



## TOWN OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

<p>22 FEBRUARY 2011</p>
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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 22 February 2011, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

Cr Anka Burns – apology – arriving late due to work commitments.  
Rob Boardman, Director Development Services apology due to personal commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.08pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”
David Bell	Journalist – “ <i>The Perth Voice</i> ” (from 7.44pm)

Approximately 24 Members of the Public

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

Cr Joshua Topelberg due to work commitments.

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

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

1. Kirstin Marcakis of 13A Britannia Road, Leederville. Submitted documentation, which was circulated to the Council Members. Read out the following:  
*“When I first heard of Rosewood’s plans I was very surprised how far they had progressed and that the Development Application had been lodged.  
This is a huge development and the consultation process was not what I expected.  
We are not that difficult to contact and the fact that a public meeting was held in March last year, and that it took eight months to talk to us – the next door neighbour – amazes me.  
Our property adjoins Rosewood’s western boundary and we are arguably most affected. Not knowing “stuff” makes people nervous and suspicious, and I’m afraid that’s what we’ve become.  
Had the consultation, so heralded by the developers in their submission, actually taken place, I suspect many of our concerns may have been allayed.  
The opportunity to meet with the Developer and the Town representatives together with other local residents, would be much appreciated and I leave that for Council’s response. The proposed development is just too big.*

*It is three storeys plus an underground car park and service area. The foot print takes up almost all of the 5,000 square metre block.*

*Notwithstanding design features designed to minimise the feel of bulkiness, and that the third story is under a receding roof line it is still too big – too imposing in this residential area.*

*It contradicts the Town of Vincent's Non-Residential/Residential Development Interface Policy. It will dominate homes in Wavertree Place and Britannia Road, as well as the parkland to the west and south. Even the Developer acknowledges the bulkiness of the building.*

*This is a residential area we are talking about – homes are single or two storey, there are no Mac-Mansions. The local school is also single storey.*

*I fear this is a "thin edge of the wedge" scenario.*

*The Developer is citing the old 3-storey block of flats on Bennelong Street as precedent to bolster the case for the excessive height of Rosewood.*

*To grant the Rosewood application, would nudge the wedge deeper and create another example of an overly large development in the area.*

*Who knows what other residents or developers, current or future, may wish to do with their properties. The primary school, the old deaf society, the retirement village near Britannia Reserve, to name a few, may well use the granting of this application as a precedent for future oversized developments – forever changing in the character of the area.*

*The two-stage excavation for the underground car park will be massive, not to mention disruptive.*

*The land was once Lake Monger wetlands and the water table is not far down. The area may also have been a rubbish dump.*

*So we don't know what's below the surface.*

*While I'm no environmental scientist, I'm concerned about the stability of the land and potential for adverse environmental outcomes resulting from the excavation.*

*The Town must remain on top of all aspects of the testing and excavation of the site to ensure the safety and good health of local residents and visitors to the area.*

*The excavation will take up most of the Rosewood block with the ramp to the underground car park abutting our property. The excavation has the potential to significantly adversely affect the structural integrity of our home.*

*Lastly – and remembering that we are right next door – we ask of the Council, that more stringent requirements regarding dilapidation damage are imposed both during and post-construction."*

#### **Cr Burns entered the Chamber at 6.08pm.**

2. Faye Caldwell of 8 Wavertree Place, Leederville. Submitted photographs, which were circulated to the Council Members. Stated the following:
  - She is representing the Council of Owners of Strata Plan 10150.
  - Referred to the photographs and the lamp post height which is almost the height of the Porte Cochere.
  - The building bulk will be more than 3 times the new building on the corner of Oxford Street and Scarborough Beach Road which is about 1,500m<sup>2</sup>.
  - Wavertree is the rear entrance to Aranmore School and it is a narrow access road, cul de sac. Referred to her description on her submission of "access road", all 77.24m long, 1 corner house, 6 units, 4 new homes being built at the end – every vehicle going down must come back the same way which is where the loading bay has been placed.
  - The meal truck currently arrives at 4.45am, everyday, 7 days a week, and the dumpster truck twice a week between 4/4.30am. Believed if this cannot be policed now, it is not going to be able to be policed in the future and self regulating never works.

- Wavertree will also be developed, the front entrance an office, the Porte Cochere which is 3 storeys high, 4 car bays within the Wavertree Place verge and signage about exclusive use. There is no mention about these issues or about Wavertree in the Agenda report.
  - She attended the workshop on the Building and Planning Policies many years ago and Part D of the zoning recognises the right of the community to participate in the evaluation of localities and Brentham and Oxford Precincts were supposed to be a limit of 2 storey's however this building is going up to 11.1m when 9m is the limit. She has been advised that this is going to be concealed in the roof form.
  - Residents support the nursing home and she has for 25 years without a single complaint.
3. Mario Zulberti, CEO of Rosewood – Item 9.1.6. Stated the following:
- They began consultation with the Council in 2009 where they proposed the issues of the redevelopment of the facility.
  - Respects views on how the land was acquired however, whatever happened in the past could be deemed irrelevant, Rosewood owns the land and is on the Title.
  - They are facing significant problems with the building. Aged care is under great duress and the recent Productivity Commission identified significant problems.
  - To date Rosewood have spent over \$1million to this point (DA point) and all they ask from the DA point of view is that, that is just one step in the journey towards approval, it is not approval.
  - This is a \$30million plus development. Their financiers require some certainty from the Council that they are prepared to look at the development which has not had a new admission for over 6 months.
  - Is unaware of how many people or affected residents have ensuites but none of their residents do. If they need to use the toilet or shower, they have to go outside into the corridor which is not what people need today.
  - When they began their process with the Council, they attended with a bigger structure however, worked with the Officers in developing and appreciating community requirements, bulk and density, they went through it all and scaled the building down.
  - It needs to be understood that there is a cost benefit analysis and the building will not work unless it has that level of people.
  - Constructions costs alone are for a 16m2 bedroom and a 5m2 ensuite = \$280,000 which is a massive commitment that the organisation has to do in order for the financiers to back them.
  - The length of consultation has been excessive to the point that he has never done before. Requested consideration be given to the fact that they have gone this far, that there is within the guidelines and Agenda report certain requirements they have to meet in order to get their building licence if that is the next step – they are very strenuous.
  - At their cost, their transformer is also a substation which powers houses in the area, which has to be moved at their cost. Therefore they are significantly cost implied by that.
  - Requested consideration be given to the length of time spent to date, that a DA does not mean a construction point.
4. Bill Dias, Assistant Project Manager for Rosewood – Item 9.1.6. Read out the following:
- “I am here to talk about how we liaised with our next door neighbours however, before going on I just need to let everybody know that we have had 2 geotechnical surveys done on the site – there is no peat, no rubbish and the water table was 1.6m, perfectly feasible.*

*I am going to talk about house numbers 18, 13 and 13A. I don't wish to leave the impression that I am being impersonal it is just that I have limited time and it is quicker to say the number than it is to say the persons name.*

*This is a schedule of what actually happened in the process of communications with our next door neighbours:*

<i>Date</i>	<i>House No.</i>	<i>Communication</i>
22/3/10	18 and 13	Letter of invitation to a public form – neither attended. 13A was missed off through an error at DOLA and their mailing system.
6/4/10	18	Telcon
7/4/10	18	Meeting at 18
7/4/10	13 and 13A	I went there and I left a card in each of their letter boxes with a message on the back of it “please contact me regarding the next door neighbours development”
16/4/10	13	Called to say she got me card and would pass it onto her father who is the landlord. I asked for his phone number but she would not give it to me.
2/11/10	13 and 13A	We sent 2 special letters with a warning on the front of the letter not to throw it away it was about the next door development.
5/11/10	18	Telcon
8/11/10	18	Meeting
8/11/10	13 and 13A	Doorknock and left cards in the letterbox.
9/11/10	13A	Telcon
11/11/10	13	Doorknock again, got a phone number.
15/11/10	18	Email
16/11/10	13	Tentative date for a meeting in York and several telephones later 2/12/2010 I actually meet with 13 in York
22/11/10	18	Telcon
22/11/10	13A	Meeting at 13A with the owners
22/11/10	13	Telcon
23/11/10	13	Telcon
1/12/10	13	Telcon
2/12/10	13	Meeting in York
19/1/11	13A	Another meeting with 13A at the architects office
21/11/11	13A	Another meeting with 13A at the architects office

*As you can see we have had to push and prod and keep the process going. We have been very proactive in doing that and getting responses has not been all that easy.”*

5. Peter Marcakis of 13A Britannia Road, Leederville – Item 9.1.6. Read out the following:

*“Let me correct something about the consultation straight up. We had a meeting with Bill Dias in late November 2010 after receiving a letter early November. We have had 2 meetings with the architects since. We have had one email from him where he asked me to sign a “Release”, even before we had seen anything. That’s the facts, that’s what we know.*

*Good decisions can only be made if you have good information. This is a massive construction project and a significant planning decision.*

*We’re directly impacted by this development and therefore your decision. Despite this, we haven’t had the opportunity to consider and understand the project. The process has been fundamentally compromised and therefore our submissions to you have also been compromised.*

*Both sides of the story are not being heard. There is no balance in this process. This is not the Council’s fault or ours.*

*Words like honesty, integrity, transparency, mutual respect are spruiked everywhere but they are just words unless they are practiced.*

*The Developer says they have engaged with residents, implying good corporate citizenship. They talk about a consultative approach. This has not been our experience. There has been no “walk the talk” of their so called values, just words. The project will have a major disruption on our life and lifestyle and the potential for damage to our home is significant and this is admitted by the Developer.*

*This project absolutely demands a full and transparent process. All stakeholders must be fully engaged and be able to fully participate, only then will all views be on the table and only then can an informed planning decision be made.*

*I have written to the Town and each of you explaining the problems with the consultation process. The Developer took 8 months to contact us, why?*

*Since late November we have been scrambling to obtain information. We have had to initiate meetings with the Developer even though he knows we have serious concerns and issues. If this is what the Developer calls “consultation”, I suggested that this is a very low and unacceptable standard.*

*Only 3 or so weeks ago we became aware of a 70 page document which the Developer lodged with the Town – it was not on the Town’s website. Thankfully we were provided with a copy but 3 weeks is not sufficient time to work through it and understand it. We have asked questions of the Developer and the Architects and all we get are vague, noncommittal, “wishy-washy” replies and the answers keep changing.*

*Your meeting papers say the project has a 3 year construction period. The Developer told us 2.5 years and the Architect said 4. Yes, they are estimates and estimates will vary – we understand that but this is the most basic fundamental aspect of the project and the estimate varies by more than 50%. It is unacceptable, it’s too uncertain. It’s not good enough for us and it shouldn’t be good enough for Council. The level of uncertainty and vagueness surrounding the entire project is unacceptable, not for something this big and important and all this as I say, has implications for your planning decision.*

*In the space of 2 to 3 months we have gone from having first heard about the project to being here tonight. Procedural fairness must be restored and practiced. We live within metres of this massive project. It will cause us major disruption for a long period and after it is finished.*

*We are ratepayers and Council has an obligation to protect us in these sorts of matters. Just let’s slow down and take a step back and have a proper consultation process and get it implemented. Only then will the right planning decision be made. It’s a very old cliché but very relevant in this case “walk a mile in my shoes”.*

*So we ask you to defer your decision on this development application for 2 months at least. That’s not much to ask, not for something of this size and scale.”*

6. John Pintabona of behalf of the Aranmore Catholic Primary School, 20 Brentham Street, Leederville – Item 9.1.6. He is a Board Member and represents the Chairman of the Board. Submitted a letter, which as circulated to the Council Members. Outlined the concerns the School has:

- A major issue they have is plot ratio and how this particularly will be in a position where it’s in close proximity to kindy/pre-primary area which will impact with the students.
- Asked how the 3 storey application will impact on the overlooking aspect of the School and how it will come into direct vision of the kindy/pre-primary classrooms as well as the play area and toilet facilities?
- Some facilities where dementia patients will be housed and they are looking at the impact that may have if their windows or areas are overlooking the play area.
- There also be overlooking into the School’s After Care House (which is situated alongside the School).
- Building setback is a concern from the southern elevation which they consider is not a sufficient separation to the School. School is interested about whether that is applied as with future construction of School property they will be interested if the ability to go higher than 2 storey is approved.



- Asked the Council to consider the impact from the School on residents regarding the natural ambience of children during recess and lunchtime.
- Queried how the proximity of their housed sporting equipment and other facilities planned by the School may come in contact with the facility e.g. footballs etc.
- Asked the Council to have consideration in relation to the wall/fencing, in having a fence facility that does not rely on shrubs and trees to implement some form of privacy specifically for the children so they are not interfering or vice versa.
- Concerned with the smoking facility situated at the rear of the facility and in very close proximity and in “eye shot” of the School.
- They note that the vehicle access is going to be entering in from an underground car park and also to the storage area on Wavertree Place. Asked the Council to consider having some form of warning device for people using the pathway that a vehicle is exiting the parking.

**The Presiding Member, Mayor Nick Catania advised that this Item would be considered first due to the number of requests from the community and Aranmore School. He suggested deferral of the Item for further consideration, so the community can debate it and particularly the impact on the local School.**

7. Scott Kerr of Master Plan Town Planning Consultants – Item 9.1.8. On behalf of owners of various properties on Scarborough Beach Road between Brady and Jugan Streets, Glendalough. Stated the following
  - Whilst landowners would prefer to have no additional road widening beyond the 5m already reserved and posed upon them, the proposition for the Scarborough Beach Road Activity Corridor and its implication is acknowledged.
  - If Option 2 as recommended in the report provides the most realistic opportunity to minimise additional road widening, then this is also acknowledged.
  - Reminded Councillors of the current proposal to close a portion of Brady Street adjoining the subject land which is in limbo pending resolution of these road widening questions.
  - Suggested an opportunity exist for the progress of this matter for all parties to collaboratively resolve the road widening and Brady road closure initiatives which can possible be done by consideration of an equitable land swap approaching between the relevant parties.
  - Physical impact upon the subject land of the existing and additional road widening which will significantly constrain potential opportunities to develop the vision of both the landowners and the Town for this high profile site.
  - Suggested further consideration be given to the flexibility and the ultimate development standards that will apply via the Town’s proposed Scheme amendment intending to incorporate this portion of land which was historically located in the City of Stirling and now within the Town’s Town Planning Scheme. Therefore, as that progress they would like the opportunity to talk further with the Council as to how that can be achieved.
8. James Fisher of 13 Britannia Road, Leederville – Item 9.1.6. Stated the following:
  - They have had 2 pieces of communication from the Town on the matter however, nothing from the Developer – therefore can only question whether that occurred.
  - This is a big development proposed to go from 40 bed residential facility to 120 – 5,403m<sup>2</sup>, which exceeds the maximum requirements by 1,945m<sup>2</sup> and in all respects (north, south, east and west).
  - The setbacks to the roadway are closer to the road than minimum requirements by between 3-6m.
  - They are not opposed to the development of a aged care residential facility however, are opposed to this development.
  - Requested the Council impinge on the Developer to produce a proposed development that is more in keeping with requirements.

9. Amanda Keswick of 43 Hobart Street, North Perth – Item 9.1.4. Submitted apologies from Mike of 25 Auckland Street who works shift work and Sandra of 50 Hobart Street who was unable to get a babysitter. Stated the following:
- Concerned and objects to the retrospective application.
  - The application implies that the information presented is correct.
  - The original approval was for an indoor eating house and the opening hours have never been adhered to i.e. activity happens before 7am, 7 days a week.
  - The original approval states the eating house has been in operation since February 2010 which is untrue and parking complaints to the Ranger will show this.
  - The reporting Officer noted that the building has been commercial since 1935 – it was a local deli until 2.5 years ago.
  - When it was a deli, people only spent a small time parked however, with it now being operating as an eating house some customers spend in excess of 1hr there.
  - There is no parking for the business already as streets are congested with people using the park opposite without going to the eating house.
  - She has trouble with people parking across her driveway and having to ask people to please move their vehicle has been time consuming and threatening by their actions and words.
  - Auckland Street is reduced to one lane as many residents lack off road parking.
  - A Council Officer advised that people were expected to park in Gill Street which is over 1.5km away and is required for Les Lilleyman Reserve which is currently used for cricket with 2 afternoons/evenings and juniors start at 7.30am and seniors take over and go past 6pm.
  - Regarding Officer comments with no objections to the increased alfresco – this was never approved in the beginning and should state that it is retrospective.
  - Extra tables and chairs do encroach on the footpath and is a problem.
  - Excessive parking congestion is outrageous and asked if there is any report from Rangers?

There being no further speakers, Public Question Time closed at approx. 6.37pm.

**(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 four (4) residents of Hobart Street, North Perth along with 206 signatures, in support of the proposed application for alterations and additions to existing Eating House at 45-45A Hobart Street, North Perth.

The Chief Executive Officer recommended that this petition be received and considered during consideration of Item 9.1.4 on this Agenda.

**Moved Cr Lake, Seconded Cr Maier**

*That the petitions be received as recommended.*

**CARRIED (8-0)**

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

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

Minutes of the Ordinary Meeting of Council held on 8 February 2011.

**Moved Cr Burns, Seconded Cr McGrath**

*That the Minutes of the Ordinary Meeting of Council held 8 February 2011 be confirmed as a true and correct record.*

**CARRIED (8-0)**

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

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

**7.1 Earthquake Strikes Christchurch, New Zealand**

As no doubt you will be aware, a large 6.3 magnitude earthquake has struck Christchurch, New Zealand, bringing down buildings, power and phone lines. Sadly, there have been reports of fatalities and to date 65 people have been confirmed dead and many are reported missing.

On behalf of the Council and the Town of Vincent, may I extend my deepest sympathy to those directly affected in New Zealand and our thoughts are with those who have been affected by this disaster.

**7.2 Local Government Managers Australia (WA Division) – Finance Awards**

I am very pleased to announce that the Rising Star Finance Professional Award was won by Barbara Wong, who is the Accountant in the Town's Finance Section.

The LGMA High Achiever Award and the Rising Star Finance Professional Award formally recognises the significant contributions made by a Local Government Finance Professional to the Western Australian community and the Local Government finance sector.

Barbara was nominated by the Manager Financial Services for her excellent works since she was employed by the Town over two years ago.

Barbara has received a complimentary full conference registration for the 2012 Finance Professionals Conference, valued at over \$500.

Congratulations to Barbara and well done!

**Received with Acclamation!**

**7.3 Request for Deferral of Item 9.1.7**

It is advised that the Applicant has requested that Item 9.1.7 relating to No. 356 (Lot 64 D/P 1823) Charles Street, North Perth - Proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) be DEFERRED.

The applicant has requested more time to further consider their justification and provision of car parking on and around the site.

7.4 Request for Deferral of Item 9.1.6

It is advised that there have been a number of requests from the community, including Aranmore School, to defer Item 9.1.6 relating to No. 5 - 9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville – Proposed Demolition of Existing Single Storey Aged Care Facility and Construction of Three-Storey Aged Care Facility.

The requests have been made to further consider the impact of the proposed development on the local community and school.

**8. DECLARATIONS OF INTERESTS**

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

8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.

8.3 Cr Farrell declared an Impartiality interest in Item 9.1.2 – Nos. 46 - 54 (Lots 142; D/P 32179 and Lots 44 and 43; D/P 28) Cheriton Street, Perth - Proposed Mixed-Use Development Comprising of Eating House, Office and Seven (7) Single Bedroom Multiple Dwellings and Two (2) Multiple Dwellings and Associated Car Parking. The extent of his interest being that his wife is an employee of the applicant/owner. Cr Farrell stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Farrell declared that he will 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 9.1.6, 9.1.8 and 9.1.4.

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 9.3.5, 9.4.2 and 9.4.4.

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

Item 9.3.1.

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

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

Cr Farrell	Nil.
Cr Buckels	Items 9.1.9 and 9.2.1.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Item 9.1.3.
Cr Burns	Nil.
Cr Maier	Items 9.1.2, 9.4.5 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 9.1.1, 9.1.5, 9.2.2, 9.3.2, 9.3.3, 9.3.4, 9.4.1 and 9.4.3.

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

Item 14.1.

**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 9.1.1, 9.1.5, 9.2.2, 9.3.2, 9.3.3, 9.3.4, 9.4.1 and 9.4.3.

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

Items 9.1.6, 9.1.8 and 9.1.4.

**(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 Maier, Seconded Cr Farrell**

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

***Items 9.1.1, 9.1.5, 9.2.2, 9.3.2, 9.3.3, 9.3.4, 9.4.1 and 9.4.3.***

**CARRIED (8-0)**

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

**9.1.1 Further Report – No. 7 (Lot 26; D/P 1777) Thompson Street, North Perth - Proposed Solid Door Addition to Existing Carport and Front Fence - Application for Retrospective Approval**

<b>Ward:</b>	South	<b>Date:</b>	9 February 2011
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO2360; 5.2010.478.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Pirone, 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 owner P Matera for proposed Solid Door Addition to Existing Carport and Front Fence - Application for Retrospective Approval, at No. 7 (Lot 26; D/P 1777) Thompson Street, North Perth, and as shown on amended plans stamp-dated 31 January 2011, subject to the following condition:*

- (a) *The proposed tubular fencing shall have a minimum fifty (50) percent visual permeability.*

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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

**FURTHER REPORT:**

The amended plans dated 31 January 2011, illustrate that the boundary fence on the western elevation has been reduced to a height of the 1.2 metres for a length of 3 metres. The amended plans also illustrate that the existing wooden infill in the fence and gate is to be removed and replaced with decorative tubular fencing, which is similar to an open wrought iron look. The plans indicate that the solid roller is proposed to remain.

A site visit undertaken on 9 February 2011, indicates that the western side boundary fence has already been modified and reduced to 1.2 metres. Furthermore, the wooden panelling in the gate and the fence has been removed; however, to-date, not replaced.

The modifications that the owners have made to the front and side fence, illustrate a much more open style look and provides greater visibility for motorists reversing out of the carport and for pedestrian approaching the property along the footpath. This follows a site visit by the Director Development Services and agreement with the property owner on the modifications necessary to address public safety concerns.

In light of the above, it is recommended that the Council approve the amended plans, subject to a condition which ensures that the proposed tubular fencing has a minimum fifty (50) percent visual permeability.

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

*“That the item be DEFERRED to allow for further negotiation with the Applicant”.*

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

*“OFFICER RECOMMENDATION:*

*That the Council;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by the owner P Matera for proposed Solid Door Addition to Existing Carport and Front Fence - Application for Retrospective Approval, at No. 7 (Lot 26; D/P 1777) Thompson Street, North Perth, and as shown on plans stamp-dated 17 September 2010, 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(c) (5) (Setbacks of Garages and Carports) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements;*
- (c) *the non-compliance with clause SADC 13 (Street Walls and Fences) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements; and*
- (d) *the non-compliance with clause 1.4 (Visual Truncation Area) of the Town’s Policy No. 2.2.6 relating to Truncations; and*

(ii) *ADVISES the applicant that within twenty eight (28) days from the issue of the ‘Refusal to Commence Development’ that the following is to occur:*

- (a) *the existing solid door be removed from the carport to comply with clause SADC 8(c) (5) (Setbacks of Garages and Carports) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements;*
- (b) *the piers of the fence being modified to comply with clause SADC 13 (Street Walls and Fences) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements;*
- (c) *the infill of the fence being modified to comply with clause SADC 13 (Street Walls and Fences) of the Town’s Policy No. 3.2.1 relating to Residential Design Elements; and*
- (d) *the carport piers and fence within the 1.5 metre by 1.5 metre truncation area be modified to comply with clause 1.4 (Visual Truncation Area) of the Town’s Policy No. 2.2.6 relating to Truncations.*

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COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Burns

*That the recommendation be adopted.*

*Debate ensued.*

**PROCEDURAL MOTION**

Moved Cr Farrell, Seconded Cr Topelberg

*That the item be DEFERRED to allow for further negotiation with the Applicant.*

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

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<i>Landowner:</i>	<i>P Matera</i>
<i>Applicant:</i>	<i>P and Y Matera</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>349 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 3 metres wide, sealed, privately owned</i>

**PURPOSE OF REPORT:**

*The proposal requires referral to the Council for determination as the Town's Officers do not have the delegation to determine retrospective applications.*

**BACKGROUND:**

*7 September 1993 The City of Perth issued a Building Licence for the construction of a carport at the subject property.*

*3 July 2003 The Town under delegated authority from the Council conditionally approved an application for a gazebo addition to existing single house.*

*13 November 2006 The Town under delegated authority from the Council conditionally approved an application for a gazebo and front fence addition to existing single house.*

*12 July 2010 The Town's Development Compliance Officer wrote to the owner advising that the subject roller door and front fence is unauthorised and it is required to be removed or apply for retrospective planning approval within 28 days.*

*19 August 2010 On-site meeting with owners and the Town's Officers.*

*17 September 2010 The subject retrospective planning application was lodged at the Town.*



*DETAILS:*

*The proposal involves the retrospective approval for a solid door on an existing carport and for a non-compliant front fence.*

*Carport*

*As indicated in the ‘Background’, the City of Perth issued a Building Licence for the construction of the subject carport on 7 September 1993 (Attachment 002). These plans do not illustrate a solid door. Furthermore, the carport piers illustrate a width of 450 millimetres by 450 millimetres to a height of 1 metre, and timber posts with a width of approximately 150 millimetres by 150 millimetres above that. This does not comply with the current truncation requirements, as any solid portions wider than 350 millimetres by 350 millimetres shall be no higher than 650 millimetres.*

*The Town under delegated authority from the Council issued a Planning Approval for a Gazebo and Front Fence to the existing single house on 13 November 2006 (Attachment 003). The subject plans indicate the carport piers are proposed to be extended to the underside of the roof; however, at a width of 350 millimetres by 350 millimetres, which is compliant with the Town’s Policies.*

*Nevertheless, the carport has been constructed contrary to the two previous approved plans, as the carport piers are 430 millimetres by 430 millimetres to the underside of the carport roof and neither of the plans illustrate a solid roller door.*

*Front Fence*

*A solid portion of fence between the carport pier and the fence pier was approved to contain a mail box in the Planning Approval issued on 13 November 2006. The dimensions of this pier are 300 millimetres by 230 millimetres and are setback behind the carport pier. This is compliant with the Town’s Policies.*

*In regards to the fence infill, a note provided on the plans approved on 13 November 2006 states the following “selected timber picket infill panels to maximum 1800mm AGL – pickets to be separated to allow visual permeability in accordance with Town of Vincent requirements”. It is noted that at the time this development application was approved that the requirements were 50 percent visually permeable, and the subject infill is at 20 percent visually permeable.*

*The applicant's submission (004) is circulated as a Confidential Appendix to this report, as it contains references to other properties in the Town. (It is not appropriate to include these details as public, as it may contravene the Town’s “Privacy Management Policy”).*

*COMPLIANCE:*

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Carports:</i>	<i>Solid roller doors are not permitted on carports within the front setback area.</i>	<i>Solid roller door located on carport within the front setback area.</i>
<i>Officer Comments:</i>		
<i>Not Supported – A large majority of dwellings on Thompson Street have low lying, open style fences with open carports. The subject roller door is setback 300 millimetres from the street and creates an undue impact on the streetscape.</i>		

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Street Walls and Fences:</i>	<i>Maximum of 50 percent visually permeable above 1.2 metres.  The posts and piers are to be a maximum width of 350 millimetres.</i>	<i>20 percent visually permeable above 0.94 metre.  The posts attached to the gate are 430 millimetres by 330 millimetres.  The post attached to the carport on the western side of the carport is 940 millimetres by 330 millimetres.</i>
<i>Officer Comments:</i>		
<i>Not Supported – A large majority of dwellings on Thompson Street have low lying, open style fences with open carports. The subject infill is 20 percent open and creates an undue impact on the streetscape. Furthermore, the piers are non-compliant with the Town’s Visual Truncation Policy and can be dangerous for pedestrians when vehicles are reserving onto Thompson Street.</i>		

*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 (5)</i>	<ul style="list-style-type: none"> <li>• <i>“I have no problem with this whatsoever. The roller door is essentially attractive and not causing any kind of obstruction.”</i></li> <li>• <i>“I think the work done in regards to walls and fences are attractive and not impeding on anyone or anything. Extremely happy for this to be approved.”</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Noted.</i></li> <li>• <i>Noted.</i></li> </ul>
<i>Objection (1)</i>	<i>No comments provided.</i>	<i>Noted.</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.</i>	
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic</i>	<i>Nil.</i>	
<i>Sustainability</i>	<i>Nil.</i>	
<i>Financial/Budget</i>	<i>Nil.</i>	

**COMMENTS:**

*The Town’s records indicate that at least two approvals have been issued that relate to the carport and front fence. However, both these plans do not illustrate what is actually built on site and, therefore, a disregard to the approvals issued by the City of Perth and Town of Vincent.*

*Furthermore, the Town’s Technical Services Officers have advised that they do not support the application as no adequate visual truncations have been provided for both motorist and pedestrian movements.*

*In light of the above, it is recommended that the Council refuse the application for retrospective approval and the appropriate action be taken as indicated in the Officer Recommendation.”*

**9.1.5 No. 95 (Lot 29; D/P: 2931) Carr Street, West Perth - Proposed Change of Use from Shop/Cafe to Eating House and Associated Alterations to the Premises**

<b>Ward:</b>	South	<b>Date:</b>	9 February 2011
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO0842; 5.2010.375.2
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report, Development Application and 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 Architecture Collective on behalf of the owner E Siamos for proposed Change of Use from Shop to Eating House and associated Alterations to the premises, at No. 95 (Lot 29; D/P: 2931) Carr Street, West Perth, and as shown on plans stamp-dated 1 November 2010, subject to the following conditions:*

(i) **Building**

- (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 Carr and Strathcona Streets; and*
- (b) *the windows, doors and adjacent floor areas facing Carr and Strathcona Streets shall maintain active and interactive frontages to these streets;*

(ii) **Fencing**

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

(iii) **Signage**

*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;*

(iv) **Car Parking**

*The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

(v) **Use of the Premises**

- (a) *the maximum patronage for the premises shall be 44 persons;*
- (b) *alfresco seating is not part of this application; and*
- (c) *the approval for eating house applies to 166 square metres of the tenancy at No. 95 Carr Street only. Any increase in floor space or change of the use would require a new planning application;*

(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 \$19,725 for the equivalent value of 6.5753 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 \$19,725 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

(2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*

(3) *to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

(vii) *Prior to the first occupation of the development, the following shall be submitted to and approved by the Town:*

(a) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained; and*

(b) *Bicycle Parking Facilities*

*A minimum of one (1) class one or two bicycle parking facilities and three (3) 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 to and approved by the Town prior to the installation of such facilities.*

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#### **COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

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

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<b>Landowner:</b>	E Siamos
<b>Applicant:</b>	Architecture Collective
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Shop/Café
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	521 square metres
<b>Access to Right of Way</b>	South, 5 metres in width

**PURPOSE OF REPORT:**

This proposal is referred to the Council as a car parking shortfall of more than five (5) bays is proposed.

**BACKGROUND:**

11 May 1982 The Perth City Council approved a non-conforming use right for the property from Residential Flats to Shop (Local).

Approvals for extensions of the building were issued in 1976 and 1982. The premises since this time has continued to function as a shop/café/gourmet deli, with dining room and eating house licences issued by the Town's Health Services.

**DETAILS:**

The proposal involves a change of use of the premises from Shop/Café, under the trading name of the *West End Deli*, to Eating House at No. 95 Carr Street, West Perth.

The premises currently operate seven (7) days per week and are open for dinner on Thursday, Friday and Saturday evenings. The proposed development also includes alterations internally including a new kitchen, stairway to office and reconfiguration of toilets and the dining area.

The proposal indicates catering for fifty-four (54) patrons, with forty-four (44) patrons inside the premises and ten (10) outside the premises. Planning Approval will refer to outdoor seating; however, the applicant will need to make further application for any Alfresco Dining Licences. Eight (8) staff are proposed within the tenancy.

The applicant's submission is tabled for viewing at the meeting.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Land Use	'P' Permitted	Eating House 'SA'
<i>Officer Comments:</i>		
The proposed use of the premises as an Eating House adds to the existing shop/café/gourmet deli use of the property over the last thirty (30) years on-site. It is considered that despite the car parking shortfall of 6.5753 bays, the distinction of the proposed eating house will not greatly change the existing premises or impact the adjoining landowners. It is noted that no objections have been received for the proposal and the comments supporting the development indicate strong support.		

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

<b>Consultation</b>	
<b>In Support:</b>	Five (5)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Note that the five (5) on-site car bays already included are for the two (2) businesses that operate on the property.</li> <li>Do not object to the development on the basis that the whole portion of the land is not changed to Eating House.</li> </ul>	<p>Noted. During normal business hours (Monday to Friday 9am-5pm), the two businesses on-site West End Deli and Jomac Enterprises (Office) utilise the parking on-site. During the evenings and on weekends, the car parking will be fully accessible by the Eating House premises.</p> <p>Support. A condition has been included in the recommendation noting the approval for Eating House only applies to the front tenancy at No. 95 Carr Street.</p>
<b>Objections:</b>	Nil
<b>Comments Received</b>	<b>Officer Comments</b>
Nil	Noted
<b>Advertising</b>	Advertising for the proposal for a period of 21 days was carried out as per the Town's Policy 4.1.5 relating to Community Consultation.
<b>Other Implications</b>	
<b>Legal/Policy</b>	Town Planning Scheme No. 1 and associated policies
<b>Risk Management Implications</b>	Nil
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil
<b>Car Parking</b>	
Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> <li>1 space per 4.5 square metres of public floor area – 54.95m<sup>2</sup></li> <li>1 space per 50 square metres of gross floor area (Office) – 70.4m<sup>2</sup></li> </ul>	= 12.21 car bays = 1.408 car bays 13.618 car bays
Apply the adjustment factors.	
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> </ul>	(0.85) = 11.5753 car bays
Minus the car parking provided on-site	Five (5) bays
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant shortfall	6.5753 car bays
<b>Bicycle Parking</b>	
<b>Eating House</b>	<ul style="list-style-type: none"> <li>1 space per 100 square metres: Class 1 or 2 (1 Required)</li> <li>2 spaces plus 1 space per 100 square metres: Class 3 (3 Required)</li> </ul>
	<ul style="list-style-type: none"> <li>o Nil Provided.</li> <li>o Nil Provided.</li> </ul>

**COMMENTS:**

**Parking**

The proposed parking provisions for an Eating House establishment, according to the Town's Parking and Access Policy require 1 space per 4.5 square metres of public floor area. Based on this requirement and after the adjustment factors, a total shortfall of 6.5753 bays is present. A total of five car bays (including one disabled bay) are located within the site with some street parking available along both Carr and Strathcona Streets.

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays, to provide and/or upgrade parking in other car parking areas. The policy stipulates that:

*“Cash-in-lieu provisions are only to be permitted in localities where the Town already provides off-street public car parking which has spare capacity, or the Town is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate) in the near future, within 400 metres of the subject development;”*

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, a minimum of 15 per cent of the required bays is to be provided.”*

If the shortfall in car parking were to be supported, a cash in lieu payment would be required. The cash-in-lieu payment required would be \$3,000 per bay based on the 2010/11 fees; \$19,725 in this instance.

Given the presence of on-site car parking bays which are available in a shared capacity during normal business hours during the week, and for a significant portion during evenings and on weekends, the parking shortfall could be supported.

### **Economic Development Strategy**

Whilst it is noted that the Town of Vincent Economic Development Strategy stipulates that commercial establishments should be located in established Commercial centres, the proposed premises has been used as an café/shop/gourmet deli for some 30 years without complaint and contributes to the character and amenity of the area. In this respect, it is considered that given the location of the premises, the upgrading of the establishment to an Eating House will not pose any greater impact on the surrounding area.

Accordingly, it is recommended that the variations be considered and the application be approved as per the Officer Recommendation.

**9.2.2 Proposed Alternate Naming of the Right of Way Between Farmer Street, Woodville Street, Sholl Lane and Fitzgerald Streets.**

<b>Ward:</b>	North	<b>Date:</b>	7 February 2011
<b>Precinct:</b>	Smith's Precinct (P6)	<b>File Ref:</b>	TES0248
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2750-RP-01A Proposed naming of ROW "Salas Lane"		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	G Bellinger, Technical Officer Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the application of the name "Salas Lane" to the right of way (ROW) bounded by Farmer and Woodville Streets, Sholl Lane and Fitzgerald Street, North Perth, as illustrated by the attached Plan No. 2750-RP-01A, subject to:*

- (a) *approval being granted by the Geographic Names Committee for the application of the name "Salas Lane" and;*
- (b) *payment by the applicant of \$300 for the supply and installation of two street name plates and poles.*

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the application of an alternative name to the ROW between Farmer and Woodville Streets, Sholl Lane and Fitzgerald Streets, North Perth

**BACKGROUND:**

The Town has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request of a resident, provided the cost of installing name plates is borne by the applicant and the name is approved by both the Council and Landgate's Geographic Names Committee.

Naming the ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general.



**DETAILS:**

In December 2011, under Delegated Authority, the name Dowell Lane was approved, however, the Geographic Names Committee refused the name on the grounds that it could be confused with Powell Street in Joondanna, which is less than 10km away.

Further research was carried out to identify an alternative name for the ROW, and "in principal" approval granted by the Geographic Names Committee for the application of the name "Salas Lane". George Fredrick Salas was elected to the Perth City Council in 1888. He was a member of a group of mining magnates who involved themselves in land speculation of the North Perth area in the 1890's, and were responsible for subdivision of a number of parcels in the North Perth area.

**CONSULTATION/ADVERTISING:**

Public consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

Once approved, the applicant will be advised of the Council's decision.

**LEGAL/POLICY:**

There are no legal implications to naming the ROWs.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area one of strategic Plan 2009 - 2014 - *1.1.6 Enhance and Maintain the Town's infrastructure to provide a safe, healthy, sustainability and functional environment.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to erect poles and signs in the ROW will cost approximately \$300 (incl. GST). The applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

**COMMENTS:**

The naming of the ROW is a wonderful opportunity to recognize the people that were involved in formation of the local area and to maintain a continuing connection to the Town. It is recommended that the Council approve the application of the name "Salas Lane" to the ROW shown on the attached Plan No. 2750-RP-01A.

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 January 2011**

<b>Ward:</b>	Both	<b>Date:</b>	2 February 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	Vouchers, supporting invoices and other relevant documentation		
<b>Reporting Officers:</b>	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 January – 31 January 2011 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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

**DECLARATION OF INTEREST**

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

**PURPOSE OF REPORT:**

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 January to 31 January 2011.

**BACKGROUND:**

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the Town's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	069491- 069572	\$147,425.56
Transfer of Creditors by EFT Batch	1174-1176, 1178, 1180, 1182	\$2,499,894.58
Transfer of PAYG Tax by EFT	January 2011	\$218,232.19
Transfer of GST by EFT	January 2011	
Transfer of Child Support by EFT	January 2011	\$1,087.08
Transfer of Superannuation by EFT:		
• City of Perth	January 2011	\$27,515.05
• Local Government	January 2011	\$106,676.85
<b>Total</b>		<b>\$3,000,831.31</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$8,164.86
Lease Fees		806.82
Corporate Master Cards		\$11,255.98
Loan Repayment		\$56,737.45
Rejection Fees		\$22.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$76,987.61</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$3,077,818.92</b>

**LEGAL POLICY:**

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

**RISK MANAGEMENT IMPLICATIONS:**

In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

**COMMENT:**

All municipal fund expenditure included in the list of payments is in accordance with the Council’s adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment and are tabled.

### **9.3.3 Financial Statements as at 31 January 2011**

<b>Ward:</b>	Both	<b>Date:</b>	7 February 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Statements for the month ended 31 January 2011 as shown in Appendix 9.3.3.*

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**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the Financial Statements for the period ended 31 January 2011.

**BACKGROUND:**

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 January 2011:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature or Type Report (page 18);
- Capital Works Schedule (pages 19-25);
- Statement of Financial Position (page 26);
- Statement of Changes in Equity (page 27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (pages 34-40); and
- Monthly Financial Positions Graph (pages 41-43).

Comments on the financial performance are set out below:

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

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

YTD Actual	-	\$9.8 million
YTD Budget	-	\$10.9 million
Variance	-	-\$1.1 million
Full Year Budget	-	\$10.6 million

**Summary Comments:**

The current favourable variance is due to timing on extended funding.

**Operating Revenue**

YTD Actual	-	\$31.8 million
YTD Budget	-	\$31.4 million
YTD Variance	-	\$0.4 million
Full Year Budget	-	\$38.4 million

**Summary Comments:**

The total operating revenue is currently 1.1% over budget which is attributed to increased revenue from Development Application, increased fees from parking fees and infringements and money received from insurance claims submitted as a result of the March 2010 storm.

Major variances are to be found in the following programmes:

- Governance – 39% over budget;
- Law Order and Public Safety – 36% below budget;
- Education and Welfare – 13% over budget;
- Community Amenities – 22% over budget;
- Other Property and Services – 279% over budget;
- Administration General – 331% over budget.

More details variance comments are included on the page 34 – 40 of this report.

**Operating Expenditure**

YTD Actual	-	\$22.8 million
YTD Budget	-	\$23.8 million
YTD Variance	-	-\$1.0 million
Full Year Budget	-	\$40.3 million

**Summary Comments:**

The operating expenditure is currently 4.5% below budget.

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

- Health – 12% below budget;
- Community Amenities – 17% below budget;
- Economic Services – 25% over budget;
- Other Property and Services – 37% over budget;
- Administration General – 82% below budget.

Detailed variance comments are included on the page 34 – 40 of this report.

**Income Statement by Nature and Type Report**

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

**Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2010/11 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 January 2011 of \$4,381,070 which represents 17% of the revised budget of \$26,096,037.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date</b>	<b>%</b>
			<b>(Include commitment)</b>	
Furniture & Equipment	\$214,900	\$214,900	\$133,031	62%
Plant & Equipment	\$2,662,600	\$2,666,100	\$1,754,592	66%
Land & Building	\$12,125,150	\$12,222,672	\$246,202	2%
Infrastructure	\$10,843,834	\$10,992,365	\$2,239,353	20%
<b>Total</b>	<b>\$25,846,484</b>	<b>\$26,096,037</b>	<b>\$4,373,178</b>	<b>17%</b>

**Statement of Financial Position and Statement of Changes in Equity**

The statement shows the current assets of \$26,030,901 and non current assets of \$142,414,244 for total assets of \$168,445,145.

The current liabilities amount to \$9,309,084 and non current liabilities of \$13,400,926 for the total liabilities of \$22,710,010. The net asset of the Town or Equity is \$145,735,135.

**Restricted Cash Reserves**

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

The balance as at 31 January 2011 is \$9m. The balance as at 30 June 2010 was \$9.1m.

**General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$628,317 is outstanding at the end of January 2011.

Out of the total debt, \$162,835 (26%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking and \$181,003 (29%) relates to the storm damage claim from FESA which is yet to be finalised.

The Debtor Report identifies significant balances that are well overdue.

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

**Rate Debtors**

The notices for rates and charges levied for 2010/11 were issued on the 19 July 2010.

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

First Instalment	23 August 2010
Second Instalment	25 October 2010
Third Instalment	5 January 2011
Fourth Instalment	9 March 2011

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 January 2011 including deferred rates was \$3,077,575 which represents 14.34% of the outstanding collectable income compared to 14.46% at the same time last year.



### **Statement of Financial Activity**

The closing balance carry forward for the year to date 31 January 2011 was \$8,796,475.

### **Net Current Asset Position**

The net current asset position as at 31 January 2011 is \$17,803,753.

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

As at 31 January 2011 the operating deficit for the Centre was \$196,947 in comparison to the year to date budgeted deficit of \$289,579.

The cash position showed a current cash surplus of \$60,523 in comparison year to date budget estimate of a cash deficit of \$11,906. The cash position is calculated by adding back depreciation to the operating position.

### **Variance Comment Report**

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

### **CONSULTATION/ADVERTISING:**

Not applicable.

### **LEGAL/POLICY:**

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

### **STRATEGIC IMPLICATIONS:**

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

### **SUSTAINABILITY IMPLICATIONS:**

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

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

Not applicable.

### **COMMENT:**

All expenditure included in the Financial Statements are incurred in accordance with the Council’s adopted Annual Budget or has been authorised in advance by the Council where applicable.

### 9.3.4 Dardy Design Project

<b>Ward:</b>	Both	<b>Date:</b>	8 February 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0017
<b>Attachments:</b>	<a href="#">001</a> – Letter from Central Institute of Technology		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of entering into an Agreement with the Central Institute of Technology to engage the Dardy Design Project for the purpose of commissioning a custom made 'Talking Table' to reflect the cultural and social history of the areas in the Town of Vincent, at an estimated cost of \$5,000; and*
- (ii) *LISTS an amount of \$5,000 for consideration in the 2011/2012 Budget for the Dardy Design Project.*

---

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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

---

**PURPOSE OF REPORT:**

To seek approval to participate in the Dardy Design Project, with the Central Institute of Technology.

**BACKGROUND:**

The Town has received correspondence from the Managing Director of the Central Institute of Technology with an offer to become a host agency for the Solid Futures Project which is a joint initiative between the David Wirrpanda Foundation and the Central Institute of Technology.

The institute is located at the Leederville campus and the programme offers adult indigenous learners the opportunity to develop vocational skills within a culturally affirming setting. As part of this course, the participants complete a Certificate II in either Business or Resources and Infrastructure.

**DETAILS:**

The Dardy Design Project is one facet of this course which will involve participants to design and produce a limited edition of eight tables. Each of these tables will pay homage to traditional wood burning practices and utilise design ideas from the host agency.

The images will be engraved into a three (3) metre boardroom table through specific wood burning tools and will be protected by a transparent tempered glass surface. By representing the Town of Vincent in a visual context, the table will 'talk' to those who commune around it. Such a design concept will assist in reinforcing the importance of discussion in a tangible, functional and creative way, which espouses the principles of community consultation.

Upon completion, the table will be used in the Town's Administration and Civic Centre or in the Town's Library and Local History Centre.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

A formal Agreement will be signed between the Town and the Central Institute of Technology.

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** This project has been assessed according to the Town's Risk Management Policy.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014 – Key Result Area Three, Community Development:

*“3.1 Enhance and Promote Community Development and Wellbeing:*

*3.1.1 Celebrate and acknowledge the Town's cultural and social diversity.”*

**SUSTAINABILITY IMPLICATIONS:**

The purpose of the project is to pay homage to traditional wood burning practices and explore the natural, cultural, social and historical aspects of the local area. It would also provide an excellent opportunity to explore further environmental/sustainability initiatives in the Town of Vincent.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of commissioning the table is \$5,000, which will cover all materials and production costs. Solid Futures will provide 'in kind' contribution of support staff, transport and workshop venue. It is recommended that an amount of \$5,000 is listed in the 2011/2012 Budget for consideration.

**COMMENTS:**

This project provides an opportunity for the Town to commission a unique piece of furniture and demonstrate its support to Aboriginal learners who choose to study within the locality.

The project will culminate in the students organising a public unveiling of the table at the Town of Vincent.

### **9.4.1 Local Government Statutory Compliance Audit 2010**

<b>Ward:</b>	-	<b>Date:</b>	11 February 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0019
<b>Attachments:</b>	<a href="#">001</a> - Local Government Statutory Compliance Audit for 2010		
<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 ADOPTS the Local Government Statutory Compliance Audit for 2010, as shown in Appendix 9.4.1 and this be forwarded to the Department of Local Government.*

#### **COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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

#### **PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2010.

#### **BACKGROUND:**

The Department of Local Government and Regional Development has issued a “*Local Government Statutory Compliance Audit*” to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer has delegate several section to the Director Corporate Services and Director Development Services to complete part of the Return, for matters under their direct responsibility.

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

N/A.

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

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been included in the Agenda, as an attachment to this report.

The Town has an Audit Committee. The Committee, comprising the Mayor, Cr Farrell, Cr Topelberg A. Macri and S Menon (Auditors), with the Chief Executive Officer and Director Corporate Services (ex officio and non-voting) met on 3 February 2010 to review this Audit.

The review of the Compliance Audit 2010 revealed that no non-compliances with Statutory requirements were found.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Failure to review and complete the Annual Compliance Audit would be a breach of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2009-2014 lists the following objectives:

*"4.1.2 Manage the organisation in a responsible, efficient and accountable manner."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is pleasing to report that the Town of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2010 be adopted, signed by the Mayor and Chief Executive Officer and forwarded to the Department of Local Government.

**9.4.3 Western Australian Local Government Association (WALGA) – Submission to Review of Structure of State Council and Zones**

<b>Ward:</b>	-	<b>Date:</b>	11 February 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a> - WALGA Discussion Paper – Review of Structure and Effectiveness of State Council and Zones		
<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) **RECEIVES** the report on the review of the Western Australian Local Government Association’s (WALGA) “Discussion Paper” and **SUBMITS** the following comments to the WALGA on the Discussion Paper titled “Review of Structure and Effectiveness of State Council and Zones”, that the Council:
- (a) **SUPPORTS** reducing the size of the WALGA State Council on the basis metropolitan local governments and non-metropolitan local governments are equally represented in line with the current WALGA Constitution;
  - (b) **SUPPORTS** an Executive Committee being established to assist the WALGA State Council to perform its strategic and advocacy functions;
  - (c) **SUPPORTS** an Executive Committee replacing the Forum of Co-Chairs and its members being elected and appointed by the WALGA State Council;
  - (d) **SUPPORTS** the current practice of the WALGA President being elected by the WALGA State Council;
  - (e) **SUPPORTS** the current Zone structure and the formation rationale;
  - (f) **DOES NOT SUPPORT** reducing the role of Zones;
  - (g) **SUPPORTS** WALGA Zones advocating on their behalf on the basis that WALGA provides administrative and executive support for Zones to perform this function;
  - (h) **SUPPORTS** a WALGA senior employee being allocated to each Zone to offer support and act as a point of contact for that Zone and to channel information between WALGA and the Zone;
  - (i) **SUPPORTS** standardising the role of Zone Chair, and the Zone Chair being the Zone’s representative on WALGA State Council;
  - (j) **SUPPORTS** the State Council’s meeting calendar being reduced from six (6) to five (5) meetings per year; and
  - (k) **SUPPORTS** a review of State Council sitting fees per meeting in line with the levels set for other State Government statutory boards and committees; and

- (ii) *NOTES its delegates on the WALGA Central Metropolitan Zone will have further opportunity to make comment on the review when considering the final formulated Position Paper by WALGA.*
- 

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to present a submission to the Western Australian Local Government Association (WALGA) on the Discussion Paper relating to the review of the structure and effectiveness of WALGA State Council and WALGA Zones.

**BACKGROUND:**

The Western Australian Local Government Association (WALGA) wrote to the Town on 4 January 2011 advising that a working group has been formed to undertake a full review of the Association’s governance and representational structures. Conducting a full review is an outcome of the Association’s strategic plan 2010-2015.

A Discussion Paper has been developed to consider a range of options that could be pursued to improve the effectiveness of the Association’s governance and representational structures. *(Refer Appendix 9.4.3 attached.)*

A number of options are presented that would require amendment to the Association’s Constitution or Corporate Governance Charter. There are also other options to improve the effectiveness of the Association’s governance and representational structure that would not require structural change.

Submissions on the discussion paper are requested by 21 February 2011, however, the Town has been granted an extension until **25 February 2011**, to enable the Council to determine its position.

Following the close of submissions, the Working Group will consider submissions and a position paper will be developed for Zone and State Council consideration.

**DETAILS:**

The Association is seeking submissions on the options presented in the paper as well as any other relevant matter. A list of reform options are presented on the following page to assist with the preparation of submissions.

The following headings are a guide to the reform options presented in sections 7 and 8 of the discussion paper *“Review of Structure and Effectiveness of State Council and Zones”*.

## 1. Reducing the size of State Council

Currently WALGA State Council consists of 12 metropolitan representatives, 12 non-metropolitan representatives, and the WALGA President. The representatives (known as State Councillors) are sourced from the various WALGA Zones throughout the State. The Town of Vincent is within the Central Metropolitan WALGA Zone (this also includes the western suburbs Councils and City of Perth) and this Zone is currently entitled to have two (2) State Councillors on the WALGA State Council.

One of the perceived weaknesses of WALGA's structure, as described in the Discussion Paper, is the size of the State Council. Although State Council has traditionally operated in an effective manner, the Discussion Paper suggests that some Members and observers have contested that 25 is too large for a "board of directors" to make strategic decisions. However, the current size of WALGA State Council is considered appropriate in view of its representational nature of Local Governments throughout the State.

The options being considered by WALGA for the Position Paper are to:

- reduce the number of metropolitan representatives on State Council;
- reduce the number of Zones;
- allow WALGA Zones to share representative to State Council; or
- a combination of options.

WALGA's constitution currently provides an even split of metropolitan members and non-metropolitan members on the State Council. The Non-Metropolitan State Councillors represent 111 Local Governments (with approximately 304,838 electors) whereas Metropolitan State Councillors represent 30 Local Governments (with approximately 965,767 electors).

The option of having one (1) State Councillor per Zone would reduce the State Council size down to 18 (including the President). This would achieve the desired outcome to reduce the State Council's size however a representational imbalance would occur with five (5) Metropolitan State Councillors and 12 Non-Metropolitan State Councillors.

Another option being considered to reduce the State Council's size is to reduce the number of Zones and this option could be used to overcome the imbalance detailed above. However this correction would only be achieved if Non-Metropolitan Zones merge, and currently considering their large geographical area, may make those Zones unworkable.

Good governance principles recommend that a board (in this case WALGA State Council) should be of a size and composition that is conducive to making appropriate decisions. The board should be large enough to incorporate a variety of perspectives and skills, and to represent the best interests of the organisation as a whole. It should not, however be so large that effective decision making is hindered.

WALGA has identified that State Council has been operating effectively with its current number so any reduction in size may not be necessary. However in view of good governance principles, any reduction of the State's Council size should be supported on the basis that there continues to be an even balance between Metropolitan State Councillors and Non-Metropolitan State Councillors. This would ensure that a balance occurs between metropolitan and non-metropolitan agendas and issues. How this is achieved would need to be further investigated by WALGA.

### *Chief Executive Officer's Comments:*

*The Chief Executive Officer supports reducing the size of the WALGA State Council on the basis metropolitan local governments and non-metropolitan local governments are equally represented in line with the current WALGA Constitution.*



## **Two Tier Governance Structure:**

### **2. Two Tier Governance Structure**

An option proposed by WALGA to address the criticisms that State Council is too large and not skill based is to create a two-tiered governance structure: through the creation of a higher level Board (above State Council) or the formation of a lower level Executive Committee. Either the higher level Board or lower level Executive Committee would be ceded power for business decisions, with State Council maintaining its policy development and advocacy functions.

The Discussion Paper preliminary discusses how the two tier structure would reduce the number of State Councillors on State Council and therefore further details on the composition under the two tier structure would need to be provided. However State Council should be seen as the pinnacle of WALGA's governance structure to ensure that its decisions are inclusive and representative of all WA Local Governments, through one decision making body. Establishing a higher level Board above State Council could diminish this view.

Notwithstanding the formation of an Executive Committee, with appropriate delegation, would assist the State Council focussing on strategic policy and advocacy issues. An Executive Committee structure is more in line with local government practice for establishing committees, and therefore would be more familiar to WALGA Zone representatives. It is also recommended that any Executive Committee replace the forum of Co-Chairs (as discussed in section 4.6 of the Discussion Paper) and appointments to the Executive Committee be made by the State Council.

Chief Executive Officer's Comments:

*The Chief Executive Officer supports a two (2) tier structure.*

### **3. Method of Election of President**

The current method of electing the WALGA President is by the State Council and an option put forward is for the delegates at WALGA's Annual General Meeting to perform this function. At the AGM, a delegate from a Western Australian Local Government is entitled to one (1) vote on a matter before the Annual General Meeting.

The current election method ensures that Metropolitan Local Governments have the same voting rights on the election as compared with Non-Metropolitan Local Governments. If the WALGA President is elected by the delegates at the AGM, there would be higher votes from Non-Metropolitan Local Governments as compared to Metropolitan Local Governments.

Chief Executive Officer's Comments:

*The Chief Executive Officer supports the current practice of the WALGA President being elected by the WALGA State Council.*

### **4. Zone Boundaries**

WALGA are also seeking comment on the appropriateness of the current Zone boundaries. There are currently 17 WALGA Zones (five (5) in the metropolitan area), with the Town of Vincent grouped to form the Central Metropolitan Zone. The Zone groupings are based on characteristics such as number of electors, commonalities of interest and geographical alignment (being the predominant characteristic of the current Zone boundaries).

The current Zone boundary for the Central Metropolitan Zone is considered appropriate in view of not only geographical alignment but also commonalities of interest.

Chief Executive Officer's Comments:

*The Chief Executive Officer supports the current zone structure.*

## 5. Rationale for Forming Zones

As detailed above, the rationale for forming Zones is primarily geographic, however an option has been presented that the Zone structure could potentially be based on consideration such as economic activity or commonalities between regional centres.

It is important that Local Governments, in a regional context, share resources and knowledge as well as develop good working relationships with neighbouring Local Governments. Adopting some structure based on shared issues would continually fluctuate as issues change from time to time, as would economic activity. Shared issues of geographically separated Local Governments could still be considered through the current Zone and State Council structure and networking arrangements. Basing a Zone structure on shared issues could hinder effective logistics of members of a particular Zone meeting (although teleconferencing mechanisms would overcome this issue).

*Chief Executive Officer's Comments:*

*The Chief Executive Officer supports the current Zone structure and the formation rationale.*

## Reduction of the Role of Zones

### 6. Reduction of the Role of Zones

The primary role of the WALGA Zones are to:

- elect a State Council representative;
- consider the State Council agenda; and
- provide direction and feedback to their State Councillor.

Other roles and functions of WALGA Zones include:

- developing and advocating positions or regional significant affecting local government;
- progressing regional local government initiatives;
- identifying relevant issues for action by WALGA;
- networking and sharing information; and
- contributing towards policy development.

An option proposed as part of the review is to reduce the role of the Zones to only electing a representative to State Council. The consideration of the State Council agenda would be undertaken at an individual Council level with feedback or direction passed onto the State Council representative. The role of regional advocacy would be undertaken by some other group, such as Regional Organisations of Councils, Voluntary Regional Organisations of Councils or Regional Collaborative Groups.

The current role of WALGA Zone provides a more effective mechanism to discuss regional issues under the governance arrangements of WALGA, rather than forming some other form of other advocacy group (detailed above). Establishing some other form of advocacy groups may not be seen as effective as a WALGA Zone or indeed be resourced by WALGA.

*Chief Executive Officer's Comments:*

*The Chief Executive Officer does not support reducing the role of Zones.*

## 7. Empowerment of Zones

The review is exploring options to further empower Zones by building their capacity to go beyond consideration of State Council items and to undertake their own advocacy on regional issues. Individual Local Governments already advocate on their own behalf to third parties on issues that either directly affects their district or has an impact regionally.

However the WALGA Zones should be able to advocate on their own behalf on issues affecting them regionally rather than industry-wide issues. However WALGA should ensure that the Zones are adequately resourced to assist with this advocacy role as resourcing from individual Local Governments could not be supported.

*Chief Executive Officer's Comments:*

*The Chief Executive Officer does not support reducing the role of Zones.*

## 8. Greater Support for Zones

WALGA has indicated there is a potential for WALGA to make a greater contribution to the WALGA Zones, either financially or with staff resources. Financially WALGA could contribute toward the acquisition of Zone executive support. WALGA already provides executive support for the Central Metropolitan Zone through the services of its Governance and Strategy Unit however some Zones provide their own support. This option does not seem to impact the Town of Vincent as WALGA already provides this support and the arrangement should still continue.

WALGA has also suggested that a senior staff member of WALGA could be allocated to each Zone, as the point of contact for that Zone and to channel information between the Association and the Zone.

The proposals put forward by WALGA do not alter or significantly change any current arrangements for the Central Metropolitan WALGA Zone however it is recommended that the Council supports additional resources being allocated to support the Zones activities.

*Chief Executive Officer's Comments:*

*The Chief Executive Officer supports WALGA to provide greater administrative and executive support for Zones.*

*The Chief Executive Officer also supports a WALGA senior staff member being allocated to each Zone to offer support and act as a point of contact for that Zone and to channel information between WALGA and the Zone.*

## 9. Review Role of Zone Chair

A way to improve the effectiveness of WALGA's representation and governance structure is to enhance the role of the Zone Chair. The Discussion Paper presents the option of the Zone Chair being the regional advocate to the State Government and other stakeholders and for the Zone Chair being filled by that Zone's State Councillor.

Where a Zone Chair advocates on behalf of that Zone, confusion can arise as to whether that person is representing the views of the Zone, their own Local Government or another Local Government. Some Local Governments may not wish another Local Government's elected member to advocate on behalf of their local government, due only to the position they hold as WALGA Zone Chair.

However it is considered appropriate that the Zone Chair be the State Councillor for that Zone as the Chair is viewed as the leader for that Zone, and therefore be well positioned to represent the views of their Zone.

*Chief Executive Officer's Comments:*

*The Chief Executive Officer supports standardising the role of Zone Chair, and the Zone Chair being the Zone's representative on WALGA State Council.*

**10. Review of State Council Calendar**

The Discussion Paper details the difficulties in holding six (6) State Council Meetings a year, due to the Christmas and Easter holiday Periods.

It is considered reasonable to reduce the number of State Council meetings to five (5) a year to avoid conflict between holidays and other logistical impediments. If the need arises, a Special State Council meeting can always be held.

*Chief Executive Officer's Comments:*

*The Chief Executive Officer supports the State Council's meeting calendar being reduced from six (6) to five (5) meetings per year.*

**11. Review of State Councillor Sitting Fees**

The current sitting fees for WALGA State Councillors have not been reviewed for some time and it has been suggested that the levels set be comparable with those of other State Government Statutory Boards and Committees.

Given that State Councillors have a unique and important advocacy role on behalf of all Local Governments of the State, it is considered acceptable that any sitting fees be of a similar level of those set for other State Government Statutory Boards and Committees.

*Chief Executive Officer's Comments:*

*The Chief Executive Officer supports a review of State Council sitting fees per meeting in line with the levels set for other State Government statutory boards and committees.*

**CONSULTATION/ADVERTISING:**

The Discussion Paper provided by WALGA details the structure and effectiveness options being considered by WALGA as part of its review. Any comments received by WALGA from WA Local Governments will be considered as part of a Position Paper that will be considered by all WALGA Zones and then State Council at a future date.

On 25 January 2011 the Chief Executive Officer requested comments from the Council Members, however at the time of writing this report, and no submissions were received.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Any change would not have a financial impact other than items 8 – support for the Zones. Any reduction in WALGA’s support would result in the local governments having to pay for this.

**COMMENTS:**

State Council is WALGA’s governing board, responsible for the management and affairs of the Association. The formation of WALGA in 2001 was on the notion that Metropolitan Local Governments and Non-Metropolitan Local Governments would be equally represented around the State Council table. State Council is responsible for the successful operation of the Association, strategic direction and financial operations as well as developing policy positions for WA Local Governments.

The role of WALGA Zones should be seen as forwarding regional issues and providing direct input into policy development for Local Government at a State level. This should always be the position of WALGA Zone members as well as their nominated State Councillor.

**9.1.6 No. 5 - 9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville – Proposed Demolition of Existing Single Storey Aged Care Facility and Construction of Three-Storey Aged Care Facility**

<b>Ward:</b>	North	<b>Date:</b>	10 February 2011
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO0791; 5.2010.596.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans <a href="#">002</a> – Heritage Assessment		
<b>Tabled Items:</b>	Applicant's submission and documentation		
<b>Reporting Officers:</b>	D Pirone, Statutory Planning Officer 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 RPS Group on behalf of the owner League Of Home Help For Sick and Aged for proposed Demolition of Existing Single Storey Aged Care Facility and Construction of Three-Storey Aged Care Facility, at Nos. 5-9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville, and as shown on amended plans stamp-dated 8 February 2011, subject to the following conditions:*

(i) **Demolition**

- (a) *prior to the issue of a Demolition Licence, a Demolition Management Plan be submitted to the Town, detailing how the demolition of the development will be managed, to minimise the impact on the surrounding area, to the satisfaction of the Town;*
- (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (c) *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;*

(ii) **Building and Use of the Building**

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 Britannia Road, Wavertree Place and the Brentham Street Reserve;*
- (b) *first obtaining the consent of the owners of Nos. 13 and 13A Britannia 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. 13 and 13A Britannia Road in a good and clean condition. The walls should be painted in a colour that minimises reflection of heat and glare;*
- (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (d) *the maximum number of beds provided shall be limited to 120 beds. Any increase in the number of beds or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (e) *the proposed medical consulting rooms and hairdressing salon shall be for the exclusive use of the residents of the Aged Care Facility;*
- (f) *the proposed café shall be for the exclusive use of the residents and the resident's visitors of the Aged Care Facility;*
- (g) *visiting hours shall be restricted to 8am to 8pm inclusive, daily;*
- (h) *delivery times to the nursing home shall be restricted to 7am to 7pm, inclusive, daily, unless in cases of an emergency;*
- (i) *all deliveries to the site shall be via the basement car park or through the delivery entrance on Wavertree Place; and*
- (j) *it is preferable that no delivery vehicles associated with the nursing home shall be parked along the verge along the Wavertree Place and Britannia Road frontages;*

(iii) **Car Parking**

- (a) *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;*
- (b) *the car park shall be used only by employees, residents, and visitors directly associated with the development; and*
- (c) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath and road levels;*

(iv) **Public Art**

*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 \$270,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$27,000,000); and*
- (b) *in conjunction with the above chosen option;*

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

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

**OR**

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

(v) Signage

*The proposed signage shall:*

- (a) *not have flashing or intermittent lighting;*
- (b) *be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (c) *not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;*

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

(a) Construction Management

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

- (A) *public safety, amenity and site security;*
- (B) *contact details of essential site personnel;*
- (C) *construction operating hours;*
- (D) *noise control and vibration management;*
- (E) *Dilapidation Reports of nearby properties;*
- (F) *air and dust management;*
- (G) *stormwater and sediment control;*
- (H) *soil excavation method (if applicable);*
- (I) *waste management and materials re-use;*
- (J) *traffic and access management;*
- (K) *parking arrangements for contractors and subcontractors;*
- (L) *Consultation Plan with nearby properties; and*
- (M) *any other matters deemed appropriate by the Town;*

- (2) *the proposed temporary car parking area and site offices in the adjacent parkland, shall be subject to a separate application to the Town and referral to an Ordinary Meeting of Council for determination, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*

- (3) *the proposed temporary car parking bays located on the Wavertree Place verge shall be the exclusive use of the visitors of the residents during the construction of stage 1 of the development;*



- (4) *within 14 days of the date of notification of this approval, the applicant(s)/owner(s) shall advise nearby residents along Britannia Road, Wavertree Place and Brentham Street of a 24 hour telephone number and an email address for lodging complaints and inquiries and will ensure an efficient and prompt complaint handing process to consider same. The applicant(s)/owner(s) shall provide to the Town a quarterly summary of any complaints and the actions taken to remedy issues;*
- (5) *the applicant(s)/owners(s) shall endeavour to limit construction related vehicle movements arriving at the above construction site, so that there is no continuous queue of such vehicles awaiting delivery of materials being parked along Britannia Road and Wavertree Place and the surrounding streets within the vicinity of the above construction site; and*
- (6) *the applicant(s)/owners(s) shall ensure the basement car park when completed to be used for the car parking of construction related vehicles, where physically possible;*

(b) **Operation Management Plan**

*A detailed management plan for the operation of the nursing home, which addresses loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances) and traffic, shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owner(s);*

(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, demonstrating a minimum 10 per cent of the site being allocated for landscaping.*

*To satisfy 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) Refuse and Recycling Management Plan

*A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy; and*

(e) Acoustic Report

*Prepare and Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*

(f) Verge Trees

*The existing trees located on the Britannia Road and Wavertree Place verges are to be retained and shall not be removed without the written approval of the Town's Parks Services Department; and*

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

(a) Underground Power

*The power lines adjacent to the subject lot shall be placed underground for the complete length of the Britannia Road frontage of the development, at the full expense of the owner;*

(b) Entry Gates

*Any proposed vehicular entry gates adjacent to the commercial car parking area shall 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; and*

(c) Bicycle Parking Facilities

*Seventeen (17) class one or two bicycle facilities and six (6) class three bicycle 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.*

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Farrell**

*That the item be DEFERRED for further consideration, information and a public meeting.*

Debate ensued.

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

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath  
**Against:** Cr Maier

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

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<b>Landowner:</b>	League Of Home Help For Sick and Aged
<b>Applicant:</b>	RPS Group
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Aged Care Facility
<b>Use Class:</b>	Aged Care Facility
<b>Use Classification:</b>	“SA”
<b>Lot Area:</b>	4940 square metres
<b>Access to Right of Way</b>	West side, 5 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

The subject proposal requires referral to the Council for determination given the proposed variations and the significant number of objections.

**BACKGROUND:**

In 1972 a caveat was lodged on the subject property, in which the current owner and the City of Perth were both parties to, which states that the land must only ever be developed for an Aged Care Facility. This caveat was subsequently transferred to the Town of Vincent.

**DETAILS:**

The subject site is located at the corner of Britannia Road and Wavertree Place having a total land area of 4,940 square metres. The site presently contains an existing aged care facility, which provides care for approximately 25 aged persons, with vehicular access off Wavertree Place and Britannia Road.

The locality is characterised by a mix of land uses and residential densities. The site adjoins Aranmore Primary School and an area of public parkland to the south (Brentham Street Reserve). The immediate adjoining and adjacent land use to the site's eastern, northern and western boundaries is residential. The site is located in a low point of Britannia Road, with the topography rising in an upwards direction when moving away from the site along Britannia Road, meaning the visual prominence of the proposed building will be minimised. Approximately 200 metres to the east is Oxford Street, which contains a mix of residential, commercial and retail uses, served by a frequent public transport (bus) system.

The proposal involves the demolition of the existing single storey aged care facility and the construction of a three-storey aged care facility with a 120 bed capacity. The residential aged care facility will include a 'Wellness Centre', which will provide various medical consulting services and amenities to residents, as well as a small café open to residents and registered visitors.

To facilitate the transition from the existing facilities to the ultimate redevelopment, it is proposed to construct the development in two stages. Stage 1 provides for the construction of accommodation to allow relocation of the existing residents, whilst retaining the southern portion of the building. Stage 2 would complete the development process and would provide all the requirements for staff, visitors and residents suitable for a 120 bed residential care facility.

The applicant's submission is tabled.

Furthermore the applicant has provided the following response to the submissions received during community consultation:

#### **Bulk and Scale**

- *"The Building has been designed to, and does present as a 2 storey Building from Britannia Road and Wavertree Place with the 3 storey component being concealed within the roof space. There are many 2 storey buildings in this area and the artists impressions indicate how well the building sits within the existing landscape. There is in fact an existing residential 3 storey building that sits across the park approximately 300m to the south.*
- *Minimal overshadowing will occur because of the blocks northern orientation and the building is mainly surrounded by streets and public reserve. The setbacks adjoining the only residential neighbour are greater than the minimum required by the Residential Design Codes (R Codes). Neighbouring residential buildings abutting the western boundary will only be affected by early morning shadows because their courtyards and living areas are predominantly orientated to the southern side.*
- *The plot ratio complies with the Residential Design Codes.*
- *Finish to the wall will be of an earthy tone painted finish on rendered wall. A matt finish will be applied to limit reflection."*

#### **Parking and Traffic**

- *"Noise resulting from vehicular movements has been assessed by an Acoustic Engineering Consultant. The findings of this investigation reveal that noise level emissions will comply with the Environmental Protection (Noise) Regulations 1997. The driveway to the basement is positioned to enter and exit onto Britannia Road to ensure the safest environment for the vehicular and pedestrian traffic in the area by removing it from near the corner and away from the cul-de-sac.*

- *A Traffic Impact and Parking Assessment has been undertaken in support of the proposed redevelopment. The investigations reveal that the additional traffic will have a minimal impact on existing traffic operations in the area and on vehicular delays and queuing. Furthermore, the investigations conclude that the existing boundary roads can comfortably accommodate the existing site-generated traffic. All parking is proposed on site (basement) and will not conflict with school drop-off points.*
- *Access to the underground carpark will be via a security operated gate.*
- *It is not proposed to place restrictions on visiting hours, however it should be recognised that Rosewood do manage visitation to ensure smooth management of their facilities. Rosewood request relatives and friends to visit between 9am and 12noon, 1pm to 5pm and 6pm to 8pm. The new facility will go into lockdown at 8pm and general visiting will be discouraged after the time.*
- *There will be isolated cases where due to failing health, a relative will visit after normal visiting times and this occurrence is an exception rather than a norm. A random search of Rosewood's Cleaver Street facility visitation register shows the following trends out of 210 visitor movements during the period 22/11/10 – 8/2/11 (4.3 visitors per day):*
  - *6pm-7pm = 5 movements*
  - *7pm-8pm = 5 movements*
  - *8pm-9pm = 1 movement*

*Additionally, visitor parking will be wholly contained within the building and will not impact on vehicular movement or the surrounding amenity.*

- *Deliveries will be primarily received via an access point from Wavertree Place, which is situated near the end of the cul-de-sac, limiting exposure of this area to the surrounding neighbourhood. Receiving of goods is proposed between the hours of 7am and 7pm.”*

**Privacy**

- *“All windows and openings comply with the Residential Design Codes and in all cases it actually exceeds the minimum setback required.”*

**Construction**

- *“All relevant consultants have been engaged to address this matter as part of the engineering investigations to be undertaken as part of the Building Licence application.*
- *Dilapidation Reports will be required to be undertaken by the Builder on the two neighbouring residences.”*

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	0.7 or 3458 square metres	1.09 or 5403 square metres
<i>Officer Comments:</i>		
Supported – See comments below.		
<b>Street Setbacks:</b> -North (Britannia Road) Ground Floor	5.3 metres	4 metres – 6 metres

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
First Floor	Balcony – 1 metre behind the ground floor main building line.	1.8 metres in front of the ground floor main building line.
	Upper Floor – 2 metres behind the ground floor main building line.	In line with the ground floor main building line.
Second Floor	Upper Floor – 2 metres behind the ground floor main building line.	In line to 2 metres behind the ground floor main building line.
<b>Officer Comments:</b>		
Supported – See comments below.		
<b>Side and Rear Setbacks:</b>		
-West (Wall 3 – Dementia Ward) First Floor	7 metres	4 metres
-South First Floor	7 metres	2.2 metres – 4 metres
Second Floor	8.3 metres	2.2 metres – 4 metres
<b>Officer Comments:</b>		
Supported – See comments below.		
<b>Number of Storeys:</b>	Maximum of 2 storeys	3 storeys proposed
<b>Officer Comments:</b>		
Supported – See comments below.		
<b>Street Walls and Fences:</b>	Maximum height of solid portion of wall being 1.2 metres, with 50 percent visually permeable to 1.8 metres.	Rosewood signage wall located at the corner of the Britannia Road and Wavertree Place is solid to a height of 1.8 metres – 2.2 metres, for a length of 4 metres.
<b>Officer Comments:</b>		
Supported – See comments below.		
<b>Vehicular Access:</b>	The total aggregate width of the crossovers is not to occupy more than 40 percent of the width of the frontage, or 6 metres, whichever is the lesser.	Britannia Road: 1 crossover = 5.8 metres  Wavertree Place: 3 crossovers = 10.6 metres
<b>Officer Comments:</b>		
Supported – The Town’s Technical Services have no objections to the layout and number of crossovers proposed in the development.		

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

<b>Consultation</b>	
<b>In Support:</b>	1 support received.
<b>Comments Received</b>	<b>Officer Comments</b>
N/A	Noted.
<b>Objections:</b>	17 objections received.
<b>Comments Received</b>	<b>Officer Comments</b>
<b>Bulk and Scale:</b>	
<ul style="list-style-type: none"> <li>The building height is out of character with the residential area and would dominate the local streetscape and should be reduced to 2 storeys.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – refer to comments below.</li> </ul>

<b>Consultation</b>	
<ul style="list-style-type: none"> <li>• The building will cause overshadowing onto neighbouring properties.</li> <li>• The plot ratio is in excess of the guidelines.</li> <li>• The finish of the western wall must of substance and colour that reflects heat and reduces glare.</li> </ul> <p><b>Parking and Traffic:</b></p> <ul style="list-style-type: none"> <li>• The entrance to the basement car parking is directly adjacent to a residential dwelling.</li> <li>• There will be a vast increase in traffic and the area is already at a premium due to the parents of Aranmore Primary School parking on Wavertree Place and Britannia Road.</li> <li>• Access to the underground car park should be via a security system to prevent access by unauthorised persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – The proposed development complies with the overshadowing requirements of the R Codes.</li> <li>• Not supported – refer to comments below.</li> <li>• Supported – A condition has been applied to ensure this.</li> </ul> <ul style="list-style-type: none"> <li>• Not supported – This is not considered to have an undue impact on the neighbouring property.</li> <li>• Noted.</li> </ul> <ul style="list-style-type: none"> <li>• Supported in part – The access gate to the basement will open during visiting hours; however, all staff and doctors that arrive outside of visiting hours will have a key to the basement.</li> </ul>
<ul style="list-style-type: none"> <li>• Visitors should be restricted to 7am to 5pm.</li> <li>• Delivery trucks should be restricted to 7am to 5pm.</li> </ul> <p><b>Privacy:</b></p> <ul style="list-style-type: none"> <li>• There are a number of windows that overlook the neighbouring properties, including the Aranmore Primary School.</li> </ul> <p><b>Construction:</b></p> <ul style="list-style-type: none"> <li>• Parking arrangements need to be made for the builders, staff, residents and visitors.</li> <li>• Construction shall not occur outside of the normal building hours.</li> <li>• The shallow depth to the water table needs to be considered in the construction and potential negative impacts on adjacent neighbours.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported in part – A condition has been applied to restrict the visitors from 8am to 8pm.</li> <li>• Supported in part – A condition has been applied to restrict the deliveries from 7am to 7pm, except in the case of an emergency.</li> </ul> <ul style="list-style-type: none"> <li>• Not supported – The proposal is compliant with the privacy requirements of the R Codes.</li> </ul> <ul style="list-style-type: none"> <li>• Supported – The applicant’s have provided a Parking Management Plan which is supported by the Town’s Officers; however, will be addressed in more detail at the Building Licence stage.</li> <li>• Supported – This is a requirement by the Town’s Health Services.</li> <li>• Supported – The applicant’s have provided a Stormwater Drainage Plan which is supported by the Town’s Officers; however, will be addressed in more detail at the Building Licence stage.</li> </ul>

<b>Consultation</b>	
<ul style="list-style-type: none"> <li>The excavation will cause damage to the surrounding properties.</li> <li>Dust monitoring equipment should be installed and regularly monitored by the Town against relevant health and safety standards.</li> <li>Noise monitoring equipment should be installed and regularly monitored by the Town against relevant health and safety standards.</li> </ul> <p><b>General Questions:</b></p> <ul style="list-style-type: none"> <li>What is the expected duration of the entire construction?</li> <li>What arrangements will be made to reduce the impacts on adjacent and surrounding neighbours during the construction stage?</li> </ul>	<ul style="list-style-type: none"> <li>Supported – This will be addressed at the Building Licence stage within the Construction Management Plan</li> <li>Supported – This will be addressed at the Building Licence stage within the Construction Management Plan</li> <li>Supported – A condition has been applied for the applicants to provide an Acoustic Report prior to obtaining their Building Licence.</li> <li>The applicant's have advised that the projected Project time frame is 3 years.</li> <li>By complying with all normal Council construction requirements. The Construction Management Plan will address these matters to the satisfaction of the Town of Vincent.</li> </ul>
<b>Advertising</b>	Advertising for 21 days in accordance with the Town's Community Consultation Policy.
<b>Car Parking</b>	
Car parking requirement (nearest whole number) • Nursing Home – 1 bay per 3 beds provided Number of beds = 120 ( <b>requires 40 car bays</b> ) <b>Total car bays required = 40 car bays</b>	= 40 car bays
Apply the adjustment factors. • 0.85 (within 800 metres of a bus stop/station)	(0.85) = 34 car bays
Minus the car parking provided on-site	40 car bays
Minus the approved on-site car parking shortfall.	N/A
<b>Resultant surplus</b>	<b>6 car bays</b>
<b>Bicycle Parking</b>	
Nursing Home (120 beds and 9394 square metres of GFA)	
• 1 space per 7 beds (class 1 or 2) = 17.14 spaces	
• 1 space per 1500 square metres of gross floor area (class 3) = 6.26 spaces	
Total class one or two bicycle spaces = 17.14 spaces = 17 spaces	
Total class three bicycle spaces = 6.26 spaces = 6 spaces	
<b>Other Implications</b>	
<b>Legal/Policy</b>	Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes).
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil

**COMMENTS:**

**Demolition**

The subject place at Nos. 5- 9 Britannia Road comprises a large brick and iron aged care facility which was constructed circa 1971.



A full Heritage Assessment was undertaken for No. 5-9 Britannia Road which is included in the attachment to this report. The Assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance. Overall, the place does not meet the minimum threshold for entry into the Town's Municipal Heritage Inventory and thus it is recommended that the proposal to demolish the subject building be approved, subject to standard conditions.

### **Plot Ratio and Building Height**

The applicants have acknowledged in the submission, that due to the size of the site, the fact that it has two street frontages and that it is adjacent to a parkland, it will result in the building being visually prominent. It is considered that the proposed development has been designed to ameliorate any perceived visual bulk as a result of the size of the development with articulated elevations, with varying colours and materials, which create visual interest in the streetscape. The number of major openings and extensive balcony areas that overlook both Wavertree Place and Britannia Road assist in successfully articulating the building and reducing its overall bulk and scale.

The second floor (third storey) is supported by the Town's Officers as a large majority of the third storey is concealed within the roof form and is placed towards the centre of the site so it is not so visible to the street. There is a visible portion of the third storey that is located on the north-east corner of the site (where Britannia Road and Wavertree Place meet); however, this is considered acceptable as it acts as a corner feature to the building. Nevertheless, the elevation presented to Britannia Road and Wavertree Place is predominately two-storeys.

Furthermore, it is noted that the maximum building heights for two-storey development with pitch roofs, as prescribed by the R Codes is 6 metres to the top of the external wall and 9 metres to the top of pitch. The building has been designed in consideration of the provisions relating to Building Height and thus the development proposes the following heights:

Britannia Road elevation:

- Verandahs (top) = 5.9 metres
- Eaves (underside) = 6.7 metres
- Ridge (top) = 9.3 metres

Wavertree Place elevation:

- Verandahs (top) = 5.9 metres
- Eaves (underside) = 6.7 metres
- Ridge (top) = 9.3 metres - 11.1 metres (varies due to the slope of the natural ground level).

Whilst it is acknowledged by the Town's Officers that due consideration has been applied in terms of building height, the Town's Officers have also recognised that this development is not a typical residential development, in that it is a highly specialised building and land use. In comparison to a conventional residential 'multiple dwelling' development, the residential care facility must comply with a number of additional stringent Building Codes and Australian Standards, including compliance with the Aged Care Accreditation and Standards Agency. It is in the opinion of the Town's Officers that the overall design has attempted to reflect the existing character and scale of the surrounding residential area, which is characterised by a mix of single storey and two-storey residential development.

### **Building Setbacks**

The proposed building has a minimum front setback of 4 metres from the verandah to Britannia Road, with the main façade of the building being setback 6 metres. The Town's Residential Design Elements Policy seeks to ensure that new development reflects the predominant streetscape pattern. There is a large mix of different street setbacks on Britannia Road; however, the average of 5 adjoining properties is 5.3 metres. The Town's Officers do not consider the proposed setback to have an undue impact on the surrounding area due to the existing inconsistent streetscape.

With regards to the western boundary setback, the proposed residential care facility has been positioned away from the existing two-storey residential dwellings to the west, in accordance with the boundary setback requirements of the R Codes. The variation on the western elevation (Wall 3 – Dementia Ward) is alongside the parkland and will not have an undue impact on any residential properties. The treatment along the western boundary is considered to be sensitive and respectful of the existing two-storey residential development. This elevation has been staggered ensuring that there are no long expansive sections of building mass. Additionally, the western elevation includes a range of material and glazing treatments, creating a visually attractive elevation when viewed from the western neighbouring properties and parkland area.

The site adjoins an area of parkland to the south (Brentham Street Reserve) and shares a common boundary with the reserve. The proposed building is setback a minimum of 3 metres from the southern boundary. It is considered that the building will provide an increased level of surveillance over this area, with the façade and fencing treatments being well designed to ensure an attractive and articulated elevation when viewed from this public area.

### **Deliveries to the Site**

The applicant has advised that the loading and unloading areas proposed as part of the development are in two locations, with one off Wavertree Place and the other within the basement area. Deliveries will primarily be received via an access point from Wavertree Place, which is situated near the end of the cul-de-sac, limiting exposure of this area to the surrounding residential neighbourhood. It is proposed that delivery of goods only be received between the hours of 7am and 7pm, to reduce any related noise issues for both future residents of the nursing home and those situated on the opposite site of Wavertree Place. The associated bin store will be gated and screened.

### **Percent for Public Art**

The applicant's have advised that Rosewood Care Group is a not-for-profit organisation and community service provider, and they request that they should not be subject to a contribution for public art under the Town's Percent for Public Art Policy. However, the Town's Officers have applied this condition as it is a standard condition for commercial development over \$1,000,000.

### **Landscaping**

In terms of landscaping of the site and verge, the applicants have advised the following:

*“The proposed landscape design philosophy for the proposed Residential Care Facility is based on creating a strong landscape setting for the development within the context of the locality. It is intended that the landscape is fully integrated with the buildings by adopting a complementary materials palette of coloured concrete paths, rendered and painted perimeter walling with open steel picket type fencing, Jacarandas as the main signature tree and a formalised pattern of hardy exotic vegetation, that together, form the basis for the overall landscape design expression for this project. A key feature of the design allows for the strong definition of the main entry and corner site utilising feature planting, stylised logo paving and water feature, whilst the internal courtyard spaces are designed with their own distinct character.*”

*The overall planting Scheme utilises a predominantly hardy exotic species mix around the development with a strong preference for plantings that provide structure, shade and flower at all times of the year. Jacarandas are located around the site as street trees and will be the signature tree for the development, whilst various other species of deciduous shade trees such as Flowering Pears, Frangipanis and other are located within the courtyards to define the character of these spaces. Trees and shrubs are planted within raised gardens where landscapes are created over the car park structure, as well as allowing for residents to easily access these plantings, if they so desire.*

*Paving materials will reflect colours, textures and forms of the architectural styles adopted for the development and reflect the character of the various spaces.”*

The Town's Parks Services Officers have assessed the proposed landscaping plans and the applicant's intentions and are supportive of the extensive landscaping within the site. The Officers have advised however, that the existing Weeping Peppermint trees on the Britannia Road verge are to remain and not be replaced with Jacaranda Trees. The landscaping plans will be dealt with in further detail at the Building Licence stage.

### **Construction Management**

As indicated in the planning report prepared by RPS, the construction of the proposed Residential Aged Care Facility will be managed across two (2) stages. An on-site meeting with the Town's Technical Services staff and the Project Managers on 28 January 2011 confirmed the ability for a portion of the Brentham Street Recreation Reserve to be used for the purposes of construction management.

Rosewood Care Group has investigated the ability to use other areas for construction vehicle car parking and site offices; however, there are not sufficiently sized areas in the nearby vicinity. They support their application to locate workers' parking and materials storage within a compound to be fenced within the Brentham Street Recreation Reserve for the following reasons:

- (a) Located in close proximity to the development site;
- (b) Minimise disruption to the use of Wavertree Place, which given the location of the nearby Primary School will minimise potential conflict with school children walking to school or at pickup/drop-off times;
- (c) Construction parking will not occupy existing on-street parking;
- (d) Construction parking and storage of materials will be managed through a controlled environment;
- (e) Area will be secured, fenced and treated to mitigate potential vandalism and nuisance (that is, dust); and
- (f) Upon completion of construction, the area of Brentham Street Recreation Reserve will be rehabilitated and upgraded to the satisfaction of the Town of Vincent (NOTE: Area of parkland proposed to be used is currently degraded and not suitable for either active or passive recreational pursuits).

A full Construction Management Plan will be prepared in accordance with the requirements of the Town of Vincent prior to the issue of Building Licence.

Technical Services acknowledges that, during the term of construction, the existing on-site visitor parking for the aged care facility must be relocated. It is proposed that the verge area adjacent to the development site be given up to visitor parking for the duration of the works, and therefore not available for workers' parking or delivery of materials. Coupled with the fact that construction is also under-way directly opposite the subject site, it is anticipated that it will be difficult to accommodate parking for all workers, kerb-side in the surrounding streets.

The area within the Reserve has been nominated for "Ecozoning", which was approved by the Council at its Ordinary Meeting held on 8 February 2011, and therefore the existing turf is to be removed and replaced with native vegetation. The applicants will be required to rehabilitate the area, post construction, to meet the specifications of the "Ecozoning". Should the Council approve the proposal, in principal; a further report will be prepared for the Council to consider, with recommendations as to the detail and scheduling of the "Ecozoning" remediation.

Prior to the commencement of construction, the temporary visitor parking bays within the Wavertree Place verge, are required to be sealed and kerbed, at the full cost of the developer, and to the satisfaction of the Town. At the end of the construction period, the verge is required to be rehabilitated to the satisfaction of the Town, at the full cost of the developer.

A water feature is proposed to be incorporated into the boundary wall of the development at the intersection of Britannia Road and Wavertree Place. Final details have not been submitted. Approval of the water feature is subject to the Town establishing that it will not be subject to any risks as a result of the placement of the water feature.

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

**9.1.8 Scarborough Beach Road Activity Corridor – Progress Report No. 4**

<b>Ward:</b>	Both	<b>Date:</b>	8 February 2011
<b>Precinct:</b>	COS16 (City of Stirling)	<b>File Ref:</b>	PLA0205
<b>Attachments:</b>	<a href="#">001</a> - Option 1 - Cross Section, <a href="#">003</a> - Option 2 - Cross Section, <a href="#">005</a> - Option 3 - Cross Section,	<a href="#">002</a> - Option 1 - Aerial Profile Plan, <a href="#">004</a> - Option 2 - Aerial Profile Plan, <a href="#">006</a> - Option 3 - Aerial Profile Plan	
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Woodhouse, Co-ordinator Strategic Planning		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES Option 2 as shown in Appendix 9.1.8 as the preferred proposed cross-section for Scarborough Beach Road between Main Street and the Mitchell Freeway as part of the Scarborough Beach Road Activity Corridor Project;*
- (ii) *AUTHORISES the Chief Executive Officer to forward copies of the 3 x cross-sections and 3 x aerial profile plans prepared by consultants, Sinclair Knight Mertz (SKM) to:*
  - (a) *the Western Australian Planning Commission and the City of Stirling for consideration as part of the Scarborough Beach Road Activity Corridor Project, indicating the preferred endorsement of Option 2; and*
  - (b) *the owners and the owner's representatives for all properties abutting Scarborough Beach Road from Main Street to the Mitchell Freeway for information; and*
- (iii) *NOTES that the cross-section proposed in Option 2, as shown in Appendix 9.1.8, would result in a proposed 8.5 metre Metropolitan Region Scheme (MRS) road reservation for the southern portion of Scarborough Beach Road, between Main Street and the Mitchell Freeway, resulting in a 3.5 metre increase in the existing 5 metre MRS road reservation for this portion of Scarborough Beach Road.*

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 6.52pm.

Debate ensued.

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

(Cr Farrell was absent from the Chamber and did not vote. Cr Topelberg was on approved leave of absence.)

Cr Farrell returned to the Chamber at 6.53pm.

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council the opportunity to view the 3 x cross-sections and 3 x aerial profile plans that were prepared by consultants, Sinclair Knight Mertz (SKM), and to seek authorisation for the Council to refer the documents to the Western Australian Planning Commission (WAPC) and the City of Stirling, recommending Option 2 as the preferred cross-section.

**BACKGROUND:**

At its Ordinary Meeting held on 27 July 2010, the Council considered a report on the Scarborough Beach Road Activity Corridor Project, which outlined to the Council the Town's involvement in the Scarborough Beach Road Activity Corridor Project since 2008.

At the above Meeting, the Council resolved to receive the report; to request additional information from the City of Stirling on certain matters; and to advise the Department of Planning and the City of Stirling that it has concerns regarding a 42 metre road reserve for the portion of Scarborough Beach Road from Glendalough Station to Main Street.

At its Ordinary Meeting held on 24 August 2010, the Council considered Progress Report No. 2 on the Scarborough Beach Road Activity Corridor Project, and resolved as follows:

*"That the Council;*

- (i) RECEIVES the report relating to the Scarborough Beach Road Activity Corridor – Progress Report No. 2;*
- (ii) ACKNOWLEDGES that the Town's Officers are liaising with the City of Stirling and the Department of Planning to prepare design options as required by Clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1; and*
- (iii) FURTHER NEGOTIATE with the City of Stirling and/or the Department of Planning to have joint funding with respect to the area involved in the Town of Vincent."*

At its Ordinary Meeting of Council held on 14 September 2010, the Council considered Progress Report No. 3 on the Scarborough Beach Road Activity Corridor Project, and resolved as follows:

*"That the Council;*

- (i) RECEIVES the report relating to the Scarborough Beach Road Activity Corridor – Progress Report No. 3;*
- (ii) NOTES that the Town's Officers have liaised with the City of Stirling and the Department of Planning with regard to preparing design options as required by Clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1; and*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY the engagement of consultants, Sinclair Knight Mertz (SKM), to prepare additional cross-sections for the Scarborough Beach Road Activity Corridor Project, at an estimated total cost of \$3,000, to be funded from the 2010/2011 Budget, account, entitled "Town Planning Scheme Amendments and Policies."*

**DETAILS:**

Based on discussions held with the Department of Planning and the City of Stirling, and the Council resolution of 14 September 2010, the consultants SKM were engaged to prepare the following 3 cross - sections:

- Option 1** As per Scarborough Beach Road Activity Corridor draft Transport Report (42 metre reserve);
- Option 2** Removal of parking on the southern portion of road; and
- Option 3** Move the centre line of the cross-section to the north.

In response to clause (iii) of the resolution of 14 September 2010 above, the Town engaged consultants, Sinclair Knight Mertz (SKM) to prepare additional cross-sections for the Scarborough Beach Road Activity Project. The cross-sections were completed and submitted to the Town on 24 December 2010, and are shown as Attachments to this report.

**CONSULTATION/ADVERTISING:**

The Department of Planning are facilitating the advertising and consultation relating to the Scarborough Beach Road Activity Corridor Project. To-date, the Town, in conjunction with the Department of Planning, facilitated two community information sessions relating to the Scarborough Beach Road Activity Corridor Project on 3 and 5 May 2010 respectively. These workshops allowed the community to provide some feedback on their experiences of Scarborough Beach Road, and how they see it likely to develop in the future.

More targeted workshops are scheduled to be held in the first part of 2011, that are intended for the community to provide feedback on more specific matters relating to built form, land use and transport options. The dates of these workshops have yet to be determined.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

The Scarborough Beach Road Activity Corridor Project is based on the premise of best practice sustainability principles, including; transit orientated development, accommodating a balanced transport mode share along Scarborough Beach Road, and promoting a diversity of high quality land uses. The proposed extension of the existing Metropolitan Region Scheme road reservation is anticipated to facilitate sustainable transport and urban design outcomes for the section of Scarborough Beach Road from the Mitchell Freeway to Main Street, ultimately leading to high quality transit oriented development.

**FINANCIAL/BUDGET IMPLICATIONS:**

To-date, the Scarborough Beach Road Activity Corridor Project has been jointly funded by the City of Stirling and the Department of Planning, with the Town providing in-kind support only.

A total of \$3,000 (excluding GST) was supported by the Council at its Ordinary Meeting held on 14 September 2010, to engage the consultants, SKM to prepare the cross-sections and for the cost to be sourced from the Town's Town Planning Scheme Amendments and Policies account, of which there is \$58,200 in the 2010/2011 Budget.

**COMMENTS:**

It is considered that the preparation of the 3 x cross-sections assists to progress the Scarborough Beach Road Activity Corridor and will provide greater certainty to the owners of the large land holding between Main and Jujan Streets. These land owners in particular are dependent on an agreement being made between the Town of Vincent, the City of Stirling and the Department of Planning on the proposed MRS reservation for this portion of Scarborough Beach Road, so as to progress with the requirements that are detailed in Scheme Amendment 423 of the City of Stirling District Planning Scheme No. 2.

Following the review of the 3 options provided, it is considered that on balance, Option 2 with a proposed 39.5 metre road reservation, is the preferred option, as it continues to support the objectives and principles of the Scarborough Beach Road Activity Corridor, with minimal impact on the affected property owners, and provides a more cost effective option, when compared to moving the centre line north, as proposed in Option 3. Option 1, is based on the original design of a 42.0 metre reservation, resulting in an 11 metre MRS reservation on the southern side of Scarborough Beach Road. This option was not considered appropriate, due to the anticipated impediment on the development opportunities for the properties abutting Scarborough Beach Road located within the Town of Vincent, which have a comparable lesser lot depth than those on the northern portion within the City of Stirling.

In light of the above, it is recommended that the Council supports the Officer Recommendation.



**9.1.4 Nos. 45 - 45A (Lot 199; D/P 2334) Hobart Street, corner Auckland Street, North Perth – Alterations and Additions to Existing Eating House**

<b>Ward:</b>	North	<b>Date:</b>	9 February 2011
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO0041; 5.2010.631.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Applicant's Submission		
<b>Reporting Officer:</b>	C Harman, 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 Ginger Nominees on behalf of the owner T K & V M Nguyen for Proposed Alterations and Additions to Existing Eating House, at Nos. 45 – 45A (Lot 199; D/P 2334) Hobart Street, corner Auckland Street, North Perth, and as shown on plans stamp dated 7 December 2010, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Hobart and Auckland Streets;*
- (ii) the hours of operation for the eating house shall be limited to 7am to 5pm Monday to Wednesday, 7am to 9pm Thursday and Friday and 7am to 4pm Saturday and Sunday;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the public floor area of the eating house shall be limited to 50 square metres;*
- (v) prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility plus three (3) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (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 \$4,410 for the equivalent value of 1.47 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 \$4,410 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.*

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Buckels, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

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

(Cr Topelberg was on approved leave of absence.)

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<b>Landowner:</b>	T K & V M Nguyen
<b>Applicant:</b>	Ginger Nominees
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Single House, Shop and Eating House
<b>Use Class:</b>	Single House, Shop and Eating House
<b>Use Classification:</b>	"P" and "SA"
<b>Lot Area:</b>	506 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination given the shortfall in car parking and the number of objections received.

**BACKGROUND:**

27 May 2003      The Council at its Ordinary Meeting conditionally approved an application for Proposed Retention of Existing Shops and Partial Demolition of and Alterations and Additions, including Second Storey Additions, to Existing Single House.

12 January 2006 The Town under delegated authority from the Council conditionally approved an application for Shade Sails Additions to Existing Single House.

23 February 2010 The Council at its Ordinary Meeting approved an application for Proposed Retention of Existing Single House and Change of Use from Shops to Shop and Eating House with a number of conditions, including the following:

“(ii) the hours of operation for the eating house shall be limited to 7am to 5pm Monday to Friday and 8am to 3pm Saturday and Sunday;

.....

(iv) the public floor area of the eating house shall be limited to 40 square metres.”

**DETAILS:**

The site currently supports a mix of uses, including a shop and eating house, which have frontages to Hobart and Auckland Streets, and a two storey single house behind the shop and eating house, with frontage to Auckland Street.

The proposal involves an additional 10 square metres being allocated as public floor area, to encompass an alfresco area at the front of the eating house, on the corner of Hobart and Auckland Streets. The alfresco area is existing and is located within the subject property boundaries, with the exception of two tables and two chairs which slightly encroach on the footpath. The applicant has submitted an application to the Town’s Rangers Services seeking permission to locate two tables and two chairs as outlined.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Non Residential/Residential Development Interface.</b>	Non-residential developments shall be restricted to District and Local Centre Commercial zones.	Commercial use in a Residential zone.
<i>Officer Comments:</i>		
Supported – the Hobart Deli has existed as a corner shop since the building was originally constructed circa 1935. The current use as an eating house has been operating since February 2010.		
<b>Car Parking:</b>	1.47 car bays.	Nil.
<i>Officer Comments:</i>		
Supported – see “Comments”.		
<b>Bicycle Parking:</b>	3 (Class 1 or 2) bicycle facilities. 3 (Class 3) bicycle facilities.	3 bicycle parking racks.
<i>Officer Comments:</i>		
Not supported – Location of two (2) bicycle rack shown, but dimensions not shown. A condition has been placed to comply with the provision and number of bicycle bays required.		

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

<b>Consultation</b>	
<b>In Support:</b>	5 (including 4 petitions comprising a total of 206 signatures)
<b>Objections:</b>	6
<b>Comments Received</b>	<b>Officer Comments</b>
No objection as long as the application is for the existing alfresco and tables and there is no increase in the amount of alfresco dining.	Noted – the subject application is for the addition of 10 square metres of floor area (the current alfresco area) and extended operating hours; the Town is mindful that the area is predominantly residential.
Object to any increased trading hours.	Not Supported – the proposed increase in trading hours is minimal and is not considered to have an adverse impact on the surrounding area.
Loss of sleep due to the noise from the eating house.	Not Supported – there will be no increase in noise levels as the amount of alfresco area will not increase from what it currently is.
Loss of privacy to nearby residences.	Not Supported – see “Comments”.
The extra tables and chairs will obstruct the footpath.	Not Supported – see “Comments”.
Increase in parking congestion.	Not Supported – see “Comments”.
Rubbish from the alfresco area litters the verge.	Noted – see “Comments”.
Inadequate consultation.	Not Supported – the proposal was advertised in accordance with the Town’s Community Consultation Policy.
Safety concerns as a result of increased vehicle traffic.	Not Supported – See “Comments”.
<b>Advertising</b>	Advertising of the above proposal was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.
<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	Nil.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.
<b>Risk Management Implications</b>	Not applicable.
<b>Car Parking</b>	
Car parking requirement (nearest whole number)	14 car bays
Eating House - 1 space per 4.5 square metres of public area (proposed 50 square metres) = 11.1	
Shop - 1 space per 15 square metres of gross floor area (existing 36 square metres) = 2.4	
Total = 13.5 (14)	
Apply the parking adjustment factors.	(0.646)
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.80 (contains a mix of uses, where at least 45 per cent of the gross floor area is residential)</li> <li>• 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces)</li> </ul>	9.044 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall	4.76 car bays. 2.81 car bays (OMC 23 February 2010)
Resultant shortfall	1.47 car bays

<b>Consultation</b>		
<b>Bicycle Parking</b>		
<b>Eating House</b>	<ul style="list-style-type: none"> <li>• 1 space per 100 square metres of public area for employees (proposed 50 square metres) (class 1 or 2) = 0.5 space = 1</li> <li>• 2 spaces plus 1 space per 100 square metres of public area floor area for visitors (class 3) = 2.5 spaces = 3</li> </ul>	No bicycle parking detailed on the plans submitted.

**COMMENTS:**

**Eating House**

The application is in keeping with the longstanding commercial use of the site, whereby the proposal involves minor amendments to the floor area and operating hours of the eating house. The additional 10 square metres of public floor area, located in an alfresco area, is located within the property boundaries.

Whilst the previous approval stipulated a restriction to 40 square metres of public floor area, there was no specification as to whether this was to be internal or external and, therefore, the existing allowable 40 square metres could be configured to create outdoor dining area which is within the property boundaries. The Town's Officers are of the opinion therefore, that allowing an additional 10 square metres of floor area would not adversely affect the surrounding area.

**Car Parking**

The subject change of use application includes a variation to the number of required on-site car parking bays. Currently, no bays are provided on-site as no space is available; however, as per the Town's Policy No. 3.7.1 Parking and Access a total of 1.47 bays are required. It should be noted that the previous use as 'shops' functioned with no on-site parking since their initial operation, and the existing eating house has also been operating without on-site car parking.

The ample on-street car parking bays surrounding the site and nearby Gill Street Car Park is sufficient to continue to provide parking opportunities for café customers. However, it is expected that a number of the customers will walk to and from the café as it is expected to serve the needs of the local residents.

It is considered that the proposal will not have a detrimental impact on the amenity of the area and in light of the above; it is recommended that Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.1.7 No: 356 (Lot 64; D/P: 1823) Charles Street, North Perth - Proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) and Associated Alterations and Additions**

<b>Ward:</b>	North	<b>Date:</b>	9 February 2011
<b>Precinct:</b>	Charles Centre, P7	<b>File Ref:</b>	PRO0842; 5.2010.611.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and 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, REFUSES the application submitted by Cocktail Gastronomy on behalf of the owner Aztec Pty Ltd for proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) and Associated Alterations and Additions, at No. 356 (Lot 64; D/P: 1823) Charles Street, North Perth, and as shown on plans stamp-dated 26 November 2010, due to 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 Residential Uses;*
- (iii) shortfall in parking proposed;*
- (iv) consideration of the objection received; and*
- (v) the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access.*

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr McGrath, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Lake**

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

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

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

<b>Landowner:</b>	Aztec Pty Ltd
<b>Applicant:</b>	Cocktail Gastronomy
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Unlisted Use
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	591 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The application is presented to a meeting of Council due to a shortfall of more than 5 car parking bays.

**BACKGROUND:**

Nil.

**DETAILS:**

The proposal involves the Change of Use from a vacant tenancy (formerly a Consulting Room use known as Hypoxi Studios) to a Small Bar and associated Café and an external catering service with associated alterations and additions at No. 356 Charles Street, North Perth.

The proposed hours of operation for the Small Bar Café element are: Wednesday 3-10pm, Thursday 3-10pm, Friday 12noon - 12am, Saturday 12noon - 12am and Sunday 12noon - 10pm. The external catering portion of the business is essentially open all week. The maximum number of employees would be limited to eight (8) and the maximum number of patrons not to exceed one hundred (100).

The existing site does not include any established on-site car parking, with a delivery area available at the rear of the premises. In addition, there is space (10.6 metres) for approximately three vehicles but this is currently an unmarked area.

There are no changes to the external façade, while internally; a bar is proposed to be installed with associated kitchen facilities. A separate male and female toilet is provided for employees, with toilets for patrons to be provided.

The applicant has provided the following justification:

*“Small Bars rely on local trade and target the local community. As such we have expectations that a high number of our patrons will walk to our location or utilise public transport. Public transport is in abundance to our location through the Charles Street, Fitzgerald Street and Scarborough Beach Road nodes. Onsite, the building in mention has undercover parking via roller door access and unmarked parking for a minimum of three vehicles (with a 10.6 metre width dimension) immediately outside the building on the title vicinity.”*

*“The most immediate public parking facilities for the premises are located at the rear of the building in keeping with the Town of Vincent Town Planning Scheme No. 1 for the Charles Centre Precinct. There are 28 car park bays with laneway and street access of which the Council has advised we require 17.9.”*

*“The vast majority of our operating hours are when this carpark is vacated and other businesses utilising the car park are closed, especially during our peak periods of operation. Our signage “Parking at rear” is advertised in large font under the main front window of our premises to adequately inform our customers.”*

*“In addition, there are car bays on Angove Street and Farmer Street within a 100m radius. Also there is the North Perth shopping centre located at 299 Charles Street with surplus parking which is a short walk away of less than 200m.*

*“In keeping with the theming of our establishment, bike racks will also be located at the front of our building for those patrons wishing to ride to and from our venue. Private parking areas in our precinct are clearly labelled with adequate signage. With the plentiful parking and public transport networks available we foresee no parking issues for our neighbours.”*

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Non-Compliant Requirement:</b>	“P” Permitted	Small Bar - ‘SA’ Catering Service - ‘SA’ Café - ‘AA’
<i>Officer Comments:</i>		
Not supported. It is noted that the property is zoned Local Centre and is ideally placed for shops/offices to be located along the street area of Charles Street. However, it is noted that parking along the north east shopping area is extremely limited, along with the inability to park along Charles Street. Given the number of businesses located in this vicinity, any increase in patronage in the immediate vicinity will lead to exacerbated parking issues. It is on this basis that the use of the premises as a Small Bar/Café is not supported.		

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

Consultation	
<b>In Support:</b>	One (1)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Adjoining owner supports, however private car park at rear of property (adjoining subject property to the south) not to be utilised as for clients and tenants only.</li> <li>Request a written agreement from new owners/tenants that the car park will not be used.</li> </ul>	<p>Noted. The applicant has noted that a written agreement can be provided on request with the adjoining owner.</p> <p>See above</p>
<b>Objections:</b>	One (1)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Concern that a deficient number of car parking provided will lead to customers of the premises utilising the car parks on the opposite side of the premises in the McDonalds and BP car park.</li> </ul>	Supported. The shortfall in parking may lead to vehicles and patrons accessing the premises, parking on the opposite side of the road at the McDonalds and BP carparks.
<b>Advertising</b>	Advertising for the proposal for a period of 21 days was carried out as per the Town’s Policy 4.1.5 relating to Community Consultation.
Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies.
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil.



<b>Consultation</b>		
<b>Car Parking</b>		
Car parking requirement (nearest whole number) 1 space per 4.5 persons (100 persons proposed)		= 22.22 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.95 (the proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces.</li> </ul>		(0.8075)  = 17.9 car bays
Minus the car parking provided on-site		Nil bays on-site.
Minus the most recently approved on-site car parking shortfall.		Not applicable.
Resultant shortfall		17.9 car bays
<b>Bicycle Parking</b>		
<b>Café/Small Bar</b>	<ul style="list-style-type: none"> <li>• 1 space per 100 square metres (Public Area): Class 1 or 2 (1 Required)</li> <li>• 2 spaces plus 1 space per 100 square metres (Public Area): Class 3 (3 Required)</li> </ul>	Nil Provided.  Nil Provided.

**COMMENTS:**

**Small Bar**

In May 2007, an amendment was made to section 41 of the *Liquor Control Act 1988*, to include a Small Bar Licence as a form of Hotel Licence. A Small Bar Licence differs from Hotel and Tavern Licences by the conditions imposed to restrict the scope of the licence. A Small Bar Licence is a form of a Hotel Licence with:

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

**Charles Centre Precinct**

The premises are located in the Charles Centre Precinct along Charles Street which immediately abuts several types of businesses including offices, retail and associated stores. The precinct is zoned Local Centre which allows for a wide variety of uses. The proposal is for the use of the premises as a Small Bar and Café use with an external catering element.

**Parking**

The proposed parking provisions for a Small Bar establishment, according to the Town's Parking and Access Policy require 1 space per 4.5 persons of the maximum number approved for the site. Based on this requirement the proposal provides for a 17.9 car bay shortfall to the requirements of the Town of Vincent Parking and Access Policy 3.7.1.

Given the proposed hours of operation, mainly after 12pm Wednesday to Sunday, for the small bar/café element of the business, the most pressure on the car parking within the vicinity would be weekdays between 12 noon and 5pm. It is noted that after 5pm, the majority of businesses along the Charles Street/Scarborough Beach Road area would be closing for the day. It is considered that the Small Bar/Café would be able to utilise the greater proportion of these bays for clientele.

The applicant has stipulated that a greater majority of the clientele of the small bar/café part of the proposal would come from local traffic that could access the premises by walking/cycling or using public transport. Whilst this may be the case for a number of persons, it is expected that once a business is functioning, the greater majority of clientele will access the premises by using vehicles.

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays, to provide and/or upgrade parking in other car parking areas. The policy stipulates that:

*“Cash-in-lieu provisions are only to be permitted in localities where the Town already provides off-street public car parking which has spare capacity, or the Town is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate) in the near future, within 400 metres of the subject development;”*

Whilst taking this provision of the Policy into account, the premises are located adjacent to the Pansy Street Car Park located at the rear of the property with access via a laneway and Pansy Street. The Pansy Street Car Park includes twenty-eight (28) free car parking bays. It is noted that whilst the café/small bar entrance is to Charles Street, there is no public rear entrance which will require users to walk around the block to the premises.

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, a minimum of 15 per cent of the required bays is to be provided.”*

If the shortfall in car parking were to be supported, a cash in lieu payment would be required. The cash in lieu payment required would be \$3000 per bay based on the 2010/11 fees; \$53,700 in this instance.

In light of the above, the proposal with a substantial parking shortfall of 17.9 car bays, and the only bays available at the rear of the property already substantially utilised by the surrounding businesses, there is concern the proposal would impact the local area.

Accordingly, it is recommended that the application be refused as per the Officer Recommendation.

**9.1.2 Nos. 46 - 54 (Lots 142; D/P 32179 and Lots 44 and 43; D/P 28) Cheriton Street, Perth - Proposed Mixed-Use Development Comprising of Eating House, Office and Seven (7) Single Bedroom Multiple Dwellings and Two (2) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	9 February 2011
<b>Precinct:</b>	EPRA (15)	<b>File Ref:</b>	PRO5282; 5.2010.585.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Applicant's submission and documentation		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, APPROVES the application submitted by ARIA Projects on behalf of the owner Liquor Hospitality and Miscellaneous Union for proposed Mixed-Use Development Comprising of Eating House, Office and Nine (9) Multiple Dwellings and Associated Car Parking, at Nos. 46-54 (Lot 142; D/P 32179 and Lots 44 and 43; D/P 28) Cheriton Street, Perth, and as shown on amended plans stamp-dated 7 February 2011, subject to the following condition(s):*

- (i) **Building**
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 Cheriton Street and shall comply with the East Perth Redevelopment Authority (EPRA) Policy No. 1.16 relating to Antennae and Satellite and Microwave Dishes;*
  - (b) *doors, windows and adjacent floor area of the eating house and office on the ground floor fronting Cheriton Street, shall maintain an active and interactive relationship with this street;*
  - (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
  - (d) *the maximum gross floor areas for the offices shall be limited to 2,485 square metres and the maximum public floor area of the eating house shall be limited to 70 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town; and*
  - (e) *first obtaining the consent of the owners of Nos. 42 and 60 Cheriton 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. 42 and 60 Street in a good and clean condition;*

(ii) Car Parking

- (a) *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;*
- (b) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (c) *a minimum of 7 car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (d) *a minimum of 2 visitor car parking spaces provided for the visitors of the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents' visitors of the development;*
- (e) *the on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (f) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (g) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath and road levels;*

(iii) Public Art

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the EPRA Policy No. 1.9 relating to Public Art, 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 \$91,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$9,100,000); 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 EPRA Policy No. 1.13 relating to Advertising Signs 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, addressing the following issues:*

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

(b) Landscape and Reticulation Plan

*A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval, demonstrating a minimum 10 per cent of the site being allocated for landscaping.*

*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 that will grow to an adequate height to provide screening and plants within the 1.5 metre rear landscaping strip;*
- (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);*

(c) **Refuse and Recycling Management Plan**

*A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy; and*

(d) **Acoustic Report**

*An Acoustic Report relating to Sound Attenuation shall be prepared and submitted to the satisfaction of the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*

(e) **Amalgamation of Lots**

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

(f) **Section 70A Notification**

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

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

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

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

(a) **Underground Power**

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

(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;*

(c) Clothes Dryer

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

(d) Bicycle Parking

(1) *A minimum of 3 bicycle parking spaces shall be clearly marked and signposted for the exclusive use of the residents of the development; and*

(2) *A minimum of 1 bicycle parking space shall be clearly marked and signposted for the exclusive use of the resident's visitors of the development.*

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**Moved Cr Maier, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr McGrath**

*That a new subclause (v)(g) be inserted as follows:*

*“(v)(g) Privacy*

*Revised plans shall be submitted to and approved by the Town demonstrating that the window(s) to the third floor (Office Floor Plan Level 3) shall be screened with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision (as defined by the Residential Design Codes) to the ground level of the adjoining properties if closer than 25 metres from the window(s).”*

Debate ensued.

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

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

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

(Cr Topelberg was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.2**

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, APPROVES the application submitted by ARIA Projects on behalf of the owner Liquor Hospitality and Miscellaneous Union for proposed Mixed-Use Development Comprising of Eating House, Office and Nine (9) Multiple Dwellings and Associated Car Parking, at Nos. 46-54 (Lot 142; D/P 32179 and Lots 44 and 43; D/P 28) Cheriton Street, Perth, and as shown on amended plans stamp-dated 7 February 2011, subject to the following condition(s):*

(i) **Building**

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 Cheriton Street and shall comply with the East Perth Redevelopment Authority (EPRA) Policy No. 1.16 relating to Antennae and Satellite and Microwave Dishes;*
- (b) *doors, windows and adjacent floor area of the eating house and office on the ground floor fronting Cheriton Street, shall maintain an active and interactive relationship with this street;*
- (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (d) *the maximum gross floor areas for the offices shall be limited to 2,485 square metres and the maximum public floor area of the eating house shall be limited to 70 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town; and*
- (e) *first obtaining the consent of the owners of Nos. 42 and 60 Cheriton 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. 42 and 60 Street in a good and clean condition;*

(ii) **Car Parking**

- (a) *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;*
- (b) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*



- (c) *a minimum of 7 car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (d) *a minimum of 2 visitor car parking spaces provided for the visitors of the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents' visitors of the development;*
- (e) *the on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (f) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (g) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath and road levels;*

(iii) **Public Art**

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the EPRA Policy No. 1.9 relating to Public Art, 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 \$91,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$9,100,000); 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 EPRA Policy No. 1.13 relating to Advertising Signs 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, addressing the following issues:*

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

(b) **Landscape and Reticulation Plan**

*A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval, demonstrating a minimum 10 per cent of the site being allocated for landscaping.*

*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 that will grow to an adequate height to provide screening and plants within the 1.5 metre rear landscaping strip;*
- (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);*

(c) **Refuse and Recycling Management Plan**

*A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy; and*

(d) Acoustic Report

*An Acoustic Report relating to Sound Attenuation shall be prepared and submitted to the satisfaction of the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*

(e) Amalgamation of Lots

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

(f) Section 70A Notification

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

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

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

(g) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating that the window(s) to the third floor (Office Floor Plan Level 3) shall be screened with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision (as defined by the Residential Design Codes) to the ground level of the adjoining properties if closer than 25 metres from the window(s).*

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

(a) Underground Power

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

(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;*

(c) Clothes Dryer

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

(d) Bicycle Parking

(1) *A minimum of 3 bicycle parking spaces shall be clearly marked and signposted for the exclusive use of the residents of the development; and*

(2) *A minimum of 1 bicycle parking space shall be clearly marked and signposted for the exclusive use of the resident's visitors of the development.*

<b>Landowner:</b>	Liquor, Hospitality and Miscellaneous Workers Union
<b>Applicant:</b>	ARIA Projects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1: Residential R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Eating House, Office and Residential
<b>Use Classification:</b>	"Preferred Use"
<b>Lot Area:</b>	2540 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The subject proposal requires referral to the Council for determination given the proposed variations to the Scheme requirements and the number of objections received.

**BACKGROUND:**

No specific background relates to the proposal.

**DETAILS:**

The proposal involves the construction of a five-storey mixed use development comprising of an office and eating house tenancy and car parking area on the ground floor, an office tenancy and car parking on the first floor, offices on the second and third floor and seven single bedroom multiple dwellings and two, two bedroom multiple dwellings on the fourth floor.

The surrounding area is characterised by a mix of land uses, including industrial, commercial and residential. It appears that the warehouse building immediately to the east is vacant and the semi-attached dwellings to the west are used as a landscaping business. The southern side of Cheriton Street consists of warehouses with primarily light industrial uses. Abutting the rear boundary of the site are residential properties, two lots with single homes, one lot with two townhouses and one with medium density housing.

The applicant's submissions are tabled and are partly included below.

### **Initial Submission**

*“The Claisebrook Road North Design Guidelines promotes a front building setback of 4 metres to 6 metres. The proposed building has a varied setback from Cheriton Street ranging from 3.46m to 6.45m, which when averaged is in compliance with the design guidelines. The varied setback affords an articulated façade which adds visual interest to what could otherwise be a flat façade. The setback of the front façade allows for a landscaped forecourt at the entry which will present an attractive outlook to the streetscape.*

*There are nil setbacks on the first and ground floors to the side and rear boundaries and a nil setback to the eastern boundary for ground to the third floor level.*

*The fourth level of the development, being the residential apartment levels have been setback from the boundaries as per the Residential Design Codes to provide terrace space and natural light ingress into the apartments.*

*The building envelope as previously highlighted, will be presented with high quality materials and finishes including aluminium cladding, aluminium louvers, high performance glazing and glazed balustrading. The mix of materials and varying façade treatments will assist in providing variation to the streetscape, reducing the potential perception of the bulk of a single façade building. The incorporation of extensive glazing at ground level will provide for high levels of transparency creating highly interactive and permeable street fronts to the building.*

*The site with North orientation, allows for passive solar design to be maximised and utilised in the building. Glazing has not been used on the Eastern and Western facades to reduce solar heat gains.*

*Under the “Claisebrook Road North Design Guidelines”, non-residential buildings are to have a maximum height of 4 stories. An increased overall height is allowed with the inclusion of a residential component. The proposed building offers in the first 4 levels offices, carparking and cafe (minor tenants on ground and first), and top level of residential apartments, in compliance with the Design Guidelines.*

*This proposed mixed use building incorporating office, minor cafe and residential facilities will present a high quality, contemporary and pedestrian friendly development to an emerging mix use area.”*

### **Submission received with amended plans dated 7 February 2011**

*The planning application has been amended to reflect the comments made during community consultation as well as comments from the Town’s Officers. The following amendments have been undertaken:*

- 1. “We have moved the building 1.5 metres in a southerly direction on site towards Cheriton Street thereby introducing a rear setback of 1.5 metres to further remove the building from the adjoining properties and introduce landscaping to this area to visually soften the transition. The impact of this is to further increase the setback of all upper levels from the neighbouring properties.*
- 2. The height of this rear (northern boundary) wall has been reduced by 1.7 metres to reduce the visual impact whilst maintaining a 1.6 metre height internally to prevent overlooking into adjacent properties from the car parking area.*
- 3. The balustrade to the balcony at Level 2 has been increased in height to 1.6 metres and will incorporate translucent glazing to prevent overlooking into adjacent properties.*

4. *The eastern (zero setback) wall has been treated artistically with some visual relief as requested.*
5. *We confirm that the visitor car bay within the front boundary has been removed as a result of the setback amendments.*
6. *We confirm that car bays previously numbered 33 and 34 have been changed to visitor car bays and access to these will be achieved via tenant intercom controls for visitors to the building.”*

The applicant has also provided some background information on the owners of the land and the company that will be occupying a large majority of the office space:

*“The LHMU is an employee representative organization for over 120,000 Australian workers. The Western Australian branch of the LHMU has more than 23,000 members from a diverse range of workplaces and backgrounds including workers involved in hospitals, aged care, schools, childcare centres, disability services, laundries, home care, universities, cleaning, security, hotels, catering, the casino, baking and food. The main office in Western Australia is in Perth, with a second office in Bunbury.*

*As discussed in respect of the car parking provisions as proposed we confirm that the building owner and occupiers needs are unusual. The LHMU has a large number of direct employees who will work from Cheriton Street but by virtue of their representative role spend considerable periods travelling around to the places of work of the members. These Organisers are each provided with a motor vehicle. Their typical day is varied and their comings and goings from the LHMU offices is unpredictable.*

*As a significant part of their organization has union organizers that spend 70% of their week on the road but for 30% of the week they are in the office environment but as a result of this operational need they have a greater than normal requirement for access to onsite car bays for limited periods of time. The affect of this is to slightly increase the demand for car parking by them as the owner and major tenant within the building however the surplus bays when not in use by Organisers will add to Visitor parking potential, reducing any on street parking requirements.*

*The selection of Cheriton Street recognized the need to provide the employees of the LHMU with a location that was well served by public transport. This assists in reducing the overall parking requirement. Other plans are to introduce car pooling and sharing to reduce the single occupant cars utilizing the space.*

*The membership and visitors in majority travel by public transport to the LHMU hence the selection of Cheriton Street site adjacent to the railway station as their preferred location.*

*We noted that there was a slight concern with the Level 3 office façade on the northern elevation in respect of privacy provisions but wish to highlight that we have increased this setback to 7.3 metres which is in excess of the prescribed planning requirements and has been setback this distance to mitigate any problems in this regard. But as this is a green building we have deleted all windows to the Western and Eastern elevation in order to minimize the heat loads and maximize the building envelope’s thermal performance hence the windows to the north and south are the only ones that admit natural daylight into the office areas. It should also be recognized that the office level occupancy is generally 9am - 5pm when most adjoining residential areas are also at their places of employment. We also note that the zoning of the site and surrounding areas is mixed use in nature which results in alternate land use interfaces such as commercial and residential, the design as proposed has been structured to mitigate as much as possible any conflicts through increased setbacks and screening where possible. In this context we believe the design as proposed is an appropriate response.”*

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Density:</b>	Not applicable for multiple dwellings.	Not applicable.
<i>Officer Comments:</i>		
Noted.		
<b>Plot Ratio:</b>	1.0 or 2540 square metres	1.69 or 4301 square metres
<i>Officer Comments:</i>		
Supported – refer to ‘Comments’ below.		
<b>Front Setbacks (South):</b>	4 metres	3 metres – 9.2 metres
<i>Officer Comments:</i>		
Supported – refer to ‘Comments’ below.		
<b>Building Setbacks:</b>		
<b>Ground Floor</b>		
-North (rear)	4 metres	1.5 metres
<b>First Floor</b>		
-North (rear)	4 metres	1.5 metres
<i>Officer Comments:</i>		
Supported – refer to ‘Comments’ below.		
<b>Landscaping:</b>	Minimum of 50 percent soft landscaping in the street setback area.	28 percent of soft landscaping within the street setback area.
<i>Officer Comments:</i>		
Supported – refer to ‘Comments’ below.		

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

<b>Consultation</b>	
<b>In Support:</b>	1 support received.
<b>Comments Received</b>	<b>Officer Comments</b>
No comments provided.	Noted.
<b>Objections:</b>	8 objections received.
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>The proposed building should comply with all the requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – refer to ‘Comments’ below.</li> </ul>
<ul style="list-style-type: none"> <li>The proposed boundary wall on the eastern elevation does not allow sufficient light and ventilation to the neighbouring property.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – refer to ‘Comments’ below.</li> </ul>
<ul style="list-style-type: none"> <li>The wall to the car park is too high and should be setback from the rear boundary.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – The applicant has amended the plans to setback the entire building a further 1.5 metres from the rear boundary, which reduces the impact on the residential properties on Summers Street.</li> </ul>
<ul style="list-style-type: none"> <li>Lack of privacy to the dwellings to the rear.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – The applicant has amended the plans to provide a 1.6 metre high privacy screen to the balcony of the office on the third storey. Furthermore, the entire building has been setback a further 1.5 metres from the rear boundary, which reduces the impact on the residential properties on Summers Street.</li> </ul>

<b>Consultation</b>	
<ul style="list-style-type: none"> <li>The building height should be reduced to the required 3 storeys. This could occur if the development incorporates basement car parking.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – refer to ‘Comments’ below.</li> </ul>
<ul style="list-style-type: none"> <li>The proposed development should incorporate a greater ratio of residential as this is the intent of the area.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – The Claisebrook Road North Design Guidelines suggests that a maximum of 4 storeys of commercial is supportable in this area. The design guidelines also suggest that a maximum of 12 storeys could be permitted on the northern side of Cheriton Street, provided it is a residential development.</li> </ul>
<ul style="list-style-type: none"> <li>There are no design features or landscaping incorporated into the building.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – The plans illustrate a landscaping area in front of the building and the plans have been amended to include a landscaping strip at the rear of the building, which will attempt to reduce the impact of the rear wall.</li> </ul>
<ul style="list-style-type: none"> <li>1 visitor car bay is not enough for the size of the development.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – The plans have been amended to include an additional visitor car bay that will be for the exclusive use of the residents’ visitors. Furthermore, a condition has been applied that the commercial car bays be available for the residents outside work hours.</li> </ul>
<ul style="list-style-type: none"> <li>There should not be more than the maximum amount of car bays in a Transit Orientated Area. East Perth Train Station and Claisebrook Train Station is within 200 metres and 400 metres respectively.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – The Town’s Officers acknowledge the close proximity to the train stations; however, the additional car bays will bring cars off the street and help to alleviate car parking pressures in the immediate area.</li> </ul>
<ul style="list-style-type: none"> <li>The proposed development should protect the heritage listed properties at Nos. 60 and 62 Cheriton Street.</li> </ul>	<ul style="list-style-type: none"> <li>Supported in part – The proposed development is setback 3.3 metres from the western boundary, which is alongside the neighbouring dwelling and has a nil setback where the garden starts. Furthermore, the western wall incorporates varying colours and materials that further reduce the impact on the western neighbouring property. Please note the adjoining buildings are not heritage listed but are recognised as having some form of heritage value.</li> </ul>
<ul style="list-style-type: none"> <li>Noise from air conditioning units.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – A condition has been applied for the applicants to provide an Acoustic Report prior to obtaining their Building Licence; this report will address issues such as noise from air conditioning units.</li> </ul>
<b>Advertising</b>	Advertising for 21 days in accordance with the Town’s Community Consultation Policy.
<b>Other Implications</b>	
<b>Legal/Policy</b>	EPRA Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes).
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil



<b>Consultation</b>		
<b>Commercial Car Parking</b>		
Maximum required car parking = 200 car bays per hectare Land Area = 2040 square metres $2540/10000 = 0.2540$ $0.2540 \times 200 = 50.8$ car bays Maximum of 51 car bays		62 commercial car bays proposed and 2 courier car bays.
<b>Residential Car Parking</b>		
Small (less than 75 sqm or 1 bedroom)	0.75 per dwelling	$7 \times 0.75 = 5.25$ car bays
Medium (75 sqm – 110 sqm)	1 per dwelling	$2 \times 1 = 2$ car bays
Large (greater than 110 sqm)	1.25 per dwelling	N/A
Visitors	0.25 per dwelling	$9 \times 0.25 = 2.25$ car bays
Total Car Bays required is 7.25 car bays (7 car bays) Total Visitor Car Bays required is 2.25 car bays (2 car bays)		12 residential car bays proposed and 2 visitor car bays.
<b>Residential Bicycle Parking</b>		
Residential – 1 space per 3 dwellings = 3 bicycle spaces  Visitors – 1 bicycle space per 10 dwellings = 0.9 bicycle spaces = 1 bicycle space		14 bicycle parking spaces provided. A condition has been applied for a minimum of 3 bicycle spaces to be for the exclusive use of the residents and 1 bicycle space for the exclusive use of the resident's visitors.

**COMMENTS:**

The subject site is located on the northern side of Cheriton Street and within 200 metres of the East Perth Train Station and 400 metres of the Claisebrook Train Station. Accordingly, the subject development presents an opportunity to promote the principles of Transit Oriented Development through mixed use developments in close proximity to the surrounding public transport nodes, as espoused in the State Planning Framework Directions 2031 and further reflected in the Town's Local Planning Strategy.

The area is characterised by light and service industry uses with pockets of residential scattered throughout the precinct. There is potential for the area to increase its land use diversity and residential population which will contribute to the revitalisation of the Claisebrook North Precinct. It is considered that the proposed development, which comprises office space and nine residential apartments, will aid in this revitalisation and add visual interest to the area.

The subject site is located approximately 200 metres from Lord Street (walking distance) and 200 metres from East Perth Train Station. Accordingly, the proposal demonstrates suitable redevelopment of a site consistent with the Local Planning Strategy. Given the proximity to Lord Street and the East Perth Train Station, the proposed large office component is not considered to be inconsistent with surrounding uses on the site or those within close proximity.

Density, plot ratio and building height contribute to the bulk and scale of a development. 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. It is noted that the proposal complies with the height requirements of the Claisebrook North Design Guidelines and is consistent with the future desired built form of the locality.

In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions, as it is not considered that the development will result in any unreasonable undue impact on the amenity of the surrounding area.

**9.1.3 Nos. 57 - 59 (Lots 14, 15, 16 & 17; D/P: 2503 and Lot 302; D/P: 34665) Fairfield Street, Mount Hawthorn - Proposed Demolition of Two (2) Existing Single Houses and Construction of Five (5) Single Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	8 February 2011
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO5024; 5.2010.644.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans <a href="#">002</a> – Heritage Impact Statement for Nos. 57 & 59 Fairfield Street, Mount Hawthorn		
<b>Tabled Items:</b>	Applicant's revised submission and associated documentation		
<b>Reporting Officers:</b>	Troy Cappellucci, Planning Officer (Statutory) Hoping 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 D Musca on behalf of the owner D & C & G & T Musca & A Ricciardello & C Esposito for proposed Demolition of Two (2) Existing Single Houses and Construction of Five (5) Single Storey Grouped Dwellings, at Nos. 57-59 (Lots 14, 15, 16 & 17; D/P: 2503 and Lot 302; D/P: 34665) Fairfield Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 7 February 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 Fairfield Street;*
- (ii) *any new street/front wall, fence and gate within the Fairfield 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. 61 Fairfield 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. 61 Fairfield Street 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 shall be submitted to and approved by the Town, addressing the following issues:*

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*

- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *waste management and materials re-use;*
- (8) *parking arrangements for contractors and subcontractors;*
- (9) *Consultation Plan with nearby properties; and*
- (10) *any other matters deemed appropriate by the Town; and*

(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*

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

(a) **Car Parking**

- (1) *redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicants/owner(s) full expense.*

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

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

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier  
**Against:** Cr Lake

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

<b>Landowner:</b>	D & C & G & T Musca & A Ricciardello & C Esposito
<b>Applicant:</b>	D Musca
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single Houses
<b>Use Class:</b>	Grouped Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	2316 square metres
<b>Access to Right of Way</b>	Western side, 5 metres wide, sealed, dedicated road

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as it involves more than three dwellings.

**BACKGROUND:**

28 March 2002 The Western Australian Planning Commission conditionally approved the amalgamation and subdivision of No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn.

16 January 2009 The Western Australian Planning Commission conditionally approved the amalgamation and subdivision of Nos. 57 and 59 (Lots 14, 15, 16, 17 & 302) Fairfield Street, Mount Hawthorn.

7 December 2010 An Agenda Report was withdrawn at the Council's Ordinary Meeting, at the request of the applicant, for proposed demolition of two existing single houses and construction of five (5) single storey grouped dwellings.

**DETAILS:**

The proposal involves the demolition of two existing single houses and construction of five single storey grouped dwellings.

The above-mentioned proposal was initially due to be determined by the Council at its Ordinary Meeting held on 7 December 2010; however, it was withdrawn at the request of the applicant in order to make appropriate amendments to the proposal.

As a result, the applicant has submitted a new planning application for the site which provides vehicular access from Unity Lane for two (2) of the five (5) proposed grouped dwellings. In terms of the three (3) dwellings with vehicular access from Fairfield Street, two (2) of the proposed dwellings are utilising existing crossovers while one (1), on proposed Lot 1, is proposing a new crossover from Fairfield Street.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Density:</b>	R30 - 7.7 grouped dwellings	R 21.6 - 5 grouped dwellings
<i>Officer Comments:</i>		
Noted.		
<b>Plot Ratio:</b>	N/A	N/A
<i>Officer Comments:</i>		
Noted.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Building Setbacks:</b>		
North	Lot 1= 1.5 metres to 1 metre	Nil to 1 metre
South	Lot 5= 1.5 metres	1.02 metres to 2.1 metres
<b>Officer Comments:</b>		
Supported - No undue impact on the amenity of the surrounding area in terms of ventilation and overshadowing.		
<b>Garages:</b>	Garages are to be located at the rear of the property and accessed via right of way.	Three (3) of the proposed five (5) grouped dwellings have garages located in the front of the property and accessed via the primary street of Fairfield Street.
<b>Officer Comments:</b>		
Supported - Two (2) of the three (3) proposed grouped dwellings with garages fronting Fairfield Street are utilising existing crossovers from Fairfield Street. The proposed garages are compliant with the Town's requirements for garages accessed from a primary street as they are setback a minimum of 500 millimetres behind the front main building line of the dwelling and are compatible in regards to scale and roof pitch with the proposed dwellings.		

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	Nil	Noted.
Objections (2)	<p>Object to all the variations to development standards. The applicant should comply with Town's requirements.</p> <p><i>"We have no objection to the proposed plans of 5 single storey grouped dwellings, however we are opposed to 5 double driveways and garages fronting onto Fairfield Street in the proposed form, over 2 blocks in which is already a problematic area for all day parking as we have had ongoing problems with the Street since the development of the Mezz and soon late night trading weekdays to 9 pm will compound the matter as approximately 55 metres of street parking will be eliminated due to the proposed double driveways, where approximately 6-7 vehicles park on the street daily. Eliminating parking will push this problem further up the Street. A possible solution could be to reduce the crossover width, reduce driveway and or reduce the line markings setbacks in order to maintain maximum parking. If these issues could be addressed it would be a more favourable outcome in regards to garages/driveways located in the front of the properties for all nearby residents and the development.</i></p>	<p>Not Supported in Part - Refer to comments in "Assessment Table". The R-Codes allow for variations to development standards, subject to the Town being satisfied that there will be no undue impact on the surrounding area.</p> <p>Not Supported - Refer to "Comments" below.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
Advertising	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.	

The applicant's justification and the Town's response is shown below:

<b>Applicant Comments</b>
<i>"A visual survey has determined that there are a total of ten cross-overs and ten dwellings from Scarborough Beach Road to the corner of Woodstock Street. Also on Woodstock Street there is a recently constructed home which abuts Unity Lane but has its access via the primary street namely, Woodstock Street."</i>
<b>Officer Response</b>
It is confirmed that there are 10 existing dwellings (including 57 and 59 Fairfield Street) from Scarborough Beach Road to the corner of Woodstock Street, on the same side of the street. As a result, there are five existing crossovers including Nos. 57 and 59 Fairfield Street.
With regard to the site abutting Unity Lane along Woodstock Street, two dwellings between Unity Lane and Flinders Street face Woodstock Street, which is 50 percent of the dwellings facing Woodstock Street, and in this context the crossover was supported.
<b>Applicant Comments</b>
<i>Two double storey homes currently under construction on Flinders Street, directly backing up to our proposed subdivision, have their access via Flinders Street and not Unity Lane.</i>
<b>Officer Response</b>
The Town supported the application as more than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street.
<b>Applicant Comments</b>
<i>The majority of homes on Flinders Street, some recently built, abutting Unity Lane is serviced from the primary street.</i>
<b>Officer Response</b>
Noted. Some of the dwellings have access both to Flinders and Unity Lane. Moreover, the right of way may not have been sealed at the time of some approvals.
<b>Applicant Comments</b>
<i>Each proposed lot would have an approx. 11.1 m frontage. A cross-over of approx. 3.0m would comply with the current R-Codes, i.e. 40% of the frontage (which is 4.4m).</i>
<b>Officer Response</b>
Noted.
<b>Applicant Comments</b>
<i>In terms of the streetscape policy, providing an additional cross-over (there are two existing) would have minimal affect, as the majority of homes on Fairfield St and Flinders Streets already have their access points from the primary street.</i>
<i>This proposal would be "consistent with the orderly and proper planning and the preservation of the amenities of the locality", compared with other existing dwellings, some still under construction.</i>
<b>Officer Response</b>
Refer to "Comments" below.

**Applicant Comments**

*Unity lane has a minimum width of approximately 4.3 metres (at the bollards) and 5.0 metre elsewhere with bollards at the one end. On a number of occasions parked vehicles have hindered entry and exit from this laneway. This would be of great inconvenience for the residents and should an emergency situation occur, most concerning.*

*The fact that there is only one entry and exit point to a primary street from Unity Lane provides further argument as to why garage access should be from Fairfield Street. The Town of Vincent's Policy states that vehicle access may be from a primary street if there is a mobility or access issue with the ROW (refer SADC 8.4).*

**Officer Response**

Unity Lane is 5 metres in width all the way. If any vehicle is obstructing the laneway, the Town's Rangers can issue infringements.

**Applicant Comments**

*The original proposal had received only 2 formal objections during the advertised period in November 2010, which relate to the parking issues created by "The Mezz" redevelopment. An amended proposal has now been submitted to overcome the issue of reduced street car bays. We believe that it is unfair and discriminatory that we have been forced to amend the original plans to accommodate parking issues created by the Mezz redevelopment.*

**Officer Response**

Noted. Given the amended application now address the concerns of the objections initially received by reducing street car bays on Fairfield Street; the proposed development is more in keeping with the intention of vehicular access for residential properties and the Town's Policy No. 3.2.1 relating to Residential Design Elements.

**Applicant Comments**

*In relation to the amount of rain water run-off from the proposed driveways into the existing stormwater drains, this can be easily resolved by the inclusion of trench gates at the boundaries of the cross-over if required.*

*Rain water runoff from the proposed cross-overs would be minimal as the verge area is quite narrow and would create less than what would flow in the stormwater drains from the existing cross-overs and driveways.*

**Officer Response**

Noted. However, the amount of water run-off includes the impervious area of internal driveways also.

**Applicant Comments**

*The majority of neighbours from the shopping centre to Woodstock Street would have no objection to this proposal. In fact, we have only had good feedback with regards to demolition and our proposed sub-division.*

**Officer Response**

Noted. Notwithstanding the applicants comments in respect of neighbours support, the Town has to ensure any proposal does not have an undue detrimental impact on the surrounding area.

**Applicant Comments**

*Notwithstanding, we would also like to formally request that the Council grant a licence to at least demolish the two residences, regardless of the outcome of this application for the following reasons:*

*(i) Structural integrity of the dwelling has been compromised due to the condition of the property (refer attached engineer's report).*

*(ii) Safety concerns – Vagrants have been illegally residing in both dwellings (Refer to attached Council Health Dept. Report). We are very concerned that the structural condition of the dwellings may pose a serious health and safety risk to vagrants/squatters entering the premises. Demolishing the buildings will alleviate this problem.*

**Officer Response**

If this application is supported, then as part of the condition of approval, the applicant will be required to obtain a Demolition Licence.

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

**COMMENTS:**

**Demolition**

No. 57 Fairfield Street, Mount Hawthorn

The single storey brick and tile dwelling whilst constructed in 1922 in the Interwar period, demonstrates the characteristics of the Federation Bungalow style of architecture. The dwelling is face brick with a rendered band to waist height that extends along the front facade and side elevations of the dwelling.

The WA Post Office Directories first listed the subject place in 1924, with Mrs Ellen McMaster as the first resident. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 57 Fairfield Street, Mount Hawthorn in February 2006 and an external inspection was undertaken on 21 September 2010, which indicates that the place has *little cultural heritage significance* and does not meet the threshold for entry onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.2 relating to Heritage Management – Assessment.

In light of the above, it is considered that approval should be granted for demolition of No. 57 Fairfield Street, Mount Hawthorn, subject to standard conditions.

No. 59 Fairfield Street, Mount Hawthorn

The subject one storey brick and tile dwelling at No. 59 Fairfield Street, Mount Hawthorn was constructed circa 1925 in the Interwar Bungalow style of architecture. The dwelling, which is sited on a limestone foundation, has a two room street frontage and has a main hipped roof form with a gable over the southern front protruding room.

The WA Post Office Directories first listed the subject place in 1926, with Mrs Mary Godwin as the resident. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 59 Fairfield Street, Mount Hawthorn which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory (as shown in Appendix 9.1.3).

In light of the above, it is considered that approval should be granted for demolition for No. 59 Fairfield Street, Mount Hawthorn subject to standard condition.

**Technical Services**

The subject lots have a double road frontage; Fairfield Street to the east, and Unity Lane, a 5 metre wide sealed and drained, dedicated road, to the west.



The development site is adjacent to The Mezz Shopping Centre and parking and traffic matters have been an issue in Fairfield Street. The redesign of the proposed dwellings has reduced the number of crossovers to three (one more than is currently existing). With reduced width crossovers, carefully positioned, kerb side parking can be maintained with the loss of only one bay.

### **Planning Services**

Clause SADC 8 (b) of the Town's Policy No. 3.2.1 relating to Residential Design Elements specifies the following:

- “(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a right of way is available to the property, where;*
- (1) the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the Town's right of way upgrade program; or*
  - (2) more than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or*
  - (3) the applicant demonstrates there is a mobility or access issue by using the right of way; or*
  - (4) the applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way.”*

With regard to (b) (1) above, Unity Lane is a sealed and dedicated road. However, the revised submission now provides vehicular access from Unity Lane for two (2) of the five (5) proposed grouped dwellings. In addition, two (2) of the three (3) dwellings with intended vehicular access from Fairfield Street, are utilising existing crossovers.

With respect to (b)(2) above, the Town's practice has been to count the existing number of crossovers, excluding the lots subject to an application and commercial property, on the same side of the street located in-between two streets. It is confirmed that there are ten (10) existing dwellings (including Nos. 57 and 59 Fairfield Street) from Scarborough Beach Road to the corner of Woodstock Street, on the same side of the street, with five (5) existing crossovers including those existing at Nos. 57 and 59 Fairfield Street.

Therefore, given there will also be an additional new crossover to Fairfield Street from the proposed Lot 1 at the subject site, more than 50 per cent of the dwellings in the determined street block, when including the subject property, will have carports or garages accessed from Fairfield Street.

The amended proposal to provide two (2) of the five (5) grouped dwellings with vehicular access from Unity Lane, as well as modifying the garages of those three (3) dwellings with vehicular access from Fairfield Street, to comply with the Town's requirements, ensures that the proposed garages do not visually dominate the site or streetscape, when viewed from Fairfield Street.

Given the above, it is recommended that the application be approved as per the Officer Recommendation.

**9.1.9 Perth Parking Management Area – Progress Report No. 2**

<b>Ward:</b>	South	<b>Date:</b>	9 February 2011
<b>Precinct:</b>	Hamilton (P11) CPS No. 2	<b>File Ref:</b>	PGK0168
<b>Attachments:</b>	<a href="#">001</a> – Perth Parking Management Area Boundary		
<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 the Council;*

- (i) *AUTHORISES the Chief Executive Officer to advise the Department of Transport that the Town still SUPPORTS a minor contraction of the Perth Parking Management Plan Area to reflect adjustments in the Local Government boundary, between the City of Perth and the Town of Vincent, in effect excising the West Perth areas of the Town from the Perth Parking Management Area for the following reasons:*
- (a) *the significant financial commitment to the Town has limited benefits as the Town is not included within the range of the CAT service and has only one bus route from which the Free Transit Zone applies in the West Perth area; and*
- (b) *the benefits from the Free Transit Zone are minimal at this point in time as the current land uses in the West Perth Area, to which the management area applies, accommodates predominantly service industry and low density residential uses;*
- (ii) *REQUESTS the Department of Transport reconsider its position and supports the Town’s proposal to excise the affected West Perth areas of the Town from the Perth Parking Management Area; and*
- (iii) *AUTHORISES the Chief Executive Officer to further write to and together with the Mayor, seek a meeting with the Minister for Transport and the Minister for Planning to discuss the Town’s concerns with any proposed continued inclusion within the Perth Parking Management Plan Area.*

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**Moved Cr Buckels, Seconded Cr Maier**

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

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

- “(iv) *AUTHORISES the Chief Executive Officer to 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.*”

**Debate ensued.**

**AMENDMENT**

**Moved Cr McGrath, Seconded Cr Buckels**

*That clause (i) and (ii) be deleted and the remaining clauses renumbered and amend clause (iii) as follows:*

*“(iii) **AUTHORISES the Chief Executive Officer to 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 ~~the Town’s concerns with any~~ proposed continued inclusion within the Perth Parking Management Plan Area.**”*

**Debate ensued.**

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

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

**Debate ensued.**

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

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

**COUNCIL DECISION ITEM 9.1.9**

*That the Council **AUTHORISES 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.***

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**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).

**BACKGROUND:**

- 1 July 2007                      The Town of Vincent acquired land within West 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 Department for Planning and Infrastructure (now DoP), 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*.

- 15 April 2009 The Town's Officers met with a representative of the Department for Planning and Infrastructure (now DoP), to discuss the proposed changes to the Policy, and the wider implications relating to the inclusion of the Town of Vincent into the *Perth Parking Management Area*, and associated licensing fees.
- 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 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.
- 11 January 2010 During the 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 from the Perth Parking Management Area.

**DETAILS:**

On 1 July 2007, the Town acquired areas of land from the City of Perth, as a result of Local Government boundary changes. The land formally in the City of Perth falls within the boundary of the Perth Parking Management Area, which is governed by the Perth Parking Management Act 1999, the Perth Parking Management Regulations 1999, and the Perth Parking Policy.

In summary, on 16 July 1999, the Perth Parking Management Act came into effect, requiring the licensing of all non-residential parking bays within the Perth Parking Management Area (refer to maps as per Appendix 9.1.9). The Licensing is a tax both on private and public property with funds raised used to operate the "Free Transit Zone" (FTZ) around the CBD, and for the operation of the free CAT Buses. In the last two financial years the Town has paid significant Licencing Fees to be included in the Perth Parking Management Area as demonstrated in the following table:

Licence Period	Total Licence Fees	No. of Licenced Bays
1 July 2009 – 30 June 2010	\$214, 978.50	8 motorcycle bays and 387 on-street vehicle parking bays
1 July 2010 – 30 June 2011	\$219, 506.40	8 motorcycle bays and 387 on-street vehicle parking bays

As outlined in the Background section to this report, during the Council recess period (2009/10), the Council endorsed a Progress Report relating to the Perth Parking Management Area, whereby the Chief Executive Officer was authorised to advise the Department of Planning that the Town still supports the excision of the Town of Vincent from the Perth Parking Management Area. It was considered that given the current land uses accommodating predominantly service industry and low residential density of these areas to which the management area applies, the benefits from the FTZ are minimal.

In a letter dated 21 December 2010, the Department of Transport (DoT) requested confirmation from the Town as to whether it would still like to pursue the excision of the West Perth area from the Perth Parking Management Plan Area, and subsequently the Free Transit Zone in light of Metropolitan Region Scheme Amendment 1199/41 concerning the West Perth Regeneration Precinct. In support of this request, the DoT considered that it may be an *'attraction/benefit to the high number of future residents and businesses planned for the area should the redevelopment occur.'*

Upon receipt of the above letter, the Town's Officers contacted the DoT to express concern at the exorbitant costs associated with the Perth Parking Management Plan Area and to ascertain whether an alternative arrangement could be made to reduce the financial burden on the Town, given the benefits of its inclusion in the areas were minimal. It is estimated that the total number of on-street parking bays in the West Perth area is around 140 and at the current rate, this equates to a total liability of around \$84,000 per annum. It is noted that the Town only benefits from one bus (Route No. 15), which runs along Newcastle Street as part of the FTZ.

In response to this enquiry, the DOT provided the Town with a further letter dated 20 January 2011, which stated:

*'I recognise Vincent's concern over the total cost of its parking Licence fees in relation to the level of public transport operating in the area when compared to many other areas of PPMA. While DoT and the Public Transport Authority (PTA) believe that existing service levels are appropriate given the current density of activity and demand, we agree that improvements will be required as further development occurs and demand for public transport increases. To help progress this matter, DoT will liaise with PTA regarding the possibility of future improvements to public transport services in the area, particularly once the proposed redevelopment commences.'*

*In the meantime, should Vincent wish to minimise its parking license costs, one option would be to increase revenue via the introduction of paid parking in the area as a means to recoup the licence costs from users. Alternatively, Vincent's fee liability could be reduced by removing some-on-street parking in the areas through the temporary introduction of clearways or no parking zones. These can be reinstated once the redevelopment commences.'*

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

The review of the Perth Parking Policy was advertised between February and April 2009, by the Department for Planning and Infrastructure.

#### **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 2009-2014 states:

##### *'Natural and Built Environment*

*Objective 1.1: Improve and maintain the environment and infrastructure*

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

*(e) Work with State Government to improve public transport within the Town, particularly the introduction of CAT bus services.'*

'Economic Development

*Objective 2.1: Progress economic development with adequate financial resources*

*2.1.7 Implement the Leederville Masterplan and West Perth Regeneration Project*

*(c) Develop and implement the West Perth Regeneration Project.'*

**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.

**COMMENTS:**

The Town's inclusion in the Perth Parking Management Area provides the opportunity for residents and business owners close to Newcastle Street to capitalise on the Free Transit Zone. However, given the current land uses accommodating predominantly service industry and low residential density of these areas to which the management area applies, the benefits from the FTZ are minimal.

The suggestions by DoT to increase revenue via the introduction of paid parking in the area as a means to recoup the licence costs from users and/or to remove some-on-street parking are not considered as acceptable solutions. In the first instance, it is not considered appropriate or fair for the Town to charge businesses in the West Perth area for parking to pay the Perth Parking Management Area Levy for which the Town gains minimal benefit. In addition, such a proposal would generate community animosity considering the owners of land in the area also have to pay a levy for car parking bays within their own properties.

Accordingly, it is recommended that the Town maintain its stance to request the West Perth area be removed from the Perth Parking Management Area.

**9.2.1 Hyde Park Water Playground**

<b>Ward:</b>	South	<b>Date:</b>	4 February 2011
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	RES0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	AVP Commercial Pools (Confidential)		
<b>Reporting Officer:</b>	J van den Bok; Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the upgrade of the existing Water Playground as outlined (in Option 3) within the report, at an estimated cost of \$160,000;*
- (ii) *LISTS an amount of \$140,000 for consideration in the Town's 2011/12 draft capital works budget towards the improvement works;*
- (iii) *subject to (i) above being approved, AUTHORIZES the Chief Executive Officer to call a tender for the works; and*
- (iv) *NOTES that the Town will investigate opportunities for funding to undertake the required works through the various grants available to Local Governments.*

Moved Cr Buckels, Seconded Cr Burns

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

Moved Cr Buckels, Seconded Cr Burns

*That:*

- 1. *clause (i) be amended as follows:*
  - “(i) *APPROVES IN PRINCIPLE the upgrade of the existing Water Playground—~~as outlined (in Option 3) within the report, at an estimated cost of \$160,000;~~”*
- 2. *clauses (ii) and (iii) be deleted, a new clause (ii) be inserted as follows and the remaining clause be renumbered:*
  - “(ii) *REQUESTS the Chief Executive Officer to further investigate the matter including all options available.*”

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

(Cr Topelberg was on approved leave of absence.)

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

(Cr Topelberg was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.1**

*That the Council;*

- (i) ***APPROVES IN PRINCIPLE the upgrade of the existing Water Playground;***
  - (ii) ***REQUESTS the Chief Executive Officer to further investigate the matter including all options available; and***
  - (iii) ***NOTES that the Town will investigate opportunities for funding to undertake the required works through the various grants available to Local Governments.***
- 

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the options available and to seek approval for the upgrade of the existing water playground at Hyde Park.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 24 August 2010 a report was presented in relation to the Hyde Park water playground where it was resolved:-

*"That the Council;*

- (i) ***NOTES that;***
  - (a) *the Department of Health has advised that there are potential health risks and design issues at the Hyde Park Water Playground, which are required to be addressed prior to the facility being recommissioned; and*
  - (b) *unfortunately, the Hyde Park Water Playground will need to remain closed until the remedial/upgrade works have been completed;*
- (ii) ***APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$90,000 (from a funding source to be identified) to enable essential remedial works at the Hyde Park Water Playground to be carried out, so that it can be re-opened prior to the summer season (if possible); and***
- (iii) ***subject to clause (ii) above being approved, AUTHORISES the Chief Executive Officer to further investigate options to remediate the system and report back to Council."***

**DETAILS:**

**Consultants Report**

A confidential report is Tabled for viewing at the meeting. This report contains financial details and as such should not be made public, as it would compromise the Town's proposed tender process.



The report submitted by a qualified commercial pool company outlines three (3) options available to the Town as follows:

- Option 1 – Demolition & Removal of Water Feature

This option will mean a significant savings for the Town both initially and over the longer term when taking into account ongoing maintenance and operating costs.

The cost of demolishing the existing structure including reinstatement of the area is estimated at \$20,000.

*Officer's Comments:*

*Due to the iconic status and popularity of this facility, this option is not recommended.*

- Option 2 – Demolition & Construction of a new Water Playground

This option would have numerous benefits in that the new system would comply with Department of Health (DoH) requirements. It would be more modern and interactive and ongoing maintenance costs are likely to be less given it would be new and smaller than the existing water playground.

*Officer's Comments:*

*Option 2 is not recommended due to the high initial capital outlay and the fact that \$300,000 is only going to replace one (1) of the existing pools. It is estimated that to replace all three (3) pools the cost could be in the vicinity of \$1 million.*

- Option 3 – Demolition & upgrade of the existing Water Playground

Following an inspection of the playground on site with the Towns staff and a meeting with DoH this option is practicable and cost effective. It will involve the demolition and removal of parts of the existing infrastructure, installation of a new two (2) tank system, filtration equipment, improved larger drains on all pools, re-grouting and repairs to the tiled surface and installation of an ultra violet unit.

*Officer's Comments:*

*Given the popularity of this feature Option 3 is recommended by staff as being the best option available to the Town.*

### **Other Issues for Consideration**

- Mosaic Pond Surfaces

As outlined within the consultants report the overall structural integrity of the three (3) mosaic pools is relatively good.

There is no easy fix solution to resolve the ongoing cracking issues that may arise from time to time other than a total rebuild of the pools which would have further significant budget implications.

The upgrade Option 3 includes the cost for repairs and re-grouting of the three (3) existing pools and further works may be required on an ongoing basis until the movement subsides.

- Ongoing Maintenance

The consultants report has recommended that trained staff are utilised to test the water on a daily basis and have suggested that Beatty Park staff are involved in this process.

In discussions with the Manager Beatty Park Leisure Centre this option is not practicable as on certain days there is only one trained staff member at the pool and they must remain on site at all times.

It has therefore been recommended that external trained contractors be engaged to undertake this requirement on a day to day basis over the period of use between November and March. This requirement would increase operating costs however is essential for the safe operation of the facility.

- Approvals

Whilst the overall appearance of the three (3) mosaic pools will not change a larger plant and equipment housing will be required and therefore the new design would be submitted to the Heritage Council of Western Australia for their assessment and comments.

In addition, removal of the existing tank and installation of the new tanks will require some earthworks and in view of recent issues associated with the new children's playground the Town's officer will liaise with the Department of Indigenous Affairs to determine what level of consultation is required with indigenous groups.

Therefore additional costs are likely to be incurred as part of the above process.

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

The playground is currently closed and is required to remain closed, until upgraded.

Signage has been erected at Hyde Park advising patrons that the Water Playground will be closed until further notice.

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

There is currently no legislation in Western Australia addressing the operation of water playgrounds that are not contained within aquatic facilities. The DoH has, however, formulated a set of guidelines "Health Requirements for Interactive Water Fountains" for operators of water playgrounds given their ever increasing popularity.

The Heritage Council of Western Australia will be advised upon completion of the proposed upgrade plans and liaison with the Department of Indigenous Affairs in relation to Section 18 approval prior to any on ground works commencing, will be carried out.

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

**High:** Such a facility located in a public park presents various risk management implications for the Town including issues with water quality and the typical accidents given that the area is not supervised and children are invariably running through water jets on a sloping wet surface.

In addition, as outlined within the report the mosaic tiled surface will require ongoing repairs/maintenance to ensure the continuing safe operation of the facility.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: “1.1.5 Enhance and maintain parks, landscaping and community facilities”.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$20,000 was listed in the Town’s 2010/2011 capital works budget to undertake minor modifications to the water playground.

There are insufficient funds in the 2010/2011 Budget to upgrade the water playground.

Whilst the proposed upgrade works would have to be tendered out it is estimated that the total cost to upgrade the water playground would amount to \$160,000 as follows:

<b>Item</b>	<b>Estimated Cost</b>
Demolition of the existing infrastructure	\$10,000
Supply & install filtration system, tanks & general works	\$110,000
Ultra violet unit	\$30,000
Power upgrade & reinstatement works	\$10,000
<b>TOTAL</b>	<b>\$160,000</b>

It is therefore recommended that the Town allocate an additional \$140,000 in the 2011/12 capital works budget to upgrade the facility.

**COMMENTS:**

As outlined within the previous report to Council, the water playground at Hyde Park has been a very popular feature within Hyde Park since it was originally constructed around 1970. The feature has undergone many changes and upgrades over the years and has been in virtual continual use since the Town recommissioned the facility in 1997, after it had been decommissioned by the former City of Perth in the late 1980s.

Whilst the feature has been fraught with problems over the past years, given its iconic status and widespread popularity, a view held by people from all over the metropolitan area, it is recommended that the facility be upgraded and funding listed in the 2011/12 capital works budget to undertake the works as outlined within the report.

If approved, the upgrade will be carried out and completed prior to the 2011/2012 summer season.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 9.3.1. They departed the Chamber at 7.35.pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.35pm.

### 9.3.1 Investment Report as at 31 January 2011

<b>Ward:</b>	Both	<b>Date:</b>	2 February 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	001 - Investment Report (electronic attachment)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

#### Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

#### OFFICER RECOMMENDATION:

*That the Council NOTES the Investment Report for the month ended 31 January 2011 as detailed in Appendix 9.3.1.*

#### COUNCIL DECISION ITEM 9.3.1

Moved Cr McGrath, Seconded Cr Harvey

*That the recommendation be adopted.*

#### MOTION PUT AND CARRIED (6-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter. Cr Topelberg was on approved leave of absence.)

Mayor Catania and Cr Burns returned to the Chamber at 7.36pm. Mayor Catania, assumed the Chair. The Chief Executive Officer advised that the item was carried.

#### PURPOSE OF REPORT:

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

#### BACKGROUND:

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

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

**DETAILS:**

Total Investments for the period ended 31 January 2011 were \$19,335,155 compared with \$19,585,155 at 31 December 2010. At 31 January 2010, \$17,274,076 was invested.

Investment comparison table:

	<b>2009-2010</b>	<b>2010-2011</b>
July	\$12,782,999	\$11,109,646
August	\$21,773,889	\$22,184,829
September	\$21,773,889	\$20,084,829
October	\$21,273,889	\$20,084,829
November	\$20,274,076	\$21,086,506
December	\$18,774,076	\$19,585,155
January	\$17,274,076	\$19,335,155

Total accrued interest earned on Investments as at 31 January 2011:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$454,000	\$340,500	\$394,319	86.85
Reserve	\$403,000	\$235,081	\$237,623	58.96

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Funds are invested in accordance with the Town's Investment Policy 1.2.4.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Section 6.14 of the Local Government Act 1995, section 1, states:

*“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”*

**COMMENT:**

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

Limited investment funds have been required to be drawn during this month. The investment interest income received is over budget due to a few investments were invested for longer term at a better interest rates.

The report comprises of:

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

**9.3.5 Review of the Annual Budget 2010/11**

<b>Ward:</b>	Both	<b>Date:</b>	7 February 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Budget Review Amendment Listing <a href="#">002</a> – Statement of Financial Activity – Budget Review		
<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;*

- (i) **APPROVES BY ABSOLUTE MAJORITY** the adjustments to the 2010/2011 Annual Budget as reported in Appendix 9.3.5(a);
- (ii) **NOTES** the Revised Budget 2010/2011 as reported in Appendix 9.3.5(b); and
- (iii) **PROVIDES** a copy of the 2010/2011 mid year budget review and Council decision to the Department of Local Government, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.

**COUNCIL DECISION ITEM 9.3.5**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

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

(Cr Topelberg was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is review the progress of the Annual Budget 2010/11 and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions and provide amended estimates for the annual budget.

**BACKGROUND:**

The Local Government Act (Amended 2005) requires that a Local Government to undertake a review of its budget at least once a year, in the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Resource Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

**DETAILS:**

A review has been undertaken as at 31 December 2010 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

The amendments to the Budget are categorised as follows:

1. Items that have already been approved by Council since the adoption of the Budget:

These new items or adjustments have been approved by an Absolute Majority by the Council; these items are listed in attachment 9.3.5(a) of the report.

2. Permanent Differences:

Permanent differences occur when there is likely to be a difference between the current budget and the expected outcome to the 30 June next. On occasions, if these variances are certain, the budget may be amended to reflect the change, however this is not a requirement and the difference may remain to the end of the year. These variances will have an impact upon the expected budget surplus or deficit outcome and would be reported in the review if they are material.

3. Timing Differences:

A timing variance occurs when a project or budget allocation is likely to be delayed past the end of the financial year. These postponed projects will likely be re-budgeted in the next year and will require carryover funding

**Operating Expenditure:**

<b>Actual as at 31/12/2010</b>	<b>Budget YTD 31/12/2010</b>	<b>Annual Budget</b>
\$19.50m	\$20.78m	\$40.26m

As at 31 December 2010 the operating expenditure was 93.8% of the year to date operating budget.

The major adjustment to the Operating Budget is for expenditure incurred for storm damage which has been claimed under insurance.

The minor adjustments to the Operating Expenditure Budget include:

An increase in the Mayoral and Deputy Mayoral Allowances, these increases are offset by the reduction in the expenditure for the Mayor's Car lease and his payment of his mobile telephone account.

The new budget line items have been included as a result of Council decisions during the year to date these are; (the Climate Change Risk Assessment Partnership and the Green Star Rating System In-house Training Programme). In addition a new item has been requested for the funding for the Organisation Risk Management Program.

Operating Expenditure Budget Programmes total adjustments as per the review:

	<b>Actual 31/12/2010</b>	<b>Budget 2010/11</b>	<b>Revised Budget 2010/11</b>	<b>Budget Amendment</b>
<b>Governance</b>	(\$1,073,361)	(\$2,176,095)	(\$2,181,023)	\$4,928
<b>Community Amenities</b>	(\$3,139,458)	(\$7,863,875)	(\$7,903,875)	\$40,000
<b>Recreation and Culture</b>	(\$7,529,315)	(\$15,463,620)	(\$15,462,740)	(\$880)
<b>Economic Services</b>	(\$478,778)	(\$763,920)	(\$828,920)	\$65,000
<b>Other Property Services</b>	(\$851,624)	(\$952,400)	(\$1,194,490)	\$242,000

Detailed comments on the individual operating expenditure budget amendments are listed below:

**1) Increase to the Budget for the Mayoral Allowance by \$9,540:**

Comment:

The increase to the Mayoral Allowance was approved at the Ordinary Meeting of Council held on 28 September 2010, Item 9.4.1 Motion to Change Part of the Council Decision relating to the Review of Policy No 4.2.7 - Council Members – Allowances, Fees and Reimbursements of Expenses and Policy 4.1.16 - Vehicle Management.

The change to the policy was effective from 29 September 2010 therefore the increase in the budget amount has been apportioned accordingly.

**Increase to the Deputy Mayors Allowance Budget by \$ 2,790:**

Comment:

The increase to the Mayoral Allowance was approved at the Ordinary Meeting of Council held on 28 September 2010 Item 9.4.1, Motion to Change Part of the Council Decision relating to the Review of Policy No 4.2.7 - *Council Members – Allowances, Fees and Reimbursements of Expenses* and Policy 4.1.16 - *Vehicle Management*.

The change to the policy was effective from 29 September 2010 therefore the increase in the budget amount has been apportioned accordingly.

**Reduction is costs associated with the Mayor’s leased vehicle and discretionary expenses – \$15,527:**

Comment:

As result of the increase in the Mayoral Allowance there is an offset with a decrease in expenditure associated with the Mayor’s leased vehicle, for example; fuel, insurance, registration costs and discretionary expenses, for example; mobile telephone calls.

The change to the policy was effective from 29 September 2010 therefore the increase in the budget amount has been apportioned accordingly.



2) **New Budget Line Item Climate Change Risk Assessment – Proposed Partnership - \$30,000:**

Comment:

The Council approved the Town to enter into a proposed partnership with East Perth Redevelopment Authority and the City of Perth to conduct a joint Climate Change Risk Assessment with the source of funds to be identified at the mid year budget review. This matter was adopted at the Ordinary Meeting of Council held on 9 November 2010 Item No 9.4.5.

3) **New Budget Line Item Green Star Rating System training in house - \$10,000:**

Comment:

The resolved at the Ordinary Meeting of Council held on 7 December 2011 Item 9.1.4 that the Council funds an in house Green Star Rating System training which was to be either sourced from the mid year budget review or listed for consideration on the 2011/12 Draft Budget.

4) **Reduction in Kyilla Park – Maintenance Budget by \$880:**

Comment:

The budget was reduced to fund part of the Kyilla Park Fitness Track as approved at the Ordinary Meeting of Council held on 22 December 2010, Item 9.2.2.

5) **Budget for Organisational Risk Management Program by \$8,125:**

Comment:

The Risk Management Programme will be arranged through Local Government Insurance Services (LGIS).

The total cost of this project is \$49,500 however by utilising a combination of the Scheme funding of \$24,750 and the Member Experience Account of \$16,625. The Town will only have to contribute the above amount for this important programme.

6) **Increase to the Budget for Building Services – Consultant of \$65,000:**

Comment:

Contractor building surveyors were requested to cover the work load and back log of building licence applications following the resignations of the Building Co-ordinator and the lengthy sick leave of the Senior Building Surveyor, (who subsequently resigned).

To maintain statutory processing time-frames for building licences, contractors/consultants had to be engaged. Both positions have now been filled by permanent Town employees. This increase will be funded by increased revenue from the building licences and development applications.

7) **Insurance Claim – Storm Damage expenses of \$242,000:**

Comment:

This increase is required due to the cost of the significant damage the Town sustained during the March 2010 storm.

The costs have been incurred in various locations listed below and have been the subject of insurance claims:

Beatty Park Leisure Centre -	\$61,331;
Town of Vincent Depot -	\$41,996
Library and Local History Centre -	\$64,090
Administration and Civic Centre -	\$6,206
North Perth Bocci Club -	\$3,331;
Early Birds Playgroup -	\$495;
Robertson Park Tennis Club -	\$626;
North Perth Tennis Club -	\$9,125;
North Perth Migrant Centre -	\$8,330
Mt Hawthorn Lesser Hall -	\$17,832;
Mt Hawthorn Child Care Centre -	\$4,100;
North Perth Playgroup -	\$7,243;
Department of Sport and Recreation -	\$12,546;
Loftus Recreation Centre -	\$560
nib Stadium -	\$632;
Britannia Reserve Clubhouse -	\$339;
Shalom Coleman Dental Clinic -	\$718.

**Operating Revenue:**

<b>Actual as at 31/12/2010</b>	<b>Budget YTD 31/12/2010</b>	<b>Annual Budget</b>
\$30.39m	\$29.95m	\$38.40m

The operating revenue is 1.48% over the year to date budgeted revenue as at 31 December 2010.

The Operating Revenue Budget adjustments have been made due to increased revenue received therefore, the following adjustments will be made to the annual budget estimates listed below:

- Development Applications;
- Additional surplus income from the Leederville Retirement Village; and
- Insurance Claims.

It should be noted that in the period up to the 31 December 2010, revenue from Parking Infringements and Parking Ticket Machines is above budgeted estimates. However no change to the budget is recommended to be included in these areas as additional revenue for the new additional ticket machines has been budgeted for the last quarter of the year. The delivery of the new machines is scheduled for April 2011. It is however uncertain as to whether the level of revenue budgeted to be collected from the new machines in this financial year will eventuate. As a result no amendment to the relevant revenue accounts on the budget have been recommended.

In addition, an adjustment to increase revenue estimates for the Operating Surplus at Leederville Gardens Retirement Village has been made as result of the surplus being larger than was budgeted.

Operating Revenue Budget Programmes total adjustments:

	<b>Annual as at 31/12/2010</b>	<b>Budget 2010/11</b>	<b>Revised Budget 2010/11</b>	<b>Budget Amendment</b>
<b>Education and Welfare</b>	\$166,023	\$207,720	\$247,720	\$40,000
<b>Community Amenities</b>	\$528,029	\$683,660	\$783,660	\$100,000
<b>Other Property &amp; Services</b>	\$282,818	\$143,220	\$382,220	\$242,000

**Detailed comments on the individual Operating Revenue item budget adjustments are listed below:**

**1) Increase Revenue Budget for Town Planning Development Applications by \$100,000:**

Comment:

At the 31 December 2010 the revenue from Development Applications is 52% above the budget year to date. While it is difficult to predict that this increase will continue in the second half of the year on current trends, there is no indication of the number of application reducing and therefore an amendment to the budget to reflect this position can be supported.

**2) Increase Revenue Budget for Leederville Gardens Surplus by \$40,000:**

Comment:

The surplus for the financial year 2009/10 for the Leederville Gardens Village was above the estimated budget amount as determined by the prescribed formula for an amount to be transferred to the Town.

**3) Increase Revenue Budget for Insurance Claims to \$242,000:**

Comment:

The value of money received from insurance claims made as a result of the March 2010 storm, which has been received in this financial year was \$180,252 at the end of December 2010. There are still claims to the value of \$60,000 which remain to be settled.

**Capital Expenditure:**

	<b>Annual as at 31/12/2010</b>	<b>Annual Budget as at 2010/11</b>	<b>Revised Budget 2010/11</b>	<b>Budget Amendment</b>
Furniture and Equipment	\$129,659	\$214,900	\$217,400	\$2,500
Plant and Equipment	\$359,802	\$2,796,000	\$2,042,250	(\$753,750)
Land and Buildings	\$141,528	\$12,125,150	\$3,711,630	(\$8,413,520)
Infrastructure	\$1,09,233	\$10,843,834	\$8,652,583	(\$2,191,251)
<b>TOTAL:</b>	<b>\$3,181,754</b>	<b>\$25,979,884</b>	<b>\$14,623,863</b>	<b>(\$11,356,021)</b>

Furniture and Equipment:

The budget has been amended for the inclusion of the reconfiguration of workstations in the Building Planning Area.

Plant and Equipment:

The Budget has been amended to reflect the reduced amount required for the purchase of the Parking Ticket Machines.

Land and Buildings:

The budget has been revised to allow for the inclusion of works required at Medibank Stadium including the upgrades of the sponsor box seating, the seating in the grandstand and upgrade of the dugout facilities.

A small budget adjustment has been made to allow for the upgrade of a small number of Corporate Suites at nib Stadium.

The Budget Review has included amendments as result of timing differences on some major projects resulting in the majority of the funds not being required in this financial year.

The projects affected are the following:

- The Beatty Park Leisure Centre Redevelopment;
- Community Centre at 81 Angove Street; and
- Hyde Park Lakes Restoration.

Infrastructure:

The Town received Federal Government Regional and Local Community Infrastructure Programme (RCLIP) Part 3 funding for Outdoor Exercise Equipment from the Federal Government and as a result the budget has been increased to add to the funding the Town had already included on it's 2010/11 Budget.

The budget for the Charles Veryard Reserve Wetlands Trail has been increased to allow for the cost of the works undertaken; this has been funded in part from the budget for the Beatty Park Reserve Wetland Trail item as the Town was not successful with its Bike West Grant application. As a result this project will not be undertaken this financial year.

The Kyilla Park Fitness Track budget has been amended to allow for the inclusion of funds received by the Kyilla School P & C and further funds were obtained from Lotterywest following a successful grant application.

**Detailed comments on the individual Capital Expenditure Budget items are listed below:**

- 1) **Include Capital Expenditure Budget for Woodville Reserve Chainmesh Fencing to \$8,500**

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held on 13 July 2010 Item 9.2.5 to provide approximately 50 metres of chainmesh fencing along the Namur and Farmer St frontages of Woodville Reserve.

- 2) **Include Capital Expenditure Budget for the Purchase of Verge signs for \$3,500:**

Comment:

This included to amend the Budget as a result of the adoption of a resolution at the Ordinary Meeting of Council held on 13 July 2010 Item No 9.1.13 – Proposed Introduction of Residential Parking – Verge Information Signage and Associated Policy.

- 3) **Increase Capital Expenditure Budget for Outdoor Exercise Equipment by \$65,000:**

Comment:

The Town received funding for the above from the Federal Government Regional and Local Community Infrastructure Programme (RLCIP) Round Three. The Council approved the funds be spent of this equipment at a number of reserve locations in the Town. This was adopted at the Ordinary Meeting of Council held on 13 July 2010 Item 9.4.3. These funds will be added to the fund already included on the Town's Draft Budget for Outdoor Exercise Equipment.

- 4) **Increase Budget expenditure to nib Stadium buildings (Corporate Suites) by \$2,720:**

Comment:

This work was for the minor upgrade to the Corporate Suites No's 1 and 13/14. This was adopted by Council at the Ordinary Meeting of Council held on 27 July 2010 Item No 9.4.3. The works are to be funded from the Perth Oval Reserve Fund.

- 5) **Increase Capital Expenditure Budget for Leederville Oval to \$83,760:**

Comment:

The budget increase was for work associated with the upgrade of the Sponsors Boxes and Seating, the Grandstand seating and the construction of a Dugout for the Umpires, Support Staff and Interchange Stewards. This was approved at the Ordinary Meeting of Council held on 14 September 2010 Item 9.4.2. The work is to be funded by a combination of funds from the Leederville Oval Reserve Fund and contributions from the West Australian Football Commission, the Subiaco Football Club and the East Perth Football Club.

- 6) **Increase Capital Budget expenditure for Charles Veryard Wetlands Heritage Trail by \$25,000:**

Comment:

This budget amendment was approved at the Ordinary Meeting of Council held on 28 October 2010 Item No 9.2.1.

The money was funded from the Beatty Park Reserve Wetlands Trail project which is not proceeding this financial year due to the fact the grant funding for that project was unsuccessful.

- 7) **Decrease Capital Expenditure Budget amount for Beatty Park Reserve Wetlands Heritage Trail by \$88,000:**

Comment:

This project will not be proceeding this year as the Bike West Grant funding for this project was unsuccessful.

**8) Increase Budget Capital expenditure for Kyilla Park Fitness Track by \$70,880:**

Comment:

The Budget has been increased as a result of additional funding being received from Lottery west, the Kyilla School P & C and a minor amount from the Town this was formalised in a resolution adopted at the Ordinary Meeting of Council held on 21 December 2010 Item No 9.2.2.

**9) Decrease Capital Expenditure Budget for the purchase of the Parking Ticket Machines by \$768,000:**

Comment:

The amount required for the capital purchase of the Ticket Machines is significantly lower than budgeted and therefore the budget has been amended accordingly as has the loan funding.

**10) Decrease Capital Expenditure Budget for the Bus Shelter Scheme by \$60,000:**

Comment:

The Bus Shelter Scheme has been cancelled by the Perth Transit Authority (PTA); therefore there is no funding available to match the Town's funding.

**11) Increase Capital Expenditure Budget for the Loftus Recreation Centre Gym Equipment by \$10,150:**

Comment:

Old gym equipment required placement as it was no longer safe to use, these items to be funded from the Loftus Recreation Centre Reserve and therefore this budget amendment will have no impact on the Town's financial position.

**12) Increase Capital Expenditure Budget for Black Spot Submission Stirling/Parry Street Roundabout by \$31,459:**

Comment:

This was completed in the last financial year but this amount was not carried forward.

**13) Increase Capital Expenditure Budget for Roads to Recovery Project Hunter Street, Ruby to Waugh Streets. \$12,151:**

Comment:

There was a balance left in the Roads to Recovery funding and this job was undertaken to utilise the money.

**14) Reduce Capital Expenditure Budget for the Road Improvements Job, Vincent Street – Morrison to Charles Street by \$117,741:**

Comment:

The total budget for this work was carried forward, however a significant amount of the work was completed and costed in the last financial year.

- 15) **Budget Item for reconfiguration of workstations in Building/Planning Liaison Area - \$2,500:**

Comment:

Funds are required to reconfigure the workstations in this area to provide a more open environment to permit improved communication in the area. This expenditure will be funded from the Administration Centre Reserve Fund.

- 16) **Decrease Capital Expenditure Budget for Street Lighting – Pental Lane by \$7,500:**

Comment:

The new development at this location has addressed the lighting issues and as a result this budget item is longer required.

- 17) **Decrease Capital Expenditure Budget for the Community Centre 81 Angove Street by \$1,200,000:**

Comment:

This amendment to the budget is due to the timing of this project. The Council has yet the determine the outcome for this existing property and the vacant land and therefore the budget for this financial year should be amended to reflect the current status for this project, the items can be carried forward into next year's budget.

- 18) **Decrease Capital Expenditure Budget for the Beatty Park Redevelopment by \$7,300,000:**

Comment:

The Redevelopment of the Beatty Park Leisure Centre has received approval for the preparation of working drawings and the engagement of consultants. Given that a tender process is required for construction it is unlikely that all the work will commence in this financial year and therefore the estimates for this year should be amended along with the associated proposed funding.

- 19) **Decrease Capital Expenditure Budget for the Hyde Park Lakes Restoration Budget by \$2,000,000:**

Comment:

As a result of the probable timing of this project, it unlikely that the Loan Funding component of the project will be required in this financial year and can be carried forward into next year's budget.

- 20) **Reduce Capital Expenditure Budget for Britannia Reserve Training Lights by \$25,000:**

Comment:

This budget item is on hold pending the outcome of the Britannia Reserve Masterplan.

- 21) **Reduce Capital Expenditure Budget for Loton Park installation of pine bollards around POS – \$8,000:**

Comment:

This budget item is on hold pending the development of the nib Stadium.

- 22) **Reduce Capital Expenditure Budget for Leederville Oval re-turfing of Central Corridor by \$98,000:**

Comment:

Due to the mild winter weather, this work will not be undertaken in the financial year but will be carried forward to the next financial year.

**Capital Grants:**

- 1) **Increase Grant Budget for Outdoor Exercise Equipment (Infrastructure) by \$65,000:**

Comment:

The Town received these funds as part of the RLCIP (Round Three) Federal Government Submissions.

- 2) **Increase Grant Funding Budget for the Kyilla Park Fitness Track by \$60,000:**

Comment:

The grant submission for the above amount to Lotterywest was successful.

- 3) **Decrease Grant Budget income for Beatty Park Wetlands Heritage Trail Infrastructure by \$36,770:**

Comment:

The Bike West Grant application was not successful.

- 4) **Increase Black Spot funding for Norfolk & Raglan Streets Project by \$16,667:**

Comment:

The Town has received Black Spot funding for this project which had been listed on the budget to be funded from the Municipal Fund.

- 5) **Decrease Grant Budget income for the Bus Shelter Scheme \$30,000:**

Comment:

The Bus Shelter Scheme was cancelled by the Perth Transit Authority (PTA) and as a result no funding will be available from them.

- 6) **Increase Grant Budget income for the Roads to Recovery Job Hunter Street – Ruby to Waugh Streets (\$12,151):**

Comment:

The balance of the Roads to Recovery Programme was used to fund this additional project.



- 7) **Decrease Grant Budget income for the Beatty Park Leisure Centre Redevelopment \$7,300,000:**

Comment:

A significant proportion of this project is unlikely to commence in this financial year and therefore the expenditure and revenue estimates for this project are to be amended accordingly to reflect that position.

- 8) **Decrease Grant Budget income for the Community Centre @ 81 Angove St \$1,000,000:**

Comment:

This project is unlikely to commence in this financial year and therefore the expenditure and revenue estimates for this project are to be amended accordingly.

**Contributions:**

- 1) **Increase Contributions Budget for Leederville Oval ( Medibank Stadium) works \$32,082:**

Comment:

The following external contributions are to be received to fund the work on the Sponsor's boxes, grandstand seating and umpires dugout:

- West Australian Football Commission - \$10,000;
- Subiaco Football Club -\$11,041; and
- East Perth Football Club - \$11,041.

- 2) **Increase Contribution Budget for Kyilla Fitness Track - \$10,000:**

Comment:

The Kyilla Primary School P& C contributed \$10,000 towards this project.

- 3) **Decrease Contribution Budget for Britannia Reserve Training lights - \$10,000:**

Comment:

This item is on hold until the determination of the Britannia Reserve Masterplan. As such there is no requirement for the budget contribution from the Floreat Athena Soccer Club.

**Reserve Funds:**

- 1) **Increase Reserve Funding from Leederville Oval Reserve Fund by \$51,678:**

Comment:

This is to fund the works as resolved at the Ordinary Meeting of Council held on 14 September 2010 Item 9.4.2.

2) **Increase Reserve Funding from Perth Oval No. 1 Reserve Fund by \$2,720:**

Comment:

This is to fund the minor expenditure on the Corporate Suites as adopted at the Ordinary Meeting of Council held on 27 July 2010 Item No 9.4.3.

3) **Increase Reserve Funding from Loftus Recreation Centre Reserve Fund by \$10,150:**

Comment:

This is to fund the expenditure on the four pieces of outdated and unsafe gym equipment.

4) **Increase Reserve Funding from the Administration and Civic Centre Reserve Fund by \$2,500:**

Comment:

This is to fund the new expenditure for the reconfiguration of the workstations in the Planning Liaison area.

5) **Increase Reserve Funding to the Aged Persons Reserve Fund by \$70,000:**

Comment:

This amount of surplus is due to be transferred to the Town from the Leederville Gardens Village as a result of the financial result for the year ending 30 June 2010.

6) **Decrease Reserve Fund transfer from Capital Reserve for Community Centre at 81 Angove St by \$200,000:**

Comment:

Reduction in budgeted funds for the transfer from the Capital Reserve Fund for the above project which is unlikely to commence in this financial year.

7) **Decrease Reserve Fund transfer for Leederville Oval Reserve for the re-turfing of the oval central corridor by \$98,000:**

Comment:

Reduction due to this work not be carried out this financial year, as the turf has been deemed to be satisfactory at this stage. It will be closely monitored to ensure that it remains safe and does not deteriorate.

**Borrowings:**

1) **Loan Budget for the Purchase of Ticket Machines to be reduced by \$768,000:**

Comment:

The Loan funding required for the funding of the purchase of the Ticket Machines has been significantly reduced following the tender process.

**2) Loan Budget for the Hyde Park Restoration project to be reduced by \$2,000,000:**

Comment:

The schedule for the work on the Hyde Park Restoration is yet to be finalised. It is therefore unlikely that there will a requirement for the loan funds to be required in this financial year.

A summary table of the complete Budget Review transactions are included in Attachment 9.3.5(a).

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

A copy of the mid year Budget Review is required to be provided to the Department of Local Government by 31 March 2011.

**RISK MANAGEMENT:**

**High:** Failure to undertake a Budget review in the period between January and March in any financial year would be a breach of the Local Government Act (1995).

**STRATEGIC IMPLICATIONS:**

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

*“4.1 Provide Good Strategic Decision-Making, Governance, Leadership And Professional Management:*

*4.1.2(a) Adopt “best practice” to manage the financial resources and assets of the Town.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

A significant number of the amendments made to the Budget have already been approved by Council during the course of this financial year. There are some recommended timing differences changes for a couple of major projects that will reflect the current scheduled timing of the projects, but will not have an effect on the Town’s financial position. As a result of the proposed amendments it is estimated that an increase of \$137,752 in the financial position will be achieved.

**COMMENTS:**

The Town is required, under the Local Government Act (1995) to conduct a review of its budget between January and March each financial year. The Town is able to carry out further budget reviews and if required, may conduct a further review at the end of March 2011.

**9.4.2 Audit Committee – Receiving of Unconfirmed Minutes – 3 February 2011 and Approval of Organisational Risk Management Submission**

<b>Ward:</b>	-	<b>Date:</b>	11 February 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a> - Audit Committee Unconfirmed Minutes <a href="#">002</a> - Organisational Risk Management Submission		
<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) **RECEIVES** the Audit Committee Unconfirmed Minutes dated 3 February 2011, as shown in Appendix 9.4.2(a); and
- (ii) **ACCEPTS** the recommendation of the Audit Committee Meeting held on 3 February 2011 and **APPROVES BY AN ABSOLUTE MAJORITY** of the Organisational Risk Management submission by Local Government Insurance Services (LGIS), at an estimated cost of \$49,500, with a nett cost to the Town of \$8,125 (plus GST), as detailed in the Audit Committee Minutes Item 4.4 and Appendix 9.4.2(b).

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Burns, Seconded Cr Lake**

*That the recommendation be adopted.*

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

(Cr Topelberg was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 3 February 2011 and approve of the Organisational Risk Management Submission.

**BACKGROUND:**

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

*"That the Council;*

- (i) **APPROVES** of amending the Audit Committee Terms of Reference to be as follows;
  - (a) *the process of selecting the Auditor;*
  - (b) *recommending to Council on the Auditor;*
  - (c) *managing the Audit Process;*
  - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*

- (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
- (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
- (g) *to oversee Risk Management and Accountability considerations; and*
- (h) *to oversee Internal Audit/Accountability functions;"*

### **Organisational Risk Management**

Since its adoption, the Town's Chief Executive Officer has been progressively reviewing current internal procedures and obtaining information relating to a holistic approach for organisational risk management. The Town's Local Government Insurance Service (LGIS) was approached for advice and several meetings were held in late 2010. The LGIS have proposed an organisation-wide program as follows:

<b>Phase No.</b>	<b>Period</b>	<b>Cost</b>	<b>Contribution by LGIS</b>	<b>Nett Cost to Town</b>
1	4 months	\$5,500	\$2,750	\$2,750
2	6 months	\$22,000	\$11,000	\$11,000
3	6 months	\$16,500	\$8,250	\$8,250
4	1 month	\$5,500	\$2,750	\$2,750

- Phase 1: Establishes, identifies and prioritises risk.
- Phase 2: Identifies and analyses risk.
- Phase 3: Treats risks.
- Phase 4: Monitors and reviews risks.

### **CONSULTATION/ADVERTISING:**

Not applicable.

### **LEGAL/POLICY:**

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

### **RISK MANAGEMENT IMPLICATIONS:**

**High:** Failure to consider and review the Audit Committee Minutes would be a breach of Section 7.12A of the Local Government Act 1995.

### **STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2009-2014 lists the following objectives;

*"4.1.2 Manage the organisation in a responsible, efficient and accountable manner."*

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

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

LGIS have advised that the Town will receive a 2.5% discount off the Town's property insurance premium. This equates to approximately \$3,200.

### **COMMENTS:**

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

**9.4.4 Town of Vincent Policies – Review of and New Policies**

<b>Ward:</b>	-	<b>Date:</b>	11 February 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a> – Various Policies		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services 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 following;*

- (i) *Policies to be AMENDED as shown in Appendix 9.4.4:*
  - (a) *2.1.7 - Parks, Reserves and Hall Facilities – Conditions of Hire and Use*
- (ii) *EXISTING Policies to be RESCINDED as shown in Appendix 9.4.4:*
  - (a) *2.1.6 - Parks and Reserves – Use and Sale of Alcohol*
  - (b) *2.1.8 - Parks and Reserves – Installation of Lights*
- (iii) *NEW Policies to be ADOPTED as shown in Appendix 9.4.4:*
  - (a) *2.1.6 - Parks and Reserves – Playgrounds, Barbeques, Outdoor Exercise Equipment and Lights*
  - (b) *2.1.8 - Parks and Reserves – Water Conservation Design Guidelines*
- (iv) *EXISTING Policies to be RE-ADOPTED without amendment as shown in Appendix 9.4.4:*
  - (a) *4.1.9 - Flying or Displaying of Flags and Banners*
  - (b) *4.2.8 - Council Members – Acknowledgement of Service and Purchase of Retirement Gift*
- (v) *ADVERTISES the policies in clauses (i) and (iii) above for a period of fourteen (14) days, seeking public comment;*
- (vi) *after the expiry of the period of submissions:*
  - (a) *REVIEWS the policies in clauses (i) and (iii) above having regard to any written submissions; and*
  - (b) *DETERMINES to proceed with, or not to proceed with, the policies in clauses (i) and (iii) above, with or without amendment; and*
- (vii) *AUTHORISES the Chief Executive Officer to include the above policy in the Town’s Policy Manual if no submissions are received from the public.*

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Farrell**

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

*“(i) Policies to be AMENDED as shown in Appendix 9.4.4:*

*(a) 2.1.7 - Parks, Reserves and Hall Facilities – Conditions of Hire and Use, subject to the following change:*

*“10.2(f) in relation to open reserves, the consumption of alcohol should be limited within the period specified within the liquor licence of 3.00pm to 10.00pm Monday to Saturday inclusive and from 3.00pm to 8.30pm on Sunday;” ”*

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

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

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

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

**COUNCIL DECISION ITEM 9.4.4**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY of the following;*

*(i) Policies to be AMENDED as shown in Appendix 9.4.4:*

*(a) 2.1.7 - Parks, Reserves and Hall Facilities – Conditions of Hire and Use, subject to the following change:*

*“10.2(f) in relation to open reserves, the consumption of alcohol should be limited within the period specified within the liquor licence of 3.00pm to 10.00pm Monday to Saturday inclusive and from 3.00pm to 8.30pm on Sunday;”*

*(ii) EXISTING Policies to be RESCINDED as shown in Appendix 9.4.4:*

*(a) 2.1.6 - Parks and Reserves – Use and Sale of Alcohol*

*(b) 2.1.8 - Parks and Reserves – Installation of Lights*

*(iii) NEW Policies to be ADOPTED as shown in Appendix 9.4.4:*

*(a) 2.1.6 - Parks and Reserves – Playgrounds, Barbeques, Outdoor Exercise Equipment and Lights*

*(b) 2.1.8 - Parks and Reserves – Water Conservation Design Guidelines*

*(iv) EXISTING Policies to be RE-ADOPTED without amendment as shown in Appendix 9.4.4:*

*(a) 4.1.9 - Flying or Displaying of Flags and Banners*

*(b) 4.2.8 - Council Members – Acknowledgement of Service and Purchase of Retirement Gift*

- (v) **ADVERTISES** the policies in clauses (i) and (iii) above for a period of fourteen (14) days, seeking public comment;
- (vi) **after the expiry of the period of submissions:**
- (a) **REVIEWS** the policies in clauses (i) and (iii) above having regard to any written submissions; and
- (b) **DETERMINES** to proceed with, or not to proceed with, the policies in clauses (i) and (iii) above, with or without amendment; and
- (vii) **AUTHORISES** the Chief Executive Officer to include the above policy in the Town's Policy Manual if no submissions are received from the public.

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**PURPOSE OF REPORT:**

To obtain the Council's approval to amend and adopt new Council policies, which are reviewed every 5 years.

**BACKGROUND:**

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to assist Council Members in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. The Town's Administration has provided the comments as outlined in this report.

The following policy is recommended to be **amended**:

- (i) 2.1.7 - Parks, Reserves and Hall Facilities – Conditions of Hire and Use

Chief Executive Officer's Comment

*The Policy and Guidelines have been significantly amended and made more comprehensive. It incorporates matters relating to Use and Sale of Alcohol which was previously contained in Policy No. 2.1.6 and also hall facilities. The Policy will also include conditions relating to suspension of activities, right to refuse an application/booking and Appeal provisions in such circumstances. The Guidelines have been prepared and amended after review of other local government policies. For ease of reading, underlining and strikethrough has been removed, except for the previous Policy Conditions.*

The following policies are recommended as **new** policies:

- (i) 2.1.6 - Parks and Reserves – Playgrounds, Barbeques, Outdoor Exercise Equipment and Lights

Chief Executive Officer's Comment

*The Council does not currently have any policy relating to playgrounds, barbeques or outdoor equipment and it is considered appropriate that a policy be adopted. The matter of lights has been copied from the Council's previously Policy No. 2.1.8 which was adopted on 26 May 1997 and included in this new Policy, as it relates to infrastructure on a Park or Reserve. A clause relating to community consultation prior to installation of such fixtures or equipment has been inserted.*



(ii) 2.1.8 - Parks and Reserves – Water Conservation Design Guidelines

Chief Executive Officer's Comment

*This Policy will provide guidelines for the development of new turf areas or the redevelopment of existing turf areas to ensure the overall design of parks and their associated irrigation systems incorporates water efficiency principles.*

Minor rewording and correction of grammar has been made to Policy 4.1.9 – Flying and Displaying of Flags and Banners – otherwise the Policy is unchanged.

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The failure to review Council Policies will not result in any breach of legislation. However, the adoption of policies will improve information to the Council, Town's Administration and the community.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

The adoption of the policies relating to Parks and Reserves will ensure that these will be managed in a more sustainable manner in the future.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Policies are reviewed every five years. The amended and new policies will provide guidance to the Council and the Town's Administration in these important matters.

**9.4.5 Consideration of Submission Concerning Policy No. 4.1.5 – Community Consultation**

<b>Ward:</b>	Both Wards	<b>Date:</b>	25 February 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0116
<b>Attachments:</b>	<a href="#">001</a> – Submissions Received		
<b>Tabled Items:</b>	<a href="#">002</a> – Amended Policy		
<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 Policy No. 4.1.5 – Community Consultation as shown in Appendix 9.4.5; and*
- (ii) *ADOPTS Policy No. 4.1.5 – Community Consultation as amended, tabled and shown in the electronic Attachment 002.*

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**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Maier, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Harvey**

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

- “(ii) *ADOPTS Policy No. 4.1.5 – Community Consultation as amended, tabled and shown in the electronic Attachment 002, subject to a new subclause 9(b) being inserted in the Policy Guidelines as follows:*

**“9(b) Where the Form seeks a comment on a planning element that requires the Town to exercise discretion the Form will include:**

- **a description of the Planning Element (e.g. Ground Floor Setback);**
- **a reference to the applicable policy clause (e.g. Residential Design Codes - 6.8.1);**
- **the Performance Criteria (if applicable);**
- **the Acceptable Development Standard (if applicable);**
- **what is proposed for that element; and**
- **space for a comment on that element.”**

Debate ensued.

## **PROCEDURAL MOTION**

### **Moved Cr Burns, Seconded Cr Lake**

*That the item be DEFERRED for further consideration, particularly the consultation letter and form.*

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

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

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#### **PURPOSE OF REPORT:**

The purpose of the report consider the one (1) submissions received from Cr Maier, concerning the Policy No. 4.1.5 – Community Consultation.

#### **BACKGROUND:**

At the Ordinary Meeting of Council held on 7 December 2011, a report was presented to the Council relating to the adoption of the Council's Policy No. 4.1.5 – Community Consultation.

The Policy was advertised on Tuesday 18 January 2011 and closed on Friday 11 February 2011. As at the closing date of submissions, no submissions were received. However, on Monday 14 February 2011 two emails were received from Cr Maier as shown in Appendix 9.4.5.

#### **Summary of Submission**

Cr Maier has advised of the following issues:

1. he believes there is very little understanding of the performance based nature of the Development Application process;
2. the consultation letter sent to neighbours requires amendment; and
3. the Chief Executive Officer should have the discretion to request an applicant to hold a public meeting/workshop in certain circumstances.

The following comments are provided in response to the submission:

1. believes there is very little understanding of the performance based nature of the Development Application process;

*“From my experience as a councillor I believe that there are two issues that should be addressed concerning the Town's consultation with residents about development applications. I believe that the process needs to be made clearer to neighbours who are consulted and the letter that is sent out to neighbours needs to be reviewed to better reflect the approval process by revising the so called 'compliance table'.*

*I believe that there is very little understanding of the performance based nature of the DA approval process. I often get the comment that 'it does not comply so it should be refused'. I respond by explaining the hierarchy of rules and why a performance based approach has been adopted. I explain that the performance criteria are 'the rule'*

*rather than the acceptable development standards and I have found that most people can understand the concept and reasoning behind it fairly quickly.*

*I therefore think that a document needs to be developed that explains the process and that this document should be made readily available to people who are being consulted. I think the document may be several pages long and so may be too large to send out with every consultation letter - hopefully not. If it does prove to be too cumbersome to post the consultation letter should make reference to how it can be downloaded from the Town's web site and that it can be posted out to residents on request.*

*The document should include the following:*

- *the hierarchy of rules (e.g. Town Planning Scheme, R-Codes and policies). This is important so that people who wish to delve deeper into the rule can understand where they need to look to find out more information.*
- *how the performance based approach works and why it was adopted. It needs to make clear that the focus is on getting reasonable outcomes rather than having a formula that results in every dwelling looking similar. It needs to emphasise that the performance criteria are 'the rules' and that the acceptable development standards are just one, conservative, way of complying with the rules.*
- *how the performance criteria are subjective in nature and that the Town needs to exercise discretion.*
- *that the Town has no discretion if the application meets the acceptable development criteria.*
- *that comments will be taken into account when determining whether the application complies with the performance criteria but they will be used to inform the decision. It must be made clear that objectors do not have a right of veto, just that their comments will be given serious consideration.*
- *that objections should focus on planning issues and that the Town is not allowed to take non-planning issues into account.*
- *that the applicant will be given a summarised list of objections and be given the opportunity to amend the application if they like.*
- *that some decisions have been delegated to the Town's staff and that some decisions will be made by the Council.*
- *that once a decision has been made the applicant can appeal that decision to the SAT if they are unsatisfied with any element of the decision but that neighbours do not have a right of appeal.*

*This document must be written in conversational English and must avoid jargon. It should also be made available in other languages on request."*

Chief Executive Officer's Comment:

The community consultation letter should be written in plain and simple language and should contain sufficient information so that a person can make an informed decision. The inclusion of too much information is not supported as it will complicate the letter, may cause confusion and prove to be too cumbersome and verbose.

As part of the Town's previous review of the Community Consultation Policy, a survey of what other local governments send out to residents was researched. Most, if not all, provide a concise letter and make reference to the local government website where additional information can be found (no local governments send out multiple

sheets of paper). Accordingly, it is supported that the letter should include reference as to how further information can be obtained on the Town, via the Town's website.

It is noted that as part of this review an Information Sheet/brochure will be prepared to further explain the community consultation process and will be uploaded on the Town's website.

The community consultation letter will be translated into the five (5) most common languages other than English, spoken in the Town (Italian, Vietnamese, Cantonese, Greek and Macedonian – as specified in Clause 6 of the Policy).

**2. the consultation letter sent to neighbours requires amendment:**

*The other issue that should be addressed is the letter that is sent to neighbours and in particular the 'non-compliance' table. The current letter that is sent is overly bureaucratic and does not adequately describe the rules that apply. It is good that the table included in the letter uses the term 'local authority discretion' rather than 'compliance', and 'acceptable development standards' rather than 'required'. However it misses out completely on describing the performance criteria. It is important that people being asked for their comment understand that this is 'the rule'*

*The table needs another couple of columns (i.e. Performance Criteria) and therefore should be changed so that it is printed in a landscape format. I would suggest the table should contain the following (for example):*

<b>Planning Element</b>	<b>Applicable Rule</b>	<b>Performance Criteria</b>	<b>Acceptable Development Standard (i.e. Deemed to meet performance Criteria)</b>	<b>Proposed</b>	<b>Comment</b>
Visual Privacy: - Balcony (south)	Residential Design Codes - 6.8.1	<ul style="list-style-type: none"> <li>• Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</li> <li>• Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</li> <li>• Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</li> <li>• Where opposite windows are offset from the edge of one window to the edge of another, the distance of</li> </ul>	<ul style="list-style-type: none"> <li>• 7.5 metres from the boundary</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Provided with permanent vertical screening</li> </ul>	1.7 metres	

<i>Planning Element</i>	<i>Applicable Rule</i>	<i>Performance Criteria</i>	<i>Acceptable Development Standard (i.e. Deemed to meet performance Criteria)</i>	<i>Proposed</i>	<i>Comment</i>
		<i>the offset should be sufficient to limit views into adjacent windows.</i>			
<i>Visual Privacy: - Balcony (west)</i>	<i>Residential Design Codes - 6.8.1</i>	<i>(see above)</i>	<i>(see above)</i>	<i>4.8 metres</i>	
<i>Driveways and Crossovers</i>	<i>Residential Design Elements - SPC15</i>	<p><i>i) Minimise the number and widths of vehicular access points to frontage streets.</i></p> <p><i>ii) Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following: The size of the car parking area; and The amount and type of vehicle traffic travelling along the related road.</i></p> <p><i>iii) Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and</i></p>	<ul style="list-style-type: none"> <li><i>• No more than one driveway is permitted to a lot with a frontage of less than 25 metres. A second driveway may be permitted provided the total aggregate width of both driveways complies with the widths stated below; and</i></li> <li><i>• Subject to the minimum width of 3 metres, the total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of</i></li> </ul>	<i>6.8 metres (48%)</i>	

”

Chief Executive Officer's Comment:

The Chief Executive Officer supports the aim and objective of the letter should be to provide sufficient information in order that a person can make an informed decision. It is considered an administrative matter as to how a letter is drafted and presented, and the letter content and layout should not be prescribed in the Consultation Policy. This will be reviewed and, where appropriate and possible, information will be included in plain language. It is noted that as part of this review an information sheet/brochure will be prepared to further explain the community consultation process and will be uploaded on the Town's website.

3. the Chief Executive Officer should have the discretion to request an applicant to hold a public meeting/workshop in certain circumstances.

Cr Maier considers that feedback from the public should allow for the Town to arrange a public meeting/workshop for significant projects.

He therefore suggests that the Draft Policy should include a new Clause 7(iii) to allow for such public meetings/workshop.

Cr Maier's suggestion is supported, with minor changes as follows:

**“7. AUTHORITY TO VARY THE EXTENT OF CONSULTATION**

*The Chief Executive Officer;*

- (i) shall determine the type and extent of community consultation, in liaison with the Mayor, where it has not been prescribed in the Policy, Guidelines and Procedures.
- (ii) has the discretion to increase the extent, method ~~of~~ or duration of the consultation ~~the provisions of this policy, with regards to a Planning, Building and Heritage matter~~ due to specific exceptional circumstances relating to ~~that~~ a matter, including, but not limited to:
- the unique scale and nature of ~~the~~ a proposal or development;
  - where the existing proposal or development has received substantial opposition, concerns or complaints; or
  - the proposed development has a substantially greater potential to cause undue impact on the locality compared to a similar 'standard' development; or
  - where a Local Planning Policy may have significant implications on a specific sector of the community.
- (iii) has the discretion to require an Applicant for a proposal to hold one or more public meetings/forums, at no cost to the Town, to explain the proposal to the community where in the opinion of the Chief Executive Officer the proposal may be of a complex or controversial nature, or may affect members of the broader community. Any such meetings/forums should be:
- held in the early part of the proposal or development being advertised for public comment;
  - held in a convenient location (preferably within the local community that is most likely to be impacted by the proposal);
  - held at a convenient time; and
  - adequately promoted or advertised through the use of leaflets/flyers, letters, a prominent sign on the site or advertisements in the media, to the satisfaction of the Chief Executive Officer."

Chief Executive Officer's Comments:

The Chief Executive Officer supports the above information being included in the Policy with references being to "meetings/forums" instead of "meetings/workshops". This clause should relate to all significant/major proposals and developments and therefore, reference to "Planning, Building and Heritage matter" has been deleted. A forum is defined as "an assembly of people for the discussion of questions of public interest" and may include a workshop and is therefore broader in context. A "workshop" is defined as "a group meeting to exchange ideas and study techniques, skills etc" and therefore is not supported. It is considered that the Town should be able to require an applicant to conduct a public meeting/forum (at the Applicant's cost) so that adequate information is made available. If an applicant so desires, they may choose to conduct a workshop or other suitable format as part of the process however, this should not be prescribed for all proposals/developments.

**CONSULTATION/ADVERTISING:**

The Policy was advised in accordance with the Town's Community Consultation Policy.

**LEGAL/POLICY:**

The amended Policy will be included in the Council's Policy Manual.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The above is in keeping with the Town of Vincent Strategic Plan 2009 - 2014, at Item 3.1.3(a) *“Determine the requirements of the community and ensure that the services provided meet those needs.”*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The review of the Community Consultation Policy has been comprehensive and extensive. It has been advertised in accordance with the Policy and only one (1) submission was received (from Cr Maier) and it is therefore assumed that the amended Policy is acceptable and meets the needs of the community. In the main, the suggestions are support and it is recommended that the amended Policy be approved as detailed in this report.



**9.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	11 February 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 22 February 2011, as distributed with the Agenda.*

**Moved Cr Maier, Seconded Cr McGrath**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be amended to read as follows:*

*“That the Council;*

- (i) RECEIVES the Information Bulletin dated 22 February 2011, as distributed with the Agenda;*
- (ii) REQUESTS, as a matter of urgency, that the Chief Executive Officer prepares a report which identifies the most effective method of establishing the causes of concern that has resulted in the significant decrease in satisfaction measures; and*
- (iii) CONSIDERS listing an amount of \$15,000 on the 2011/2012 Draft Budget to conduct another Community Perception Survey in 2011/2012.”*

Debate ensued.

The Chief Executive Officer advised a that a more accurate cost for a telephone survey is \$25,000.

The Mover, Cr Maier advised that he wished to change clause (iii) of his amendment and to delete the amount of “\$15,000” and replace it with “\$25,000”. The Seconder, Cr Buckels agreed.

Debate ensued.

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

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

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

(Cr Topelberg was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.6**

*That the Council:*

- (i) *RECEIVES the Information Bulletin dated 22 February 2011, as distributed with the Agenda;*
- (ii) *REQUESTS, as a matter of urgency, that the Chief Executive Officer prepares a report which identifies the most effective method of establishing the causes of concern that has resulted in the significant decrease in satisfaction measures; and*
- (iii) *CONSIDERS listing an amount of \$25,000 on the 2011/2012 Draft Budget to conduct another Community Perception Survey in 2011/2012.*

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**DETAILS:**

The items included in the Information Bulletin dated 22 February 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Department of Local Government regarding Town of Vincent – Wards and Representations
IB02	Letter from the Department of Health regarding GP After House Campaign
IB03	Letter of Appreciation from the Premier of Queensland regarding the donation to the Premier’s Disaster Relief Appeal
IB04	Letter of Appreciation from the Lord Mayor’s Distress Relief Fund regarding the donation towards the Gascoyne and Mid West Floods Appeal
IB05	Email of Appreciation from Carine Masters Swimming regarding Carine Masters Swimming Club’s 2011 Australia Day Swim
IB06	Community Perception Survey 2010
IB07	Minutes for Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held 1 December 2010
IB08	Unconfirmed Minutes of the Art Advisory Group Meeting held on 19 January 2011

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 Notice of Motion - Cr Sally Lake - Request to Review Derelict Buildings and Unkempt Vacant Land

*That the Council REQUESTS:*

- (i) *the Chief Executive Officer to prepare a report on reducing the negative impact of derelict buildings in the Town including:*
  - (a) *the efficacy of the current approach;*
  - (b) *whether additional powers are currently available which require further policy or local laws;*
  - (c) *whether additional powers which are not currently available are required; and*
  - (d) *seek the advice of WALGA on whether they consider that legislative changes are required to increase the powers of local government to address this issue; and*
- (ii) *the report be submitted to the Council no later than 30 April 2011.*

---

Moved Cr Lake, Seconded Cr Maier

*That the Motion be adopted.*

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Buckels

*That the heading of the Motion and clause (i) be amended to insert the words "and unkempt vacant land" after the words "derelict buildings".*

Debate ensued.

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

(Cr Topelberg was on approved leave of absence.)

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

(Cr Topelberg was on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1**

*That the Council REQUESTS:*

- (i) *the Chief Executive Officer to prepare a report on reducing the negative impact of derelict buildings and unkempt vacant land in the Town including:*
  - (a) *the efficacy of the current approach;*
  - (b) *whether additional powers are currently available which require further policy or local laws;*
  - (c) *whether additional powers which are not currently available are required; and*
  - (d) *seek the advice of WALGA on whether they consider that legislative changes are required to increase the powers of local government to address this issue; and*
- (ii) *the report be submitted to the Council no later than 30 April 2011.*

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

At 8.55pm, debate ensued as to why Item 14.1 was deemed confidential.

**PROCEDURAL MOTION**

At 9.00pm Moved Cr Burns, Seconded Cr Farrell

*That Council proceed "behind closed doors" to consider confidential item 14.1, as this matter contains information concerning:*

- *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

**PROCEDURAL MOTION PUT AND LOST (3-5)**

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

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

(Cr Topelberg was on approved leave of absence.)

The following Item 14.1 was considered in a public meeting:

**14.1 Designation of the Town of Vincent**

<b>Ward:</b>	Both	<b>Date:</b>	15 February 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0099
<b>Attachments:</b>	-		
<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) *NOTES that the Town of Vincent now meets the criteria as prescribed in Section 2.4 of the Local Government Act 1995 to be designated a "City";*

- (ii) *SUPPORTS the change of designation from "Town" to "City" and MAKES a submission pursuant to Section 2.4 of the Local Government Act 1995, to the Minister for Local Government to recommend approval to the Governor of Western Australia to make an Order to affect the change; and*
- (iii) *subject to (ii) above being approved:*
- (a) *REQUESTS the Minister for Local Government and Governor that the change be effective on or before 1 July 2011; and*
- (b) *ADVISES the Minister for Local Government that the current method of election of the Mayor by the electors will remain unchanged and the number of Council Members will also remain unchanged with an elector Mayor and eight (8) Councillors, with four (4) in each of the North and South Ward;*
- (c) *LISTS for consideration an amount of \$60,000 in the Draft Budget 2011-2012;*
- (d) *AUTHORISES the Chief Executive Officer and the Mayor to prepare a submission to the Minister for Local Government; and*
- (e) *REQUESTS that this matter be kept confidential until approved by the Minister for Local Government and Governor of Western Australia.*

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Farrell, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

Cr McGrath departed the Chamber at 9.01pm.

Debate ensued.

Cr McGrath returned to the Chamber at 9.04pm.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Burns**

*That clause (ii) be amended, clause (iii) be deleted and a new clause (iii) be inserted as follows:*

- “(ii) *SUPPORTS IN PRINCIPLE the change of designation from "Town" to "City" and MAKES a submission pursuant to Section 2.4 of the Local Government Act 1995, to the Minister for Local Government to recommend approval to the Governor of Western Australia to make an Order to affect the change; and*
- (iii) *ADVERTISES the proposal and carries out community consultation for a period of fourteen (14) days, in accordance with the Council’s Community Consultation Policy;”*

Debate ensued.

Cr Farrell queried that if consultation was to be carried out, then why would the Town be making a submission – the amendment appears contradictory?

The Mover, Cr Maier advised that he wished to change his amendment to clause (ii) as follows:

“(ii) *SUPPORTS IN PRINCIPLE the change of designation from "Town" to "City" and ~~MAKES a submission pursuant to Section 2.4 of the Local Government Act 1995, to the Minister for Local Government to recommend approval to the Governor of Western Australia to make an Order to affect the change; and~~*”

Debate ensued.

The Presiding Member, Mayor Nick Catania advised that he was unable to accept the amendment as it was contradictory.

Debate ensued.

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

#### AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Buckels

*That clause (ii) be amended, clause (iii) be deleted and a new clause (iii) be inserted as follows:*

“(ii) *SUPPORTS IN PRINCIPLE the change of designation from "Town" to "City" and ~~MAKES a submission pursuant to Section 2.4 of the Local Government Act 1995, to the Minister for Local Government to recommend approval to the Governor of Western Australia to make an Order to affect the change; and~~*

(iii) *ADVERTISES the proposal and carries out community consultation for a period of fourteen (14) days, in accordance with the Council’s Community Consultation Policy;”*

Debate ensued.

#### AMENDMENT NO 2 PUT AND LOST (3-5)

For: Cr Buckels, Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Lake, Seconded Cr Buckels**

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

*“(ii) CONSULT with the Town of Vincent community on their wishes as to whether the Town should be designated a “City”.”*

**Debate ensued.**

**AMENDMENT NO 3 PUT AND LOST (3-5)**

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

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath

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

**Debate ensued.**

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

**For:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath

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

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

**Note: The Council released this report to the public.**

---

**PURPOSE OF REPORT:**

The purposed of the report is to advise the Council that the designation of the Town of Vincent, as a "Town" can be changed to a "City" and seek approval for the change.

**BACKGROUND:**

The Local Government Act prescribes that an area of the State is to be a "District" and is to be designated either a "City", "Town" or "Shire".

A "District" can only be designated a "City" if:

- (a) the District is in the Metropolitan area and has more than 30,000 inhabitants, more than half who live in the urban area; and
- (b) the District is not in the Metropolitan area and has more than 20,000 inhabitants, more than half who live in the urban area - *(not applicable to the Town)*.

**Australian Bureau of Statistics (ABS)**

The Australian Bureau of Statistics (ABS) is Australia's official statistical organisation. The ABS assist and encourage informed decision-making, research and discussion within governments and the community, by providing a high quality, objective and responsive national statistical service.

The principal legislation determining the functions and responsibilities of the Australian Bureau of Statistics are the *Australian Bureau of Statistics Act 1975* and the *Census and Statistics Act 1907*.

In 2008 an Information Paper – *Population Concepts Australia* was released by the ABS (ABS Catalogue No. 3107.0.55.006) which states the following in relation to the Estimated Resident Population (ERP);

*'The official measure of Australia's population is the Estimated Resident Population (ERP). The ERP is based on the concept of a person's 'usual residence' for a period of 12 months or more within Australia, regardless of nationality or citizenship, with the exception of foreign diplomatic personnel and their families.'*

Further to this, it is noted that an Officer at the ABS Perth Office advised that the Estimated Resident Population projections are based on the current local government boundaries, therefore the figures take into consideration the 2007 local government boundary realignment, whereby parts of the City of Perth and City of Stirling were transferred to the Town of Vincent.

### Population of the Town

#### Current and Projected Population

The Australian Bureau of Census and Statistics (ABS) confirms that the estimated resident population of the Town of Vincent in **June 2009 was 30,870**. Since 2001, the Town of Vincent has experienced an average annual growth rate of approximately 1.7%.

The population is distributed across the suburbs of Highgate, Leederville, Mount Hawthorn, North Perth and parts of Mount Lawley, West Perth, Perth and East Perth, with the largest population residing in North Perth, as detailed in Figure 1 below.

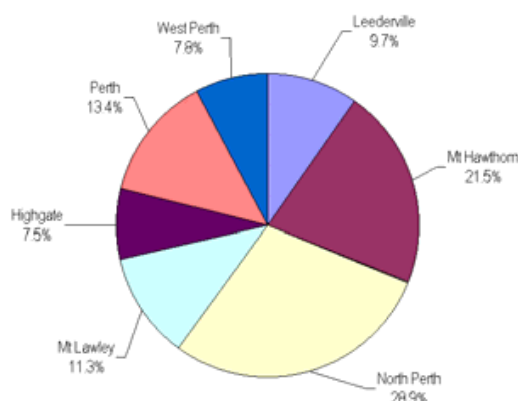


Figure 1 - Population Percentage by Suburb

#### Population Trends and Forecasts, Town of Vincent 2001-2030

Population projections released by the West Australian Planning Commission (2005) suggest that population growth rates in the Town of Vincent will be restricted to an average annual growth rate of 0.8% until 2030. It is anticipated that by 2030 the local government area will have a resident population of approximately 36,000, as outlined in Figure 2 below.



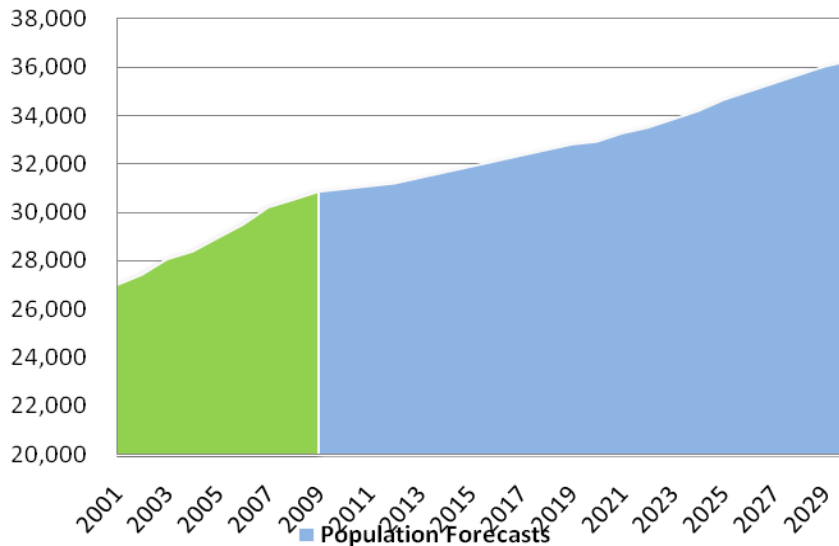


Figure 2 - Population Forecasts.

Source: SGS Economics and Planning using WAPC WA Tomorrow, 2005 and ABS Estimated Resident Population 2001- 2009

As part of the Chief Executive Officer's current review of the Town's Plan for the Future, the above information was discussed with the Department of Local Government, who confirmed that the Town now meets the population criteria for a change in designation from a "Town" to a "City". The Director General advised that the most important criteria is for the population to be greater than 30,000 persons. This information was confirmed in writing.

### Mayor and Councillors

The Department of Local Government has requested that the Council specifically mention the method of election the Mayor and number of Council Members. In this regard, it is recommended that the current status remain unchanged as this matter has only recently been considered and determined by the Council at the Ordinary Meeting of Council held 21 December 2011 (Item 9.4.1) – that is the current election of the Mayor by the electors to remain unchanged and the number of Councillors to remain unchanged at eight (8), with four (4) in each the North and South Ward. The number of Council Members complies with the Minister's request not to exceed nine (9).

### Submission to the Minister for Local Government

This matter was also discussed with the Minister's Chief of Staff and he advised that the Minister would consider any submission from the Town, once it is received. A discussion was also held with the Director General of the Department of Local Government who advised there is no prescribed format for the submission and this can be prepared at the discretion of the local government. Both persons requested that the matter be kept confidential.

Subject to approval by the Council, a submission can be prepared by the Chief Executive Officer, using in-house resources and expertise. Such submission would include, but not be limited to the following matters:

1. Population
2. Demographics
3. Financial and Economic
4. Assets
5. Significant Infrastructure

6. Community of Interest
7. Leederville Masterplan Redevelopment / West Perth Regeneration Project
8. Town Planning Scheme
9. Local Government Structural Reform No. 1 Ranking and response from Department of Local Government
10. The number of Council Members
11. Governance
12. Significant Awards and Achievements.

### **Other Local Governments Currently Seeking a Change in Designation**

The Town has been advised that;

1. The Town of Victoria Park is progressing its change of designation from "Town" to "City", as it has a population of 32,258.\*
2. The Shire of Busselton is progressing its change of designation from "Shire" to "City", as it has a population of 30,514.\*
3. The Town of Kwinana is progressing its change of designation from "Town" to City as it has a population of 30,250 (approximately).\*

(\* *As at June 2009*)

### **Timeline**

If approved, it is recommended that the change in designation be effective on or before 1 July 2011. This will allow sufficient time for a submission to be made to the Minister for Local Government and for the Minister to consider the Town's submission and make an Order to the Governor. The process could take at least 3-4 months.

If a decision is made, the Town's Administration would immediately plan for the changeover, particularly to minimise costs in relation to ordering of stationery materials and the like. The Town of Vincent was created on 1 July 1994.

### **Town of Vincent Logo**

It is recommended that no change (other than replace "Town" with "City") be made to the adopted Council Logo, colours and font, as these are considered to be modern, contemporary and reflect the Town of Vincent ethos.

### **CONSULTATION/ADVERTISING:**

As this matter would have no impact on the residents, it is recommended that community consultation not be carried out.

### **LEGAL/POLICY:**

The Local Government Act 1995, Section 2.5 states:

*"District to be a City, Town or Shire;*

- (1) *An order under Section 2.1 declaring an area of the State to be a District is to include an order designating the district a city, town or shire.*
- (2) *The Governor may, by order, change the designation of a district."*

A "District" can only be designated a "City" if;

- (a) the District is in the Metropolitan area and has more than 30,000 inhabitants, more than half who live in the urban area; and
- (b) the District is not in the Metropolitan area and has more than 20,000 inhabitants, more than half who live in the urban area - *(not applicable to the Town)*.

The Local Government Act 1995, Section 2.4 states:

*"...(5) A district that is not designated a city or a town is to be designated a shire.*

- (6) *the number of inhabitants of a district at a particular time is to be taken as that established by the Government Statistician appointed under the Statistics Act 1907 according to the information then available to that person.*
- (7) *Despite any change in the number or distribution of a district's inhabitants, the designation of the district continues to apply until it is changed under this section."*

The Department of Local Government advises that the Town would be required to make a submission to the Minister for Local Government for a change of status. If acceptable to the Minister, he would recommend to the Governor that an order be made for the change.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The change in designation does not involve any significant risk.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Plan for the Future and Strategic Plan 2009-2014 - Key Result Area 4 - *"Provide good decision making, governance, leadership and professional management"*; and, in particular, 4.1 - *"Provide good leadership skills, behaviours and culture that enhance the public image of the Town."*

The Town's designation as a City would reflect the importance and maturity of the local government. Its "City" designation may improve the outcome of future grant applications, as State and Commonwealth Departments prefer to deal with "Cities".

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

If the change is approved, there will be a need to change signage and titles etc. It is estimated that this would cost as follows;

Item	Estimated Cost	Comment
Buildings	\$30,000	Only the word "Town" will be changed to "City" in the sign wherever possible, thereby saving costs. If it is more cost effective, a new sign will be purchased.

Item	Estimated Cost	Comment
Parks and Reserves	\$15,000	Only the top part of the current timber signage will need to be changed at an approximate cost of \$100-\$150 each, which includes labour.
Heavy Fleet (Trucks, Tractors, Plant, etc)	\$5,000	Door decals will be changed. Large painted signs on rubbish trucks, etc, will be covered with stick-on labels showing the "City of Vincent".
Light Fleet	\$500	Existing decals will be changed, as door decals are small and easily replaceable.
Street Name Plates	Nil	Existing name plates contain a stick-on label, however, these would only be progressively changed as and when replaced.
Street Litter Bins	Nil	Existing street litter bins would not be changed, as these incorporate the "Town of Vincent" into the bin structure. All new bins will be changed as they are ordered.
Miscellaneous Signage	\$5,000	Most parking signage does not include "Town of Vincent" on it. Where possible, stick-on labels will be used, as this will minimise the cost.
Mayoral Chain	\$2,000	A jeweller will need to be engaged to modify the Mayoral chain – which is solid silver with gold plating.
Letterhead and Stationery	\$2,000	Existing stock will be used. New stock will be printed as required.
Miscellaneous	\$3,500	This will be for matters currently not identified.
<b>TOTAL</b>	<b>\$60,000</b>	

\* *It should be noted that some costs will be from the Town's Operating Budget, as these are routine operational costs, e.g. name badges, uniforms, Employee ID cards, Business cards.*

The following are not recommended to be changed due to the cost involved:

Item	Estimated Cost	Comment
<b>Optional:</b>		
Centenary Signs at Hyde Park (x 3)	\$12,000	These signs form part of the heritage of the park and are "one-off" signs.

If the Council approves of the matter, the Chief Executive Officer will arrange for a comprehensive list to be prepared and an Implementation Plan.

**COMMENTS:**

The change in designation from “Town” to “City” reflects the area’s growth and the range of programmes and services offered to the community.

The designation “City” whilst having no actual superiority to “Town” in terms of the roles and responsibilities of the LGA, infers an equal status in the perceptions of the community – putting Vincent in the same category as the City of Subiaco and City of Nedlands (these local governments despite having a population less than 30,000 people were designated “City” when established, as they had previously been Road Board Districts).

A “City” implies vibrancy, urban, cosmopolitan, cultural, entertaining, progressive and so forth. “Town” may have the connotation of being more akin to a “country town” – hardly befitting the high profile of Vincent and its status as an inner city local government and reputation for thoughtful progress.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.20pm with the following persons present:**

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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 February 2011.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2011