroachment;*

*All screens provided shall comply with the definition of the Residential Design Codes 2010.*

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

2. *AUTHORISES the Chief Executive Officer to WRITE to the Western Australian Planning Commission and/or the Department of Planning and Infrastructure to highlight the difficulties that its approval of the subject three lot subdivision in a north south orientation has resulted in for both the applicant and the Town. Specifically, as the subdivision has resulted in a lot configuration that has no regard for the original and established streetscape pattern evident in and valued by the Town; making it difficult for the design a development that sits well within and complements the existing character of the Chelmsford Road.*

The Acting Chief Executive Officer advised that during Public Question Time a representative from Greg Rowe & Associates requested a deferral of Item 9.1.4, and subsequently tabled a letter on behalf of the Applicant confirming this request.

Discussion ensued regarding whether Item 9.1.4 should be deferred or withdrawn.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Landowner:	F Ranieri & P J & R Sgro
Applicant:	Zen Creative
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Vacant Land
Use Class:	Single Houses
Use Classification:	"P"
Lot Area:	650 square metres
Access to Right of Way	North side, 4 metres wide, sealed, dedicated road

PURPOSE OF REPORT:

The application is presented to a meeting of Council due to nineteen (19) objections being received during the Community Consultation period.

BACKGROUND:

30 April 2010 The Western Australian Planning Commission conditionally approved the freehold (green title) subdivision of Nos. 132 & 134 (Lots 1, 2, 3 & 4) Chelmsford Road, North Perth against a recommendation for refusal by the Town's Officers.

19 October 2010 Subdivision Clearance issued for conditions 1 – 6 of the Western Australian Planning Commission's approval dated 30 April 2010 being fulfilled, including the demolition of all buildings, outbuildings and structures from the proposed lots.

DETAILS:

The proposal involves the construction of three (3) two-storey grouped dwellings at the subject property.

**COMPLIANCE:**

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Ground Floor Front Setbacks – Chelmsford Road:</i>	<i>To be consistent with existing streetscape. Average of 6.5 metres.</i>	<i>Unit 1 = 4.8 metres Unit 2 = 5.445 metres Unit 3 = 9.6 metres Average proposed front setback is 6.615 metres.</i>
<i>Officer Comments:</i>		
<i>Supported – Amended plans received showing the ground floor setback for Unit 3, directly adjoining the Heritage Listed property at No. 130 Chelmsford Road, North Perth, being increased from 6.14 metres to 9.6 metres. See ‘Comments’ section.</i>		
<i>Upper Floor Front Setbacks – Chelmsford Road:</i>	<i>Balcony 1 metre behind ground floor.</i>	<i>Unit 1 = 2.05 metres in front Unit 2 = 2 metres in front Unit 3 = 4.7 metres in front</i>
<i>Officer Comments:</i>		
<i>Supported – Amended plans received showing upper floor setback of Unit 3 Balcony being increased from 3.4 metres in front of the ground floor setback to 4.7 metres in front to accommodate the increased ground floor front setback proposed to Chelmsford Road. See ‘Comments’ section.</i>		
<i>Boundary Setbacks:</i>		
<i>Upper Floor</i>		
<i>Unit 1</i>		
<i>Side (West) – Dining</i>	<i>1.5 metres</i>	<i>Nil</i>
<i>Side (West) – Lounge/Balcony</i>	<i>3 metres</i>	<i>1.2 metres</i>
<i>Unit 3</i>		
<i>Side (East) – Dining</i>	<i>1.5 metres</i>	<i>1 metre</i>
<i>Side (East) – Lounge/Balcony</i>	<i>3 metres</i>	<i>1 metre</i>
<i>Side (East) – Bed 1</i>	<i>1.2 metres</i>	<i>1 metre</i>
<i>Officer Comments:</i>		
<i>Supported – Not considered to have an undue impact on the amenity of the adjoining properties at Nos. 130 &amp; 134 Chelmsford Road and the street. In addition, on the eastern and western elevations, the lounge/balcony walls will be required to provide screening 1.6 metres from finished floor level and compliant with the R-Codes requirements, for the portions of the balcony which overlook any part of the adjoining residential properties behind their street setback line.</i>		

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Buildings on Boundary:</i>	<p><i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.</i></p> <p><i>To the eastern and western boundaries, maximum length of building on boundary allowed is 20.5 metres.</i></p>	<p><i>Four (4) boundary walls proposed on two (2) side boundaries.</i></p> <p style="text-align: center;"><u><i>Unit 1</i></u></p> <p><i>Two Parapet Walls on Western Boundary:</i> <i>(Store)</i> <i>Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres)</i> <i>(Other)</i> <i>Wall Height – 6.1 metres to 6.5 metres (average = 6.3 metres)</i></p> <p><i>Total Wall Length –</i> <i>Required: 2/3 = 20.5 metres</i> <i>Proposed length = 12 metres</i></p> <p style="text-align: center;"><u><i>Unit 3</i></u></p> <p><i>Two Parapet Walls on Eastern Boundary:</i> <i>(Garage)</i> <i>Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres)</i> <i>(Retreat/Laundry)</i> <i>Wall Height – 2.8 metres to 3.5 metres (average = 3.15 metres)</i></p> <p><i>Total Wall Length –</i> <i>Required: 2/3 = 20.5 metres</i> <i>Proposed length = 15.3386 metres</i></p>
<i>Officer Comments:</i>		
<p><i>Supported – The two (2) parapet walls on both the western and eastern boundaries abutting Nos. 130 &amp; 134 Chelmsford Road, comply with the maximum length allowed but do not comply with the average height allowed. The store wall for Unit 1 directly abuts two (2) uncovered carbays that were recently approved by the Town under delegated authority at No. 134A Chelmsford Road, while the garage wall for Unit 3 directly abuts the existing rear garage at No. 130 Chelmsford Road.</i></p> <p><i>In regards to the two-storey parapet walls, the applicant has amended the plans to only provide a two-storey parapet wall adjoining the western property at No. 134 Chelmsford Road for Unit 1. Towards No. 130 Chelmsford Road from Unit 3, the upper floor has now been setback 1 metre from the side boundary, therefore resulting in a single storey parapet wall for the retreat/laundry wall, which is not in compliance in regards to the average height allowed (3.15 metre average height proposed; 3 metre average height allowed).</i></p>		

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<p><i>Notwithstanding, these parapet walls are not considered to have an undue impact on the neighbouring property as it does not create excessive building bulk and scale, not alter direct sun to major openings of habitable rooms and outdoor living areas as the overshadowing of the proposed development is within the subject property. In addition, with the parapet wall adjoining the heritage listed property to the east, as the parapet wall is setback approximately 14 metres from the front boundary and 4.1 metres behind the main building line of No. 130 Chelmsford Road, it is considered not to have a significant visual impact on the adjacent heritage building.</i></p> <p><i>In addition, there is an existing parapet wall at the rear of No. 130 Chelmsford Road, which the rear parapet wall for the garage of proposed unit 3 directly abuts.</i></p>		
<i>Sightlines:</i>	<p><i>Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points.</i></p> <p><i>Garage door for Unit 3 to be setback 750 millimetres from the side boundary.</i></p>	<p><i>Garage door for unit 3 proposed with nil setback from side boundary.</i></p>
<i>Officer Comments:</i>		
<p><i>Not Supported – A condition has been proposed for the garage door for Unit 3 to be setback 750 millimetres from the side boundary.</i></p>		
<i>Outdoor Living Area:</i>	<i>Behind the street setback area.</i>	<i>All units have their outdoor living areas within the front setback area to Chelmsford Road.</i>
<i>Officer Comments:</i>		
<p><i>Supported – See ‘Comments’ section. Under the ‘Acceptable Development’ criteria of the R-Codes for ‘Outdoor Living Areas’, the areas are only non-compliant in regards to not being behind the street setback area.</i></p> <p><i>However, as the outdoor living areas are capable of being used in conjunction with a habitable room (lounge room) as well as being open to winter sun through taking advantage of the northern aspect of the site, the proposed outdoor living areas comply with the Performance Criteria of the R-Codes.</i></p>		
<i>Site Works:</i>	<i>Retaining walls do not exceed 500 millimetres in height above natural ground level.</i>	<i>For garage/store on east and west elevations, retaining wall is a maximum of 900 millimetres in height.</i>
<i>Officer Comments:</i>		
<p><i>Supported – The site works have a minimal impact on the amenity of the adjoining properties to the east at No. 130 Chelmsford Road given it directly abuts the adjacent property’s garage. Whereas towards No. 134 Chelmsford Road, the subject retaining wall of Unit 1 directly abuts the vehicular access for the adjoining property, similarly not considered to have an undue impact on the amenity of the property.</i></p>		
<i>Visual Privacy:</i>		
<i>Unit 1</i>		
<i>Side (West) – Balcony</i>	<i>7.5 metres</i>	<i>1.2 metres to western boundary of No. 134 Chelmsford Road.</i>

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Unit 3</i>		
<i>Side (East) - Balcony</i>	<i>7.5 metres</i>	<i>1 metre to eastern boundary of No. 130 Chelmsford Road.</i>
<i>Officer Comments:</i>		
<i>Not Supported – A condition has been proposed that prior to the issue of a Building Licence, revised plans shall be submitted showing screening being provided in compliance with the R-Codes or a letter of support is received from the directly affected neighbours at Nos. 130 &amp; 134 Chelmsford Road.</i>		
<i>The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1</i>		

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
<i>Support (0)</i>	<i>Nil.</i>	<i>Noted.</i>
<i>Objections (18)</i>	<i>Unreasonably high parapet walls of 6.5 metres in this case will have a catastrophic effect on neighbours east and west.</i>	<p><i>Not Supported – Applicant has amended the plans to the eastern boundary abutting No. 130 Chelmsford Road, to have the two storey parapet wall reduced to a single storey parapet wall.</i></p> <p><i>The amended parapet wall now proposed to abut No. 130 Chelmsford Road is deemed acceptable as while it does not comply with the average height allowed of 3 metres (proposed 3.15 metres), it does not result in any undue amenity impacts on the adjoining property.</i></p> <p><i>Furthermore, the two-storey parapet wall adjoining No. 134 Chelmsford Road to the west is not considered to have an undue impact on the neighbouring property as it does not create excessive building bulk and scale nor does it alter direct sun to major openings of habitable rooms and outdoor living areas; overshadowing of the proposed development falls within the subject property.</i></p>
	<i>Neighbours must suffer in order to allow the over development of 3 narrow blocks rather than have 2 reasonable developments.</i>	<i>Noted – The density required for the site, which is R40, is 2.95 grouped dwellings. The application proposes three (3) grouped dwellings. The density does not comply with the Town of Vincent’s Policy No. 3.4.6 relating to Residential Subdivisions.</i>

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
	<i>Heritage area and this type of development should be resisted.</i>	<i>Not Supported – The new amended plans have sought to minimise any adverse impact on the adjacent heritage listed property at No. 130 Chelmsford Road, North Perth, in accordance with the Town’s Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1.</i>
	<i>Development in no way is consistent with streetscape that is trying to be preserved by way of Guidelines.</i>	<i>Not Supported – Refer to ‘Comments’ section.</i>
	<i>There is an opportunity to build a home in keeping with the historic street and area.</i>	<i>Not Supported – Given the subdivision approved by the Western Australian Planning Commission, three (3) dwellings can be constructed. The dwellings proposed, in particular that for Unit 3, has been amended to ameliorate the visual impact on the adjacent heritage listed place at No. 130 Chelmsford Road. The proposed 9.57 metre ground floor setback for Unit 3 is consistent and equivalent to the front setback of the adjacent heritage listed place and the overall development is compliant with other aspects of the Town’s Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1 P1 A.1.1 policy.</i>  <i>In addition, the applicants have modified the balcony of unit 3 to be further behind the balconies proposed for the other two (2) dwellings. The visual impact of the balcony is mitigated by the balcony being open in nature with a high ceiling to enable views through it.</i>
	<i>Minimum setback far too close to street.</i>	<i>Not Supported – See ‘Comments’ section.</i>
	<i>Outdoor living should be at rear, not front.</i>	<i>Not Supported - Under the ‘Acceptable Development’ criteria of the R-Codes for ‘Outdoor Living Areas’, the areas are only non-compliant in regards to not being behind the street setback area.</i>  <i>However, as the outdoor living areas are capable of being used in conjunction with a habitable room (lounge room), as well as being open to winter sun through taking advantage of the northern aspect of the site, the proposed outdoor living areas comply with the Performance Criteria of the R-Codes.</i>

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
	<i>Overlooking from neighbouring properties through front balcony.</i>	<i>Supported - A condition has been proposed that prior to the issue of a Building Licence, revised plans shall be submitted showing screening being provided in compliance with the R-Codes or a letter of support is received from the directly affected neighbours at Nos. 130 &amp; 134 Chelmsford Road.</i>
	<i>Proximity to the boundary as there will be noise factors and overlooking.</i>	<i>Not Supported - The Town's Health section is able to action complaints under the Environmental Protection (Noise) Regulations 1997. In respect of overlooking, this has been addressed as a condition.</i>
	<i>Not visually sympathetic with the Chelmsford Road streetscape, which has an almost-intact historical variety of grand 'character' homes and workers cottages.</i>	<i>Not Supported - See 'Comments' section.</i>
	<i>Natural ground levels much lower than top of existing retaining wall, 1.3 metres in height.</i>	<i>Not Supported - The retaining wall variations have been deemed acceptable as garage/store on east and west elevations; have retaining walls to a maximum of 900 millimetres in height above natural ground level, in lieu of the required 500 millimetre maximum.</i>
	<i>Proposal requires Council to change bylaws and Heritage guide lines to enable the buildings to fit on these lots.</i>	<i>Not Supported - The subject contemporary development is consistent with the principles of good conservation practice as it provides an appropriate differentiation between the existing heritage listed Federation Queen Anne dwelling at No. 130 Chelmsford Road. The contemporary nature of the proposed development is simple in design and does not mimic the traditional detail of the adjacent heritage place and is considered acceptable.</i>
	<i>Impact on neighbouring environment, by dominating adjacent properties on their boundaries, creating shade and blocking sunlight to large areas of adjacent houses.</i>	<i>Not Supported - Clause 7.4.1 of the Residential Design Elements Policy states that any new development is to consider preserving the amenity of adjoining neighbours and the surrounding areas. Such impacts include overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm. The proposal is considered by the Town's Officers to be compliant with these requirements and, therefore, the proposal will not impact on the amenity of the adjoining landowners.</i>

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
	<i>Impact on the privacy of neighbours, by instating windows and balconies high on the second floor that would create plunging views into courtyards and other rooms.</i>	<i>Not Supported – The variation to the required Visual Privacy requirements of the Residential Design Codes is in regards to the front upper floor balconies of units 1 and 3 as they overlook the properties of Nos. 130 &amp; 134 Chelmsford Road behind their street setback lines. This variation has been addressed with a condition being placed ensuring permanent vertical screening is provided in order to comply with the R-Code requirements.</i>
	<i>If Council continues to approve developments of this nature, in this area, where the majority of homes are in the Federation style, the historical nature of the area will be lost forever.</i>	<i>Not Supported – See ‘Comments’ section.</i>
	<i>Will be detrimental to the aesthetics of the area and have an adverse effect on value of surrounding properties.</i>	<i>Not Supported – See ‘Comments’ section.</i>
<i>Advertising</i>	<i>Advertising for a period of 14 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation for the initial application submitted. No additional advertising was required.</i>	

<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1, R-Codes and associated Policies.</i>
<i>Strategic</i>	<i>The Town’s Strategic Plan 2011-2016 - Objective 1 states: “1. Natural and Built Environment 1.1 Improve and maintain the natural and built environment and infrastructure. 1.1.2 Enhance and maintain the character and heritage of the Town.”</i>
<i>Sustainability</i>	<i>Nil.</i>
<i>Financial/Budget</i>	<i>Nil.</i>

**COMMENTS:**

*Heritage*

*The subject place is located to the immediate west of No. 130 Chelmsford Road, North Perth, which is listed on the Town’s Municipal Heritage Inventory with a Management Category B – Conservation recommended.*

*A Heritage Impact Statement was undertaken to assess the impact of the proposed development on the cultural heritage value of the adjoining heritage listed building. In the first instance, it is considered important to acknowledge that the approval of the narrow three lot subdivision in a north south orientation at Nos. 132, 132A & 132B Chelmsford Road, by the Western Australian Planning Commission against the Town’s recommendation, has resulted in difficulties for both the applicant and the Town.*

*Specially, as the subdivision has resulted in a lot configuration that has no regard for the original and established Chelmsford Road streetscape pattern evident in and valued by the Town; making it difficult for the design of development that sits well within and complements the existing character of the Town’s streetscapes. Given the above circumstances, the Heritage Impact Statement has concluded that the new development has sought to minimise the impact on the adjacent heritage listed property by virtue of side and ground floor front setbacks and its contemporary nature.*

*It is considered that the subject proposal has aimed to address the criteria stated in Town's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, and therefore, there is no objection to the development.*

#### *Streetscape and Character*

*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. Dwellings along Chelmsford Road are inconsistent in architectural style and contain a mix of developments in regards to style and building materials.*

*The three (3) proposed dwellings allow for high levels of passive surveillance of the street due to the use of balconies within the front setback area facing Chelmsford Road, while achieving highly interactive front elevations. Chelmsford Road is not considered a recognised streetscape.*

*The major modifications made to the subject dwelling (unit 3) proposed to adjoin the heritage listed place at No. 130 Chelmsford Road, are as follows:*

- *Increased the ground floor front setback consistent and equivalent to the front setback of the adjacent heritage listed place;*
- *Reduced two-storey parapet wall to single storey for the laundry/retreat wall; and*
- *Increased upper floor setback to the balcony further behind the balconies proposed for units 1 and 2.*

*The result of these amendments is considered to significantly improve any unreasonable undue amenity issues to the Chelmsford Road streetscape. Notwithstanding, the size and nature of the lots at hand, the amendments attempt to complement the established pattern of residential dwellings in the streetscape.*

#### *Street Setbacks*

*The ground and upper floor street setbacks for the three (3) grouped dwellings are non-compliant with SADC. 5 (Street Setbacks). The applicant proposes ground floor setbacks to Chelmsford Road of 4.8 metres, 5.445 metres and 9.6 metres, in lieu of the average within the streetscape of 6.5 metres, in order to facilitate the effective use of the site. By amending the ground floor setback of Unit 3 from 6.14 metres to 9.6 metres, this has increased the average setback of the three (3) dwellings to 6.6 metres.*

*While in terms of the upper floor setbacks, each of the proposed dwellings incorporate upper floor balconies that do not comply with the requirement of being a minimum of 1 metre behind the ground floor. The applicant has proposed to mitigate the visual impact of the balconies, in particular to the heritage listed property, by ensuring the balcony is open in nature with steel balustrades and a high ceiling to enable views through it. Given this design approach and that the street setback area of the western boundary of the heritage list place is heavily landscaped, which results in an obscured view to the heritage listed place, it is considered that the setting of the adjoining property at No. 130 Chelmsford Road, along with the remainder of the dwellings in the streetscape, are not significantly compromised by the new development.*

*In addition, the proposed dwellings, given the size and nature of the lots, have been designed to preserve the amenity of adjoining neighbours and the surrounding areas, with the upper floor balconies providing a feature of the façade.*

*The application proposes variations to the acceptable development standards of the Residential Design Elements Policy; however, it is considered the proposal clearly satisfies the Performance Criteria for each of these variations and should therefore be supported. The development is not considered to compromise the streetscape but rather contribute to the range of styles and built form, as well as potentially set a precedent for new development, which may be similar in nature and size, given the Residential R40 zoning of the street. It is therefore recommended that the Council approve the subject application, subject to standard and appropriate conditions to address the above matters.”*

**9.1.8 No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville - Proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Twenty (20) Single Bedroom Multiple Dwellings and Eight (8) Multiple Dwellings and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2011
<b>Precinct:</b>	Oxford Centre , P4	<b>File Ref:</b>	PRO5299; 5.2011.107.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Plans-Coloured Perspectives		
<b>Reporting Officers:</b>	R Narroo, Senior Planning Officer (Statutory); H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by JDI Projects Pty Ltd on behalf of the owner 176 Investment Pty Ltd for proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Twenty (20) Single Bedroom Multiple Dwellings and Eight (8) Multiple Dwellings, and Associated Basement Car Parking, at No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville, and as shown on amended plans stamp-dated 27 May 2011, subject to the following conditions:*

**(i) Building**

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street;*
- (b) first obtaining the consent of the owners of No. 285 and No. 289 Vincent 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. 285 and No. 289 Vincent Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas facing Vincent Street and the entrance to the building fronting Vincent Street, shall maintain active and interactive relationships with this street;*
- (d) the maximum gross floor area of the offices shall be limited to 56 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1;*
- (e) the commercial units shall be used as offices only; and*
- (f) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) **Car Parking and Accessways**

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *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;*
- (c) *the car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (e) *one (1) car parking bay being allocated for the offices;*

(iii) **Public Art**

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$43,800 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,380,000); and*
- (b) *in conjunction with the above chosen option;*
  - (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
  - (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **Signage**

*All signage that does not comply with the Town's Policy No. 3.5.2 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 to and approved by the Town prior to the erection of the signage;*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;*

(b) **Section 70 A Notification under the Transfer of Land Act**

*The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

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

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

(c) **Landscape and Reticulation Plan**

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

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

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

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

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

(d) **Schedule of External Finishes**

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

(e) Acoustic Report

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. This report shall include the car stackers and the recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(f) Refuse and Recycling Management Plan

*Bin numbers, collection and stores shall meet with the Town's minimum service provision;*

(g) Right of Way

*Prior to the first occupation of the development, the full length and width of the adjacent right of way from the eastern boundary of No. 287 Vincent Street to the western boundary of No. 297 Vincent Street, shall be sealed and drained in accordance with the Town's specification, at the full cost of the developer. A bond for the sum of \$15,000 is to be paid for the upgrading of the right of way. The bond will be held until the works are completed. A written application is required for the refund of the bond;*

(h) Security Bond

*A bond or bank guarantee for the sum of \$2,200 shall be lodged with the Town and be held until all building/development works have been completed. It will be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

(i) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the balconies to Units 5,6,12,13,19,20,26 and 27 on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 210 Carr Place, stating no objection to the respective proposed privacy encroachment;*

(j) Fencing

*Any new street/front wall, fence and gate within the Vincent Street setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(k) Stores

*All stores shall comply with minimum internal area of 4 square metres and minimum dimension of 1.5 metres;*

(l) Balconies

*All balconies shall comply with a minimum area of 10 square metres and minimum dimension of 2.4 metres;*

(m) Amalgamation

*Prior to the issue of a Building Licence, the subject Lots 9 and 100 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*

(n) Underground Power

*In keeping with the Town's Policy 2.2.2, the domestic power lines along the Vincent Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and*

(o) Floor Level

*Final plans demonstrating that the finished floor level of the ground floor being 300 mm above the existing crown of the adjacent road; and*

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

(a) Residential Car Bays

*Twenty-two (22) car bays and seven (7) car bays are to be provided for the residents and visitors respectively. The twenty-nine (29) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;*

(b) Bicycle Parking

*The bicycle facilities shall be designed in accordance with AS2890.3;*

(c) Management Plan-Vehicular Entry Gates

*The proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town; and*

(d) Clothes Drying Facility

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

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**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr McGrath, Seconded Cr Buckels**

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

*“(vi)(b) Bicycle Parking*

*Three (3) bicycle bays for the visitors of the residential component plus one (1) class one or two bicycle bay for the office component, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;”*

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Farrell had not yet arrived to the meeting. Cr Burns was an apology for the meeting.)

Debate ensued.

Cr Farrell entered the Chamber at 7.24pm.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Topelberg**

*That the item be DEFERRED to allow the Applicant to further consider the concerns raised by Council Members.*

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Cr Lake

(Cr Burns was an apology for the meeting.)

<b>Landowner:</b>	176 Investment Pty Ltd
<b>Applicant:</b>	JDI Projects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwelling, Office Building
<b>Use Classification:</b>	"P", "SA"
<b>Lot Area:</b>	Lot 9=524 square metres Lot 100= 263 square metres Total site area= 787 square metres
<b>Access to Right of Way</b>	Southern side, 5 to 6 metres wide, unsealed, privately owned

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The applicant initially submitted an application for the demolition of the existing single house and construction of a six-storey mixed use development consisting of two offices, twenty single bedroom multiple dwellings and ten multiple dwellings and associated basement car parking. Following concerns from the adjoining neighbours and the Town, the applicant submitted amended plans for a five storey development.

The amended proposal involves the demolition of the existing single house and construction of a five-storey mixed use development consisting of two (2) offices, twenty (20) single bedroom multiple dwellings and eight (8) multiple dwellings and associated basement car parking.

The site is located within the Carr Place Residential Precinct of the Leederville Town Centre Masterplan. It forms part of the Transitional Zone as outlined in the Leederville Masterplan Design Guidelines.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Density:</b>	R 120= 13.25 multiple dwellings dwellings (as per Leederville Masterplan Guidelines)	R 271= 20 single multiple dwellings and 8 multiple dwellings
<i>Officer Comments:</i>		
Supported- It is noted that whilst the Leederville Masterplan Built Form Guidelines specify the density, the new R-Codes (2010) does not consider density as a criteria for assessing an application for a mixed use development. In light of the changes in the R-Codes, the Leederville Masterplan is being reviewed to reflect these changes. Accordingly, density is not a criteria for this application.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	As per the Leederville Masterplan Built Form Guidelines, the plot ratio is 1.5.  1.5= 1181 square metres	2.0=1592 square metres
<i><b>Officer Comments:</b></i>		
Supported- Refer to "Comments" below.		
<b>Front Setback:</b> Vincent Street  Second, Third, Fourth and Fifth Floors	7 metres	6 metres to 7 metres
<i><b>Officer Comments:</b></i>		
Supported - The variations will not have an impact on the streetscape as the main building line is setback 7 metres from Vincent Street.		
<b>Building Setbacks:</b>  Ground Floor  Rear (South)  Side (West and East)  First, Second, Third and Fourth Floors  West  East  Rear	  6 metres (Interface Policy)  4 metres  4 metres  4 metres  4 metres  4 metres	  1 metre to 2.4 metres  Nil  Nil to 1.5 metres  Nil to 2.8 metres  2.1 metres to 4.5 metres
<i><b>Officer Comments:</b></i>		
Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the east and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking of these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing right of way at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining and surrounding properties.		
<b>Boundary Wall</b>	Maximum Height= 7 metres  Average Height= 6 metres  Two-thirds of the length of the boundary  Eastern boundary wall length=29.9 metres	Eastern Boundary  Maximum Height= 15 metres  Average Height= 15 metres  Length= 34.4 metres

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
	Western boundary wall length= 28.2 metres	Western boundary  Maximum Height= 15 metres  Average Height= 15 metres  Western boundary-length= 34.4 metres
<b><i>Officer Comments:</i></b>		
Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the east and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing right of way at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining surrounding properties.		
<b>Number of Storeys</b>	4 Storeys as per the Leederville Masterplan Guidelines  5 Storeys within the site as per the Town's Multiple Dwellings Policy No. 3.4.8	5 storeys and basement car parking
<b><i>Officer Comments:</i></b>		
Supported- The Leederville Masterplan Built Form Guidelines specify that for a land area between 500 square metres to 1500 square metres, 4 storeys can be supported. However, the Town's Multiple Dwellings Policy No. 3.4.8 recommends that 5 storeys within the site are permitted. Therefore, this proposal is consistent with the Multiple Dwellings Policy No. 3.4.8. It is accordingly considered that five storeys will not have any undue visual impact on the surrounding locality. Refer to "Comments" below.		
<b>Vehicular Access</b>	Vehicular access from right of way	Vehicular access from Vincent Street
<b><i>Officer Comments:</i></b>		
Supported- If in the future developments occur along Vincent Street, the existing right of way will not be able to accommodate the load of traffic generated. Therefore, access from Vincent Street will contribute to minimising the impact on the right of way. Moreover, the existing developments along Vincent Street have their primary access from Vincent Street and, therefore, the proposed access will not impact on the streetscape.		
<b>Solar Access</b>	Adjoining sites are not adversely affected by solar access	Overshadowing to the rear (southern) sites.
Supported- In the new R-Codes, there is no Acceptable Development standard for solar access for adjoining properties coded R80 and above. The R-Codes specify that in codings R80 and above, " <i>it is anticipated that some overshadowing will occur however, the building design can ensure that solar access on adjoining sites and within the development are not adversely affected.</i> "		
Given the site is north-west oriented, the southern sites which will be impacted by the overshadowing are No. 210 and No. 212 Carr Place. As shown on the overshadowing diagram, No. 212 Carr Place will be mostly impacted by the overshadowing; No. 210 Carr Place will be overshadowed a relatively small part.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
No objection was received from the owner of No. 212 Carr Place with regard to overshadowing. As per the Leederville Masterplan Built Form Guidelines, No. 210 Carr Place can be developed to four storeys. The objective of the Carr Place Residential Precinct is to increase density in the Precinct which will result in buildings of 3 storeys to 8 storeys in the area. Therefore, given the sizes of the lots and the heights being proposed for the Carr Place Residential Precinct, it is anticipated that some overshadowing will occur. In this instance, the owner of No. 212 Carr Place did not object to the overshadowing and a relatively small part of No. 210 Carr Place will be overshadowed; therefore, the variation to overshadowing is supported.		
<b>Stores</b>	Minimum width of 1.5 metres and minimum internal area of 4 square metres	Width= 1.4 metres  Internal area= 3.64 square metres
<i>Officer Comments:</i>		
Not supported- If this application is supported, the applicant will be required to comply with internal area and dimension.		
<b>Privacy</b>	Balcony = 7.5 metres	Units 5,12,19,26 = 4.5 metres to southern boundary  Units 6, 13, 20, 27 = 6 metres to southern boundary.
<i>Officer Comments:</i>		
Not supported- If this application is supported, the applicant will be required to screen the balconies.		
<b>Balconies</b>	Minimum area of 10 square metres and a minimum dimension of 2.4 metres	Area of 8 square metres and a minimum dimension of 2 metres.
<i>Officer Comments:</i>		
Not supported- If this application is supported, the applicant will be required to comply with the required internal area and minimum dimension.		
<b>Dwelling Size</b>	Minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development and minimum of 40 per cent 2 bedroom dwellings	A maximum of 52 per cent for 1 bedroom  21 per cent 2 bedroom dwellings
<i>Officer Comments:</i>		
Supported-It is considered that the proposal provides diversity in dwelling type which ensures that a range of housing types and sizes are provided in this area.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	Nil	Noted.
Objections (10)	Density  The proposed density exceeds both the current zoning and the master plan zoning which will have a detrimental impact on the surrounding area.	Not Supported- Refer to "Assessment Table".

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Building Setbacks</p> <p>The variations to the setbacks are related to the increase in the density proposed which will have a negative impact on the amenity of the surrounding area.</p> <p>Number of Storeys</p> <p>A six storey building will be out of character with the surrounding area. A 3 to 4 storeys building will blend with the character of the area and is as per the Leederville Master Plan.</p> <p>Privacy</p> <p>Loss of privacy will impact on people private life, mental health and outlook.</p> <p>Car Parking</p> <p>Supporting a shortfall in parking will be completely in contradiction to the efforts of the Town to make parking more accessible and available to residents.</p> <p>Cycle Parking</p> <p>The Town is promoting cycling as an alternative means of transport. However, if new developments do not provide the required cycle parking, then cycling as an alternative means of transport will fail.</p> <p>Solar Access</p> <p><i>“The proposed height and setbacks, which are outside the zoning guidelines mean that less sun will be available to residents behind the development lot. There has been no evidence provided that clarifies how much sun, if any, will reach the properties behind the development lot and whether this will remove all possibility of using solar.”</i></p>	<p>Not supported-Refer to “Assessment Table”</p> <p>Not Supported- Refer to “Comments” below.</p> <p>Supported- If this application is supported, the applicant will be required to erect screens so as to prevent any overlooking.</p> <p>Not supported- The proposal complies with the parking requirements as shown in the Car Parking Assessment Table.</p> <p>Not supported- The proposal complies with the bays required as shown in the Bicycle Parking Assessment Table.</p> <p>Not supported- Refer to Assessment Table.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Stores</p> <p>Non compliance with the number of stores will impact surrounding area. The future residents will use their balconies as storage which will create an eyesore.</p> <p>Right of Way-objection in part</p> <p>No objection to the proposed density, height or plot ratio as the property is located so close to the Leederville Town Centre and Leederville Train Station. However, should use the right of way as access point and not from Vincent Street. Access from Vincent is in contradiction to Western Australian Planning Commission Policy Development Control 5.2. Vehicular traffic is an ongoing issue.</p> <p><i>“I am somewhat baffled as to the Town’s decision to allow the right of way to end one property to the west of the north-south laneway between Carr Place and Vincent Street (as shown in the Leederville Masterplan Built Form Guidelines-page 42). Surely it would create a better planning outcome to achieve connection of these two accessways and go some way to improving access for the 32 cars accessing the proposed development at number 287.”</i></p> <p>The proposed bicycle rack is located on the right of way which will block access to No. 285 Vincent Street.</p> <p>Structural Damage</p> <p>The proposed development may cause structural damage to the surrounding properties during construction.</p>	<p>Not supported- The applicant has submitted amended plans to comply with the required number of stores.</p> <p>Not supported in part. Refer to Assessment Table. Moreover, it is noted that the north-south laneways, indicated on page 42 of the Leederville Town Centre Masterplan and Built Form Guidelines, are not considered paramount to the success of the Leederville Masterplan, and have therefore only been shown indicatively. The widening of the existing right of way however, depicted by number ‘2’ on page 42 of the Leederville Town Centre Masterplan and Built Form Guidelines, is supported by the Town, as this will improve safety and access for existing properties and future developments.</p> <p>In light of the above, the termination of the right of way corresponds with the transition from the ‘transition zone’, as depicted by the hatched area on the map, to the residential-only zone.</p> <p>Supported-The applicant has submitted amended plans showing no building within the right of way.</p> <p>Not supported- If this application is supported, as part of the Building Licence, the applicant will be required to submit a Construction Management Plan to be approved by the Town. The Construction Management Plan will address the issue of any potential damage to existing surrounding buildings.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Traffic Impact</p> <p>The proposed car bays accessing/egressing from Vincent Street will further impact on the existing traffic congestion along Vincent Street.</p> <p>Design Guidelines</p> <p>The proposal should comply with the Town's guidelines and no variations should be supported.</p>	<p>Not supported- The Town's Technical Services consider that the development will not have an impact on the traffic along Vincent Street.</p> <p>Not supported- The Town's Town Planning Scheme and Residential Design Codes allows for variations, subject to the Town being satisfied that there will be no impact on the amenity of the adjoining neighbours.</p>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation	

### Car Parking

The car parking required is calculated as per the R-Codes 2010.

Car Parking	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling= 18 car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 4 car bays	
Visitors= 0.25 per dwelling= 7 car bays	
Total= 29 car bays	29 car bays
Total car bays provided	30 car bays
<b>Surplus</b>	<b>1 car bay</b>

In total 29 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 30 car bays. Therefore, for the commercial component, one car bay will be available.

Car Parking	
Car parking requirement (nearest whole number).	1 car bay
<ul style="list-style-type: none"> <li>Office (1 car bay per 50 square metres gross office floor area)</li> <li>Proposed 56 square metres = 1.12 car bays</li> </ul>	
Total car bays required = 1 car bay	
Apply the parking adjustment factors.	(0.4913)
<ul style="list-style-type: none"> <li>0.85 (within 800 metres of a rail station)</li> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces)</li> <li>0.8 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)</li> </ul>	0.4913 car bay
Minus the car parking provided on-site	1 car bay
Minus the most recently approved on-site car parking shortfall	Nil
<b>Surplus</b>	<b>0.5087 car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<p>Offices- 1 space per 200 (proposed 56) square metres (class 1 or 2)= 0.28 bicycle bay= Nil bay</p> <p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):</p> <p>Nine bicycle bays for the residents and two bicycle bays for the visitors.</p>	Bike racks are shown on the plan for 14 bicycle bays.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Leederville Masterplan and Built Form Guidelines and Residential Design Codes (R Codes).
<b>Strategic</b>	<p>The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states:</p> <p><i>"Natural and Built Environment</i></p> <p><i>1.1 Improve and maintain the natural and built environment and infrastructure</i></p> <p><i>1.1.2 Enhance and maintain the character and heritage of the Town."</i></p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Demolition**

The subject dwelling at No. 287 Vincent Street, Leederville is a brick and tile residence constructed circa 1933 in the Interwar Bungalow style of architecture.

A Certificate of Title indicates that William Marshall, a shop assistant, was the sole proprietor of the subject property in 1932. The subject place is first listed in the WA Post Office Directories in 1934 and was occupied by Claude M Williams. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

The subject dwelling has a western gable roof over the protruding room and a main hipped roof sheltering the front verandah. The shallower roof of the front verandah is supported by two massive columns. The exterior walls of the subject dwelling have been rendered and painted in light brown and rose pink.

The Building Licence cards indicate that the then owner of the subject dwelling submitted an application to the City of Perth for the construction of a steel framed patio in 1990.

A preliminary Heritage Assessment, including an external inspection undertaken on 20 April 2011, 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. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

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

## **Planning**

The site is located in the transitional zone within the Leederville Masterplan area. The Masterplan provides the planning framework that will ensure the continued development of Leederville based on a series of key goals including; encouraging a sustainable density of development, capitalising on the close proximity to the train station, providing additional residential and commercial opportunities and encouraging local employment.

The proposed mixed-use development is consistent with the Leederville Masterplan Carr Place Precinct and also strongly supports the key goals of the Leederville Masterplan detailed above. It is considered the proposal will facilitate a benchmark for future development and contribute to landowner confidence in renewing this underdeveloped residential area.

Plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties. The proposed development is consistent with the Leederville Masterplan and the Town's Policy No. 3.4.8 relating to Multiple Dwellings. The bulk and scale is consistent with the future desired character of the locality and the design treatments will contribute to reduce the appearance of bulk.

Due to the support of a five-storey development on the subject site, the proposed plot ratio is also recommended for approval. The subject development is consistent with the principles of transit oriented development espoused with respect to a proposed high density residential building in close proximity to rail facilities.

In view of the above, the application is supportable as it is not considered that the development will result in any undue impact on the amenity of the surrounding area, but rather, will contribute to the development of the Leederville Masterplan in line with the overreaching vision for the Town Centre.

The Presiding Member, Mayor Nick Catania advised that due to family commitments, Cr Harvey needs to depart the Meeting at approximately 8.00pm therefore, he suggested a Procedural Motion be moved to Change to Order of Business to consider those Items which require an Absolute Majority decision.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Buckels**

*That the Order of Business be changed to consider Items in the following order:*

*Items 9.3.1, 9.4.2, 9.4.3, 9.4.5, 9.1.1 and thereafter all remaining Items.*

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

(Cr Burns was an apology for the meeting.)

**9.3.1 Adoption of Fees and Charges for the 2011/2012 Financial Year**

<b>Ward:</b>	Both	<b>Date:</b>	2 June 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – 2011/2012 Fees and Charges Schedule		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1.*

**Moved Cr Buckels, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**PROPOSED AMENDMENT NO 1**

**Moved Cr Buckels, Seconded Cr .....**

*That the recommendation be amended as follows:*

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

- (i) page 8.4 – “Loton Park Temporary Event Park”, that the 2011/2012 figures be amended to be \$22.00 per vehicle regardless of the number of passengers for event parking at Loton Park.”*

**PROPOSED AMENDMENT NO 1 LAPSED FOR WANT OF A SECONDER**

**AMENDMENT NO 2**

**Moved Cr Buckels, Seconded Cr McGrath**

*That the recommendation be amended as follows:*

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

*(i) page 8.8 – “Busking Fees (Public Entertainers)”, that the 2011/2012 figures be amended as follows:*

*(a) “one-off permit” delete \$38.00 and replace it with \$25.00;*

*(b) “Three month permit” delete \$75.00 and replace it with \$50.00; and*

*(c) “Annual permit” delete \$150.00 and replace it with \$100.00.”*

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Burns was an apology for the meeting.)

**AMENDMENT NO 3**

**Moved Cr Buckels, Seconded Cr Lake**

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

*(ii) page 8.9 – “Rubbish Charge Per Bin”, particularly “Resident Worm Farms”, “Non Resident Worm Farms”, “Compost bins 220L” and “Dog waste compost bin (cut off bin)” remain at the 2010/2011 and fees and not be increased.”*

Debate ensued.

**AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Burns was an apology for the meeting.)

**AMENDMENT NO 4**

**Moved Cr Buckels, Seconded Cr Lake**

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

*(iii) page 8.24 – “Beatty Park Leisure Centre Admission to Pool Premises and Use of Pool”, particularly “A child aged 3 or 4 years of age” remain at the 2010/2011 (\$1.50) and fee and not be increased.”*

Debate ensued.

**AMENDMENT NO 4 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Burns was an apology for the meeting.)

**AMENDMENT NO 5**

**Moved Cr Buckels, Seconded Cr McGrath**

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

*(iv) page 8.30 – “Sports Grounds and Reserves Cnt’d”, particularly “Sport Teams”:*

*(a) “Base Fee Per Season” be amended to “Base x 65%”; and*

*(b) “Seniors” be charge at the new base rate.”*

Debate ensued.

The Council requested that the word “Seniors” be replaced with the word “Adult” on page 8.30.

The Mover, Cr Buckels advised that he wished to withdraw his amendment. The Seconder, Cr McGrath agreed. Cr Buckels withdrew his amendment.

Debate ensued.

**AMENDMENT NO 6**

**Moved Cr Maier, Seconded Cr Farrell**

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

*(iv) page 8.30 – “Sports Groups and Reserves Cont’d”, particularly “Group Fitness Classes” fees be amended to include the words “per six month season” after the amount.”*

**AMENDMENT NO 6 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Burns was an apology for the meeting.)

**AMENDMENT NO 7**

**Moved Cr Maier, Seconded Cr Topelberg**

*“That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

*(v) page 8.20 – “General (Planning Fees)”, particularly “Cash in lieu payment for car parking” delete \$3,100 and replace it with \$6,200.”*

Debate ensued.

**AMENDMENT NO 7 PUT AND LOST (2-6)**

**For:** Cr Harvey, Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Lake, Cr McGrath, Cr Topelberg

(Cr Burns was an apology for the meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.3.1**

*That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2011/2012 financial year, as shown in Appendix 9.3.1, subject to:*

- (i) *page 8.8 – “Busking Fees (Public Entertainers)”, that the 2011/2012 figures be amended as follows:*
  - (a) *“one-off permit” delete \$38.00 and replace it with \$25.00;*
  - (b) *“Three month permit” delete \$75.00 and replace it with \$50.00; and*
  - (c) *“Annual permit” delete \$150.00 and replace it with \$100.00;*
- (ii) *page 8.9 – “Rubbish Charge Per Bin”, particularly “Resident Worm Farms”, “Non Resident Worm Farms”, “Compost bins 220L” and “Dog waste compost bin (cut off bin)” remain at the 2010/2011 and fees and not be increased;*
- (iii) *page 8.24 – “Beatty Park Leisure Centre Admission to Pool Premises and Use of Pool”, particularly “A child aged 3 or 4 years of age” remain at the 2010/2011 (\$1.50) and fee and not be increased; and*
- (iv) *page 8.30 – “Sports Groups and Reserves Cont’d”, particularly “Group Fitness Classes” fees be amended to include the words “per six month season” after the amount.*

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**PURPOSE OF REPORT:**

To obtain the Council’s approval of the Fees and Charges for the Financial Year 2011/2012.

**BACKGROUND:**

The Town of Vincent, as all other local governments, apply charges for services provided and for the use of the facilities available for hire. All such fees are required to be reviewed annually.

The *Local Government Act (1995)* allows for fees and charges to be adopted and include in the Annual Budget without having to be gazetted separately.

**DETAILS:**

The attached schedule outlines details of the Fees and Charges proposed for the 2011/2012 financial year with a comparison to last year’s fees. Where there has been an increase from last year the value is highlighted in bold.

A number of fees are determined by legislation, these include; Dogs, Planning/Building fees, and a number of fees raised under the *Health Act (1911)*.

GST must be applied to fees and charges that are raised where the Town is engaged in what is deemed to be commercial activity. Fees where GST is applicable are marked with a tick in the last column of the schedule. Local government fees and charges that are raised under legislation or Local Laws are in general GST free by way of exemption through Division 81 of the GST legislation.

**New fees recommended for 2010/2012 include:**

**Commercial Parking Permits – page 8.2:**

Following the adoption of the Town's Car Parking Strategy, commercial parking permits are to be introduced in the new financial year. The cost is recommended to be \$1,500 per annum.

**Car Parking Permits (Replacement) – Page 8.2:**

Following the adoption of the Town's Car Parking Strategy, new fees for the replacement of residential parking permits and commercial permits are proposed to be introduced at an amount of \$25 and \$50 respectively for each permit.

**Permits – Page 8.5:**

**Non-refundable Administration Fee (Skip Bin) Road:**

The Town currently has an administration fee for Skip Bins Verge and this fee is to cover for Skip Bins on the roads.

**Health Services – Page 8.7:**

**Public Building Annual Assessment Fee:**

Currently the proprietors of all Food Businesses, Lodging Houses and Public Swimming Pools are currently charged an annual service fee. However, to date, Public Buildings have been overlooked, it is proposed to introduce this category for the 2011/12 financial year.

**Regulation 18 Sound Level Monitoring fee in lieu of an independent Acoustic Consultant:**

This fee will provide Health Services and/or the applicant with the option of using Environmental Health Officers for the purpose of monitoring music events in place of an Acoustic Consultant.

**Regulation 13 Late Fee – reserved for applications submitted no later than seven (7) days prior to the proposed out-of-hours work scheduled:**

In accordance with the Environmental Protection (Noise) Regulations 1997, all applications to undertake construction work outside of the approved hours must be submitted to the local authority by no later than seven (7) days prior to the proposed work scheduled. The Town generally rejects late applications received, there are occasions where compliant notice cannot be reasonably met.

**Re-inspection arising from non-compliance with written directions/notices:**

The introduction of a fee to conduct re-inspections resulting from non-compliance with written directions/notices.

**Rates – page 8.9:**

**Notice of Discontinuance:**

This new fee is applied when a ratepayer requires a notice of discontinuance to be issued for rates recovery. It is issued when a ratepayer, who has had a general notice issued requires a notice of discontinuance in order that their credit rating is no longer effected.

**Library – page 8.9:**

The new book “*Early Businesses*” has been included in the fees and charges for 2011/2012. There is a separate charge for the *Soft* and *Hardcover* book sales.

**Planning Services – Page 8.14:**

**Battery Powered Smoke Alarm Application Fee:**

A new fee is to be introduced for the approval of battery powered smoke alarms.

**Planning Service – Page 8.19:**

**Development Application Panels (DAP) Fees:**

A range of fees have been introduced associated with the introduction of Development Application Panels (DAP’s) effective from 1 July 2011.

**Work’s Bonds – Engineering – Page 8.21:**

**Verge Tree Preservation Bond:**

The following bonds are proposed to be introduced in the 2011/12 financial year:

- Trees less than five (5) years old;
- Trees five (5) to 10 years old; and
- Tree over 10 years old.

The bonds have been introduced to preserve trees during development construction.

**Sport’s Grounds and Reserves – page 8.29:**

**Group Fitness Classes:**

New fees have been introduced for the group fitness classes where the Town’s reserves are being used by professional fitness trainers. The charge is per season, summer/winter.

**Increased charges have been recommended for the majority of fees, in particular the following is recommended:**

**Parking Fees – page 8.2:**

Increases are proposed for the fees at all the Town’s carparks.

**Kerbside Parking Fees – page 8.2:**

Kerbside parking fees increases have been applied to the ticket machines in existing locations, however ticket machines at the new locations will be charged at the existing rates.

**Planning Fees – page 8.11:**

The Western Australian Planning Commission advised through the Planning Bulletin 93/2011, issued in May 2011 of the increases in legislated planning fees of 3%.

**Beatty Park Leisure Centre – page 8.21:**

An annual review of the Beatty Park Leisure Centre fees is undertaken to benchmark against other local government leisure centres. Beatty Park Leisure Centre fees and charges are adjusted each year to minimise a significant increase in any one year and to ensure that the Centre remains financially sustainable as well as maintaining its community obligations. There has been an increase in the majority of the fees proposed this year, to cover the significant increased utility costs planned to be introduced in the next financial year.

**CONSULTATION/ADVERTISING:**

Advertised as part of the Annual Budget document.

**LEGAL/POLICY:**

In accordance with the *Local Government Act (1995)*, Sections 6.16, 6.17 and 6.18.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The fees and charges are supported by the Town. The risk is that the budgeted level of revenue from the fees and charges may not be attained in any one financial year.

**STRATEGIC IMPLICATIONS:**

The new and amended fees and charges have been included in the preparation of the Draft Annual Budget 2011/2012.

**SUSTAINABILITY IMPLICATIONS:**

The fees and charges represent a significant component of the Town's revenue and require to be adjusted annually to ensure the Town's financial sustainability.

**FINANCIAL/BUDGET IMPLICATIONS:**

The revenue received from the proposed fees and charges have been included in the Draft Annual Budget 2011/2012.

**COMMENTS:**

It is recommended that the fees and charges contained in the attached schedule be adopted for the 2011/2012 Budget so that the Council can apply from 1 July 2011 (or subsequent dates where nominated).

**9.4.2 Adoption of the Town of Vincent Plan for the Future (Strategic Community Plan 2011 – 2021) and Strategic Plan (Corporate Business Plan) 2011 – 2016**

<b>Ward:</b>	Both Wards	<b>Date:</b>	3 June 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0116
<b>Attachments:</b>	<a href="#">001</a> – Strategic Community Plan and Strategic Plan 2011-2016		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *CONSIDERS the one (1) submission received concerning the Town of Vincent Plan for the Future (Strategic Community Plan 2011 – 2021) and Strategic Plan (Corporate Business Plan) 2011 – 2016;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the amended Town of Vincent Plan for the Future (Strategic Community Plan 2011 – 2021) and Strategic Plan (Corporate Business Plan) 2011 – 2016 as shown in Appendix 9.4.2; and*
- (iii) *NOTES that the Plans will be reviewed prior to 1 July 2013, in order to comply with the new requirements of the Local Government Act.*

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Buckels, Seconded Cr McGrath**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

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

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**PURPOSE OF REPORT:**

The purpose of the report is to consider the one (1) submission received concerning the Town of Vincent Plan for the Future (Strategic Community Plan 2011 – 2021) and Strategic Plan (Corporate Business Plan) 2011 – 2016 and to adopt the amended Plans.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 22 March 2011 considered a report relating to the adoption of the Town of Vincent Plan for the Future (Strategic Community Plan 2011 - 2021) and Strategic Plan (Corporate Business Plan) 2011 – 2016.

The Town of Vincent Plan for the Future (Strategic Community Plan 2011 – 2021) and Strategic Plan (Corporate Business Plan) 2011 – 2016 was advertised on Tuesday 5 April 2011 and closed on Friday 20 May 2011. As at the closing date, only one (1) submission was received, that being from the Cleaver Precinct Action Group.

## Summary of Submission

The Cleaver Precinct Action Group (CPAG) advised of the following:

### Page 4 Underground Power

CPAG has asked Council for several years if this area, including council officers, could be considered. We consider that the Town needs to move forward. Another 20 years of ageing power poles and lines throughout the streets is not conducive with a modern town.

#### Chief Executive Officer's Comments:

*The State Government, through the Office of Energy (OoE), has a long-term goal to ensure that 50% of the houses in the Perth Metropolitan area are supplied by underground power by 2010. Since the State Underground Program commenced (in 1996) some 60 Major Residential Projects (MRP), including the Town's Highgate East Project, have been completed, providing underground power to over 70,000 properties throughout the metropolitan area. The State Underground Power Program (SUPP) is funded 50% by local government (through ratepayers who directly benefit), 25% by the State Government and 25% by Western Power.*

*The Town's Highgate East SUPP Project was a Round Three (3) SUPP awarded in 2003, and commenced in mid 2007 and was completed in August 2008. The project cost in the order of \$7.0m with underground power connected to over 800 properties.*

*In late November 2005, the Town submitted an Expression of Interest to participate in Round four (4) of the SUPP - MRP. The Town submitted ten (10) Expressions of Interest after having divided the Town into ten (10) project areas of approximately 1,000 to 1,200 lots in accordance with the Council's previous decisions. On 8 March 2006, the Town was formally advised that none of the submitted projects would be included in the round four (4) SUPP.*

*At its Ordinary Meeting held on 22 June 2010 the Council received a report on the Town's unsuccessful Expression of Interest submitted to the Office of Energy to participate in Round Five (5) of the State Underground Power Program – Major Residential Projects.*

*The State Power network is owned and operated by Western Power and not Local Government it is therefore a state owned asset. There is opportunity for Local Government to part fund the undergrounding of the overhead power network however this opportunity is by invitation only and whether the local government is successful, or not, is determined by the state (Office of Energy). – The Town will continue to submit Expressions of Interest to the Office of Energy.*

### Page 4 Asset Management

Maintaining a unique heritage in the Town will be difficult when so many dwellings are demolished and replaced by units. Gardens and trees disappear and streetscapes lose their feeling of community. Maintaining the uniqueness of the Town will require a clear vision from Council and a willingness to perhaps put new and stronger regulations in place.

#### Chief Executive Officer's Comments:

*As an established inner city local government, it is inevitable that further pressure will be placed on the Town to balance its unique heritage with increasing pressure of higher density residential development. The Town's Local Planning Strategy, which was informed in part, by Vincent Vision 2024, provides the strategic direction and suggested mechanisms to achieve this, through Town Planning Scheme Provisions, Planning Policies and associated initiatives.*

## Page 6 Strategic Objectives Next 5 Years

“ *Take action to improve parking and transport and mitigate effects of traffic*’. CPAG welcomes this move as parking in the precinct has already reached near maximum capacity, and the 40kph speed limit is constantly flouted.

We heartily endorse community events and their promotion. Council already does an excellent job utilising parks, streets etc for public events.

We would advise that the Heritage Group has not met for over a year. What is the future for advisory groups?”

### Chief Executive Officer's Comments:

#### Traffic

*The enforcement of Speed in streets is currently the responsibility of the WA Police. The Town can implement traffic calming and has done so in the Clever Precinct and the legal speed has been reduced to 40kph. Given that Cleaver Street/Carr Street is on a bus route the opportunity for traffic calming was limited however never the less measures were implemented to change the speed environment and subsequently Main Roads WA approved the implementation of the existing 40 kph zone.*

#### Car Parking

*The Town is currently progressing the implementation of stage 1 of the Car Parking Strategy and the Precinct Parking Management Plans, which will provide a framework for a more co-ordinated approach to be taken for parking. Stage 1 relates to the introduction of paid parking and the associated adjacent parking time restrictions, to the 4 major centres within the Town.*

#### Community Events

*The CPAG positive comments are noted and are appreciated.*

#### Advisory Groups

*Advisory Groups require a resolution of Council, with respect to membership and period of operation. A Terms of Reference for each Advisory Group is prepared and endorsed by Council to guide the purpose and administration of each Group. The Town's Advisory Groups tend to vary in their level of activity, depending on their need and resources from the Town's Administration. With respect to the Heritage Advisory Group, as the Town has a dedicated Heritage Strategic Plan 2007 – 2012 which provides the framework for heritage management at the Town, there has been limited need for input from the Heritage Advisory Group in recent years.*

#### Review of Advisory Group

*The Chief Executive Officer has commenced a review of the Town's current Advisory Groups and their Terms of Reference. A report is included in the Agenda for the Ordinary Meeting of Council 14 June 2011 (Item 9.4.5).*

**Recommended Changes**

In order to ensure a timely approach to the implementation of the various projects, a number of minor changes are recommended. Changes are shown by strike-through and underline. Several Key Result Areas (KRA) need to be reworded and one to be deleted, as follows:

1.1.4 – Enhance and maintain the Town’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.

(g)	<u>Finalise the lease of the Stadium to the State Government. Ensure the redevelopment of nib Stadium is carried out in partnership with the State Government and stakeholders.</u>	2011- <del>2016</del>	In-house/ External consultant/ Govt funding	CEO
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Chief Executive Officer’s Comment:

*As the Council is aware, negotiations are almost finalised with the proposed lease of the Stadium to the State Government. It is envisaged that the draft lease will be reported to the Council for consideration and determination in mid 2011. The State will be responsible for the redevelopment in liaison with the stakeholders and the Town will only have an advisory role in the preparation of the redevelopment. The Town will have a major role in the approval of the future redevelopment. Accordingly, it is appropriate to reword this KRA to reflect the current situation.*

(h)	<del>Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State facility.</del>	2011-2012	In-house External Funding TBA	GEO
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Chief Executive Officer’s Comment:

*Football West wrote to the Town in April 2011 to advise that they no longer wish to pursue Litis Stadium as an option for their State facility. Accordingly, this KRA should be deleted.*

(ij)	Review the Town’s Right of Way Strategy and Management Plan.	<del>2011-2016</del> 2013-2014	Operating Budget	DTS MADS
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Chief Executive Officer’s Comment:

*A review of the Right of Way Strategy and Management Plan should be carried out in 2013-2014 instead of 2011-2016. Accordingly it is appropriate to revise the indicative timeline.*

1.1.5 – Take action to improve transport and parking in the Town and mitigate the effects of traffic.

(f)	In partnership with the State Government and stakeholders, investigate options for a light rail system in the Town, or alternative similarly dedicated service, to increase ‘cross town’ public transport.	2011- <del>2014</del> <del>2013</del>	In-house External Funding TBA	DTS MADS CSP
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Chief Executive Officer’s Comment:

*A review of this KRA should be carried out in 2011-2014 instead of 2011-2013, as it will allow for current discussions with the State Government to be further progressed and finalised. Accordingly it is appropriate to revise the indicative timeline.*

2.1.4 – Finalise and implement the West Perth Regeneration Project.

(b) Finalise and implement the West Perth Regeneration Project, in accordance with the Council's adopted timeframe.	<del>2011-2016</del> 2013-2016	Operating Budget/ In-house/ External consultant/ Private partnership grants Funding TBA	DDS
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Chief Executive Officer's Comment:

*At the Ordinary Meeting of Council held on 22 March 2011 (Item 9.1.3) the Council resolved to hold this project in abeyance. Accordingly, it is appropriate to reword the KRA and change the indicative timeframe to reflect the Council decision.*

3.1.1 – Celebrate, acknowledge and promote the Town's cultural and social diversity.

(d) Develop and implement a Multicultural Plan.	<del>2011-2016</del> 2012-2016	Operating Budget	MCD MBPLC
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2012 instead of 2011-2016, as preparation of a plan can be reasonably accommodated within the Community Development Section's workload within the next 12 months. Accordingly it is appropriate to revise the indicative timeline.*

(e) Investigate and develop a "Volunteers Plan" to promote volunteers in the Town.	<del>2011-2016</del> 2012-2016	In-house	MCD
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2012 instead of 2011-2016, as it can be reasonably accommodated within the Community Development Section's workload. Accordingly it is appropriate to revise the indicative timeline.*

3.1.2 – Promote and foster community safety and security.

(c) Review and update the Town's Emergency Management Plan.	<del>2011-2016</del> 2014-2016	Operating Budget/ Grant/ FESA Funding TBA	MRCSS
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2014 instead of 2011-2016, as it can be reasonably accommodated within the Ranger and Community Safety Services Section's workload. Accordingly it is appropriate to revise the indicative timeline.*

*The Emergency Management Arrangements deal with 8 local governments – Vincent, Cambridge, Subiaco, Nedlands, Claremont Cottesloe, Mosman Park and Peppermint Grove. As a result the review needs to be undertaken by a small sub-committee and will then need to be approved by representative staff from the 8 local governments, before being reported to their respective Councils, for adoption. A more appropriate timeframe is 2011-2014.*

*However, the Safer Vincent Crime Prevention Partnership, Community Safety Plan should be finalised and reported to the Council in late 2011, or early 2012.*

3.1.3 – Promote health and wellbeing in the community.

(b)	Review and update the Seniors Strategy.	2011- <del>2012</del> 2016	Operating Budget	MCD
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2012 instead of 2011-2016, as it can be reasonably accommodated within the Community Development Section's workload. Accordingly it is appropriate to revise the indicative timeline.*

4.1.2 – Promote health and wellbeing in the community.

(d)	Finalise and adopt a Business Continuity Plan for the Organisation.	2011- <del>2012</del>	In-house/ External consultant	CEO
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2012 instead of 2011, as it is currently being reviewed as part of the Town's overall Risk Management Strategy and is anticipated to be completed by mid 2012. Accordingly it is appropriate to revise the indicative timeline to be more precise.*

4.1.3 – Provide Excellence in Customer Service.

(a)	Review the Town's Customer Service Charter to ensure excellent customer service is provided.	2011- <del>2012</del>	In-house	CEO MHR
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2012 instead of 2011, as it can be reasonably accommodated within the Customer Service Centre's workload. Accordingly it is appropriate to revise the indicative timeline.*

4.1.4 – Plan effectively for the future.

(a)	Review and update the Town's Long-Term Financial Plan to ensure the long-term financial sustainability of the Town.	2011- <del>2012</del>	In-house/ External consultant	CEO EMT
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2011-2012 instead of 2011, as more precise information will become available during the 2011/2012 financial year. Accordingly it is appropriate to revise the indicative timeline.*

(b)	Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment.	<del>2012-2013</del> 2014	In-house	CEO EMT
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2012-2013 instead of 2011, as more precise information will become available from the Tamala Park Regional Council, as the project is implemented. Accordingly it is appropriate to revise the indicative timeline.*

4.2.1 – Promote employee performance, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace.

(c)	<u>Review and continue to</u> implement the Town's Occupational Safety and Health Plan.	<u>2012-2013</u> <del>2011-2016</del>	In-house	MHR CEO
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2012-2013 instead of 2011-2016, as it can be reasonably accommodated within the Chief Executive Officer Directorate's workload. Accordingly it is appropriate to revise the indicative timeline. Revised wording is also appropriate as it makes the KRA more precise.*

(d)	<del>Update</del> <u>Review</u> and continue to implement the Town's Equal Employment Plan.	<u>2012-2013</u> <del>2011-2016</del>	In-house	MHR CEO
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2012-2013 instead of 2011-2016, as it can be reasonably accommodated within the Chief Executive Officer Directorate's workload. Accordingly it is appropriate to revise the indicative timeline. Revised wording is also appropriate as it makes the KRA more precise.*

4.3.1 – Enhance knowledge management and promote technology opportunities to improve the Town's business communications, security and sustainability.

(a)	Prepare an E-commerce Strategy which identifies opportunities to increase the use of online services for the Community and enhance customer service.	<u>2012-2013</u> <del>2011-2016</del>	In-house	MIT DCS
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Chief Executive Officer's Comment:

*A review of this KRA should be carried out in 2012-2013 instead of 2011-2016, as it can be reasonably accommodated within the Information Technology Section's workload. Accordingly it is appropriate to revise the indicative timeline.*

(b)	<del>Develop</del> <u>Promote</u> the Town's website and maintain it to enhance and <del>promote</del> <u>improve</u> online access and functionality for the community.	2011	In-house/ External	DCS MIT CO
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Chief Executive Officer's Comment:

*Revised wording for this KRA is appropriate to reflect ongoing development of the Town's new website. The new website was implemented on 1 June 2011.*

(c)	Upgrade the Town's Electronic Document Management System.	2012-2013	<u>In-house/ External consultant</u>	MIT DCS
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Chief Executive Officer's Comment:

*The words "In-house/External consultant" have been inserted as this was previously omitted in error.*

### **CONSULTATION/ADVERTISING:**

The Local Government Act requires the Plan for the Future to be the subject of consultation with the electors and ratepayers.

**However, it should be noted that the Town will be required to repeat this process prior to 1 July 2013.**

### **Indicative Consultation Process**

The Council previously approved of following consultation process:

That;

1. the draft Town of Vincent Strategic Plan 2011-2016, as shown in Appendix 9.4.2, be used as a basis of the draft document;
2. the Chief Executive Officer, Directors and Town Managers/key Officers further review the draft document from October 2010 – January 2011;
3. Council Members provide feedback/comments on the draft document by 1 December 2010.
4. a Workshop/Forum with Council Members and Town Senior Officers be conducted in late January/early February 2011 to further consider and refine the draft document;
5. a report to Council in February/March 2011 to Adopt in principle the Draft Plan for the Future 2011-2016;
6. the draft document be advertised for a minimum period of six (6) weeks in March/April 2011;
7. the Council considers submissions and adopts the Plan for the Future in May 2011; and
8. the draft document be placed on the Town's website and copies be provided at the Administration Centre and in the Town's Library and Local History Centre.

### **LEGAL/POLICY:**

It is a legal requirement for each local government to have a Plan for the Future.

The Council has previously resolved that the Plan for the Future will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents as outlined in this report. No change to this is recommended (other than updating – where required).

The Local Government Act and regulations do not prescribe the format for the required Plan for the Future. The Town's Plan for the Future will continue to be a combination of various plans, such as Strategic Plan, long term financial plans etc.

1. The Local Government Act (section 5.56) states as follows:

*“Local Government Act 1995*

*5.56 Planning for the future*

*(1) A local government is to plan for the future of the district.*

- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

*The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:*

- A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.”*

It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Plan must cover a minimum period of at least two years.

Consultation is required with electors, ratepayers and residents. In this regard, the draft document will be advertised for community consultation and will be provided to all Community/Precinct Groups. Submissions and feedback from the community is to be considered and where appropriate, included into the Plan.

### **Proposed Legislation**

The Department of Local Government has advised that the proposed regulations under s.5.56(2) of the *Local Government Act (1995)* are to be gazetted in July 2011. The minister recently wrote to the Town, as follows:

*“Plan for the Future – Regulatory Changes*

*I am writing to update you on the implementation of the new Integrated Planning and reporting Framework for local governments in Western Australia. I regard this as a significant initiative which will strengthen the capacity of local governments to plan strategically for their communities.*

*In order to implement this initiative, I am proposing to amend regulations 19C and 19D of the Local Government (Administration) Regulations 1996, which define the requirement for local governments to develop a plan for the future. The new regulations will require local governments to develop and adopt a Strategic Community Plan and a Corporate Business Plan. A July 2011 gazettal date is anticipated, after which the Department will issue an explanatory circular.*

*Local governments will be expected to be fully compliant with the new regulations by 1 July 2013 and to take the contents of the new Plans into account when preparing their annual budgets for the 2013/2014 financial year. This means that the sector has approximately two years to prepare for full implementation of the new planning framework.*

*The Strategic Community Plan, as you would be aware, is a principal planning document, in which Council (with community input) will establish aspirations and priorities for the local government. The Corporate Business Plan, on the other hand, is an operational and financial planning instrument that will demonstrate the local government’s capacity to deliver and/or achieve Council priorities from the key focus areas and objectives that were identified in the Strategic Community Plan.*

*The current requirement for two-year reviews of existing Plans for the Future will be removed, whilst transitional arrangements in the regulations will give local governments the option to develop and adopt the new Plans prior to 30 June 2013, should they wish to do so. A timeline to assist you in this regard is attached.*

*The regulations will detail, in broad terms, the requirements of the two Plans, their relationship to one another, the time period they will cover, and arrangements for consultation, review and adoption.”*

#### **RISK MANAGEMENT IMPLICATIONS:**

**High:** Failure to comply with legislative requirements will be a breach of the Local Government Act 1995.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with Key result Area 4.1 – *“Provide good strategic decision making, governance, leadership and professional management”*.

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

<b>Period</b>	<b>Report to Council</b>
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

#### **SUSTAINABILITY IMPLICATIONS:**

The Council’s Plan for the Future is probably one of the most important documents for the Town. It details the future direction of the Town of Vincent and details how and when matters will be carried.

The new Plan will include Key Focus Areas that support sustainability including:

- Preservation of the Natural and Built Environment;
- Sustainable Urban Development;
- Economic Development and Prosperity;
- Community Development and Wellbeing;
- Good Leadership, Governance and Management;
- Financial Sustainability; and
- Long Term Planning.

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

An amount of \$10,000 is contained in the Budget 2011-2012 for the Review of the Plan for the Future. (Note: The report to the Ordinary Meeting of Council held on 22 March 2011 referred to an amount of \$20,000. This amount has been reviewed and reduced to \$10,000 – which is considered more appropriate and adequate).

**COMMENTS:**

The Town's Plan for the Future and Strategic Plan are considered to be of a high standard and meet the current and proposed legislative requirements. The Town's current "*Plan for the Future*" will be renamed "*Strategic Community Plan*" and the Town's "*Strategic Plan*" will be renamed "*Corporate Business Plan*". This will meet the new statutory requirements.

The Town of Vincent has a key leadership role to play in contributing to a high quality of life for the community through the provision of infrastructure, facilities, services and opportunities to be involved in the identification of local priorities.

The Council's Plan will provide the direction for the Elected Council and the Town's administration for the future. It will also provide information to the electors and ratepayers on the broad direction the Town will be taking in the future.

As required by the proposed new regulations, a review of the Plan will be carried out in 2012, to ensure compliance by 1 July 2013.

The Chief Executive Officer therefore recommends the Council approve of the Officer Recommendation.

### **9.4.3 Approval of Works Relating to Perimeter Fencing at nib Stadium**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082/RES0092
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY of the purchase, improvements and installation of additional perimeter fencing at nib Stadium, at an estimated cost of \$2,200 and for the works to be funded from the Perth Oval Reserve Fund.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Burns was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to approve of improvements and upgrade works needed to be undertaken to the perimeter fencing at nib Stadium.

**BACKGROUND:**

**Request for Upgrade Works**

At the Stadium Committee Meeting held on 21 April 2011, Allia advised that there had been an increase in unauthorised entries at the Stadium, resulting in theft and damage of property. These losses are covered by Allia's insurance.

The WA Police investigating the thefts have recommended the following:

1. upgrade of the perimeter fencing to ensure that security wire is installed in all parts;
2. upgrade of the fencing to increase the height in several places; and
3. installation of monitored security in several buildings.

The upgrade of the fencing is the responsibility of the Town. Accordingly, three quotations have been obtained and the lowest and most suitable is \$2,200. The quotation has been revised to provide approximately 142 metres of fence height extension and barbed along the Pier Street frontage and extra height fencing and barbwire behind the toilet blocks on the Brewer Street frontage.

The provision of an alarm is the responsibility of Rugby WA - as this is prescribed in the Works Agreement between the Town and Rugby WA.

It is considered that the above works will improve security and minimise risk and reduce the Town's public liability risk.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

At this matter arose after the adoption of the 2010/11 Budget, an Absolute Majority decision of the Council is required to approve the expenditure.

**RISK MANAGEMENT IMPLICATIONS:**

Upgrade Works

**Medium:** Failure to carry out upgrade works could expose the Town to potential legal liability, in the event that further break-ins occur and a claim is lodged.

**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:**

As at 30 April 2011, the Perth Oval Reserve Fund contained an amount of \$273,182.

**COMMENTS:**

The upgrade of the perimeter fencing is considered necessary as it will minimise the risk of further break-ins and theft/damage to property. Accordingly, the Council's approval is requested.

**9.4.5 Advisory Groups - Adoption of Amended Advisory Groups and Terms of Reference and Formation of New Advisory Groups**

<b>Ward:</b>	Both	<b>Date:</b>	3 June 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0100
<b>Attachments:</b>	<a href="#">001</a> - Terms of Reference for each Advisory Group and Meeting Procedures		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to:**
- (a) *adopt the amended Title Changes, Terms of References and Composition of the Town's existing Advisory Groups;*
  - (b) *adopt the formation of the following new Advisory Groups;*
    - *Business Liaison and Economic Development;*
    - *Healthy Vincent, Sport and Recreation; and*
    - *School Principals Liaison;*
  - (c) *combine the "Heritage Advisory Group" with the "Local History Advisory Group" and the new title be the "Local History and Heritage Advisory Group"; and*  
*as shown in Appendix 9.4.5A; and*
  - (d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B;*
- (ii) **AUTHORISES** the Chief Executive Officer to advertise for Community and Business Representatives (as applicable) for appointment to the Town's Advisory Groups, until 20 October 2013, as follows:
- (a) *Aboriginal Liaison and Reconciliation;*
  - (b) *Business Liaison and Economic Development; and*
  - (c) *Healthy Vincent, Sport and Recreation; and*
- (iii) **NOTES** that a further report will be submitted to the Council to appoint Council Members and Community and Business Representatives, at the conclusion of the advertising period.

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**Moved Cr Farrell, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Harvey**

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

*“(iv) REQUESTS that the Terms of Reference be reviewed by each of the Advisory Groups with the intention of reporting back to Council prior to October 2011.”*

Debate ensued.

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

(Cr Burns was an apology for the meeting.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.4.5**

*That the Council;*

(i) **APPROVES BY AN ABSOLUTE MAJORITY to:**

(a) *adopt the amended Title Changes, Terms of References and Composition of the Town’s existing Advisory Groups;*

(b) *adopt the formation of the following new Advisory Groups;*

- *Business Liaison and Economic Development;*
- *Healthy Vincent, Sport and Recreation; and*
- *School Principals Liaison;*

(c) *combine the “Heritage Advisory Group” with the “Local History Advisory Group” and the new title be the “Local History and Heritage Advisory Group”; and*

*as shown in Appendix 9.4.5A; and*

(d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B;*

(ii) **AUTHORISES the Chief Executive Officer to advertise for Community and Business Representatives (as applicable) for appointment to the Town’s Advisory Groups, until 20 October 2013, as follows:**

(a) *Aboriginal Liaison and Reconciliation;*

(b) *Business Liaison and Economic Development; and*

(c) *Healthy Vincent, Sport and Recreation;*

(iii) **NOTES that a further report will be submitted to the Council to appoint Council Members and Community and Business Representatives, at the conclusion of the advertising period; and**

(iv) **REQUESTS that the Terms of Reference be reviewed by each of the Advisory Groups with the intention of reporting back to Council prior to October 2011.**

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### **PURPOSE OF REPORT:**

The purpose of this report is to approve of amended Titles, Terms of Reference, Composition and Meeting Procedures and the formation of new Advisory Groups in the Town of Vincent.

### **BACKGROUND:**

At the Ordinary Meeting of Council held on 8 February 2011, the Council considered this matter and resolved (in part), as follows;

*“(iv) AUTHORISES the Chief Executive Officer to review all of the Town’s Advisory Groups and their Terms of Reference during 2011, and provide a report to the Council, prior to September 2011.”*

### **DETAILS:**

The Council's Advisory Groups have been in place since the inception of the Town and have not been comprehensively reviewed for a number of years. It is therefore appropriate for a review to be conducted. The review:

1. examined existing Advisory Groups and their Terms of Reference;
2. considered and recommended the formation of new Advisory Groups; and
3. considered and recommended changes to the titles, composition and Terms of Reference of existing Advisory Groups.

### **Proposed New Advisory Groups**

#### **1. Business Liaison and Economic Development Advisory Group**

This Advisory Group will play a significant role in encouraging and promoting business liaison, economic development and tourism in the Town.

As the Council is aware, the Town does not have a Business Organisation representing the whole Town and whilst there have been several attempts over the years to commence local Business Groups, these have in the main, been unsuccessful. The Town's adopted Economic Development Strategy will provide the impetus to have input from the Town's business proprietors. It is recommended that preferable one (1) business representative from each of the Town's Town Centres be invited. If insufficient representation is received, the Council can appoint more persons from the one Town Centre.

#### **2. Healthy Vincent, Sport and Recreation Advisory Group**

This Advisory Group will play a role in encouraging and promoting a healthier lifestyle, active and passive sport and recreation in the Town.

It is acknowledged that lifestyle health issues (e.g. obesity, heart disease, cancer, smoking, alcohol and drug abuse, etc) are the scourge of the 21st Century. This advisory Group will play an important role in obtaining input from the community. Also, sport and recreation (active and passive) is an important aspect of our residents' lifestyle. The Town will be required to prepare a Health Plan for the Town, once the new Public Health Act is promulgated (expected within two years). Therefore, an opportunity exists to maximise community input.

3. School Principals' Liaison Advisory Group

This Advisory Group will play a role in encouraging and promoting liaison and fostering closer relationships between public and private School Principals and the Town.

The Town's Administration has considerable interaction with schools within the Town, however, to date this has been on an ad-hoc basis, depending primarily on the issues being considered at the time (e.g. traffic, contribution to upgrade, annual fairs).

By creating an Advisory Group, it will allow for improved communication. It is envisaged that this Advisory Group will meet 3-4 times per year - perhaps with a breakfast meeting.

**Review of the Town's Advisory Groups**

The following is a list of the current Advisory Groups, together with recommended changes:

<b>Current Advisory Group Title</b>	<b>New Title</b>	<b>Comments</b>
Aboriginal Liaison Occasional Advisory Group - <i>Adopted 19 January 1998</i>	Aboriginal Liaison and Reconciliation Advisory Group	Now includes consultation and reconciliation matters.
Art Advisory Group - <i>Adopted 25 September 1995</i>	Arts and Culture Advisory Group	Expanded to include arts and culture, events and associated projects.
Heritage Advisory Group - <i>Adopted 13 May 1996</i>	-	To be incorporated into the Local History Advisory Group.
Local Area Traffic Management Advisory Group - <i>Adopted 9 February 1998</i>	Integrated Transport, Traffic and Road Safety Advisory Group	Expanded to include integrated transport, road safety and on-road parking restriction matters.
Local History Advisory Group - <i>Adopted 8 February 2011</i>	Local History and Heritage Advisory Group	To incorporate the Heritage Advisory Group Terms of Reference.
Safer Vincent Crime Prevention Partnership - <i>Adopted 27 July 2004</i>	-	Minor changes to wording.
Seniors Advisory Group - <i>Adopted 12 March 2002</i>	-	Minor changes to wording.
Sustainability Advisory Group - <i>Adopted 24 June 2003</i>	-	Now includes the natural and built environment. Sustainable transport has been moved to the Integrated Transport, Traffic and Road Safety Advisory Group.  Economic development matters have been moved to the Business Liaison and Economic Development Advisory Group.
Garden Awards Advisory Group - <i>Adopted 14 August 1995</i>	-	Minor changes to wording.

Current Advisory Group Title	New Title	Comments
Universal Access Advisory Group <i>- Adopted 12 June 1995</i>	-	Minor changes to wording.
Youth Advisory Council	-	Aims, objectives and composition remain unchanged.  In essence this is an Advisory Group - hence it has now been included into the list.

### Heritage Advisory Group

The Heritage Advisory Group was first created in May 1996, largely to review the Town's Municipal Heritage Inventory(MHI). With the MHI now completed and the action within the Heritage Strategic Plan 2007 – 2012 being implemented, there has not been any real 'need' to seek advice from the Heritage Advisory Group members. Accordingly, this Advisory Group has not met for over a year.

The Local History Group members have a strong interest in history of the Town and it is considered that this knowledge can be channelled to add value to the Town's heritage projects.

It is therefore recommended that the Heritage Advisory Group be disbanded and the subject of heritage be incorporated into the new "Local History and Heritage Advisory Group".

### Meeting Procedures and Requirements

The Meeting Procedures and Requirements have been made more prescriptive, including;

- Defining the role of the Presiding Member;
- Minutes - to be prepared and distributed to members within five (5) working days of the meeting;
- Unconfirmed Minutes to be included in the Information Bulletin of the Agenda for the next Ordinary Meeting of Council;
- Administrative support to be defined;
- Insurances - to be included so that members are covered;
- Tenure and appointment to be more precise, particularly if a member fails to attend three (3) consecutive meetings; and
- Filling of vacancies - procedure is now prescribed.

### CONSULTATION/ADVERTISING:

The positions of Community Representatives will be advertised for a period of 14 days.

### LEGAL/POLICY:

Advisory Groups do not have any legal status under the Local Government Act 1995. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Advisory Groups play an advisory role, however, do not have any legal status under the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - *Manage the organisation in a responsible, efficient and accountable manner*" and "4.1.2 *Review the Advisory Groups*".

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable. All meeting costs are covered by the Town's Operating Budget.

**COMMENTS:**

The Town's Advisory Groups fulfil an important role by providing advice to the Council on a wide range of topics. By including community representatives, a "community perspective" is added to the decision-making process.

The Chief Executive Officer recommends that the Council approve of the Officer Recommendation.

The Chief Executive Officer advised the Presiding Member, Mayor Nick Catania that there were still members of the public in the Public Gallery waiting on Item 9.1.10 to be debated and the Chief Executive Officer suggested that Item 9.1.10 be brought forward.

The Presiding Member, Mayor Nick Catania agreed.

**9.1.10 No. 7/117 (Lot 61; STR: 32978) Brisbane Street, Perth - Change of Use from Commercial to Consulting Rooms (Additional One Room for Thai Massage) – State Administrative Tribunal (SAT) Review Matter No. DR 122 of 2011**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO5114; 5.2011.41.1
<b>Attachments:</b>	001 – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Harman, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 7/117 (Lot 61; STR: 32978) Brisbane Street, Perth - Change of Use from Commercial to Consulting Rooms (Additional One Room for Thai Massage) - State Administrative Tribunal (SAT) Review Matter No. DR 122 of 2011; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 122 of 2011, the application submitted by R Khamsawat on behalf of the owner Indo-Raya Holding Pty Ltd for Change of Use from Commercial to Consulting Rooms (Additional One Room for Thai Massage) at No. 7/117 (Lot 61; STR: 32978) Brisbane Street, Perth, and as shown on plans stamp-dated 1 June 2011, subject to the following conditions:*
  - (a) *the proposed Consulting Rooms (Thai Massage):*
    - (1) *shall be limited to a maximum of two (2) consulting rooms operating at any one time. Any increase in the number of consulting rooms shall require Planning Approval to be applied to and obtained from the Town;*
    - (2) *the hours of operation shall be limited to the following times:*
      - (A) *8:00am to 7:00pm Monday to Friday;*
      - (B) *8:00am to 5:00pm Saturday; and*
      - (C) *10:00am to 4:00pm Sundays and Public Holidays; and*
    - (3) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
  - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;*

- (c) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approval obtained from the Town prior to the erection of the signage;*
- (d) *doors, windows and adjacent floor areas of the office fronting Brisbane Street shall maintain an active and interactive relationship with this street;*
- (e) **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:**
- (1) *pay a cash-in-lieu contribution of \$6,900 for the equivalent value of 2.30 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town’s 2010/2011 Budget; OR*
- (2) *lodge an appropriate assurance bond/bank guarantee of a value of \$6,900 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (A) *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*
- (B) *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*
- (C) *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; and*
- (f) *only those bays allocated to Unit 7 shall be used by staff and customers of the subject site.*

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**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Maier, Seconded Cr Buckels**

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

*“(ii)(g) the car parking space shall be used only by employees, tenants and visitors directly associated with the business.”*

Debate ensued.

Cr Lake queried whether inserting a new clause (ii)(g) would negate clause (ii)(f).

The Director Development Service advised that this was correct and that the existing clause (ii)(f) should be deleted and replaced with the proposed new clause.

The Mover, Cr Maier advised that he wished to change his amendment as per the advice given by the Director Development Services. The Seconder, Cr Buckels agreed.

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

(Cr Burns was an apology for the meeting.)

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

(Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.10**

*That the Council;*

- (i) *RECEIVES the report relating to No. 7/117 (Lot 61; STR: 32978) Brisbane Street, Perth - Change of Use from Commercial to Consulting Rooms (Additional One Room for Thai Massage) - State Administrative Tribunal (SAT) Review Matter No. DR 122 of 2011; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 122 of 2011, the application submitted by R Khamsawat on behalf of the owner Indo-Raya Holding Pty Ltd for Change of Use from Commercial to Consulting Rooms (Additional One Room for Thai Massage) at No. 7/117 (Lot 61; STR: 32978) Brisbane Street, Perth, and as shown on plans stamp-dated 1 June 2011, subject to the following conditions:*
  - (a) *the proposed Consulting Rooms (Thai Massage):*
    - (1) *shall be limited to a maximum of two (2) consulting rooms operating at any one time. Any increase in the number of consulting rooms shall require Planning Approval to be applied to and obtained from the Town;*
    - (2) *the hours of operation shall be limited to the following times:*
      - (A) *8:00am to 7:00pm Monday to Friday;*
      - (B) *8:00am to 5:00pm Saturday; and*
      - (C) *10:00am to 4:00pm Sundays and Public Holidays; and*
    - (3) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
  - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;*

- (c) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approval obtained from the Town prior to the erection of the signage;*
- (d) *doors, windows and adjacent floor areas of the office fronting Brisbane Street shall maintain an active and interactive relationship with this street;*
- (e) **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:**
- (1) *pay a cash-in-lieu contribution of \$6,900 for the equivalent value of 2.30 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (2) *lodge an appropriate assurance bond/bank guarantee of a value of \$6,900 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (A) *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*
- (B) *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*
- (C) *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; and*
- (f) *the car parking space shall be used only by employees, tenants and visitors directly associated with the business.*

<b>Landowner:</b>	Indo-Raya Holdings Pty Ltd
<b>Applicant:</b>	R Khamsawat
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Consulting Rooms
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	6041 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

To comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).

Section 31 of the State Administrative Tribunal Act 2004 states as follows:

*"31. Tribunal may invite decision-maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
  - (a) affirm the decision;*
  - (b) vary the decision; or*
  - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision."*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the revised application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.

**BACKGROUND:**

24 August 2010 A Planning Application for Change of Use from Office to Consulting Rooms (Thai Massage) was presented to the Council with the Officer Recommendation being for refusal 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 close proximity of the use to Residential Uses;*
- (iii) shortfall in parking proposed; and*
- (iv) consideration of objections received."*

The matter was deferred at the request of the applicant.

24 August 2010 to 14 September 2010 The applicant, through negotiations with the Town's Officers, submitted a revised proposal which included a reduction in the number of consulting rooms proposed from three to one, to alleviate the shortfall in car parking.

14 September 2010 The Council, at an Ordinary Meeting, approved an amended application for Change of Use from Office to Consulting Room (Thai Massage) and Associated Alterations and Additions, subject to the following conditions:

- "(i) The proposed Unlisted Use (Thai Massage):*
  - (a) is valid for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*

- (b) *any change of use from Unlisted Use (Thai Massage) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (c) *shall be limited to a maximum of one (1) consulting room and one (1) consultant operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
- (d) *the hours of operation shall be limited to the following times: 9.00am to 6:00pm Monday to Friday; and*
- (e) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;*
- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approval obtained from the Town prior to the erection of the signage;*
- (iv) *doors, windows and adjacent floor areas of the office fronting Brisbane Street shall maintain an active and interactive relationship with this street; and*
- (v) *PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:*
  - (a) *Bicycle Parking Facilities*

*A minimum of 1 (One) Class one or two bicycle parking facilities and 1 (One) Class 3 bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.”*

6 February 2011

The applicant submitted a Planning Application for Change of Use from Commercial to Consulting Rooms (Additional Two Rooms for Thai Massage), which incorporated an increase in the number of consulting rooms from one, as approved, to three, as originally proposed, as well as an increase in opening hours to 9.00am to 9.00pm weekdays and 9.00am to 5.00pm Saturdays.

- 15 March 2011      The Town, under delegated authority, refused the application for Change of Use from Commercial to Consulting Rooms (Additional Two Rooms for Thai Massage) 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 close proximity of the use to Residential Uses;*
  - (iii)   *shortfall in parking proposed; and*
  - (iv)    *consideration of objections received.”*
- 12 April 2011      The applicant appealed the Town’s decision to the State Administrative Tribunal, and a Directions Hearing was held on 4 May 2011.
- 27 May 2011        Mediation was held on-site by the SAT and attended by the Town’s Officers, a SAT member, the applicant and her representative as well as an objector to the most recent proposal, who resides in the apartment directly above the subject site. At the mediation, the objector discussed his issues with the applicant, which largely related to objects being left outside the rear of the subject site, which is directly adjacent to the entry door for the apartment above. The two parties were able to come to an agreement and the objector motioned to retract his objection. However, the issues surrounding the Town’s refusal were not resolved as the applicant failed to propose any modifications to the proposal.
- 1 June 2011        Further mediation was held at the SAT and attended by the applicant and her representative, Planning Officer, Coordinator Statutory Planning and Manager Planning, Building and Heritage Services. At the mediation, the applicant resolved to reduce the number of consulting rooms from three to two, to minimise the shortfall in car parking and accept a reduction in opening hours to reduce the impact on nearby residents.
- The SAT then ordered that the Town reconsider its decision on or before 14 June 2011 pursuant to s31 (1) of the *State Administrative Tribunal Act 2004* (WA).

**DETAILS:**

The proposal involves the modification of the original approval to include two consulting rooms for Thai Massage, rather than one. The applicant currently provides traditional Thai Massage including aromatherapy and foot massage within the existing 68 square metres lower floor office tenancy.

Within the tenancy, there are two (2) rooms proposed with a staff room, toilet and reception area. The subject property itself is part of a mixed use development, which contains Office and Retail tenancies on the ground floor with Residential apartments on the upper floor. Two (2) allocated parking bays are provided within the property for the use of the tenancy.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Consulting Rooms Policy.</b>	Hours of operation to be limited to 8am to 6pm weekdays, and 8am to 1pm Saturdays, inclusive.	8am to 7pm weekdays, 8am to 5pm Saturday and 10am to 4pm Sundays and Public Holidays.
<i>Officer Comments:</i>		
Supported – not considered to have an undue impact on adjacent residential areas. The proposed hours of operation are similar to other commercial uses in the complex which comprise offices and retail shops. Furthermore, the Town has not received any complaints regarding the existing consulting rooms, since commencing operation in February 2011.		
<b>Parking and Access Policy No. 3.7.1</b>	4.3 car bays.	2 car bays.
<i>Officer Comments:</i>		
Supported – not considered to have an undue impact on the amenity of the area. The subject site is in close proximity to the Brisbane Street Car Park and there is also a large amount of on-street car parking along Brisbane Street, as well as William and Beaufort Streets.		

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	As long as no sexual component.	Noted – in the event of an approval, a condition would be applied to ensure there was no massage of a sexual nature.
Objection (2)	There is nowhere for the additional customers/employees to park.  No other businesses in the complex are open until 9pm and it would have an adverse impact on the residents above.  Since opening, the massage parlour has allowed people who do not utilise the parlour to use their car parking bays.	Not Supported - The subject site is in close proximity to the Brisbane Street Car Park and there is also a large amount of on-street car parking along Brisbane Street, as well as William and Beaufort Streets.  Noted – the applicant has reduced their opening hours to be more in keeping with other commercial businesses in the complex.  Not Supported – this is not a planning concern.
<b>Advertising</b>	The proposal was advertised for 14 days as per the Town’s Policy No. 4.1.5 relating to Community Consultation.	

<b>Car Parking Requirement</b>	
Car parking requirement (nearest whole number)	
Consulting Rooms – 3 spaces per consulting room (2 consulting rooms) = 6 bays.	6 car bays
Apply the parking adjustment factors.	(0.7225)
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking spaces)</li> </ul>	4.3 car bays
Minus the car parking provided on-site	2 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	2.3 car bays

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes), Planning and Development Act 2005, State Administrative Tribunal Act 2004 and the Town's Policy No. 4.1.23 – State Administrative Tribunal.
<b>Strategic</b>	The Town's <i>Strategic Plan 2011-2016</i> states:  <i>"1. Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The applicant, in justifying the proposal, has stated that they are currently working at other locations including the Subiaco Station Street Markets and at her home in Gosnells, without any complaints. Given the amended hours of operation and number of rooms proposed, it is considered that even with the existing mixed use nature of the property, that the use will not be more detrimental than the adjacent office and retail tenancies.

Furthermore, the reduction in the number of rooms has resulted in the shortfall of car parking being reduced from 4.5 bays, as originally proposed, to 2.3 bays. This is considered acceptable due to the abundance of public car parking in the locality.

In light of the modifications proposed by the applicant, the proposal is recommended for approval, subject to the abovementioned conditions.

**9.1.1 Perth Parking Management Area – Progress Report No. 3**

<b>Ward:</b>	South	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	Hamilton (P11) CPS No. 2	<b>File Ref:</b>	PGK0168
<b>Attachments:</b>	<a href="#">001</a> – Letters from Hon Troy Buswell, MLA Minister for Transport: Housing and Hon John Day, MLA Minister for Planning: Culture and the Arts <a href="#">002</a> – Survey of West Perth and East Perth Parking Restrictions <a href="#">003</a> – Maps No. 4(b) – Locations for New Ticket Machines Perth		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Kendall, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That;*

(i) *the Council, at its Ordinary Meeting held on 28 April 2009 (Item No. 9.1.14, Clause (iii)(a)), resolved (in part) as follows:*

*“(iii) AUTHORISES the Chief Executive Officer to recommend to the Department for Planning and Infrastructure in relation to the Boundary of the Perth Parking Management Area Discussion Paper dated June 2008, as shown in Appendix 9.1.14, that;*

*(a) the Town supports Option 2 that stipulates a minor contraction of the Perth Parking Management Plan to reflect adjustments in the Local Government boundary between the City of Perth and the Town of Vincent, in effect excising the Town the Perth Parking Management Area; and...”*

(ii) *Cr ..... MOVES a motion to REVOKE the decision by deleting clause (iii)(a) above;*

(iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr ....., Cr ..... and Cr ....., being one third of the number of offices of members of the Council, SUPPORT this motion to revoke part of the Council decision; and*

(iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE part of the resolution adopted by the Council at its Ordinary Meeting held on 28 April 2009 (Item No. 9.1.14, Clause (iii)(a)), as shown above;*

(v) *subject to clause (iv) above being approved, AUTHORISES the Chief Executive Officer to advise the Department of Transport that the Town SUPPORTS:*

*(a) maintaining the West Perth and East Perth area in the Perth Parking Management Plan Area; and*

*(b) the Minister for Transport’s recommendation to improve transport services in the north western corner of the PPMA, in particular re-routing bus services to traverse the West Perth area;*

- (vi) *DOES NOT PROCEED with the investigations into the introduction of paid parking in the area bounded by Lindsay Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street and Parry Street, until such time as the land uses change and there is a need to further facilitate a regular churn in car parking spaces; and*
- (vii) *REQUESTS the Chief Executive Officer to monitor the situation and report back to the Council in early 2013.*
- 

**Moved Cr Maier, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 7.58pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.59pm.

Debate ensued.

AMENDMENT

**Moved Cr Maier, Seconded Cr Buckels**

*“That;*

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

*“(vi) ~~DOES NOT PROCEEDS~~ with the investigations into the introduction of paid parking in the area bounded by ~~Lindsay~~ Money Street, Monger Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street, and Parry Edward Street and Washing Lane as part of the current implementation of additional paid parking in the Town, as shown in Appendix 9.1.1 until such time as the land uses change and there is a need to further facilitate a regular churn in car parking spaces; and”*

2. *clause (vii) be deleted and a new clause (vii) be inserted to read as follows:*

*“(vii) SUPPORTS IN PRINCIPLE that the funding for the Perth Parking Management Area should come from the parking revenue generated from that area.” ”*

Debate ensued.

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

(Cr Burns was an apology for the meeting.)

The Presiding Member, Mayor Nick Catania asked for a mover for clause (ii), Cr Lake moved clause (ii):

*“(ii) Cr Sally Lake MOVES a motion to REVOKE the decision by deleting clause (iii)(a) above;”*

**The Presiding Member, Mayor Nick Catania asked for movers for clause (iii), Crs Farrell, Cr Harvey and Cr McGrath moved clause (ii):**

*“(iii) in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr Steed Farrell, Cr Taryn Harvey and Cr Warren McGrath, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke part of the Council decision; and”*

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (8-0)**

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

**ADDITIONAL INFORMATION:**

As part of the preparation of this Agenda Report, two surveys were undertaken by the Town's Officers to determine the number of ticket machines required were undertaken, as follows:

- The first survey was undertaken for the area east of Lord Street, bounded by the Graham Farmer Freeway, Summers Street and Lord Street. An indicative total of 53 machines was estimated, as shown in the excel spreadsheet attached.
- The second survey undertaken was for the area in West Perth bounded by Newcastle Street, Charles Street, Loftus Street and the Graham Farmer Freeway. An indicative total of 40 machines was estimated, as shown in the excel spreadsheet attached.

As noted in the Agenda Report, the area west of Lord Street, bounded by Stirling, Edward, Lord and Newcastle Streets was surveyed as part of the Agenda Report that was considered by the Council at its Ordinary Meeting held on 10 May 2011. Refer to Map No: 4(b). As resolved by the Council on 10 May 2011, ticket machines were supported along Newcastle Street only and the remaining area either has existing parking or has areas of no-stopping where ticket parking could not be installed. With respect to Washing Lane, as seen by the map No: 4(b), this was also considered as part of the recent surveys undertaken as part of the preparation of the maps for the Ordinary Meeting of Council held on 10 May 2011, but also considered as part of the surveys in the Precinct Parking Management Plans, which proposed ticket machines for Monger, Lindsay and Money Streets only.

Notwithstanding the above, Map No. 4(b) has been amended further to include ticket parking in the below locations as shown in the map attached Map No. 4 (b)\_June 14. A desk top review has revealed the indicative number of ticket machines required for the following streets you have requested, as follows:

- Parry Street (between Lord and Beaufort Streets) = 8 Ticket Machines;
- Edward Street (between Lord and Stirling Streets) = 11 Machines;
- Pier Street (between Newcastle and Edward Streets) = 8 Machines;
- Stirling Street (between Newcastle and Parry Streets) = 4 Machines
- Gregson Street = 2 Ticket Machines;
- Pisconeri Street = 2 Ticket Machines;
- Braid Street = 2 Ticket Machines;
- Grasso Street = N/A (No Stopping);
- Tudori Street = N/A (No Stopping); and
- Masque Place = N/A (No Stopping).

**TOTAL = 37 TICKET MACHINES.**

(Washing Lane = 4 Ticket Machines).

**TOTAL = 41 MACHINES (including Washing Lane)**

**COUNCIL DECISION ITEM 9.1.1**

*That;*

- (i) *the Council, at its Ordinary Meeting held on 28 April 2009 (Item No. 9.1.14, Clause (iii)(a)), resolved (in part) as follows:*
- “(iii) AUTHORISES the Chief Executive Officer to recommend to the Department for Planning and Infrastructure in relation to the Boundary of the Perth Parking Management Area Discussion Paper dated June 2008, as shown in Appendix 9.1.14, that;*
- (a) the Town supports Option 2 that stipulates a minor contraction of the Perth Parking Management Plan to reflect adjustments in the Local Government boundary between the City of Perth and the Town of Vincent, in effect excising the Town the Perth Parking Management Area; and...”*
- (ii) *Cr Sally Lake MOVES a motion to REVOKE the decision by deleting clause (iii)(a) above;*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr Steed Farrell, Cr Taryn Harvey and Cr Warren McGrath, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke part of the Council decision;*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE part of the resolution adopted by the Council at its Ordinary Meeting held on 28 April 2009 (Item No. 9.1.14, Clause (iii)(a)), as shown above;*
- (v) *subject to clause (iv) above being approved, AUTHORISES the Chief Executive Officer to advise the Department of Transport that the Town SUPPORTS:*
- (a) maintaining the West Perth and East Perth area in the Perth Parking Management Plan Area; and*
- (b) the Minister for Transport’s recommendation to improve transport services in the north western corner of the PPMA, in particular re-routing bus services to traverse the West Perth area;*
- (vi) *PROCEEDS with the investigations into the introduction of paid parking in the area bounded by-Money Street, Monger Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street, Edward Street and Washing Lane as part of the current implementation of additional paid parking in the Town, as shown in Appendix 9.1.1; and*
- (vii) *SUPPORTS IN PRINCIPLE that the funding for the Perth Parking Management Area should come from the parking revenue generated from that area.*

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with the opportunity to reconsider its previous resolution to remove the West Perth area of the Town of Vincent from the Perth Parking Management Area and subsequently, the Free Transit Zone (FTZ) and to consider whether to pursue the installation of ticket machines in the East Perth Area.

**BACKGROUND:**

- 1 July 2007            The Town of Vincent acquired land within West Perth and East Perth, from the City of Perth, which is subject to the Perth Parking Management Area (PPMA) as detailed in Schedule 1 of the *Perth Parking Management Regulations 1999*.
- 24 February 2009    The Town received a formal invitation from the then Department for Planning and Infrastructure (now Department of Planning), inviting comment from the Town in relation to the proposed revision of the *Perth Parking Policy*, and recommendations relating to the *Boundary of the Perth Parking Management Area Discussion Paper*.
- 28 April 2009        The Council at its Ordinary Meeting held on 28 April 2009, considered the report relating to the Perth Parking Policy - Advertising of Proposed Revisions. The Council resolved at this time to recommend to the then Department for Planning and Infrastructure that the boundary of the Perth Parking Management Area be modified, in effect, excising both the West Perth and East Perth portions of the Town, as follows:
- “(iii) *AUTHORISES the Chief Executive Officer to recommend to the Department for Planning and Infrastructure in relation to the Boundary of the Perth Parking Management Area Discussion Paper dated June 2008, as shown in Appendix 9.1.14, that;*
- (a) *the Town supports Option 2 that stipulates a minor contraction of the Perth Parking Management Plan to reflect adjustments in the Local Government boundary between the City of Perth and the Town of Vincent, in effect excising the Town the Perth Parking Management Area; and...*”
- 11 January 2010     During the 2009/2011 Council recess period, the Council endorsed a Progress Report relating to the Perth Parking Management Area. Of particular note, clause (iii) (a) of the Council resolution authorised the Chief Executive Officer to advise the Department of Planning that the Town still supported the excision of the Town of Vincent (both East Perth and West Perth) from the Perth Parking Management Area.
- 21 December 2010    The Town received a letter from the Department of Transport (DoT) requesting confirmation that the Town still wished to pursue the excision of the West Perth area from the Perth Parking Management Area and subsequently the Free Transit Zone (FTZ).

22 February 2011 The Council considered Progress Report No. 2 relating to the Perth Parking Management Plan Area. The report considered the above request of the Department of Transport (DoT) and provided the Council with the opportunity to reconsider its previous resolution to remove the West Perth area of the Town from the Perth Parking Management Area and subsequently the Free Transit Zone (FTZ). In relation to this item, the Council resolved to authorise the Chief Executive Officer to:

- “(i) *further write to and together with the Mayor, seek a meeting with the Minister for Transport and the Minister for Planning to discuss implications of the Town’s proposed continued inclusion within the Perth Parking Management Plan Area; and*
- (ii) *engage a car parking consultant to investigate the introduction of paid parking in the area bounded by Lindsay Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street and Parry Street.”*

**DETAILS:**

The Town’s Officers have actioned the Council resolution from the Ordinary Meeting held on 22 February 2011, as explored below:

- “(i) *further write to and together with the Mayor, seek a meeting with the Minister for Transport and the Minister for Planning to discuss implications of the Town’s proposed continued inclusion within the Perth Parking Management Plan Area.”*

In line with the above, the Town wrote to the Honourable Troy Buswell, MLA Minister for Transport: Housing and Honourable John Day, MLA Minister for Planning: Culture and the Arts to request a meeting. A meeting was not pursued by either Minister; rather the Town has recently received letters from both Ministers outlining their position on the Town’s continued inclusion in the Perth Parking Management Plan Area. The correspondence from both Ministers has been attached to this Agenda Report and summarised below:

Hon Troy Buswell, MLA Minister for Transport:

- There is no merit in altering the boundary of the PPMA to exclude those areas that are now within the Town of Vincent.
- Whilst the MRS Amendment for the West Perth area is now in abeyance, there is clearly substantial long-term development envisaged for this area.
- The significant number of new residents and businesses would not only benefit from the ability to use free public transport to access the city centre, but the controls provided in the Perth Parking Policy would help to limit growth of car parking and car use in this constrained and at times congested location.
- In recognition of the lower levels of public transport service in the area, the Department of Transport and Public Transport Authority have been asked to investigate the possibility of improving transport services in the north western corner of the PPMA.

Hon John Day, MLA Minister for Planning: Culture and the Arts:

- The redevelopment potential of the area and consequent traffic generating impact provides a rational for continued inclusion of this area within the PPMA.

*Officer Comment:*

Given the clear message from both Ministers that the Town should remain included as part of the PPMA, it is recommended that the Town no longer pursue its removal. Accordingly, the Town may wish to respond to the Department of Transport (DoT) and advise that it no longer seeks an excision from the Perth Parking Management Area, whilst reiterating that the Town supports the Minister for Transport's recommendation to improve transport services in the north western corner of the PPMA, as per the Officer Recommendation of this Agenda Report.

“(ii) *engage a car parking consultant to investigate the introduction of paid parking in the area bounded by Lindsay Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street and Parry Street.*”

The Town's Officers have received four quotations to undertake the above investigations. Details of the quotations are as follows:

<b>Consultant</b>	<b>Quote (inc GST)</b>
<b>Luxmoore Parking Consulting</b>	\$15,329
<b>Opus International Consultants</b>	\$7,995
<b>GHD</b>	\$21,854.80
<b>Aurecon</b>	\$36,821.40

Given the high cost of the quotations received, the Town's Officers undertook preliminary investigations of the subject area to identify the location of existing parking restrictions and “no stopping” areas to inform the potential location of new ticket machines and any discussions with the preferred consultant. Details of these investigations are contained within the attachment to this Agenda Report, and are summarised below:

1. Claisebrook Precinct: A preliminary assessment indicates that 53 ticket machines would be required to service this area.
2. Parry Street Precinct: This was not surveyed as the area was considered as part of (Item 9.4.8) at the Ordinary Meeting of Council held on 10 May 2011. It is noted that the Council resolved to install ticket machines along Newcastle and Lindsay Streets at this point in time.
3. West Perth Area: Investigations were also undertaken of the West Perth Area, south of Newcastle Street, which is also subject to the Perth Parking Management Act. A preliminary investigation indicates that 40 ticket machines would be required to service this area.

*Officer Comment:*

As noted in the project brief for the above investigations, and as per the Town's adopted Car Parking Strategy 2010 *'where parking exceeds 85% occupancy at peak times, parking changes should be introduced. These should be set to encourage a high turnover of short stay spaces to make efficient use of the available supply and should apply to all streets within 400 m walking distance of a rail station.'* When undertaking the site inspections to the various areas, during a week day at approximately mid morning, the Town's Officers noted that all areas were heavily utilised with an estimated 85 per cent occupancy. It is noted that observations have not been made on weekends, or outside business hours.

Notwithstanding the above, it is not considered appropriate to proceed with the investigations into installing ticket machines in West or East Perth at this point in time, for the following reasons:

- Whilst the areas demonstrated a high occupancy level, it is questioned whether it is appropriate to install paid parking in these areas as there does not appear to be a great need to encourage the 'high turnover of spaces'. In general, these businesses do not have high turnover of customers, when compared with uses such as retail and eating houses that are found within the Town's core activity centres. Rather, the businesses in the area comprise warehouses, showrooms and commercial business, which have longer term parking requirements.
- The Town's Rangers patrol this area on an irregular basis, but most drivers comply with the restrictions that are in place. There has been very few parking complaints received for offences in this section of the Town and a total of 11 infringement notices have been issued in this area in the past 12 months. As a result, it is considered that there is no need to introduce paid parking and, other than the revenue generated through ticket machines; there would be no benefit to the Town.
- Furthermore it is noted that as a result of the Council resolution, relating to Item 9.4.8 at the Ordinary Meeting of Council held on 10 May 2011, there are only 30 ticket machines (out of the 128 ticket machines purchased) that have not been designated and available for use. A total of 93 ticket machines would be required (an additional 63 machines) for use in the West and East Perth Areas.
- The cost of the quotations to progress with the investigations is considered to be exorbitant.

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

Nil.

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

- Perth Parking Policy;
- Perth Parking Management Act 1999; and
- Perth Parking Management Regulations 1999.

#### **RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

#### **STRATEGIC IMPLICATIONS:**

The Town of Vincent *Strategic Plan 2011-2016* states:

##### *'Natural and Built Environment*

##### *'Objective 1.1 Improve and maintain the natural and built environment and infrastructure*

*1.1.4 Take action to improve transport and parking in the Town and mitigate the effects of traffic.*

*1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.'*

**SUSTAINABILITY IMPLICATIONS:**

In its current form, the legislation and Policy relating to the Perth Parking Management area, is considered unsustainable for the Town. Whilst there are some benefits from the inclusion in the Perth Parking Management Area, such as the Free Transit Zone which encourages the use of public transport, resulting in a positive impact on the environment and the community, the economic losses which the Town incurs as a result of the licence fees, far outweighs this in the short to medium term.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2010/2011 Budget allocated \$220,000 to the Licence Fees Parking Management Plan.

The Town has recently been advised that the State Government has approved new annual fees for Perth Licences, which are to increase 3 per cent (in line with inflation) commencing 1 July 2011. As a result the fee for on-street car parking bays will be \$584.30 per bay per annum, which represents a \$17.10 increase. It is noted from last year's invoice for the Perth Parking Licence Fee that the Town has a total of 395 Licence bays; accordingly, the Perth Parking Licence Fee for the 2011/2012 financial year will be \$230,798.50.

**COMMENTS:**

In light of the above, it is recommended that the Town advise the Department of Transport that it has reviewed its position and no longer requests an excision of West Perth and East Perth from the Perth Parking Management Area.

In addition, it is recommended that the Council hold in abeyance the investigations into the introduction of paid parking in the area bounded by Lindsay Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street and Parry Street, until such time as the land uses change and there is a need to further facilitate a regular churn in car parking spaces; and following the impending rollout the new paid parking areas in the Town's activity centres.

**9.1.4 Further Report – No. 10 (Lot 30; D/P; 672) Mary Street, Highgate - Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings - Amended Planning Approval**

<b>Ward:</b>	South	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4594; 5.2011.136.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners A and T Comito for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings - Amended Planning Approval, and as shown on plans stamp-dated 15 March 2011 and 1 June 2011, 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 from Mary Street;*
- (iv) first obtaining the consent of the owners of Nos. 8 and 14 Mary Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 8 and 14 Mary Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;*
- (vi) the owner/occupier of proposed unit 2 may apply for and obtain a maximum of one residential car parking permit and a maximum of one visitor car parking permit for the exclusive use of proposed unit 2;*
- (vii) the proposed spa does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town;*
- (viii) the proposed pergolas with shade cloth do not form part of this approval; and*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;*

(b) **Landscaping and Reticulation Plan**

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

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

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

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

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

(c) **Privacy Screening**

*The balcony to the family room of unit 1 on the north-eastern and north-western elevations and the balcony to the family room of unit 2 on the north-eastern and south-eastern elevations, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 8 and 14 Mary Street stating no objection to the respective proposed privacy encroachments;*

(d) **Street Walls and Fences**

- (1) The proposed centre pier containing the mailboxes shall be reduced to a maximum width of 710 millimetres;*
- (2) The proposed solid portion of wall between unit 1 and unit 2, within the street setback area, shall be reduced to a maximum height of 1.2 metres, with a maximum of 50 percent visually permeable infill to a maximum height of 1.8 metres;*

(3) *The proposed automatic sliding gates proposed for the development shall open to the full width of the driveway and to comply with Australian Standard 2890.1; and*

(4) *The proposed front fence for unit 1 shall include a 1.5 metre by 1.5 metre visual truncation for vehicles; and*

(e) **Garage to Unit 1**

*The proposed internal width of the garage shall be increased to a minimum width of 3 metres.*

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

**ADVISORY NOTE:**

*No on-site car parking is available for unit 2 (the eastern most dwelling). A vehicular crossover from Mary Street cannot be approved due to the existence of a significant verge tree.*

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

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

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath,  
Cr Topelberg

**Against:** Cr Maier

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

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 24 May 2011 resolved to defer the subject planning application for the following reason:

*“That the item be DEFERRED to the Ordinary Meeting of Council to be held on 14 June 2011.”*

During Public Question Time, Barrister Ms Gigi Bisher spoke on behalf of the owner of the adjoining property at No. 8 Mary Street, Highgate. She raised the following concerns:

- Submitted diagrams: Diagram 1 being a plan of No. 8 Mary Street and Diagram 2 being a copy of page 1 of 18 of the Town's site plan.
- Diagram 1 has an old fashioned alcove on the right hand side of No. 8 that was built in order to provide a window into a bedroom, which is the only form of natural light into this old residence. However, in Diagram 2 the alcove is not marked at all on that plan.
- Queried whether the alcove was taken into account when approval was granted? Approval would effectively allow a solid wall abutting and, therefore, reduce the natural light.

- On page 2 of 18 of the Town's site plan, it can be seen that the natural plan for the street when the houses were built, was that they all seem to be on the right hand side with the houses abutting the boundary, with a passage way down the left hand side of the houses.
- With the latest development, it is going to have a large impact.
- Requested the matter be deferred.

The Council deferred the item to ensure that the subject alcove located at No. 8 Mary Street was considered in the previous application.

A further site inspection of the property indicated that a small alcove (approximately 1 metre by 1 metre) does exist within the dwelling of No. 8 Mary Street; however, this alcove is bounded by a 2.4 metre high boundary wall and is also covered with a sheet of colorbond roofing. Notwithstanding the above, the applicant has submitted an amended site plan which recognises the alcove in the neighbouring dwelling.

Furthermore, it is noted that the previous application was recommended for refusal by the Town's Officers and subsequently refused by the Council at its Ordinary Meeting held on 16 December 2008. The applicant lodged an appeal to the State Administrative Tribunal (SAT), in which the application was referred back to the Council under Section 31 of the SAT Act. The applicant did not make any changes to the plans nor provide any additional information, and as such, the application was recommended for refusal again. The applicant then requested that the application be deferred to allow them to make amendments to the plans. Along with the amendments, the applicant provided a letter of support from the owner of No. 8 Mary Street, being the Sisters of Our Lady of the Missions. The application was referred back to the Council on 11 August 2009, with the recommendation for approval. The application was approved.

The Town's Rates indicate that No. 8 Mary Street, Highgate was sold on 5 October 2010, approximately 14 months after the approval was granted.

It is noted that the boundary wall on the south-east elevation may have an impact on the neighbouring property; however, this variation has already been signed off by the previous owner and subsequently approved by the Council. This approval is valid until 11 August 2011.

The subject application is for minor amendments to the Planning Approval granted on 11 August 2011. It is noted that a refusal of this application will not change the fact that there is an existing approval valid for the site and the owner can still act upon that approval.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 May 2011.

***"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 owners A and T Comito for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings - Amended Planning Approval, and as shown on plans stamped 15 March 2011, 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 from Mary Street;*
- (iv) *first obtaining the consent of the owners of Nos. 8 and 14 Mary Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 8 and 14 Mary Street in a good and clean condition;*
- (v) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*
- (vi) *the owner/occupier of proposed unit 2 may apply for and obtain a maximum of one residential car parking permit and a maximum of one visitor car parking permit for the exclusive use of proposed unit 2;*
- (vii) *the proposed spa does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town;*
- (viii) *the proposed pergolas with shade cloth do not form part of this approval; and*
- (ix) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*

(a) *Construction Management Plan*

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;*

(b) *Landscaping and Reticulation Plan*

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

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

- A. *the location and type of existing and proposed trees and plants;*
- B. *all vegetation including lawns;*
- C. *areas to be irrigated or reticulated and such method;*
- D. *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*

E. *separate soft and hard landscaping plants (indicating details of materials to be used).*

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

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

(c) *Privacy Screening*

*The balcony to the family room of unit 1 on the north-eastern and north-western elevations and the balcony to the family room of unit 2 on the north-eastern and south-eastern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 8 and 14 Mary Street stating no objection to the respective proposed privacy encroachments;*

(d) *Street Walls and Fences*

(1) *The proposed centre pier containing the mailboxes shall be reduced to a maximum width of 710 millimetres;*

(2) *The proposed solid portion of wall between unit 1 and unit 2, within the street setback area, shall be reduced to a maximum height of 1.2 metres, with a maximum of 50 percent visually permeable infill to a maximum height of 1.8 metres;*

(3) *The proposed automatic sliding gates proposed for the development are required to open to the full width of the driveway and to comply with Australian Standard 2890.1; and*

(4) *The proposed front fence for unit 1 shall be include a 1.5 metre by 1.5 metre visual truncation for vehicles; and*

(e) *Garage to Unit 1*

*The proposed internal width of the garage is to be increased to a minimum width of 3 metres.*

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

**ADVISORY NOTE:**

*No on-site car parking is available for unit 2 (the eastern most dwelling). A vehicular crossover from Mary Street cannot be approved due to the existence of a significant verge tree.*

*COUNCIL DECISION ITEM 9.1.5*

*Moved Cr Farrell, Seconded Cr Lake*

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Burns departed the Chamber at 8.24pm.*

*Debate ensued.*

*Cr Burns returned to the Chamber at 8.25pm.*

*Debate ensued.*

*PROCEDURAL MOTION*

*Moved Cr Topelberg, Seconded Cr McGrath*

*That the item be DEFERRED to the Ordinary Meeting of Council to be held on 14 June 2011.*

*PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)*

<i>Landowner:</i>	<i>A &amp; T Comito</i>
<i>Applicant:</i>	<i>A &amp; T Comito</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>Single House</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>408 square metres</i>
<i>Access to Right of Way</i>	<i>Not Applicable</i>

*PURPOSE OF REPORT:*

*The proposal requires referral to Council as the previous application was approved by the Council under Section 31 of the State Administrative Tribunal Act.*

*BACKGROUND:*

*16 December 2008* *The Council at its Ordinary Meeting refused an application for demolition of existing single house and construction of two (2) three-storey single houses 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 Building Setbacks, Buildings on Boundary, Carports and Garages, Street Walls and Fences, Building Bulk, Building Height, Number of Storeys and Privacy Setback requirements of the Residential Design Codes, and the Town's Policy relating to Residential Design Elements, respectively; and*
- (iii) consideration of the objections received.”*

28 January 2009	The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 16 December 2008.
6 February 2009	Directions Hearing at the SAT.
6 March 2009	As a result of the Directions Hearing, the applicant lodged a new planning application for demolition of existing single house and construction of two (2) two-storey plus loft single houses.
11 August 2009	The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing single house and construction of two (2) two-storey plus loft single houses under section 31 of the State Administrative Tribunal Act.

**DETAILS:**

The proposal involves the following amendments to the plans that were approved by the Council at its Ordinary Meeting held on 11 August 2009:

- A minor amendment to the roof pitch is proposed which results in the loft roof leaning away from the centre dividing wall rather than into the wall;
- An additional BBQ area adjoining the rear storeroom is proposed in addition to an open gazebo over the spa;
- The roof of the first floor is to be extended to cover the balcony;
- An ensuite is proposed within the guest bedroom of unit 2;
- An open style pergola is proposed within the front setback areas of both units 1 and 2. The roof frame is curved and this is proposed to be covered with shade cloth;
- The width of the garage to Unit 1 has reduced from 3 metres to 2.925 metres;
- Sky light windows have been incorporated into the roof for light and ventilation access to the second floor; and
- Changes to the style of the doors and windows on the Mary Street and rear elevations.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Minor Incursions into the Street Setback Area:	A porch, verandah, chimney or the equivalent may not project more than 1 metre into the street setback area.	A pergola is proposed within the street setback area and is setback 0.5 metre from the street boundary.
<i>Officer Comments:</i>		
Not supported – The proposed pergola structure does not comply with the acceptable development and performance criteria of the Town’s Residential Design Elements Policy in that it is considered that the structure will detract from the character of the streetscape.		
Street Walls and Fences:	<ul style="list-style-type: none"> <li>• 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; and</li> <li>• Posts and piers are to have a maximum width 355 millimetres.</li> </ul>	<ul style="list-style-type: none"> <li>• The pier containing the mail boxes has a width of 950 millimetres.</li> <li>• The wall between the two proposed dwellings is solid to a height of 1.8 metres.</li> </ul>
<i>Officer Comments:</i>		
Not supported – The Town does not support solid fences in the street setback area.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1		

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
<i>Support</i>	<i>Nil</i>	<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> <li><i>The proposed development will block the main source of natural light to the neighbouring property.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Not Supported – The proposed development is compliant with the overshadowing requirements of the R Codes, and the height and setbacks have not been changed from the original planning approval.</i></li> </ul>
<i>Advertising</i>	<i>Advertising for a period of 14 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.</i>	

<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>
<i>Strategic</i>	<i>The Town’s Strategic Plan 2011-2021 - Objective 1 states:</i> <i>“1. Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town.”</i>
<i>Sustainability</i>	<i>Nil.</i>
<i>Financial/Budget</i>	<i>Nil.</i>
<i>Risk Management</i>	<i>Nil.</i>

**COMMENTS:**

*The proposed amendments that are supported by the Town’s Officers are not considered to result in any further variations or impacts on the existing streetscape and neighbouring properties. The Town’s Officers are not prepared to recommend support for the proposed pergola with shade cloth structure as it is considered that the structure does not fit in with the existing character of the streetscape.*

*In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed in the Officer Recommendation.”*

**9.1.13 Review of Tobacco Products Control 2006**

<b>Ward:</b>	Both	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0077
<b>Attachments:</b>	<a href="#">001</a> – Tobacco Discussion Paper		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Teymant, Acting Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Department of Health's – Review of the Tobacco Products Control Regulations 2006 'Discussion Paper' April 2011, as shown in Appendix 9.1.13;*
- (ii) *NOTES that the options for discussion within the 'Discussion Paper', if enacted will have limited impact on the Town from an operational perspective; and*
- (iii) *AUTHORISES the Chief Executive Officer to inform the Department of Health, in writing, of the Town's position in relation to the 'Discussion Paper'.*

**COUNCIL DECISION ITEM 9.1.13**

**Moved Cr Maier, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

Cr Harvey departed the meeting at 8.07pm and did not return.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

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

- “(iii) *AUTHORISES the Chief Executive Officer to inform the Department of Health, in writing, of the Town's position in relation to the 'Discussion Paper' subject to Option 8 being changed to 'Support'.*”

**AMENDMENT PUT AND CARRIED (5-2)**

**For:** Cr Buckels, Cr Farrell, Cr Lake, Cr Maier, Cr Topelberg

**Against:** Mayor Catania, Cr McGrath

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

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

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

**PURPOSE:**

The purpose of the Report is to inform the Council of potential changes to the Tobacco Products Control Act 2006 (“the Act”). The Department has put forward fifteen (15) options for discussion, which may be incorporated into the Act at a later date, subject to outcomes of the current consultation. The Town’s Health Services have reviewed and provided comment on the proposed changes, for the Council’s consideration.

**BACKGROUND:**

The Town has been a strong supporter of State Government initiatives and legislation provisions aimed at reducing the negative impacts of smoking within the community.

During August 2008, the Town amended its Outdoor Eating Area Policy 3.8.1 to become one of the first Local Government Authorities to prohibit smoking within outdoor eating areas. The State Government has since amended legislation to extend this ban State-wide.

Since amending the Town’s Outdoor Eating Area Policy 3.8.1 in 2008 and amendments made to the Act in 2010, the Town’s Environmental Health Officers and Rangers have been involved in compliance action relating to smoking in outdoor eating areas, on only two occasions. The Town’s Officers attribute this to a change in attitude within the community towards smoking in places where people gather, and broad acceptance that smoking in such settings is no longer socially acceptable.

**DETAILS:**

**General Comments**

A copy of the Department of Health’s – “*Review of the Tobacco Products Control Act 2006 ‘Discussion Paper’ April 2011*”, is shown in Appendix 9.1.13. Information received from the Department of Health’s Tobacco Control Branch details that neither the Department nor the Minister of Health have endorsed any of the options presented in the ‘Discussion Paper’ at this point in time, and that the options presented are purely for consultation and discussion.

**Officer Comments**

The following Table outlines the fifteen (15) proposed amendments to the Act, whether the proposed amendments are supported by the Town’s Health Services, and comments relating to the level of support indicated.

Amendment Options	Supported	Comments
Option 1 - Ban the sale of fruit and confectionary flavoured cigarettes and splittable packs.	Yes	Such a ban is considered consistent with principles of the Town’s Healthy Vincent Policy 3.8.9, particularly in relation to ‘preventing smoking’. Local Government Officers will not be required to enforce any such requirement. Queensland and WA are the only remaining States to permit the sale of these products.
Option 2 – Prevent tobacco purchases being included in reward schemes.	Yes	Any measure designed to make tobacco products less enticing should help more smokers justify quitting.
Option 3 – Introduce a buffer zone around entrances, air conditioning intakes and in relation to alfresco eating areas.	Yes – but conditional	This option is supported, provided that such a regulation is worded in a manner by which a person can only be found guilty of an offence if they ‘knowingly’ contravene the requirement. In addition, the definition of the term ‘air conditioning intake’ would need to be carefully detailed.

Amendment Options	Supported	Comments
Option 4 – Extend smoke free restriction to other outdoor areas.	Yes	The large majority of Western Australians do not smoke. As such, the Town’s Health Services support any strategy that aims to prevent the anti-social nuisance/passive smoking factor created by smoking in popular public places.
Option 5 – Clarification of Local Government’s power to regulate smoking in outdoor areas under their control. <i>“Provide Local Government with the power to regulate smoking in outdoor areas under their control, for example in pedestrian malls and public transport waiting points.”</i>	No	In order to ensure a consistent approach across the State, it is recommended that any proposal to regulate smoking in outdoor areas under Local Government control, be applied State-wide.
Option 6 – Introduce a complete ban on smoking in outdoor eating areas.	Yes	The Town’s Health Services are of the view that this will assist enforcement officers, business and patrons by removing confusion and any scope for disagreement/interpretation with regard to which section of an outdoor eating area is acceptable to smoke within.
Option 7 – Consider removing the smoking exemption applying to the Burswood Casino International Room	Yes	The current exemption for Burswood Casino is indicative of the level of influence big business has on shaping legislation. If the Burswood Casino is permitted to receive an exemption in the legislation, then all other businesses should have a similar right. The Town’s Health Services do not support this inequity and, therefore, strongly recommend that removal of the smoking exemption applying to the Burswood Casino International Room.
Option 8 – Extend smoke free legislation to include common shared areas of boarding/lodging houses and residential strata complexes.	No	It is anticipated that such an inclusion would have a consuming impact on local government which would be difficult to monitor. The Town’s records reveal that no complaints have ever been received regarding smoking in shared areas of boarding/lodging houses and residential strata complexes, and therefore, based on the Town’s experience, and in view of the fact that the Town has more registered lodging houses than most Local Government Authorities, there is limited evidence to support the need for such a law. In the event that the Town was to receive a complaint, the Town’s Officers would recommend that the affected person deal with the matter through their landlord or Strata Title Manager.
Option 9 – Amend the defence provision permitting display of tobacco products by specialist tobacco retailers.	Yes	Whilst there are no specialist tobacco stores located within the Town, the Town’s Health Services is of the view that legislation of this kind should be applied equally and without exception.

<b>Amendment Options</b>	<b>Supported</b>	<b>Comments</b>
Option 10 – Amend the requirements relating to the size and display of price boards and price tickets and include a requirement to display graphic health warnings at the point of sale.	Yes	The Town’s Health Services are supportive of such an amendment to bring WA requirements for the display of price boards and tickets into line with the majority of other States. The display of graphic health warnings at the point of sale is also supported.
Option 11 – Introduce a requirement that tobacco can only be sold by persons over the age of 18 years.	Yes	As with the sale of alcohol, the sale of tobacco should only be permitted by persons over the age of 18 years.
Option 12 – Amend the tobacco licensing provisions.	Indifferent	The licensing of tobacco traders is a matter for the Department of Health to determine, in line with consultation with the industry.
Option 13 – Amend the investigation provisions in the Act.	Yes	The Town’s Health Services strongly supports the proposed amendment removing the requirement for Local Government Authority CEO’s to appoint a person/individual, instead allowing the CEO to appoint a person automatically if they belong to a class of person created and listed in Regulation 59 – for example, Rangers. Such an amendment would streamline the current administrative process.
Option 14 – Amend the provision providing a defence for smoking in a live stage performance	Somewhat	The Town’s Health Services are of the view that if an Actor’s role requires that they smoke during a performance, and the performance is occurring within an enclosed public place, then why not use a prop cigarette, as opposed to a real cigarette.
Option 15 – Amend the provisions relating to the Western Australian Health Promotion Foundation (Healthway)	Yes	The proposal to remove arbitrary funding caveats within section 71(8) of the Act, which favour some community organisations over others, is supported. The proposal to amend the Act to change the composition of the Board of Healthway, ensuring a greater range and mix of public health experience, is also supported; as is the proposal to amend the Regulations to permit annual CPI adjustments to be made to annual standing appropriation.

**CONSULTATION/ADVERTISING:**

Submissions were to be lodged with the Department of Health’s Tobacco Policy Branch by the close of business on Friday, 10 June 2011; however, an extension of time has been provided giving stakeholders until 15 June 2011 to comment.

**LEGAL POLICY:**

- Tobacco Products Control Act 2006;
- Healthy Vincent Policy 3.8.9; and
- Outdoor Eating Areas Policy 3.8.1.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Regulation of smoking in public places plays an important role in de-normalising the activity of smoking. Whilst changes to the Act will have limited bearing on the Town's operations, it is believed that toughening legislation to place further restrictions on smokers will have a positive impact in reducing tobacco related disease to the wider community.

**STRATEGIC IMPLICATIONS:**

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 3.1.3 “*Promote health and wellbeing in the community*”.

**SUSTAINABILITY IMPLICATIONS:**

Western Australia's Policy and regulation relating to the use and sale of Tobacco Products has over the past two decades been highly successful in significantly reducing the percentage of Western Australian's that smoke. Whilst less than seventeen percent of Western Australians over the age of sixteen (16) currently smoke, there is still further scope to reduce this percentage, with benefits and a reduction of negative impacts on our health system and environment to follow.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town is well qualified to provide comment on the “*Review of the WA Tobacco Products Control Act 2006 'Discussion Paper' April 2011*”, given its role in public health and involvement in shaping local public health policy. The Council has long been proactive in adopting policies relating to deterring smoking in public places. It is considered that the Town's proactive stance with regard to previous policies, including, prohibiting smoking within ten metres of children's playgrounds, and banning smoking within outdoor eating areas, has helped contribute to the State Government adopting and engraining such measures into legislation.

In view of the consideration given to matter by the Town's Health Services it is highly recommended that the Council approve the Officer Recommendation.

**9.1.14 Proposed Environmental Protection (Noise) Amendment Regulations 2010**

<b>Ward:</b>	Both	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0031
<b>Attachments:</b>	<a href="#">001</a> – Noise Regulations Explanatory Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Teymant, Acting Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **NOTES:**

- (a) *the proposed Environmental Protection (Noise) Amendment Regulations 2010, as attached;*
- (b) *the proposed amendments are unlikely to significantly affect on the Town's Operations, or the comfort and wellbeing of the Town's community; and*
- (c) *in accordance with section 79 of the Environmental Protection Act 1986, Local Government Authorities are not statutorily obliged to enforce the Environmental Protection (Noise) Regulations;*

(ii) **REQUESTS** *the development of a Town of Vincent specific Noise Management Policy which details the Town's commitment to the Environmental Protection (Noise) Regulations 1997 (as amended), and details the extent of the Town's involvement with the administration and enforcement of the Regulations;*

(iii) **APPROVES** *the Chief Executive Officer to make a submission to the Department of Environment and Conservation, as follows:*

- (a) *advises that the proposed amendments have not appropriately addressed all of the deficiencies with the current regulations introduced in 1997;*
- (b) **REQUESTS** *the Department of Environment and Conservation to consider further amendments to address the following issues:*

- (1) *amend the Regulations to encourage the responsible management of security alarm systems, by prohibiting the installation of external sirens to buildings, unless the alarm system is actively monitored;*
- (2) *under regulation 20, improve the accuracy of calculating noise barriers; for example, specify that sound level measurements conducted indoors must be undertaken firstly with the window and/or door of the affected room open (where possible), and thereafter with the window closed, with the window/door closed reading to be subtracted from the window/door open reading, as opposed to simply adding a global adjustment of +15dB. Alternatively, the regulation could be amended to state that internal sound level readings shall only be taken with windows and doors closed. In this instance, readings obtained shall be assessed against the 'assigned levels' with the addition of any applicable adjustments such as tonality, modulation or impulsiveness;*

- (3) *provision be made in the Regulations introducing, and giving recognition to, the right of Local Government Authorities to create binding Local Noise Management Policies. It is anticipated that this would encourage Local Government Authorities to commit to a consistent and transparent manner in which to apply the Regulations, and disclose to their community as to how various discretionary powers will generally be applied;*
- (4) *concerns regarding the potential of applications made under Regulation 17 to undermine the expectations of the Local Government Authority and local communities (in view of the potential for the two concrete batching plants located within the Town to pursue a relaxation of the assigned levels), and request that a clause be inserted in Regulation 17 giving due recognition, and legitimising the decision making function of Local Government Authorities in matters that may affect local communities. The following wording is provided to demonstrate how such an amendment may be written into Regulation 17:*
- *“The Authority shall obtain in principle approval from the relevant Local Government Authority before proceeding with any assessment or referral to the Minister under sub-clause (3)(b)(i). In the event that the Local Government Authority does not support an application under Regulation 17, the Authority shall inform the applicant and request if the applicant wishes to proceed further with the application. Should the applicant elect to continue with the application, the applicant shall satisfactorily detail measures to abate the concerns of the Local Government Authority, at which stage the Local Government shall review the matter and thereafter report its findings to the Minister”; and*
- (5) *In relation to the proposed change to Regulation 14 detailed within paragraph 3, page 3 of the “Explanatory Notes”, private waste removal contractors be able to collect waste prior to 7.00am, subject to compliance with a Noise Management Plan. The proposed requirement allowing Local Government Authorities to collect waste prior to 7.00am, but not private waste collection contractors, is considered by the Town’s Officers to be inequitable and could be construed as discriminatory; and*
- (c) *REQUESTS the Department of Environment and Conservation to significantly increase staffing levels within the Department’s Noise Branch, short and long term, to facilitate the following:*
- (1) *to provide a greater level of support to Local Government in the area of technical advice and training;*
  - (2) *to form a closer working relationship with the WA Police, with the view of providing an appropriate level of ongoing training and support, which commences, and becomes part of the curriculum for Police Cadets;*

- 
- (3) *through the delivery of appropriate training and ongoing support, assist the WA Police improve in implementing an appropriate and consistent approach to Noise Regulation enforcement; and*
  - (4) *to establish and maintain a communication pathway/peer support group/forum for the sharing of knowledge and information relating to noise compliance and its enforcement, involving the DEC Officers involved in noise compliance, the WA Police and Local Government.*
- 

**Moved Cr Lake, Seconded Cr Burns**

*That the recommendation be adopted.*

AMENDMENT

**Moved Cr Lake, Seconded Cr McGrath**

*That subclause (iii)(b)(5) be deleted.*

Debate ensued.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

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

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.14**

*That the Council;*

(i) **NOTES:**

- (a) *the proposed Environmental Protection (Noise) Amendment Regulations 2010, as attached;*
- (b) *the proposed amendments are unlikely to significantly affect on the Town's Operations, or the comfort and wellbeing of the Town's community; and*
- (c) *in accordance with section 79 of the Environmental Protection Act 1986, Local Government Authorities are not statutorily obliged to enforce the Environmental Protection (Noise) Regulations;*

(ii) **REQUESTS** *the development of a Town of Vincent specific Noise Management Policy which details the Town's commitment to the Environmental Protection (Noise) Regulations 1997 (as amended), and details the extent of the Town's involvement with the administration and enforcement of the Regulations;*

- (iii) **APPROVES** the Chief Executive Officer to make a submission to the Department of Environment and Conservation, as follows:
- (a) *advises that the proposed amendments have not appropriately addressed all of the deficiencies with the current regulations introduced in 1997;*
- (b) **REQUESTS** the Department of Environment and Conservation to consider further amendments to address the following issues:
- (1) *amend the Regulations to encourage the responsible management of security alarm systems, by prohibiting the installation of external sirens to buildings, unless the alarm system is actively monitored;*
- (2) *under regulation 20, improve the accuracy of calculating noise barriers; for example, specify that sound level measurements conducted indoors must be undertaken firstly with the window and/or door of the affected room open (where possible), and thereafter with the window closed, with the window/door closed reading to be subtracted from the window/door open reading, as opposed to simply adding a global adjustment of +15dB. Alternatively, the regulation could be amended to state that internal sound level readings shall only be taken with windows and doors closed. In this instance, readings obtained shall be assessed against the ‘assigned levels’ with the addition of any applicable adjustments such as tonality, modulation or impulsiveness;*
- (3) *provision be made in the Regulations introducing, and giving recognition to, the right of Local Government Authorities to create binding Local Noise Management Policies. It is anticipated that this would encourage Local Government Authorities to commit to a consistent and transparent manner in which to apply the Regulations, and disclose to their community as to how various discretionary powers will generally be applied; and*
- (4) *concerns regarding the potential of applications made under Regulation 17 to undermine the expectations of the Local Government Authority and local communities (in view of the potential for the two concrete batching plants located within the Town to pursue a relaxation of the assigned levels), and request that a clause be inserted in Regulation 17 giving due recognition, and legitimising the decision making function of Local Government Authorities in matters that may affect local communities. The following wording is provided to demonstrate how such an amendment may be written into Regulation 17:*
- *“The Authority shall obtain in principle approval from the relevant Local Government Authority before proceeding with any assessment or referral to the Minister under sub-clause (3)(b)(i). In the event that the Local Government Authority does not support an application under Regulation 17, the Authority shall inform the applicant and request if the applicant wishes to proceed further with the application. Should the applicant elect to continue with the application, the applicant shall satisfactorily detail measures to abate the concerns of the Local Government Authority, at which stage the Local Government shall review the matter and thereafter report its findings to the Minister”; and*

- (c) ***REQUESTS the Department of Environment and Conservation to significantly increase staffing levels within the Department's Noise Branch, short and long term, to facilitate the following:***
- (1) ***to provide a greater level of support to Local Government in the area of technical advice and training;***
  - (2) ***to form a closer working relationship with the WA Police, with the view of providing an appropriate level of ongoing training and support, which commences, and becomes part of the curriculum for Police Cadets;***
  - (3) ***through the delivery of appropriate training and ongoing support, assist the WA Police improve in implementing an appropriate and consistent approach to Noise Regulation enforcement; and***
  - (4) ***to establish and maintain a communication pathway/peer support group/forum for the sharing of knowledge and information relating to noise compliance and its enforcement, involving the DEC Officers involved in noise compliance, the WA Police and Local Government.***

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**PURPOSE:**

The purpose of the Report is as follows:

- To provide information to the Council of proposed amendments to the Environmental Protection (Noise) Regulations 1997, and in particular, the following:
  - (a) the anticipated level of impact that the proposed amendments will have on the Town's operations; and
  - (b) detail the adequacy of the proposed amendments to facilitate a significant improvement in the regulation of noise, and propose measures/recommendations to better facilitate regulatory improvements for the Department of Environment and Conservation's consideration; and
- To seek in principle approval from the Council to develop a Noise Management Policy and Procedure which defines and details the extent of the Town's involvement in, and ownership of, the enforcement of noise under varying circumstances, and the appropriate means of enforcement.

**BACKGROUND:**

The Town's Health Services have received an average of 219 noise complaints per year since between 2005-2010. In an effort to improve the management of noise related issues and trends within the Town, Health Services taken regular progressive steps to reduce the number of noise complaints received, and to improve service delivery in this area. Whilst a reduction in the number of noise complaints received by the Town per year has actually increased during this period, improvements to service delivery and resolution timeframes has occurred.

Some of the proactive measures taken to improve the management of noise within the Town include: development of a Noise Management Plan; a Sound Attenuation Policy; a Noise Management Strategy; and annual reviews of processes and procedures relating to noise complaints.

**DETAILS:**

**General Comments**

A copy of the ‘Explanatory Notes’ relating to the ‘*Proposed Environmental Protection (Noise) Amendment Regulations 2010* (‘*Explanatory Notes*’) *Amending the Environmental Protection (Noise) Regulations 1997*’, is attached to the Report. As detailed in the ‘*Explanatory Notes*’ the proposed amendments can be summarised as follows:

- *“the amendments do not propose major changes to the allowable noise levels;*
- *changes to some noise limits will give a better overall balance to the Regulations;*
- *more certainty and better noise management for motor sports venues, shooting clubs, major concert venues and essential services activities through specific new regulations;*
- *the amendments clarify and update the current regulations in a number of areas; and*
- *fees are introduced to recoup some of the costs of regulatory activity.”*

**Officer Comments**

The following Table details the impact of proposed amendments on noise compliance within the Town, and provides comments from the Town’s Officers on each of the proposals.

<b>NO IMPACT</b>		
<b>Proposed Amendment</b>	<b>Brief Description</b>	<b>Officer Comment</b>
Reg. 9	Increasing the assigned noise level by 10dB at the boundary of the Kwinana Industrial Area.	Applies to the Kwinana Industrial Area only. No objections from an Officer perspective.
Reg. 11	Reduction in the maximum assigned sound level for daytime air blasting procedures by 5dB.	Applies only to mining and quarrying activities. Brings WA into conformity with standards set Australia wide. No objections from an Officer perspective.
Reg. 26(8)	Increase the maximum assigned sound level emitted from poultry farming by 5dB.	Applies only to poultry farming establishments in rural zoned areas. No objections from an Officer perspective.
Reg. 16	Provision for motor sports and shooting clubs to exceed the assigned levels during the limited number of occasions that they meet over a year, subject to an approved Noise Management Plan.	There are currently no motor sports or shooting club facilities located within the Town, nor is there ever likely to be unless the Town’s borders are extended significantly.
Reg. 18	Introduction of fees with an assessment fee to be capped at \$100,000 and an annual monitoring fee capped at \$5,000.	In the event that any premises within the Town was provided with an exemption, they would be required to pay a compliance monitoring fee to the Department of Environment and Conservation.
Regulation 27 (14)	Monitoring of sound blast levels.	Air blasting is more common in rural mining and/or quarrying type locations. Application of this regulation is unlikely to ever be required within the Town.
Regs. 6-8	Wording changes to better clarify the relationship between the Environmental Protection Act 1986 and the Regulations.	The proposed changes are necessary to facilitate wording amendments and updates to Regulations 6-8. The Town’s Officers consider these amendments to be insignificant.
Non-specific	Wording changes to improve clarity and readability.	Nil.

<b>SOME IMPACT</b>		
<b>Proposed Amendment</b>	<b>Brief Description</b>	<b>Officer Comment</b>
Reg. 5(e)	The regulation will no longer apply to vessels on waterways, but will still apply to vessels on premises.	With only a short stretch of the Swan River located along the Town's borders, the impact of this amendment is expected to be negligible. There is no history of the Town ever needing to apply the Regulation in its current form.
Reg. 17	Give power to the EPA to redirect an application or terminate an assessment if the applicant fails to provide adequate information.	<p>It is understood that no Regulation 17 exemptions (ongoing approval by the Minister for a business to exceed the assigned levels under Regulation 7), have been issued within the Town. Whilst businesses in the Town will continue to have this option available to them, it is not anticipated that the proposed amendments will result in any significant changes to the current trend.</p> <p>However, there is the potential for the two concrete batching plants within the Town to pursue the more flexible arrangements proposed and, as such, it is recommended that the Town advise the DEC of its concerns in this regard; in addition to requesting that a clause be inserted in Regulation 17 giving recognition, and legitimising the decision making function of Local Government Authorities, in relation to matters that may affect local communities.</p>
Reg. 20	Allow for the CEO of Local Government to approve more than two non-complying events per venue, per year.	The impact on the Town is likely to be limited. The Town's Concert and Events Policy currently sets out the community consultation requirements relating to nib Stadium, and includes the authority of approving up to 12 concert events and 4 community events at the Venue per year. It is also a requirement that nib Stadium submit a Regulation 18 application, and Noise Management Plan for assessment prior to each event. It is considered that the proposed blanket approval amendments to the Regulations will limit Local Government's influence over individual events. The Town's Officers consider that the current Concert and Event Policy strikes the right balance in addressing the current restriction of Regulation 18, whilst maintaining an appropriate amount of ongoing input over individual events.

<b>SOME IMPACT</b>		
Reg. 14	Essential Local Government Services, such as waste collection and street cleaning, will not be required to meet the 'assigned levels' provided they comply with a Noise Management Plan.	This will provide the Town with a greater level of flexibility in delivering essential services. From an equitability perspective, the Town's Health Services is of the view that the relaxation of current requirements should also be extended to private waste removal contractors.
Reg's 13, 14, 16, 18- 20	Introduction of an 'ancillary measure' to regulations where approvals and/or Noise Management Plans are required.	This provision is supported by the Town's Health Services, as it will assist in ensuring that applicants follow through with commitments detailed in their Noise Management Plan, such as delivery of fliers/notification letters to residents, providing a complaint telephone line, and submitting Acoustic Consultant reports within required timeframes.
Reg's 4, 10, 11, 21, 27	Terminology relating to Noise Monitoring Equipment	The minor amendments are supported by the Town's Health Services. The amendments update terminology within the Regulations, to be more in line with current practices, technological advances and changes to the Australian Standards.

<b>OTHER CONSIDERATIONS</b>		
<b>Consideration</b>	<b>Brief Description</b>	<b>Officer Comment</b>
Page 4	<p>On page 4 of the 'Explanatory Notes' the following is detailed:</p> <p><i>"DEC will continue to provide support to local governments in the administration of the noise regulations, particularly through the work of the Noise Regulation Branch in providing training and support for EHOs. Noise Branch will also provide guidance materials and assistance with the approvals of noise management plans for motor sports venues and shooting clubs and major venue approvals under the new regulations."</i></p>	<p>It is noted that the role of the Police is not detailed under the heading "Administration of the amendment regulations" on page 4 of the 'Explanatory Notes', whilst the role of Local Government and the Department of Environment and Conservation is explicit.</p> <p>This is concerning to the Town's Health Services as there is a clear inadequacy of knowledge, understanding and consistency of application of the Regulations by the Police generally.</p> <p>If the State Government intends for ownership and application of the Regulations to rest with Local Government, it is recommended that references to "Police" in the Act and Regulations be removed.</p> <p>However, if the State Government wants to maintain Police involvement in the Regulations, it needs to better define their function, and deliver appropriate resources, training and support to the Police.</p>

### **Additional Legislative Amendments Recommended**

- (i) Amend the Regulations to encourage the responsible management of security alarm systems, by prohibiting the installation of external sirens to buildings, unless the alarm system is actively monitored;
- (ii) Under Regulation 20 specify that measurements taken indoors must be undertaken firstly with the window and/or door of the affected room open (where possible), and thereafter with the window closed, with the window/door closed reading, to be subtracted from the window/door open reading, as opposed to simply adding a global adjustment of +15dB;

Alternatively, the Regulation could be amended to state that internal sound level readings shall only be taken with windows and doors closed. In this instance, readings obtained shall be assessed against the 'assigned levels' with the addition of any applicable adjustments such as tonality, modulation or impulsiveness;

- (iii) It is recommended that provisions be made in the Regulations introducing, and giving recognition, to the right of Local Government Authorities to create a binding Local Noise Management Policy. It is anticipated that this would encourage Local Government Authorities to commit to a consistent and transparent manner in which to apply the Regulations, and disclose to their community as to how various discretionary powers will be applied;
- (iv) The Town advise the Department of Environment and Conservation of concerns regarding applications made under Regulation 17 (in view of the potential for the two concrete batching plants located within the Town to pursue a relaxation of the assigned levels), and request that a clause be inserted in Regulation 17 giving due recognition, and legitimacy to the decision making function of Local Government Authorities, in matters that may affect local communities. The following wording is provided to demonstrate how such an amendment may be written into Regulation 17:
  - *“The Authority shall obtain in principle approval from the relevant Local Government Authority before proceeding with any assessment or referral to the Minister under sub-clause (3)(b)(i). In the event that the Local Government Authority does not support an application under Regulation 17, the Authority shall inform the applicant and request if the applicant wishes to proceed further with the application. Should the applicant elect to continue with the application, the applicant shall satisfactorily detail measures to abate the concerns of the Local Government Authority, at which stage the Local Government shall review the matter and thereafter report its findings to the Minister”*; and
- (vi) In relation to the proposed change to Regulation 14, detailed within paragraph 3, page 3 of the 'Explanatory Notes', it is recommended that private waste removal contractors also be able to collect waste prior to 7.00am, subject to compliance with a Noise Management Plan. The proposed requirement allowing Local Government Authorities to collect waste prior to 7.00am, but not Private Waste Collection Contractors, is considered by the Town's Officers to be inequitable and could be construed as discriminatory.

### **Town of Vincent Noise Management Policy**

Under the Environmental Protection Act 1986, Local Government Authorities have no explicit obligation to take action in relation to 'noise pollution'. Section 79 of the Act states as follows:

“79. Unreasonable noise emissions from premises

(2) *Subject to subsection (3), a prosecution for an alleged offence under subsection (1) may be instituted only by —*

- (a) *any 3 or more persons, each of whom is the occupier of premises and claims to be directly affected by that alleged offence; or*
- (b) *an **authorised person**; or*
- (c) *a police officer.*

87. *Authorised persons, appointment of*

(1) *The CEO may appoint persons or members of classes of persons to be **authorised persons** for the purposes of this Act and may, when making such an appointment and without limiting the generality of section 52 of the Interpretation Act 1984, limit the powers conferred on the persons or members so appointed by specifying in the authorities issued to those persons or members under subsection (2) —*

- (a) *which of those powers those persons or members are entitled to exercise; or*
- (b) *during which portions of each day of 24 hours those persons or members may exercise those powers which they are entitled to exercise,....*

*or both, and that limitation shall have effect according to its tenor.”*

Whilst all of the Town's Environmental Health Officers are approved 'Authorised Persons' under the Act, there is in fact no obligation for Local Government Authorities to provide 'Authorised Persons', and in turn, no requirement to enforce the Regulations. Of course, it has long been accepted, and expected by the community that its Local Government Authority will represent its interests and provide a service in this regard - and it is in no way suggested by the Town's Officers that the current level of service provided be diminished in any way.

The issue of concern for the Town's 'Authorised Persons' is that the resourcing and ownership of the Police and the Department of Environment and Conservation in supporting the application of the Noise Regulations appears to be diminishing. By default, many Local Government Authorities have increased resourcing and become more proactive in the management of noise; this is particularly the case with the Town.

In the past three years, the Town has invested in a Noise Management Strategy, sound measurement and logging equipment, and software at a cost of circa \$40,000. Historically, the Town had borrowed expensive technical equipment from the Department of Environment and Conservation. However, this practice became unsustainable from a customer service perspective, as the waiting times for borrowing of equipment increased, due to the demand for use of equipment by other Local Government Authorities. Health Services now consider the Town to be self sufficient in the management of noise compliance.

In order to manage the Town's noise enforcement resources in the most effective manner, it is recommended that a Noise Management Policy be drafted. The purpose of the Policy will be to detail the Town's commitment to noise enforcement, recognise that the other authorities have responsibilities in noise management and response, and detailing when and how the Town's 'Authorised Persons' will take ownership of enforcing the Regulations under various scenarios.

The Policy would be supported by a procedure that outlines the following:

- The Town's obligations under the Environmental Protection Act 1986 in relation to 'noise pollution';
- The appointment of 'Authorised Persons' under the Act;
- Acknowledge the right of the Town to apply absolute discretion in the manner in which the Noise Regulations are enforced;
- The type of noise issues that the Town will deal with, and those issues that will be referred to the Police or Department of Environment and Conservation;
- When enforcement action will and will not be initiated; and
- Outline the obligations and expectations of the Town's Officers, and of Complainants and Emitters.

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

The consultation closing date for the Proposed Environmental Protection (Noise) Amendment Regulations 2010 was 23 May 2011; however, the Department of Environment and Conservation has approved an extension to this deadline, at the request of stakeholders.

#### **LEGAL POLICY:**

- Environmental Protection Act 1986;
- Environmental Protection (Noise) Regulations 1997; and
- Draft Environmental Protection (Noise) Amendment Regulations 2010.

#### **RISK MANAGEMENT IMPLICATIONS:**

The Regulation of noise is important to protect the health and wellbeing of the Town's community. The Environmental Protection (Noise) Regulations 1997 provides a good level of protection for the community across the State. However, the application of the Regulations are not specific enough to deal with all settings and situations.

As a result, the development and implementation of a local Town of Vincent Noise Policy is recommended. The Policy will demonstrate the Town's commitment to noise enforcement, whilst paving way for a Noise Complaint Procedure which would detail the Town's expectations of its Officers, complainants and emitters, and the manner in which the Regulations will be applied to various circumstances.

#### **STRATEGIC IMPLICATIONS:**

In keeping with the Town's *Strategic Plan 2011-2016* –

Objective 1.1.3 – *“Take action to reduce the Town's environmental impacts and provide leadership on environmental matters”.*

Objective 4.1.3 – *“Provide Excellence in Customer Service:*

*(b) Maximise the Town's business systems to improve Customer Service”.*

Objective 4.1.5 – *“Focus on stakeholder needs, values, engagement and involvement:*

*(a) Ensure stakeholders are effectively engaged on issues that may affect them.”*

**SUSTAINABILITY IMPLICATIONS:**

The Town receives a high number of noise complaints each year. Significant improvements in the management of noise compliance has resulted from the progressive efforts of Health Services over the past five years.

However, the Town's Health Services are of the view that there is room for ongoing improvements in the management of environmental noise, both internally and externally to the organisation, and hence the recommendations detailed in this report.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Health Services are well qualified to comment and provide practical recommendations on the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. Health Services has been very proactive in the management of noise within the Town since 2006, and have been involved in the application of the Regulations across a broad range of issues, varying in complexity.

In view of the consideration given to the matter by the Town's Health Services and the fact that it has taken the Department of Environment and Conservation 11 years to release proposed amendments to the Environmental Protection (Noise) Regulations 1997, it is recommended that the Council endorse the Officer Recommendation.

**9.2.1 Proposed Improvements Beaufort Street/Walcott Street Intersection, Mount Lawley, Progress Report No. 2**

<b>Ward:</b>	North	<b>Date:</b>	31 May 2011
<b>Precinct:</b>	Mt Lawley Centre (P11)	<b>File Ref:</b>	TES0067/TES0207
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that Main Roads WA has formally disbanded the Walcott and Beaufort Streets Intersection Improvement Project Working Group for the reasons outlined in the report;*
- (ii) *WRITES to the Department of Transport seeking;*
  - (a) *a commitment to review the operation of the Beaufort Street and Walcott Street intersection; and*
  - (b) *clarification of their plans for dedicated bus transit lanes in Beaufort Street, through the Mt Lawley Centre Precinct;*
- (iii) *ADVISES the Beaufort Street network Group of its decision; and*
- (iv) *RECEIVES further progress reports on the matter once the actions in clause (ii) have been progressed.*

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**Moved Cr Maier, Seconded Cr Farrell**

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

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

- (v) *WRITES to the Minister for Transport expressing the Town’s concern that the delays caused by the Public Transport Authority are compromising the safety of residents and visitors of businesses in the vicinity of the Beaufort and Walcott Street intersection.”*

**Debate ensued.**

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

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

**COUNCIL DECISION ITEM 9.2.1**

*That the Council;*

- (i) *NOTES that Main Roads WA has formally disbanded the Walcott and Beaufort Streets Intersection Improvement Project Working Group for the reasons outlined in the report;*

- (ii) ***WRITES to the Department of Transport seeking;***
- (a) ***a commitment to review the operation of the Beaufort Street and Walcott Street intersection; and***
- (b) ***clarification of their plans for dedicated bus transit lanes in Beaufort Street, through the Mt Lawley Centre Precinct;***
- (iii) ***ADVISES the Beaufort Street network Group of its decision;***
- (iv) ***RECEIVES further progress reports on the matter once the actions in clause (ii) have been progressed; and***
- (v) ***WRITES to the Minister for Transport expressing the Town's concern that the delays caused by the Public Transport Authority are compromising the safety of residents and visitors of businesses in the vicinity of the Beaufort and Walcott Street intersection.***
- 

#### **PURPOSE OF REPORT:**

To advise the Council of the disbanding of the Walcott and Beaufort Streets Intersection Improvement Project Working Group, comprising officers of the Town, Main Roads WA and the City of Stirling, formed in June 2010, to investigate possible measures to improve the safety and efficiency of the intersection.

#### **BACKGROUND:**

At its Ordinary Meeting of 22 June 2010 Council received a report on Main Roads WA (MRWA) proposal to form a Project Working Group (PWG) specifically tasked to consider options for improving pedestrian safety and traffic movement through the intersection of Beaufort and Walcott Streets, Mt Lawley.

The report was in response to a letter the Town had received from MRWA seeking its support for the aforementioned working group, the purpose of which was:

*To undertake the project development role predominately involving the:*

- *Identification and clarification of issues associated with the intersection*
- *Identification of possible options to address these issues*
- *Determination of preferred improvement option(s)*
- *Conducting stakeholder consultation where required*
- *Identifying and securing funding to implement the improvement options(s)*
- *Preparing all project development documentation to allow the project to progress to the detailed design and construction stage.*

The PWG formally met on 27 October 2010 to discuss the scope of the project, to 'brain storm ideas' and determine what measures, if any, were achievable. Prior to the meeting Main Roads had arranged for the collection of traffic and accident data to enable the group assess the performance of the intersection in terms of safety and efficiency.

At the conclusion of discussion Council made the following decision:

*“That the Council;*

- (i) *NOTES that Main Roads WA:*
- (a) *intends to reinstate investigations in partnership with the City of Stirling and the Town of Vincent with a view to identifying possible options to address issues associated with the Walcott Street/Beaufort Street intersection; and*
- (b) *is seeking the Town's formal support and commitment to create a partnership in the form of a ‘Project Working Group’ consisting of representatives from the Town of Vincent, City of Stirling and Main Roads, the purpose of which is to undertake the project development role, predominately involving:*
- *Identify and clarify issues associated with the intersection*
  - *Identify possible options to address these issues*
  - *Determine preferred improvement option(s)*
  - *Conduct stakeholder consultation(where required)*
  - *Identify and secure funding to implement the improvement options(s)*
  - *Prepare all project development documentation to allow the project to progress to the detailed design and construction stage;*
- (ii) *REFERS the matter to the Town’s Local Area Traffic Management Advisory Group once the proposed ‘Project Working Group’ (as mentioned in clause (i)(b) above) has met and developed possible improvement options;*
- (iii) *ADVISES:*
- (a) *Main Roads WA that it fully supports the proposal for the establishment of a project working group to investigate improvements at the Walcott Street/Beaufort Street intersection; and*
- (b) *the City of Stirling and the Beaufort Street Network group of its decision; and*
- (iv) *RECEIVES further progress reports on the matter once the actions in clause (ii) have been progressed.”*

**DETAILS:**

**PWG Group meeting October 2010**

The PWG Group discussed the scope of the project, considered options and determined what measures, if any, were achievable. Amongst the issues raised was the large number of Transperth Bus Services using Beaufort Street and the impact they have on the operation of the intersection. As a consequence MRWA advised the Public Transport Authority (PTA) and Department of Transport (DoT) of the Working Group’s objectives and sought their comments.

The DoT subsequently met with MRWA and outlined their long term plan for dedicated Bus Transit Lanes the length of Beaufort Street from Morley to the Perth CBD. While this is yet to be formally considered by Council, in respect of the Towns’ portion of Beaufort Street, from Walcott Street to Newcastle Street, MRWA were left in no doubt of DoT’s resolve to achieve this outcome in the foreseeable future.

### **Councillor Forum 15 February 2011**

At the Councillor Forum of 15 February 2011 Andrew Foreman, Network and System Planner, Transperth (PTA) and Owen Thomas, Senior Transit Planner DoT gave a presentation on the proposed introduction of Bus Priority Lanes in Beaufort Street from Walcott Street to Newcastle Street.

The basis for the presentation is the State Government's impending adoption of the 'Draft' 20 Year Public Transport Plan (2031), currently with the Minister for Transport.

The speakers, with the aid of a point presentation, highlighted the increasing congestion on Perth's road network because of the reliance upon the private vehicle and the benefits of improving Public Transport with specific reference to current and projected passenger numbers within the Town of Vincent.

Reference was also made to passenger satisfaction surveys which indicated a declining approval rating for buses servicing the North East corridor, specifically targeting Beaufort Street, because of buses being delayed by the congestion.

The crux of the presentation was that PTA and the DoT are seeking to install 'Bus Priority' lanes the length of Beaufort Street (Morley to the Perth Central Business District).

While the long term goal is dedicated bus priority lanes both PTA & DoT acknowledge that there would be significant resistance from residents and business alike. Therefore they are proposing, as a first stage, peak hour peak hour bus priority lanes. The lanes operate during existing 'clearway' times but a reserved exclusively for buses.

### **MRWA of April 2011**

As a result of its discussions with the DoT, MRWA contacted the Town's and City of Stirling's Working Group representatives and advised that in light of DoT's position there was little value in the Group continuing. It was concluded that any proposed changes and/or improvements suggested by the Group would be become largely redundant if dedicated bus transit lanes are introduced. Further, it was concluded until DoT's plans had been clarified, in respect of timing and funding of the project, the Group had no clear directions upon which to base any recommendations.

In April 2011 MRWA wrote to the Town advising that the PWG was to be disbanded. To formally 'wind-up' the PWG an *Intersection Improvement Study Termination Report* was distributed to the members, the conclusions of which were:

*The Project Working Group (PWG) work has been terminated due to the significant impact of the Beaufort Street bus lanes extension on the efficiency of Beaufort Street and Walcott Street intersection and the surrounding road network. It is anticipated that this impact will negate any possible efficiency improvements achieved from the PWG work. As a result of this position, Department of Transport has agreed to review the operation of the Beaufort Street and Walcott Street intersection, however, that assessment will be on the movement of people through the intersection rather than just vehicles on the basis that the State Government's strategy relating to transport is focused on moving more people rather than more vehicles.*

*With regards to the outcome of the limited further work undertaken to identify and preliminary develop possible treatment options for the predominant crash types, it is recommended that the relevant Local Authority note the observations made thus far and consider investigating these further with a view of determining an appropriate course of action. This appears to be the most appropriate approach as both Local Authorities are responsible for various sections of each road and the observations made relate to matters which will impact of the adjacent local road network and community.*

It is worth noting that the DoT has agreed to review the operation of the Beaufort Street and Walcott Street intersection. Again, there has been no indication as to when this will be undertaken?

### **LATM Working Group.**

As a result of the sudden disbanding of the PWG the LATM Advisory Group did not have an opportunity to discuss possible improvements at the intersection as per clause (ii) of Council's decision of 22 June 2011. This was conveyed to the LATM Advisory Group members verbally at its meeting of 19 May 2010 and noted in the Group's minutes.

The Group expressed both surprise and disappointment at the demise of the PWG and acknowledged it left the Group with no opportunity to provide any comments or make any recommendations to Council.

### **CONSULTATION/ADVERTISING:**

The Beaufort Street Network group will be advised of the Council decision.

### **LEGAL/POLICY:**

While both Beaufort and Walcott Streets are District Distributor A roads under the care, control and management of the relevant Local Governments any significant changes are bound by the Road Traffic Code 2000, Main Roads WA Act 1930 and require the approval of the Managing Director, Main Roads WA.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The intersection of Walcott and Beaufort Streets, Mt Lawley is acknowledged as a Black Spot. The majority of accidents are directly attributable to driver and pedestrian behaviour and not the road environment or geometry. However, any standard remedial actions are limited because for heritage listed buildings abutting the intersection.

### **STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

#### *"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

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

Nil.

### **COMMENTS:**

The Beaufort and Walcott Streets intersection has for many years been the subject of debate regarding what can be done to improve safety at the intersection. Main Roads proposal for a 'Project Working Group' was an opportunity to develop some workable improvement options. However in light of the Department of Transport position, in respect of dedicated Bus Transit Lanes the Project Working Group was left with no clear objectives and had little option but to disband.

**9.2.3 Report on the analyse of accident history and traffic data on roads within the Claisebrook Road North Precinct as referred to the Local Area Traffic Management Advisory Group**

<b>Ward:</b>	South	<b>Date:</b>	3 June 2011
<b>Precinct:</b>	COP (19)	<b>File Ref:</b>	TES0173
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *NOTES that:*

(a) *following a detailed assessment of traffic volumes and speeds in the Claisebrook North Area it was concluded that these are well within the criteria for the classifications of the various roads within the precinct and are in accordance with the Town's Functional Road Hierarchy;*

(a) *the Town's Local Area Traffic Management Advisory Group having considered the data considers that currently no further action is required in terms of implementing traffic management/calming measures in the area; and*

(b) *the Town will, however, continue to measure/monitor traffic within the area with specific reference to the intersection of Lord and Edward Streets, to determine the success of the recent Black Spot improvement project in reducing accidents; and*

(ii) *ADVISES the 'Claisebrook North' Precinct Group of its decision.*

---

**Moved Cr Maier, Seconded Cr Farrell**

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

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

(ii) *ADVISES the 'Claisebrook North ~~Precinct~~ Development Group' of its decision and provides them with the accident statistics, traffic volume and speed data."*

Debate ensued.

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

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.2.3**

*That the Council;*

(i) *NOTES that:*

(a) *following a detailed assessment of traffic volumes and speeds in the Claisebrook North Area it was concluded that these are well within the criteria for the classifications of the various roads within the precinct and are in accordance with the Town's Functional Road Hierarchy;*

(a) *the Town's Local Area Traffic Management Advisory Group having considered the data considers that currently no further action is required in terms of implementing traffic management/calming measures in the area; and*

(b) *the Town will, however, continue to measure/monitor traffic within the area with specific reference to the intersection of Lord and Edward Streets, to determine the success of the recent Black Spot improvement project in reducing accidents; and*

(ii) *ADVISES the 'Claisebrook North Development Group' of its decision and provides them with the accident statistics, traffic volume and speed data.*

---

**PURPOSE OF REPORT:**

To advise the Council of the Local Area Traffic Management (LATM) Advisory Groups deliberations in respect of the analysis of accident history and traffic data on roads within the Claisebrook Road North Precinct as referred to the Group by Council at its Ordinary Meeting of 24 August 2010.

**BACKGROUND:**

The following Notice of Motion was adopted by Council at its Ordinary Meeting of 24 August 2010:

*"That the Council;*

(i) *RECEIVES the Information Bulletin dated 24 August 2010, as distributed with the Agenda; and*

(ii) *in relation to IB04, REQUESTS:*

(a) *the Chief Executive Officer to assess the accident history and analyse traffic data on roads within the Claisebrook Road North Precinct, bounded by Lord Street, Summers Street and the Freeway and Railway Reserves, and identify and investigate any potential improvements and/or traffic calming mechanisms;*

(b) *the Town's Local Area Traffic Management Advisory Group to consider the matter and provide a recommendation to the Council to address the concerns raised by members of the community; and*

(c) *that a report relating to the outcomes and recommendations of the Local Area Traffic Management Advisory Group be considered by the Council as soon as practicable."*

**DETAILS:**

Prior to the Advisory Group considering the matter traffic classifiers were deployed in Claisebrook Road North Precinct over a three (3) week period in November 2010. Further, the accident data for all the intersections within the precinct was extracted from the *\*Crash Tool's* data base and analysed to determine if there were any specific road safety issues.

Note:\* The annually updated (CD) of 5 year accident statistics provided to Local Government by Main Roads WA.

**LATM Advisory Group meeting 17 March 2011:**

The general conclusions were that traffic volumes and speeds were well within the criteria for the classifications of the various roads within the precinct and in accordance with the Town's Functional Road Hierarchy. Further, Summers Street, between Lord Street and Claisebrook Road, Claisebrook Road and Edward Street, between Claisebrook Road and Lord Street are all Local Distributor Roads.

In keeping with the predominately industrial/commercial nature of the precinct they, as would be expected, carry a higher percentage of commercial traffic. In particular, the aforementioned section of Edward Street commercial traffic accounted for 17% of all vehicle movements, of which a significant proportion would be generated by the two (2) concrete batching plants.

For the remaining roads in the area (all of which are classified as access roads) the percentage of commercial vehicles varies between 6 & 8% with the only exception being Caversham Street, which is a cul-de-sac and entry point to a batching plant, where the percentage commercial vehicles is 32%. Again this is not unexpected, as general traffic would have little reason to use Caversham Street.

In respect of accident data, none of the internal intersections appear on the Town's Black Spot list as i.e. they have all had less than five (5) accidents over a five (5) year period.

However both the perimeter intersections of Edward and Lord Streets and Lord, Bulwer and Summers Streets were listed as Black Spots.

**Black Spot Improvement Project - Intersection of Lord and Edward Streets.**

The above intersection recorded 28 accidents over a five (5) year period (2006-2010) and as result the Town received National Black Spot funding to modify the intersection to reduce/eliminate right angled and right angled through accidents.

While the straight through and right turn out of Edward Street into Lord Street north bound was already banned there was no physical impediment to this movement and it was largely ignored. The Police were aware of this but it was not regularly enforced resulting in some accidents that are essentially an illegal manoeuvre.

The new intersection configuration limits Edward Street to 'left in and left out only' on both Edward Street legs of the intersection, bans the right turn into Edward Street west bound (from Lord Street south bound) while maintaining the right turn into Edward Street east bound (from Lord Street north bound).

This is in recognition that while the batching plants remain the heavy vehicles (trucks) need to access both sites and given that Edward Street East is a local distributor it is better placed to handle the traffic than Murchison Terrace if this manoeuvre was blocked.

Note: The intersection Murchison Terrace and Lord Street has had only 2 recorded accidents in the period 2006-2010, both non injury, vehicle damage only. Further the recent changes at the Lord and Edward Streets intersection will not impact upon Murchison Terrace as its one-way east bound which is the same movement that has been maintained at Lord and Edward Streets.

### **Intersection of Lord and Summers Streets**

In respect of the Lord, Bulwer and Summers Streets intersection while it would also qualify for Black Spot funding this is a signalised intersection with little opportunity to make significant changes. Further, the alignment of the intersection is such that it is difficult to install an island on the eastern approach without significant widening or severely restricting the turning movement of large vehicles including TransWA buses from the PTA Centre. An added complication with signalised intersections is that Main Roads WA determines what is appropriate and tends to also look at the implications for the wider network.

However the crash data for the intersection will continue to be assessed annually and appropriate counter measures considered. As with all Black Spot submissions the benefit cost ratio (\*BCR) determines the likelihood of receiving funding.

Note:\* The cost of an accident in monetary terms over the cost of the appropriate counter measures (treatment), with the higher the BCR the greater likelihood of funding. In respect signalised intersections typical Black Spot treatments and modifications are in the order of \$250,000 - \$300,000.

### **CONSULTATION/ADVERTISING:**

The Claisebrook Road North Precinct Group to be advised.

### **LEGAL/POLICY:**

Lord Street is a District Distributor A, while a portion of Summers Street, Claisebrook Road and Edward Street are classified as Local Distributor Roads. The remainder of the roads with the precinct are Access Roads and all are under the care, control and management of the Town. However any significant changes to the road network are bound by the Road Traffic Code 2000, Main Roads WA Act 1930 and require the approval of the Managing Director, Main Roads WA.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The intersections of Lord and Edward Streets and Lord, Bulwer and Summers are acknowledged as Black Spots. The Town has sought to mitigate the risk at the intersection Lord and Edward Streets by undertaking recent improvements under the Black Spot program.

In respect of the intersection of Lord, Summers and Bulwer Streets a majority of accidents are directly attributable to driver behaviour and not the road environment or geometry. However, the annual crash data will continue to be analysed and suitable counter measures, that achieve a qualifying BCR, will be considered for submission to Main Roads WA for approval.

### **STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

#### *"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

*(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads".*

**SUSTAINABILITY IMPLICATIONS:**

The Black Spot improvement project currently being implemented at the intersection of Lord and Edward Streets should result in an appreciable reduction in traffic accidents at this location. The anticipated net benefit will be a reduction in road trauma and cost to the wider community.

**FINANCIAL/BUDGET IMPLICATIONS:**

An existing allocation of \$19,500 has been carried forward in the 'draft' 2011/2012 budget for improvements to the intersection of Summers Street and Claisebrook Road. In addition, a further budget allocation of \$150,000 has been included for streetscape improvements within the precinct.

**COMMENTS:**

The Claisebrook North Precinct is an evolving mix of commercial and residential development with significant commercial traffic. As discussed in the main body of the report for the roads within the precinct the traffic volumes and speeds were well within the criteria of their classifications and in accordance with the Town's Functional Road Hierarchy.

In respect of road safety only the two (2) previously discussed intersections are considered Black Spots with the Town having recently modified the intersection of Lord and Edward Streets in order to reduce the dominate accident types. However, it is also recognised that to maintain some amenity for the residents and businesses within the precinct that blocking the right turn into Edward Street east bound (from Lord Street North bound) would push additional heavy traffic onto the adjoining streets.

**9.2.5 State Underground Power Program – Localised Enhancement Project**

<b>Ward:</b>	South	<b>Date:</b>	3 June 2011
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	TES0484, TES0069, TES0006 & TES0311
<b>Attachments:</b>	<a href="#">001</a> – Location Plan		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES IN PRINCIPLE** of the Town’s involvement in the State Underground Power Program – Localised Enhancement Project comprising - Brookman Street, Moir Street and Forbes Road and Robinson Avenue, Perth as outlined on attached plan No. 2496-RD-1, subject to:
- (a) *Western Power providing a detailed cost estimate of the proposal to the Town;*
  - (b) *further consultation with the affected landowners/residents, being carried out;*
  - (c) *a funding model being developed; and*
  - (d) *there being no obligation on the Town to proceed with the proposal should the outcomes of the actions outlined in clause (i)(a), (b) and (c) not be acceptable;*
- (ii) **ADVISES** Western Power that, subject to clause (i)(a), (b) and (c) above being satisfactorily addressed, the Town, would not be in a position to fund any part of the proposal until at least the 2012/2013 financial year; and
- (iii) **NOTES** that a further report will be submitted to the Council once the cost estimate has been provided to the Town.

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**Moved** Cr Maier, **Seconded** Cr McGrath

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT NO 1**

**Moved** Cr Maier, **Seconded** Cr Buckels

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

- “(iii) **NOTES** that:
- (a) *a further report will be submitted to the Council once the cost estimate has been provided to the Town; and*
  - (b) *the Town’s Undergrounding of Power Policy (Policy 2.2.2) states that the Town’s contribution will be recouped from property owners in the project area.*”

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

**For:** Cr Buckels, Cr Farrell, Cr Lake, Cr Maier, Cr Topelberg

**Against:** Mayor Catania, Cr McGrath

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

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Buckels**

*That clause (ii) be deleted.*

**Debate ensued.**

**AMENDMENT NO 1 PUT AND CARRIED (4-3)**

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

**Against:** Mayor Catania, Cr Farrell, Cr McGrath

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

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

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

**COUNCIL DECISION ITEM 9.2.5**

*That the Council;*

- (i) *APPROVES IN PRINCIPLE of the Town's involvement in the State Underground Power Program – Localised Enhancement Project comprising - Brookman Street, Moir Street and Forbes Road and Robinson Avenue, Perth as outlined on attached plan No. 2496-RD-1, subject to:*
- (a) *Western Power providing a detailed cost estimate of the proposal to the Town;*
  - (b) *further consultation with the affected landowners/residents, being carried out;*
  - (c) *a funding model being developed; and*
  - (d) *there being no obligation on the Town to proceed with the proposal should the outcomes of the actions outlined in clause (i)(a), (b) and (c) not be acceptable; and*
- (ii) *NOTES that:*
- (a) *a further report will be submitted to the Council once the cost estimate has been provided to the Town; and*
  - (b) *the Town's Undergrounding of Power Policy (Policy 2.2.2) states that the Town's contribution will be recouped from property owners in the project area.*

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of a request received for Western Power Corporation to ascertain whether the Town is still interested in pursuing the State Underground Power Program - LEP - Brookman Street, Moir Street and Forbes Road (Robinson Avenue), Perth.

**BACKGROUND:**

**Ordinary Meeting held on 5 December 2006:**

The Council considered a report on proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road. The report discussed the following:

- Community Consultation – Proposed Streetscape Improvements, Bookman, Moir, Robinson Avenue and Forbes Road;
- Community Consultation – Proposed Traffic Management and Parking Improvements;
- Meeting between the Town's Officers and Heritage Council of Western Australia;
- Consultation – Heritage Council of Western Australia.

The report concluded that while a number of respondents to the Community Consultation were happy for the project to proceed *as proposed*, a common thread in the majority of responses received (including a petition received) was to defer ALL works in Brookman and Moir Streets in particular until the undergrounding of power was completed.

**Expression of Interest to the Office of Energy - February 2007:**

The Town submitted an Expression of Interest to the Office of Energy for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street to be considered for funding from the State Underground Localised Enhancement Power Program.

**Response from Office of Energy – June 2007:**

The Town was advised that the proposal was not successful however it had been listed as a reserve list project as it satisfied the key assessment criteria within the Guidelines and that following an assessment of project feasibility, these proposal was deemed to be feasible for implementation.

The Town was further advised that if a situation arose to expand the schedule of projects for implementation one or more a reserve projects could be further considered.

**Ordinary Meeting held on 11 September 2007**

The Council was advised that in February 2007 the Town had submitted an Expression of Interest (EOI) to the Office of Energy (OoE) for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street, to be considered for funding from the State Underground Localised Enhancement Project (LEP) Program.

In June 2007, the OoE advised the Town that the proposal was not successful in being included in the shortlisted Round Four (4) projects but had been selected as a *reserve list project*. The advice also mentioned that the reserve list was not perpetual and that the start of each new Round of the Program would require Local Governments with reserve projects to resubmit new proposals for those areas.

The Council subsequently decided (in part):

*“That the Council;*

- ...(iii) notes that given that the underground power proposal has been listed as a reserve project and there is a likelihood that the project could still receive funding, DEFERS the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road and the streetscape improvement works in Robinson Avenue until this matter has been determined;*
- (iv) WRITES to the Office of Energy requesting an update and more information on the listing of the underground proposal as a "reserve project";*
- (v) RECEIVES a further progress report on this matter by no later than March 2008 to determine a way forward if no new information has been received from the office of energy with regard to the status of the Town's underground power submission;”*

**Ordinary Meeting held on 12 February 2008:**

The Council received a further report on the proposed improvements for Robinson Avenue, Perth, and approved a revised proposal for the Robinson Avenue improvement works. These works were completed in 2008.

**Ordinary Meeting held on 22 April 2008:**

The Council received a further report on the proposed improvements for Brookman Street, Moir Street and Forbes Road where the following decision was made (in part):

*“That the Council;*

*...(ii) NOTES that:*

- (a) as previously advised at its Ordinary Meeting held on 11 September 2007, the Town’s Localised Enhancement Project (LEP) submission for the area bounded by Robinson Avenue, Wellman Street, Forbes Rd and Lake Street was listed as a reserve project by the Office of Energy in October 2006 and it decided that the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road be deferred until this matter had been determined;*
  - (b) the Office of Energy has advised that it is now unlikely the Town’s LEP submission will receive funding in the current Round 4 of the State Underground Power Program (SUPP) and should it receive funding in the current Round 4, given the processes involved to implement such a project, it is highly unlikely that any undergrounding of power will be undertaken in the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street before 2009/2010, and no timeframe has been provided should the project be included in any future SUPP rounds (yet to be announced by the Office of Energy);*
  - (c) while it was previously decided to defer the implementation of upgrading works in Brookman Street, Moir Street and Forbes Road pending the outcome of the Town's Expression of Interest for the State Underground LEP, it is considered that Brookman Street and Forbes Road should be upgraded in 2008/2009 due to their poor condition;*
- (iii) PROCEEDS with upgrading works of;*
- (a) Forbes Road at an estimated cost of \$143,500, as shown on attached plan No. 2409-CVP-03, utilising the funds currently allocated in the 2006/2007 budget; and*
  - (b) Brookman Street at an estimated cost of \$170,000, as shown on attached plan No. 2362-CP-2A, utilising the funds currently allocated in the 2006/2007 budget for both Moir and Brookman Streets;*
- (iv) DEFERS all tree plantings in Brookman Street until the power in the area has been under grounded;*
- (v) LISTS \$170,000 for consideration in future budgets for the upgrading of Moir Street;*
- (vi) RESUBMITS an Expression of Interest for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street, as an LEP project in any further State Underground Power Program;*
- (vii) ADVISES residents in the area of its decision; and*
- (viii) RECEIVES further progress reports on this matter as relevant information becomes available.”*

**DETAILS:**

**State Underground Power Program - LEP - Brookman Street, Moir Street and Forbes Road (Robinson Ave)**

As previously reported to Council in 2007/2008 the proposed improvement works for Brookman Street, Moir Street and Forbes Road were placed on hold (*at the time*) pending the outcome of the Town's submission for the above project which was listed as an LEP 'reserve' project.

Also at the time the Office of Energy was unable to provide any new information on the status of the LEP reserve project.

Subsequently, the Council considered it highly unlikely that the LEP project would receive funding as part of the Round 4 SUPP given the timeframes involved and that, if successful any actual under grounding of power would not be undertaken until at least 2009/2010.

The Council therefore decided that Forbes Road be upgraded as a priority utilising the funds currently allocated in the 2006/2007 budget and that, due to its very poor condition and as a priority, that Brookman Street also be reconstructed.

**Latest Information - LEP Project:**

On Thursday 2 June the Director Technical Services received a call from Western Power's Networks Engineer Strategic Projects subsequently followed up with the following email:

*As per phone discussion today the preliminary 'pre-design' estimate for the Brookman and Moir St LEP would be in the order of \$1,200,000. Western Power and the Office of Energy would contribute a total of 50% of the cost up to a project value of \$500,000 with the remainder to be paid by the Town of Vincent. We require formal intent to proceed from the Town before we will progress to the next stage.*

The Director Technical Services advised Western Power that the matter would need to be reported to the Council and that, subject to the Council's concurrence with the proposal that no funding could be committed towards the project until at least the 2012/2013 Financial year.

Director Technical Services Comments:

*In 2006 following consultation with residents in the Brookman/Moir Street area the Council decided to defer works until the undergrounding of power was completed and in 2007 an Expression of Interest was submitted to the Office of Energy for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street to be considered for funding from the State Underground Localised Enhancement Power Program.*

*Later in 2007 the Town was advised that the LEP proposal was not successful however it had been listed as a reserve list project and the Council decided to proceed with upgrade works (Brookman Street, Forbes Road and Robinson Ave work were subsequently implement).*

*It is considered that now that the LEP project has been resurrected that the Council approve further investigating a detailed costing and implementation timetable of the proposal prior to determining a funding model and consulting with affected residents in the proposed LEP area.*

**CONSULTATION/ADVERTISING:**

Not applicable at this stage. In the event that the Council resolves to proceed with the project, full consideration with property owners in the affected area will be carried out.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Power network is owned and operated by Western Power Corporation. There is a low risk to the Town should the proposal not proceed

**STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment"*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.4: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

*(d) Pursue options and funding for undergrounding of power throughout the Town.*

**SUSTAINABILITY IMPLICATIONS:**

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an identified safety risk and reduces maintenance for Western Power.

**FINANCIAL/BUDGET IMPLICATIONS:**

Western Power have advised that the preliminary 'pre-design' estimate for the LEP would be in the order of \$1,200,000 and that Western Power and the Office of Energy would contribute a total of 50% of the cost up to a project value of \$500,000 with the remainder to be paid by the Town of Vincent.

Western Power have also advised that should the Council provide in principle support for the proposal a detailed design and detailed project estimate would be provided.

There are no funds in the Budget 2011-2012, as this information was received after the formulation of the draft Budget.

**COMMENTS:**

The results of the previous community consultation indicated that while most residents were generally in favour of the proposals with many comments requesting that the undergrounding of power be implemented prior to embarking on any upgrade work.

Works in Brookman Street and Forbes Road were subsequently implemented due to the uncertainty of the success of the Town's LEP submission however this does not preclude to undergrounding of power in these two streets.

It is therefore considered that now that the LEP project has been resurrected that the Council approve in principle further investigating a detailed costing and implementation timetable of the proposal prior to determining a funding model and consulting with affected residents in the proposed LEP area.

**9.3.2 Proposed New Entry Signage**

<b>Ward:</b>	Both	<b>Date:</b>	2 June 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0558
<b>Attachments:</b>	<a href="#">001</a> – Plan of “The Verticals” <a href="#">002</a> – Proposed Entry Points		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Gunning, Art Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *APPROVES of the design “The Verticals”, as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements at five major entry points in the Town, with the proposed major entry points being:*

- *Vincent Street (Cnr Leederville Pde);*
- *Fitzgerald Street (Cnr Walcott St);*
- *Scarborough Beach Rd (Cnr Green St);*
- *Charles St (Cnr Green St); and*
- *East Pde (Cnr Graham Farmer Fwy);*

*as shown in Appendix 9.3.2(b);*

(ii) *APPROVES of the deletion of the slogan “The Town of Vincent is a Nuclear Free Zone” from the Town’s entry signs;*

(iii) *REFERS the design options for the remainder of the existing entry signage locations to the Art Advisory Group for further consideration; and*

(iv) *AUTHORISES the Chief Executive Officer to:*

- (a) *re-fabricate the current remaining entry signs in their current form to be installed at their existing locations; and*
- (b) *to allocate the additional funds required for the project from a source to be determined.*

**Moved Cr Buckels, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

**PROPOSED AMENDMENT NO 1**

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

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

“(i) *APPROVES of the design “~~The Verticals~~” “Continuous Line”, as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements at five major entry points in the Town, with the proposed major entry points being: ...”*

**PROPOSED AMENDMENT NO 1 LAPSED FOR WANT OF A SECONDER**

**AMENDMENT NO 2**

**Moved Cr McGrath, Seconded Cr Farrell**

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

“(v) *REQUESTS the Chief Executive Officer to investigate opportunities to utilise the cash-in-lieu Percent for Public Art Contribution to assist in establishing the remaining of the new entry sign art installations.*”

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Lake, Seconded Cr Buckels**

*That clause (i) be amended, a new clause (ii) be inserted and the remaining clauses renumbered:*

“(i) *APPROVES of the design “The Verticals”, as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements; ~~at five major entry points in the Town, with the proposed major entry points being:~~*

- *~~Vincent Street (Cnr Leederville Pde);~~*
- *~~Fitzgerald Street (Cnr Waleott St);~~*
- *~~Scarborough Beach Rd (Cnr Green St);~~*
- *~~Charles St (Cnr Green St); and~~*
- *~~East Pde (Cnr Graham Farmer Fwy);~~*

*as shown in Appendix 9.3.2(b);*

(ii) *REFERS the location of the Town of Vincent Entry statements to Art Advisory Group for further consideration with respect Town of Vincent Entry statements having more pedestrian usage.*”

**AMENDMENT PUT AND CARRIED (5-2)**

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

**Against:** Mayor Catania, Cr Farrell

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (5-2)**

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

**Against:** Cr Buckels, Cr Maier

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.3.2**

*That the Council;*

- “(i) APPROVES of the design “The Verticals”, as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;*
- (ii) REFERS the location of the Town of Vincent Entry statements to Art Advisory Group for further consideration with respect Town of Vincent Entry statements having more pedestrian usage.”*
- (iii) APPROVES of the deletion of the slogan “The Town of Vincent is a Nuclear Free Zone” from the Town’s entry signs;*
- (iv) REFERS the design options for the remainder of the existing entry signage locations to the Art Advisory Group for further consideration;*
- (v) AUTHORISES the Chief Executive Officer to:*
  - (a) re-fabricate the current remaining entry signs in their current form to be installed at their existing locations; and*
  - (b) to allocate the additional funds required for the project from a source to be determined; and*
- (vi) REQUESTS the Chief Executive Officer to investigate opportunities to utilise the cash-in-lieu Percent for Public Art Contribution to assist in establishing the remaining of the new entry sign art installations.*

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**PURPOSE OF REPORT:**

The purpose of the report is to approve the proposed designs for the new Town of Vincent entry statements and their locations.

**BACKGROUND:**

On 25 March 1996, the Council approved the manufacture and erection of locality Welcome signs at 15 locations on roads entering the Town. On 12 June 2007, the following motion was passed by the Council, resulting from a Notice of Motion from Cr Izzi Messina:

*“That the Council;*

- (i) the Chief Executive Officer be requested to investigate and report on options for possible new Entry Signage for the Town;*
- (ii) the report include types of signage available, purchase costs, maintenance, possible suggestions for a new slogan, the appropriateness of the current slogan - "The Town of Vincent is a Nuclear Free Zone"; and*
- (iii) the report be submitted to the Council no later than September 2007.”*

On 23 September 2008, the Council considered a report on the proposed new Town of Vincent Entry Signage and Entry Signage Slogan. The report contained the following officer recommendation:

*“That the Council;*

- (i) Receives the report on the proposed Town of Vincent Entry Signage and NOTES the design philosophy used to develop the proposed entry signage design as detailed in the report;*
- (ii) APPROVES IN PRINCIPLE;*
  - (a) the entry signage types and design as shown in Appendix 10.4.6B, 10.4.6C and 10.4.6D;*
  - (b) the deletion of the current entry signage slogan “The Town of Vincent is a Nuclear Free Zone”; and*
  - (c) a new entry signage slogan, as follows;*

*“Enhancing and celebrating our diverse community”;*
- (iii) AUTHORISES the Chief Executive Officer to;*
  - (a) advertise the proposed new entry signage and proposed new entry signage slogan for a period of twenty-one (21) days, seeking public comment; and*
  - (b) report back to Council with any submissions received.”*

The Council, following consideration of the report and officer recommendation, decided as follows:

*“That the item be DEFERRED for further consideration, including the investigation of more design options, investigating the costing and consideration of a community competition for the new signage and slogan.”*

At the Ordinary Meeting of Council 6 October 2009 the following recommendations were adopted:

*“That the Council;*

- (i) Receives the progress report No. 2 on the possible new Town of Vincent Entry Signage;*
- (ii) NOTES the information contained in the report regarding the research undertaken to date with regard to this matter and examples of signage contained in Appendix 9.2.1;*
- (iii) REFERS the matter to the Town’s Art Advisory Group to consider the Town’s Entry Signage and possible incorporation of art; and*
- (iv) RECEIVES a further report once the Town’s Art Advisory Group have considered the matter.”*

The Art Advisory Group reviewed information regarding entry statements at their 31 March 2010 meeting. A brief for designers based on recommendations by the Advisory Group was created by the Arts Officer.

At the Ordinary meeting July 27 2010 the following recommendations were adopted:

*“That the Council;*

- (i) RECEIVES the progress report No. 3 on the possible new Town of Vincent Entry Signage; and*
- (ii) APPROVES the Design Brief for the New Town of Vincent Entry Signage for distribution to designers and artists.”*

**DETAILS:**

Following approval by Council, the design brief was advertised. Fourteen expressions of interest were received. An internal panel short-listed three designers. The selected designers were Swiftnet Solutions, Little Rhino Design and Glow Studios, who were then requested to prepare proposals.

The Art Advisory Group reviewed the proposals at their 30 November 2010 meeting. After discussions it was agreed that none of the three proposals would be appropriate in their present form. It was decided to invite the designers of the most favoured proposal (Glow Studios) to attend the next meeting to discuss options. At the 19 January 2011 Art Advisory Group meeting, they were requested to make further changes and/or submit new designs according to suggestions put to them by the group. The suggestions included:

- The group wanted to explore the possibility of more art orientated entry statements. This might manifest itself in more radically shaped objects, including possible employment of laser cutting techniques (this could also assist in ‘designing out crime’ requirements, visibility etc).
- Due to the potential expense of the entry statements the budget can only fund as far as entry statements for five locations. The proposed entry points being: Vincent Street (Cnr Leederville Pde); Fitzgerald Street (Cnr Walcott St; Scarborough Beach Rd (Cnr Green St); Charles St (Cnr Green St); and East Pde (Cnr Graham Farmer Fwy).
- Designers are also to be mindful of the size of entry statement foot prints.
- The new designs will be reviewed by the Group and a decision will then be made as to whether to take the designs to Council.

Glow Studios agreed to the proposal and delivered five new designs prior to the meeting 23 March 2011 Art Advisory meeting.

Following a review of the new proposals, the Groups preference was for ‘The Verticals’ a set of sculptural vertical forms which could be installed in five nominated locations. The specifications of the entry statement are as follows: 3 metres high with a 1m x 0.7m footprint (can be reduced), the elements are 178mm x 178 mm square hollow section made from 9mm thick aluminium (capped ends).The forms are to be painted with 2pak and Town of Vincent branding applied. Surface treatment and colourisation of the forms would be further considered at a later stage of development. Cost for the five entry statements is quoted at \$105,000 plus GST. Second and third preferences were given to the ‘Continuous Line’ and ‘V Silhouette’ respectively. The group requested the first and second design preferences be presented to Council.

The east locations of the new entry statements are proposed to be at the following locations:

- Vincent Street (Cnr Leederville Pde);
- Fitzgerald Street (Cnr Walcott St;
- Scarborough Beach Rd (Cnr Green St);
- Charles St (Cnr Green St); and
- East Pde (Cnr Graham Farmer Fwy).

It is proposed that the Art Advisory Group consider design options for the other existing entry points within the Town. In addition it is proposed that the current signs be re-fabricated.

### **Removal of “Nuclear Free Zone” Slogan**

#### **The suitability of the Town’s current entry signage slogan**

It is considered that the Town’s current entry signage slogan “*The Town of Vincent is a Nuclear Free Zone*” is outdated and no longer deemed appropriate or suitable.

*The slogan is no longer relevant as there is State and Commonwealth legislation covering nuclear material. The Town’s slogan is superfluous and is recommended for deletion.*

*The Nuclear Waste Storage and Transportation (Prohibition) Act 1991 (WA) prohibits the storage or transportation of nuclear waste in Western Australia*

*“Nuclear Waste” as defined under the Act is radioactive waste from a nuclear plant, or from the creation, testing and decommissioning of nuclear weapons. Constructing or operating a nuclear storage facility results in a maximum fine of \$500,000. Transporting nuclear waste incurs a fine of up to \$500,000.*

*The Commonwealth Radioactive Waste Management Act 2005 (Cth) regulates the acquisition and nomination of sites for nuclear waste facilities, as well as the conduct of activities for nuclear waste facilities, including transport.*

It is proposed that the Town’s new Entry Statements will not contain the slogan.

Accordingly, removal of the slogan from the remaining signs is appropriate and therefore recommended.

### **CONSULTATION/ADVERTISING:**

The brief was advertised through Artsource (the Artists Foundation of Western Australia) as well as through the Australian Graphic Design Association. It was also sent directly to graphic designers and sign makers that have already contributed to earlier requests for designs.

### **LEGAL/POLICY:**

Not applicable.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** Glow Studios would be responsible for undertaking all risk management implications.

**STRATEGIC IMPLICATIONS:**

This item is in keeping the Strategic Plan 2011-2016:

- “1.1: Improve and Maintain the Natural and Built Environment and Infrastructure:  
1.1.6 Enhance and maintain the Town’s parks, landscaping and the natural environment; and  
3.1: Enhance and Promote Community Development and Wellbeing:  
3.1.1 Celebrate, acknowledge and promote the Town’s Cultural and Social diversity.”*

**SUSTAINABILITY IMPLICATIONS:**

Quality materials are proposed with a ten year guarantee.

**FINANCIAL/BUDGET IMPLICATIONS:**

The budget for the project is \$95,000, this includes design fee, cost of signs and installation.

**COMMENTS:**

The designers stated that “The Verticals” is based on the idea of a group, a small community of gathered individuals coming together to form a united shape with uplifting qualities. The sculptural form has a dynamic, unique presence with its towering vertical lengths growing from the ground and surging upwards.’

Although abstract in style, ‘The Verticals’ will include Town of Vincent branding (i.e. the logo and name). The branding along with the fact that the entry statements are repeated at five major entry points of the Town means that the community and visitors alike will clearly associate them with the Town. The dynamic forms will make striking entry statements appropriate for a community that sees itself as forward looking, dynamic and unique.

The Town supports the recommendation of the Art Advisory Group for “The Verticals” to be the new entry statements at the five (5) major locations indicated in the report.

**9.4.4 The 12<sup>th</sup> International Cities, Town Centres & Communities Society (ICTC) Conference**

<b>Ward:</b>	-	<b>Date:</b>	30 May 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a> – Abstract of Presentation		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the Director Development Services, Robert Boardman and up to one (1) Council Member ....., to attend the 12<sup>th</sup> International Cities, Town Centres and Communities Society Conference – ‘Cities with People in Mind’ to be held at the Hotel Grand Chancellor, Constitution Dock, Hobart Tasmania, Australia from Tuesday, 25 October 2011 to Friday, 28 October 2011, at an estimated cost of \$2,195 for speaker registration and \$2,495 for non-member registration.*

The Chief Executive Officer advised that Cr Buckels had nominated to attend this conference.

The Presiding Member, Mayor Nick Catania called for further nominations. No further nominations were received.

Moved Cr Farrell, Seconded Cr McGrath

*That the recommendation be adopted with a nomination by Cr Matt Buckels.*

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

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

**ADDITIONAL INFORMATION:**

The Director Development Services has been successful in being accepted to present a paper on “Car Parking Management: A Paradigm Shift Away from Supply and Demand” at the 12<sup>th</sup> International Cities, Town Centres and Communities Society (ICTC) Conference – ‘Cities with People in Mind’ to be held in Hobart, Tasmania from 25 to 28 October 2011.

The Preliminary Program for the ICTC 2011 conference has also become available and is ‘Tabled’.

**COUNCIL DECISION ITEM 9.4.4**

*That the Council APPROVES the Director Development Services, Robert Boardman and Cr Matt Buckels, to attend the 12<sup>th</sup> International Cities, Town Centres and Communities Society Conference – ‘Cities with People in Mind’ to be held at the Hotel Grand Chancellor, Constitution Dock, Hobart Tasmania, Australia from Tuesday, 25 October 2011 to Friday, 28 October 2011, at an estimated cost of \*\$2,623 for speaker registration and \$2,923 for non-member registration.*

[\* Total amounts corrected – due to omission of daily allowance from the original costing.]

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the Director Development Services, Rob Boardman, and up to one (1) Council Member to attend the *12<sup>th</sup> International Cities, Town Centres & Communities Society Conference – 'Cities with People in Mind'* from Tuesday, 25 October to Friday, 28 October 2011 to be held in Hobart Tasmania.

**BACKGROUND:**

The ICTC Society aims are:

To assist cities, towns and communities to be as environmentally, socially and economically sustainable as possible;

To bring together the required visionary professionals to discuss the challenges of replacing sprawl with compact environmentally, socially and economically acceptable environments;

To enhance the quality of life of inhabitants of cities, towns and communities; and

To facilitate world best practices in the planning, development and management of cities, towns and communities and particularly the planning, development and management of public spaces and infrastructure.

The aims of the conference theme – 'Cities with People in Mind' are:

- To discuss the latest developments in urban design, planning development, project management and sustainability on an international and national basis;
- Mix with professionals from varying backgrounds in a true cross disciplinary event;
- Provide access to and hands on experience from national and international specialists; and
- Provide national and international case studies for discussion and analysis.

**DETAILS:**

The highlights of the Conference program will include:

- Renowned invited national and international keynote speakers as well as plenary and concurrent sessions, panel and poster sessions, and special interest groups (SIG) meetings;
- A trade exhibition highlighting the latest products from leading specialists; and
- Field Trips to projects in and around Hobart.

The conference itinerary is as follows:

Tuesday, 25 October 2011	Special Interest Group (SIG) Sessions
Wednesday, 26 October 2011	Plenary and concurrent sessions
Thursday, 27 October 2011	Plenary and concurrent sessions
Friday, 28 October 2011	Optional Field Trips.

Details of the Conference programme are yet to be provided, although sessions on the following topics will be discussed:

Business Improvement Districts (BID's)	Regional Strategic Planning
Town Centres & Main Streets	Population and Demographic Shifts
Place Making	Managing Growth
Place Management	Infill & Redevelopment
Place Marketing	Mixed Use Development
Community Building and Consultation	Transit Oriented Design/Development
Creating Liveable Neighbourhoods	Transport & Urban Communities
Housing Affordability	Urban Lifestyles/Revitalisation
Sustainable Cities and Towns	New Urbanism
Collaborative Design processes	Carbon Neutral Cities and Towns
Development of Creative & Cultural Cities	Green Building and Community Design
Master Planned Communities	Healthy Cities
Projects in Partnership	Emergency Services
Infrastructure Planning and Development	Disaster Monitoring and Management
Development Challenges	Other topics

The Director Development Services has submitted an Abstract as shown in Appendix 9.4.4 to the Conference Secretariat for the opportunity to present an Oral Presentation on "*Car Parking Management: A Paradigm Shift Away from Supply and Demand*". The presentation will highlight some of the issues associated with car parking demand and management and identify some of the actions which are currently being implemented by the Town to ameliorate such pressure. Presenters are soon to be advised of acceptance to the Program.

If this Abstract is accepted for presentation, the presenter agrees to register to attend the full conference and prepay the subsidised registration fee of \$695 by 29 July 2011 (Early Bird Date) and that a formal paper to be supplied prior to the conference by 11 October 2011, for inclusion on the conference website for ICTC2011 delegates only.

#### **Attendance at Previous Conferences**

Previous ICTC Conferences attended by the Director Development Services are as follows:

- 2007 "*Cities on the Edge*" held in Auckland, New Zealand
- 2008 "*Creating a Gold Medal Community*" held at Sydney Olympic Park, Sydney
- 2010 "*Interdependence – Web of Relationships, Internationally and Locally*" held at Coffs Harbour, New South Wales.

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

Nil.

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

Council's Policy 4.1.15 – "*Conferences*" – Clause 1.1 (i) states:

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

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

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the Town's Strategic Plan 2011-2016 – Objective 4.2 - *“Provide a safe, positive and desirable workplace”*; in particular:

*“4.2.1 Promote employee performance, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace:*

*4.2.1(b) Ensure the organisation enhances and promotes Employee satisfaction, health, safety and wellbeing and promotes strategies to attract and retain employees and encourage career development.”*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Cost per person

Full Conference Registration	\$ 695	(*Speaker Discount)
Economy Airfare (approx)	\$ 600	
Accommodation 4 nights @ \$225	\$ 900	
**Daily Allowance (\$107 per day)	\$ 428	

**Total:** **\*\*\$ 2,623 (approximate)**

\* Presentation of a paper at the conference reduces the registration fee for a member from \$895.00 to \$695.00 if paid before 29 July 2011. Full Registration (Non-Member) is \$995.

\*\* CORRECTION: Daily Allowance added (as it was omitted in error).

**COMMENTS:**

It is recommended that approval be granted for the Director Development Services to attend the conference being held by the International Cities, Town Centres and Communities Society Inc. (ICTC) Conference Committee from Tuesday, 25 October to Friday, 28 October 2011 to be held in Hobart Tasmania and to do a presentation on *‘Car Parking Management: A Paradigm Shift Away from Supply and Demand’*.

**9.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	3 June 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 14 June 2011, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.6**

**Moved Cr Maier, Seconded Cr McGrath**

*That the recommendation be adopted.*

Debate ensued.

**PROPOSED AMENDMENT**

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

*That the recommendation be amended to read as follows:*

*“That the Council;*

- (i) RECEIVES the Information Bulletin dated 14 June 2011, as distributed with the Agenda;*
- (ii) REQUESTS that the 'staff only' parking area adjacent to the east of the recreation centre be relocated to the northern end of the car park, and the area be made available to users of the Recreation Centre, Community Centre and Library and Local History Centre.”*

The Presiding Member, Mayor Nick Catania ruled that he could not accept the amendment as Item 9.4.6 relates to the Information Bulletin therefore, if it is required, a Notice of Motion would need to be given.

The Chief Executive Officer advised that the Item is an Information Bulletin and is for receiving of information only.

Cr Maier advised that he would submit a Notice of Motion at a later date.

Debate ensued.

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

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

**DETAILS:**

The items included in the Information Bulletin dated 14 June 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from Minister for Transport; Housing regarding the Perth Parking Management Area (PPMA)
IB02	Letter from the Department of Local Government regarding New Contact Details from 27 June 2011
IB03	Letter to Ms N. O'Neill of Matlock Street, Mount Hawthorn in response to Question Taken on Notice at the Ordinary Meeting of Council held on 10 May 2011
IB04	Letter to Mr C. Rowbottom of Chelmsford Road, Mount Lawley in response to Question Taken on Notice at the Ordinary Meeting of Council held on 10 May 2011
IB05	Letter to Mr S. Lofthouse of Oxford Street, Leederville in response to Question Taken on Notice at the Ordinary Meeting of Council held on 24 May 2011
IB06	Letter to Ms D. Saunders of Oxford Street, Leederville in response to Question Taken on Notice at the Ordinary Meeting of Council held on 24 May 2011
IB07	Letter from Bunbury Sea Rescue in appreciation of the Tickets donated by the Town to a Western Force game at nib Stadium for their Fundraising Event
IB08	Letter of Appreciation from Ms P. Bulloch of Raglan Street, Mount Lawley regarding Laneway between raglan & Grosvenor Roads
IB09	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/25 of 2011 – Finbar Funds Management Ltd v Town of Vincent, Nos. 369-375 (Lots 33, 125 and 35) Stirling Street, Highgate
IB10	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/102 of 2011 – Jones & Anor v Town of Vincent, No. 66 (Lot 15) Richmond Street, Leederville
IB11	Metro West Joint Development Assessment Panel – Members Details
IB12	Minutes of the Party Bus Working Group Meeting held on 9 March 2011
IB13	Minutes of the Universal Access Advisory Group Meeting held on 12 May 2011
IB14	Minutes of the Mindarie Regional Council Special Council Meeting held on 30 May 2011
IB15	Register of Petitions - Progress Report - June 2011
IB16	Register of Notices of Motion - Progress Report - June 2011
IB17	Register of Reports to be Actioned - Progress Report - June 2011
IB18	Register of Legal Action (Confidential – Council Members Only) - Progress Report - June 2011
IB19	Register of State Administrative Tribunal Appeals - Progress Report - June 2011
IB20	Notice of Forum - 21 June 2011

**9.4.7 LATE ITEM: Bi Annual International Public Works Conference – 2011**

<b>Ward:</b>	-	<b>Date:</b>	11 June 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Conference Proceedings		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the Director Technical Services and up to one (1) Council Member ....., to attend the 2011 Biannual International Public Works Conference to be held at the National Convention Centre, Canberra ACT, from Sunday 21 August 2011 to Thursday 25 August 2011, at an estimated cost \$3,750 per attendee.*

The Presiding Member, Mayor Nick Catania called for nominations. No nominations were received.

Moved Cr Farrell, Seconded Cr McGrath

*That the recommendation be adopted with no nominations.*

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

(Cr Harvey had departed the meeting. Cr Burns was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.4.4**

*That the Council APPROVES the Director Technical Services, to attend the 2011 Biannual International Public Works Conference to be held at the National Convention Centre, Canberra ACT, from Sunday 21 August 2011 to Thursday 25 August 2011, at an estimated cost \$3,750.*

**PURPOSE OF REPORT:**

The purpose of the report is to obtain approval for the Director Technical Services (DTS) and up to one (1) Council Member to attend the above conference in August 2011.

**BACKGROUND:**

The Institute of Public Works Engineering Australia (IPWEA) is a professional organisation providing member services and advocacy for those involved in and delivering public work and engineering service to the community. The DTS is a member of the institute.

The IPWEA holds a state conference annually and a national (or in this case International) conference bi-annually. In 2011 the conference is to be held at the National Convention Centre, Canberra ACT in August.

## **DETAILS:**

Previous Conferences of this nature have proved to be an outstanding success, driven by high quality speakers and excellent representations.

The proposed Conference will cover a range of key issues of direct relevance to Local Government including:

- Asset Management;
- Attraction & Retention;
- [Climate Change](#) Emergency Management;
- [Parking](#) Parks & Recreation;
- Plant & Vehicle Management [Procurement & Contracts Project Management](#);
- Public Works Best Practice;
- Road Pavement Management;
- Road Transport;
- Safer Roads;
- Stormwater Management;
- Sustainability; and
- Water & Wastewater;

The Conference will be participatory in nature and attendees will have opportunities to engage in interactive discussion with presenters on a variety of topics.

## **CONSULTATION/ADVERTISING:**

Nil.

## **LEGAL/POLICY:**

Council's Policy 4.1.15 – “*Conferences*” – Clause 1.1 (i) states: *When it is considered desirable that the Town of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;*”

The Director, Technical Services Contract of Employment entitles him to attend one (1) interstate conference per annum.

### Previous Attendance:

2003 – IPWEA International Conference – Tasmania (Director Technical Services attended);  
2005 – IPWEA International Conference – Adelaide (Director Technical Services attended);  
2009 – IPWEA International Conference – Melbourne (Manager Asset and Design Services attended).

## **RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

## **STRATEGIC IMPLICATIONS:**

In keeping with the Town's Strategic Plan 2011-2016 – Objective 4.2 - “*Provide a safe, positive and desirable workplace*”.

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

Estimated cost per attendee:

Conference registration and Technical Tour:	\$1800
Economy Airfare/transfers	\$650
Accommodation/allowance	<u>\$1,300</u>
<b>Estimated Total</b>	<b>\$3,750</b>

Note: The DTS has been advised that early bird registration closes on 20 June 2011 hence the purpose of the late report is to obtain the early bird discount.

**COMMENTS:**

It is recommended that approval be granted for the Director Technical Services and up to one (1) Council Member to attend the 2011 Biannual International Public Works Conference to be held at the National Convention Centre, Canberra ACT in August 2011.

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

Nil.

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

Nil.

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

Nil.

**13. URGENT BUSINESS**

Nil.

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

Nil.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.40pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 June 2011.

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

Dated this ..... day of ..... 2011