



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

26 JULY 2011

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 26 July 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Sally Lake, declared the meeting open at 6.03pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania – apology due to personal commitments.

(b) Present:

Cr Sally Lake (<i>Deputy Mayor</i>)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.07pm until 10.07pm)
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary) (until 8.10pm)
Kara Ball	Executive Secretary Corporate Services (Minutes Secretary In Training) (until 8.10pm)
Ben Doyle	Director, Planning Solutions (for Items 14.2, 14.3 and 14.4) (from approximately 8.00pm until approximately 9.50pm)
Andrew Roberts	Solicitor, McLeods Barristers & Solicitors (for Items 14.2 and 14.3) (from approximately 8.27pm until approximately 9.50pm)
Lauren Peden	Journalist – " <i>The Guardian Express</i> " (until approximately 8.00pm)

Approximately 16 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Warren McGrath due to personal commitments.

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

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

1. Michael Jorgensen of 24 Waugh Street North Perth – Item 9.1.3 (Architect acting on behalf of the Owners of 43 & 45 Norfolk Street). Opposed to the development, and believes it should be rejected for the following reasons:
 - Not been assessed as four (4) individual dwellings on four (4) lots.
 - Application was made prior to the lots being green titled.
 - Being assessed as four (4) multiple dwellings on a single lot; understands that this is not permitted under the current policy in this precinct.
 - The clause allowing building licence to be held until the individual certificates have been issued doesn't afford adequate planning assessment of the dwellings as four (4) individual houses and believes that there is no way that three (3) of them meet the City's policy or R Codes provisions, in relation to over shadowing, ventilation or provision of amenity for the end user.
 - Building's do not address the existing streetscape conditions.
 - Setbacks are grossly inadequate in relation to the existing condition on Burt Street, and asked the Councillors to closely look at the Burt Street elevation when making their final assessment, especially the side elevation of Unit 1. This has a 1.5m setback for a section 7m long and 6m high. The average setback in that area is 5.8m.
 - This is not a residential quiet street development. Believes the setback is quite imposing.
 - Stated the Owners he is representing engaged an architect, to ensure they retained certain elements of their dwelling to reflect the current streetscape. They are not against contemporary design but they do like this design.

Cr Harvey entered the meeting at 6.07pm.

2. [Name and address withheld for privacy reasons as he is a silent elector] – Item 9.1.2. Stated the following:
 - Applicant's business has compounded an already existing problem with traffic and parking on Forrest Street.
 - This has been acknowledged by the applicants themselves with their own petition submitted to the Council in July 2007, regarding traffic issues on this street.
 - Since the applicant relocated their commercial Hairdressing business from Fitzgerald Street and began operating from home, they regularly operate beyond their permitted use.
 - They have witnessed more than one (1) client at a time particularly on Saturdays when they have seen three (3) or four (4) clients at a time. They still have three (3) work stations and two (2) wash basins installed.
 - They operate well beyond their permitted time of 10am-4pm.
 - The increased traffic and lack of parking, (they still don't have two (2) compliant parking bays) causes traffic congestion and customers parking on adjoining owners land.
 - Numerous complaints have been made in the past twelve (12) months and he is surprised that the report tabled to Council states it is not aware of any issues. Particularly after his own submissions attaching copies of some of the documented evidence of the system breaches and was acknowledged on the 30 July 2010.
 - He stated *"To be quite frank the neighbouring owners are exhausted to keep having to deal with these applicants and the interference it has of our own residential properties"*.
 - Every time this application goes before the Council the report keeps making reference to the Council being able to enforce the conditions and states the City can take legal action to enforce breaches, however there seems to be a reluctance to deal with the breaches let alone enforce them.

- Why should the ratepayers pay for the Council to take legal action when the applicant has already demonstrated with their conduct over the past two (2) years complete disregard to abide by the conditions imposed. It would be much simpler not to approve the applicant.
 - The applicants should not be granted a further twelve (12) month licence as during the previous twelve (12) months their business has adversely impacted traffic congestion, parking and the adjoining residential neighbours.
 - He believes the business should be relocated back to a commercial area and not inflicted on its residential neighbours.
3. James Taylor of 6 Chelmsford Road, Mt Lawley – Item 9.1.6. Stated the following:
- Lived in Chelmsford Road for the past 17 years, would like to point out that there were eight (8) objections and one (1) in support but believes they did not provide any rationale.
 - Not anti development- believes the site should be seen as an opportunity to increase residential capacity not reducing it. E.g. Better use would be demolishing the house and building a multi residential development.
 - Conversely 100% commercial use in this spot is totally inappropriate. The street design, landscape and residential housing places them within a residential sector.
 - Making this consulting rooms will put himself and his neighbours into a commercial area. He chooses to live beside a commercial area, not in one.
 - There is no shortage of locally available commercial space as recently as last night he was shown a local site which remains available. There is no need for this site to be consulting rooms.
 - Security is always a concern and in a recent issue of the Voice, Deputy Mayor Lake was noted as saying that the high value of front veranda's for their passive surveillance opportunities. He stated that himself along with his partner and residential neighbours do highly value using their verandas, losing the benefit of this one will have a negative impact.
 - This will be compounded by the fact it will be vacant at night, as is the case with the dentist adjacent to his property. They are regularly faced with all sorts of anti-social issues, urine and faeces is a daily occurrence along with syringes broken bottles etc. Along with loitering and impromptu parties up the laneway.
 - Believes that this compromises safety and security of the surrounding area, in particular in the secluded car park of the proposed business.
 - Feels that is bad design and encourages anti-social behaviour.
 - Any of the Council members that have taken the time to visit the site will know that it straddles the streets "no entry" point and there is proposed parking either side of the "no entry" point.
 - There are already traffic issues with people illegally transversing in the "no entry" point and many cars conducting multi point turns on either side of the "no entry" point.
 - Feels the proposal will just compound these issues.

The Presiding Member, Deputy Mayor Cr Sally Lake advised Mr Taylor that he had spoken for 3 minutes and asked Mr Taylor to complete his statement.

Mr Taylor continued as follows:

- Final point, concerned with the supporting comments. Doesn't understand why the proposal can justify using Vincent's Parking Access Policy as the Policy clearly states that it is for enabling desirable developments and this is clearly not a desirable development.
- This proposal fails on amenity, approving the proposal is going against many of your own Policies and would be limiting future residential property opportunities and I ask the Council to unanimously reject the proposal.

4. Lindy Marks of 8 Chelmsford Road – Item 9.1.6. Stated the following:
 - She lives opposite the house in question – has been there for 24 years.
 - Main concern that it has no residential component at all, meaning at night she will be facing an empty house.
 - Like the previous speaker, she chose to live close to a commercial area but not in one.
 - Believes it is an intrusion into the residential zone and concerns her that it will set a serious precedent. Asked the Council to please refuse the application.
5. Bernadette Pilkington of 4 Chelmsford Road Mt Lawley – Item 9.1.6. Stated the following:
 - Opposed to the development, already has an issue with graffiti.
 - Suspects having a non residential place diagonally opposite will also increase anti-social behaviour.
 - The “no entry” way is routinely contravened which has been a long standing problem, which will only increase with the three (3) consulting rooms.
 - There are consulting rooms within 100 metres of this premises which are unable to be leased at the moment and there is no shortage of this development with other properties also unable to get tenants.
 - Stated that it fails on amenity she and totally opposes the application.
6. Dr Pitcher – address withheld for privacy reasons – Item 9.1.6. Stated the following:
 - She is the doctor who will use the consulting rooms and supports the item.
 - Believes a vibrant and healthy community consists of well integrated commercial and residential uses that evolve in light of social, environmental and economic trends. Intent is to provide a unique low impact service that enhances community life and values.
 - At every stage of the process they have consulted Planning services to be certain that the proposal meets with Council engineering and technical requirements and is capable of being approved under Council Policy.
 - They desire to improve residential amenity by renovation and restoration of the charming and traditional Mt Lawley federation bungalow.
 - Their investment in the property is for the long term and they move into private practice and subsequently retirement.
 - The changes to the property will enhance its residential appeal and local streetscape. She foresees the property returning to its residential use in the future as not a complex issue.
 - Council identified the property for possible consulting rooms back in 1996 and the 1998 ministerial appeal also supported low impact commercial use – she believes the proposal meets that criteria.
 - Additionally the Council owned Right of Way and front traffic management device form natural delineators between other residents and this property.
 - This proposed use is low volume, appointment only with a plan to have one (1) client leave before the next arrives for confidentiality reasons. Each appointment is one (1) hour long, generating one (1) hour administration time.
 - The proposal meets onsite parking requirements. The applicant will provide details of parking and public transport options to the small number of clients who will attend the practice and will be happy to accept any conditions of Cash in Lieu of parking, or to modify entry and exit points.
 - Any signage at the property will be unobtrusive as she does not seek pedestrian traffic.
 - It is important for the applicant to establish a sense of community identity and involvement as well as give a welcoming feel to both parents and children that attend. This type of practice is not well suited to an office type of building that might be typically found in a district zone.
 - Final point - Council policies provide for flexible discretionary approaches to planning matters and she encourages the Council to view the merit of this low intensity family orientated consulting room proposal.
 - Will be happy to accept any reasonable conditions of approval.

7. Matt Selby of 19/432 Beaufort Street Mt Lawley – Item 9.1.6. Stated the following:
 - Recently acquired a property on Chelmsford Road, this application will directly affect him.
 - Chose to live on Chelmsford Road after looking around the Beaufort Street area and felt it was the perfect residential area. Amazed and horrified when it was brought to his attention that this property may be used for commercial use.
 - Will dramatically change the residential area and appeal of Chelmsford Road and if the application is approved it will have a dramatic impact for the worst and penalises the existing ratepayers for the benefit of one person.
 - Feels if the application is approved it significantly detracts from the value and appeal of the area. Financially has an impact on himself.
 - Approving the application will disadvantage loyal ratepayers who rely on the Council to protect their rights.
 - Urged the Council to support the Officer Recommendation to refuse the application.

8. Steve Allarding, Town Planning Consultant of 125 Hammersley Road Subiaco – Item 9.1.6. Stated the following:
 - In favour of the item. Engaged by the applicant and has already provided to Council rationale that was a proposal that was capable and appropriate for approval. Despite the concerns tonight believes they won't eventuate for the type of practice that will operate.
 - Substantively met Council's broader policy framework objectives, contrary to the suggestion of one of the speakers they do not want to demolish the building, they in fact want to regenerate the building. Which is a key objective of the Council.
 - Because of its small scale and specific nature it wouldn't have any undue or adverse impact that has been suggested as being a high traffic environment.
 - Perplexed at the recommendation which recommends refusal essentially based upon one criteria from Council's consulting rooms policy.
 - The purpose of this provision is to protect the District Centre by encouraging uses in the centre rather than on the edge of it. It is important to be aware that the nature of this child psychology clinic is not a use that would locate in a district centre building environment.
 - Lends itself to a low key, residential non intimidating building environment, not an office block.
 - Important aspect is the impact on amenity, believes the question of precedent is a relevant one, but what needs to be considered is none of the boundaries of this property about a residential zoned property, they all about a District Centre or commercial zoned properties and is naturally separated from residential properties by a Right-of-Way.
 - In terms of the nature of this use compared to other ones there has been a previous application which has looked at this, for a proposal of a GP type clinic, this type of use is significantly distinguishable from the sort of application. Previous application looked at short duration patients who could accommodate up to 700 clients whereas here, we are talking about something far more low key and around about 100 clients.
 - Final point, we are talking about a much more low key proposal and the applicant is certainly indicated their willingness to accept reasonable conditions about the number of appointments per hour to ensure that the long term use of this facility cannot be transformed into a higher order consulting room use.

9. Peter Webb of 19 York Street, Subiaco – Item 9.1.2. Stated the following:
- Congratulated the “City of Vincent” on the recent elevation from Town to City.
 - Representing the client in relation to Item 9.1.2.
 - Following their review of the City’s report, they contacted all of the elected member’s to advise of their support for the staff’s report.
 - Note in particular the issues that have been raised by an objecting neighbour, importantly in response to the concerns, they have noted the responses issued by the City’s officers.
 - They feel the City’s professional responses were objective, comprehensive and professional in their opinion.
 - Significantly, they noted the neighbours concern with the number of cars that occasionally visit the site.
 - Advised that the owners have numerous relatives and friends who in addition to their clients are visitors to the property. They visit for social interaction with the residents not just for business purposes.
 - Advised that occasionally clients may attend the site for appointments and may bring relatives or friends. This again, is more of a social event than a hairdressing situation.
 - It is a social property, and is their view that the owners shouldn’t be compromised because of their social life.
 - Believes it is no different to other home occupation uses within the locality which together assist in adding a sense of vibrancy to this part of Mt Lawley.
 - Seek to have the Council support the Officer Recommendation in relation to this matter and thanked the Council for the opportunity to speak.
10. Lyndon Semmens of 182 James Street, Northbridge – Item 9.1.5. Stated the following:
- The Development Application proposes to construct a ‘Pay-Station’ and associated signage only with no new bays proposed as the report indicates. Believes this is the most critical point in relation to the Application as the amenity of the locality cannot be affected, as the site remains unchanged. It is clear to the existing tenant that this Application will remove illegal parking from the site.
 - It is imperative to note that the intent of this development application is to stop illegal parking occurring at the site.
 - The pharmacy use and all car parking bays are already provided in accordance with a previous approval.
 - There is no ‘new’ parking bays proposed, rather the proposal utilises all existing parking bays on the site. This includes an allocation of six (6) dedicated parking bays for the exclusive use of Pharmacy to be available free of charge and at all times, with the remainder of parking bays being short-term payed bays, also free of charge for visitors to the pharmacy (for the first hour).
 - At present, visitors to the pharmacy are unable to find sufficient parking available at the site. They are having to find alternate parking on the street or other near-by parking stations (which are typically payed parking). This alone detrimentally affects the amenity of the locality.
 - It seems to be common practice (particularly on Saturdays) for the car park to be full with non-paying-non-pharmacy users.
 - The lease of the site for the pharmacy use is temporary in nature, being for a period of seven (7) more years. No further extension to this lease is proposed at this juncture. Our Clients are willing to accept a condition that ties the car parking station to the existing pharmacy lease.
 - This application does not prejudice in any way the future development potential of the site, rather the temporary nature of a predominantly open parking area represents a site that is adaptable to change in the short term (5-10yrs).
 - There are two nearby paid-parking stations. It seems illogical for users of the area to use a paid parking bay when they are available “free of charge” at the subject site.

- Understands the City of Vincent are concerned that their recently constructed paid parking bays/pay station on Broome Street (as per Vincent Vision 2024) would be impacted by this proposal. Suggests having paid parking facilities would encourage the use of the new City of Vincent bays if the parking fees are similarly priced.
- It would encourage alternative forms of transport (cycling/public transport etc.) to be used by non-pharmacy users.
- Understands that there is sufficient legal precedent whereby a recommendation to refuse a McDonalds Restaurant along Beaufort Street was overturned by the SAT (citing similar reasons for refusal).

There being no further speakers, Public Question Time closed at approx. 6.35pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Mayor Nick Catania requested leave of absence from 23 July 2011 to 10 August 2011 (inclusive), due to personal commitments.

Moved Cr Maier, Seconded Cr Topelberg

That Mayor Catania's request for leave of absence be approved.

CARRIED UNANIMOUSLY (7-0)

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

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 12 July 2011.

Moved Cr Maier, Seconded Cr Topelberg

That the Minutes of the Ordinary Meeting of Council held 12 July 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Urgent Business

Under the City of Vincent Local Law relating to Standing Orders - Clause 2.11, I have approved of the following items to be considered "Behind Closed Doors" under Urgent Business on tonight's Agenda:

- 14.2 No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, cnr Caversham Road, Perth - Holcim Batching Plant;

- 14.3 No. 71 (Lot 200; D/P: 92012) Edward Street, East Perth - Hanson Batching Plant;
- 14.4 No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth (Beaufort Hotel); and
- 14.5 Opportunity to Purchase Land within the City of Vincent.

The reports relating to the Holcim and Hanson Concrete Batching Plants contain legal and planning advice which if disclosed could adversely affect the City of Vincent's position concerning these Development Applications.

A Council decision concerning these matters is required as a further Directions Hearing is scheduled to be heard at the State Administrative Tribunal (SAT) concerning the Holcim Batching Plant on 29 July 2011.

With respect to the report relating to the Beaufort Hotel matter, the SAT has requested that the Council reconsider and modify a number of conditions and preferably a decision be made before the next meeting in SAT to be held on 28 July 2011.

The opportunity to purchase land only arose last week and the subject land is located in a strategic position within a commercial centre. This report is confidential as information within the report, if disclosed publicly, has a commercial value to a person.

7.2 Planet Ark National Tree Day

The Planet Ark National Tree Planting Day will be held this Sunday, 31 July 2011.

National Tree Planting Day is a community event whereby members of the community and organisations can plant trees to improve the environment.

For information, the Claise Brook Catchment Group will be holding a planting at Hamilton Lake, within the Hamilton Freeway Interchange. The area is under the control of Main Roads and not the City of Vincent. However, I encourage the Vincent community to participate in this event.

The City's Parks & Property Services employees will be completing the planting in and around the reserve area adjacent to the Mitchell Freeway Vincent Street Off Ramp, which has been recently upgraded with new fencing and landscaping.

7.3 Healthway Board - Appointment of Chief Executive Officer

I am pleased to announce the Chief Executive Officer, John Giorgi's appointment to the Healthway Board for a period of three years.

At the Council Meeting held on 22 March 2011, the Council endorsed the Chief Executive Officer's nomination as the Western Australian Local Government Association's representative on the Healthway Board.

The Healthway Board was established under Section 15 of the Tobacco Control Act 1990 and operates the Tobacco Products Control Act 2006.

Healthway is an independent Statutory Body responsible to the Minister for Health and its objectives are;

- To fund activities that promote health, particularly that of young people;
- To provide grants to organisations engaged in health promotion programmes and research; and
- To offer sponsorship for sport, arts and racing activities which encourage healthy lifestyles.

It distributes almost \$20 million a year in sponsorship and funding grants.

The Chief Executive Officer has qualifications in environmental health and was the former President of the Western Australian Institute of Environmental Health and National Vice-President for a number of years, as well as management qualifications. He is, therefore, well qualified for the position.

May I take this opportunity, on behalf of the Council, to congratulate the Chief Executive Officer on his appointment and wish him well in his role as a Board Member.

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Topelberg declared an Impartiality interest in Item 9.2.2 – Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets and Associated Side Streets, Perth. The extent of his interest being that his family owns a property on William Street that is located within the proposed closure area for the Pride Parade.
- 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 City has investment shares.
- 8.3 Cr Burns declared a Financial interest in Item 9.1.2 – No. 52 (Lot 3; STR: 28487) Forrest Street, Mount Lawley - Proposed Reconsideration of Conditions and Renewal of Home Occupation (Hairdresser). The extent of her interest being that she has utilised the business located at this address and her husband often utilises the business located at this address. Cr Burns requested approval to participate in the debate on the matter.

At 6.40pm Cr Burns departed the Chamber whilst her request concerning her declaration of interest was being considered.

Moved Cr Maier, Seconded Cr Buckels

That Cr Burns' request to participate in debate in Item 9.1.2 – No. 52 (Lot 3; STR: 28487) Forrest Street, Mount Lawley - Proposed Reconsideration of Conditions and Renewal of Home Occupation (Hairdresser), be approved.

CARRIED UNANIMOUSLY (6-0)

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

Cr Burns returned to the Chamber at 6.41pm. The Presiding Member, Deputy Mayor Cr Sally Lake advised Cr Burns that her request was approved (6-0).

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

Nil.

10. REPORTS

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

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

Items 9.1.3, 9.1.2, 9.1.6 and 9.1.5.

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

Items 9.1.1, 9.4.3, 9.4.4 and 9.4.5.

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

Items 9.1.2 and 9.3.1.

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

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

Cr Farrell	Nil.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr Harvey	Nil.
Cr Burns	Nil.
Cr Maier	Item 9.2.1
Cr Lake	Nil.

The Presiding Member, Deputy Mayor Cr Sally Lake, 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 9.1.4, 9.1.7, 9.2.2, 9.2.3, 9.3.2, 9.4.1, 9.4.2 and 9.4.6.

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

Items 14.1, 14.2, 14.3, 14.4 and 14.5.

Cr Farrell departed the Chamber at 6.42pm.

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 9.1.4, 9.1.7, 9.2.2, 9.2.3, 9.3.2, 9.4.1, 9.4.2 and 9.4.6.

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

Items 9.1.3, 9.1.2, 9.1.6 and 9.1.5.

- (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 Burns Seconded Cr Maier

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

Items 9.1.4, 9.1.7, 9.2.2, 9.2.3, 9.3.2, 9.4.1, 9.4.2, 9.4.6.

CARRIED UNANIMOUSLY (6-0)

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

9.1.4 Nos. 404-406 (Lot 416; D/P: 2878) Oxford Street, Mount Hawthorn - Proposed Change of Use from Eating House with Ancillary Storage Facility and Shop to Unlisted Use (Small Bar) with Ancillary Storage and Shop

Ward:	North	Date:	13 July 2011
Precinct:	Mount Hawthorn Centre Precinct; P2	File Ref:	PRO3218; 5.2011.195.1
Attachments:	001 - Property Information Report and Development Plans		
Tabled Items:	Applicant's submission and associated documentation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by V C & I Lawless on behalf of the owner G & D R Rocca for Proposed Change of Use from Eating House with Ancillary Storage Facility and Shop to Unlisted Use (Small Bar) with Ancillary Storage and Shop at Nos. 404-406 (Lot 416; D/P: 2878) Oxford Street, Mount Hawthorn, and as shown on plans stamp-dated 13 May 2011, subject to the following conditions:

1. **Building**

- 1.1 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 Oxford Street; and
- 1.2 The windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage to this street;

2. **Fencing**

- 2.1 Any new street/front wall, fence and gate within the Oxford Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;

3. **Signage**

- 3.1 All signage that does not comply with the City'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 City prior to the erection of the signage;

4. **Car Parking**

- 4.1 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 City;

5. **Use of the Premises**

- 5.1 The maximum patronage for the premises shall be 43 persons;
- 5.2 Packaged liquor shall not be sold at the premises; and
- 5.3 No live bands shall perform at the premises;

6. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

6.1 **Refuse and Recycling Management Plan**

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

7. **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the following shall be submitted to and approved by the City:**

7.1 **Cash-In-Lieu of Car Parking**

The owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

7.1.1 pay a cash-in-lieu contribution of \$9,858 for the equivalent value of 3.18 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

7.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$9,858 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
- (b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- (c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

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

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**

8.1 **Management Plan**

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 City, and thereafter implemented and maintained. In addition, venue management is to ensure regular attendance at 'Vincent Accord' meetings and compliance with the Accord's strategies. In particular, display of the 'Vincent Accord' Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details).

COUNCIL DECISION ITEM 9.1.4

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (6-0)

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

Landowner:	G & D R Rocca
Applicant:	V C & I Lawless
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Eating House with Ancillary Storage and Shop
Use Class:	Unlisted Use (Small Bar) with Ancillary Storage and Shop
Use Classification:	"SA" and "P"
Lot Area:	445 square metres
Right of Way:	Eastern side, 5 metres wide, sealed, City owned.

PURPOSE OF REPORT:

The application is presented to a meeting of Council due to a shortfall of more than five (5) car parking bays and that a Small Bar is an unlisted "SA" use.

BACKGROUND:

22 November 1994 The City of Vincent approved the change of use of the existing eating house currently on the subject site from shop to an eating house in order to accommodate seating within the premises.

DETAILS:

The proposal involves the Change of Use of the Eating House on-site to an Unlisted Use (Small Bar) at Nos. 404-406 Oxford Street, Mount Hawthorn.

The proposed hours of operation for the Small Bar element are: Monday to Tuesday 4-11pm, Wednesday to Saturday 4-12am, and Sunday 4-10pm. The maximum number of employees would be limited to two (2) employees. The City's Health Services have advised that the maximum number of people to occupy the premises is to be 43 given the small bar's floor area of 37.2 square metres.

The site proposes six (6) car parking bays on-site, including one (1) as a disabled bay accessed directly from the eastern right of way.

There are no proposed changes to the external façade, while internally; a bar is proposed to be installed with bar fridge, cheese cabinet, audio system and security alarm. Entertainment will be limited to background music with no requirement for extra amplification.

The applicants have provided a submission in support of this application, which is attached as a tabled item.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Non-Compliant Requirement:	"P" Permitted	Small Bar - 'SA'
Officer Comments:		
<p>Supported - It is noted that Oxford Street has been identified as an Activity Corridor, and there is currently a lack of after-hours activity at the northern end of Oxford Street, aside from the Oxford Hotel. In addition, the property is zoned Commercial and is ideally placed to assist and catalyse future revitalisation of this commercial area.</p>		
Car Parking:	9.18 car bays	6 car bays
Officer Comments:		
<p>Supported – See "Comments" section.</p>		
Mount Hawthorn Centre Precinct Policy:	Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets. Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces. They should, therefore, be located underground or at the rear of properties.	6 car bays at the rear of the subject property.
Officer Comments:		
<p>Supported – See "Comments" section.</p>		
Non-Residential Development Interface Policy:	The City may consider an application for a non-residential or mixed use (that is, residential and commercial) development on land immediately adjacent to residential areas where it is demonstrated that there is minimal impact on adjoining and nearby land uses.	Commercial development directly adjacent to residential properties at the rear, on the other side of the right of way.
Officer Comments:		
<p>Supported - The use of the premises as a lunch bar has been established for a considerable time. The Council's land use records indicate the premises being used as a "shop coffee lounge" since 1975. It currently has six (6) car parking bays accessed from the right of way.</p> <p>It is noted that the property is zoned Commercial. The proposed small bar will only be for a maximum of forty-three (43) patrons; therefore, is a relatively low intensity of use which is intending on promoting conversation between patrons. In addition, background music will be played but not in the form of live bands etc, therefore, will add to the patrons experience without dominating the space and competing with the ability of patrons to be able to converse effectively with one another, while also not causing any undue noise concerns to the adjoining residential properties. The small bar is located at the front of Oxford Street. As a result, the impact of the small bar on the adjoining residential properties which are located on the opposite on the rear (eastern) right of way is reduced.</p> <p>Given the number of businesses located in this vicinity and the commercial nature of the Mount Hawthorn Town Centre Precinct and that Oxford Street is an identified Activity Corridor, the proposed use is supported.</p>		

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

Consultation	
In Support:	Three (3). Also a petition containing 109 signatures was submitted to the City (provided to Council Members only).
Comments Received	Officer Comments
<ul style="list-style-type: none"> A sophisticated, tasteful small bar can only enhance the culture and feel of a fairly desolate inner city area. 	<p>Supported - Oxford Street has been identified as an Activity Corridor, and there is currently a lack of after-hours activity at the northern end of Oxford Street, aside from the Oxford Hotel. Therefore, the proposed development is seen to enhance the area while at the same time causing no undue amenity impacts on the adjoining residential areas.</p>
Objections:	Four (4)
Comments Received	Officer Comments
<ul style="list-style-type: none"> The noise already experienced every weekend from those exiting the Paddington Ale House and going to Leederville is excessive enough. Bringing the noise directly outside our bedroom window will threaten that. This includes music, people leaving the bar, shouting, cars leaving at all hours and breaking glass. The parking at our apartment block is already inadequate, and the proposal has not allowed enough spaces on its own lot (6 instead of the standard 12) for the number of people frequenting the bar. This will make it even harder for friends/family to find parking near our home. Given the size of the Paddington Ale House, as well as the Oxford Hotel, yet another drinking place would only further erode the local amenity for business-owners, residents and customers. 	<p>Not Supported – There will be no live bands or loud music from the premises. Entertainment is proposed to be limited to background music and set to a volume where patrons are able to communicate with ease. In addition, the City's Health Services is able to action complaints under the Environmental Protection (Noise) Regulations 1997 and the applicants have advised that a detailed environmental and noise impact assessment can be provided.</p> <p>Supported in Part - As a result of the shortfall in car parking proposed, a cash-in-lieu payment of \$9,858 has been recommended as a condition of Approval. Given the proposed hours of operation of the small bar element of the site from 4pm till 11pm on Monday to Tuesday, 4pm till 12am on Wednesday to Saturday and 4pm till 10pm on Sunday, and the location of the Oxford Street and Flinders Street Car Parks, providing a total of 62 car parking bays within 400 metres of the site, in conjunction with street car parking and close proximity to public transport, the proposed car parking shortfall of 3.18 car bays is supported, in accordance with the City's Parking and Access Policy.</p> <p>Not Supported - The Mount Hawthorn Centre Precinct is intended to continue in its principal role of serving the retail, general commercial and community needs of the residents and workers in surrounding suburbs. The proposed use of the premises as a Small Bar, Shop and Storeroom is supported in this precinct as Oxford Street has been identified as an Activity Corridor, and there is currently a lack of after-hours activity at the northern end of Oxford Street, aside from the Oxford Hotel and if supported, the property is ideally placed to assist and catalyse future revitalisation of this commercial area.</p>

Consultation	
<ul style="list-style-type: none"> The mess and litter that includes broken glass and beer bottles outside our home is already problem enough from people leaving the Paddington Ale House, so having a bar across the road would make that even worse. 	<p>Not Supported - As part of this application, the tenants will be required to maintain the premises. As such, a Refuse and Recycling Management Plan is required, as outlined in condition 6.1. In addition, prior to the first occupation of the site, a detailed management plan will be required to be submitted to address the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development.</p>
Neither Support/Object:	
Comments Received	Officer Comments
<ul style="list-style-type: none"> Development does not have any parking for the proposed use. Since when are parking bays one behind the other considered useful? 	<p>Not Supported – The proposed development provides six (6) car parking bays on-site.</p> <p>Not Supported – The City's Technical Services have assessed the car parking layout proposed and deemed it compliant with the requirements.</p>
Advertising	Advertising for the proposal for a period of 21 days was carried out as per the City's Policy 4.1.5 relating to Community Consultation.

Car Parking	
<p>Car parking requirement (nearest whole number)</p> <p>Proposed Small Bar (1 space per 4.5 persons to a maximum number of persons approved for the site (120))</p> <p>The City's Health Services has advised that the maximum number of people to occupy the premises is to be 43 given the small bar's floor area of 37 square metres.</p> <ul style="list-style-type: none"> Small Bar allowed maximum number of people is $43/4.5 = 9.55$ car bays <p>Existing Shop (1 space per 15 square metres of gross floor area)</p> <p>Gross Floor Area = 45 square metres Parking Required = 3 car bays</p> <p>Total car bays required = 12.55 car bays</p>	<p>13 car bays (nearest whole number)</p>
<p>Apply the adjustment factors:</p> <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop/station) 0.90 (within 400 metres of a car park within excess of 50 car parking spaces) 	<p>(0.765)</p> <p>9.945 car bays</p>
<p>Minus the car parking provided on-site</p>	<p>6 car bays</p>
<p>Minus the most recently approved on-site car parking shortfall (as per the City of Vincent Council Minutes dated 22 November 1994, a shortfall of 1 car bay was approved on-site) 1×0.765(adjustment factor)</p>	<p>0.765 car bays</p>
<p>Resultant shortfall</p>	<p>3.18 car bays</p>

Bicycle Parking		
Small Bar	• 1 space per 100 square metres (Public Area): Class 1 or 2 (0.37 = Nil Required)	Nil Provided.
	• 2 spaces plus 1 space per 100 square metres (Public Area): Class 3 (Nil Required)	Nil Provided.

Given the only change of use on-site is from Eating House to Small Bar, as the existing Shop use remains, no bicycle parking has been calculated for the Shop.

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

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.

Mount Hawthorn Centre Precinct

The Mount Hawthorn Centre Precinct is to continue in its principal role of serving the retail, general commercial and community needs of the residents and workers in surrounding suburbs with the shopping area forming its focus. The proposal for the use of the premises as a Small Bar, Shop and Storeroom is supported in this precinct as Oxford Street has been identified as an Activity Corridor, and there is currently a lack of after-hours activity at the northern end of Oxford Street, aside from the Oxford Hotel and if supported, is ideally placed to assist and catalyse future revitalisation of this commercial area.

In addition, adequate car parking, in the form of six (6) car bays, including one (1) disabled bay is provided. The site is located in a highly accessible precinct which is conveniently located to public transport facilities and has suitable parking facilities within close proximity, ensuring that there will be no undue impact on the adjoining residential properties as a result of a lack of car parking facilities nearby.

Parking

The proposed parking provisions for a Small Bar establishment, according to the City's Parking and Access Policy require 1 space per 4.5 persons of the maximum number approved for the site. Based on this requirement, along with the existing uses on site, provides for a total car bay shortfall to the requirements of the City of Vincent Parking and Access Policy 3.7.1 of 9.18 car bays or an additional 3.18 car bays to the existing approved car parking shortfall on-site.

Given the proposed hours of operation, after 4pm on Monday to Sunday, for the small bar element of the site, 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 Oxford Street would be closing for the day. It is considered that the proposed Small Bar would be able to utilise the greater proportion of the on-street and public car parking bays available after this time for clientele.

The City'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 City already provides off-street public car parking which has spare capacity, or the City 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 within 50 metres of the Oxford Street Car Park located to the south of the subject site, with access via a laneway. The Oxford Street Car Park includes thirty-two (32) free car parking bays. In addition, to the north west of the site within 400 metres, off Scarborough Beach Road, is the Flinders Street Car Park which also provides thirty (30) car parking bays. It is noted that whilst the small bar entrance is from Oxford Street, the six (6) car parking bays provided on-site are accessed via the rear of the site and, therefore, do not visually detract from the public environment or character of the area.

Clause 22 (ii) of the City'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 a shortfall in car parking were to be supported, cash-in-lieu payment would be required. The cash-in-lieu payment required would be \$3,100 per bay based on the 2011/12 fees; \$9,858 in this instance.

In light of the above, the proposal satisfies the Parking and Access Policy for cash-in-lieu, and it is not considered that the small bar's scale and nature will have an undue impact on the amenity of the area.

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

9.1.7 Further Report - Prostitution Bill 2011

Ward:	Both Wards	Date:	15 July 2011
Precinct:	All Precincts	File Ref:	ENS0060
Attachments:	CONFIDENTIAL – Existing Sexual Service Businesses		
Tabled Items:	Prostitution Bill 2011		
Reporting Officers:	N Wellington, Development Compliance Officer S Teymant, Acting Manager Health Services M Wood, Co-ordinator Safer Vincent D Mrdja, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the further report relating to the Prostitution Bill 2011; and
2. **ADVISES** the Office of the Attorney General of its comments relating to the Prostitution Bill 2011, as detailed in this Report.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

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

FURTHER REPORT:

The Council at its Ordinary Meeting held on 12 July 2011 resolved as follows:

“That the item be DEFERRED to allow the City’s Administration to prepare a submission to the Office of the Attorney General, for consideration for the next Ordinary Meeting of Council to be held on 26 July 2011.”

A full copy of the report considered at the Ordinary Meeting held on 12 July 2011, can be found at http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

Further comments have been received from Council Members, and consultation with the City of Perth, City of Joondalup and City of Kalgoorlie-Boulder has been undertaken by the City’s Officers. This has resulted in substantial changes to the City’s submission, which is detailed below.

SUBMISSION TO THE OFFICE OF THE ATTORNEY GENERAL:

Licensing

The City’s Coordinator Safer Vincent participates in the project working group known as Magenta – Sex Worker Support Project (‘Magenta’) established by Family Planning Western Australia, which currently works with the industry in a cooperative manner to improve the health and safety of sex workers.

From the City's involvement with Magenta, it is understood that the widespread concern among sex workers is the 'registration' requirements currently proposed within the Draft Bill. The information expressed during working group meetings is that the overwhelming majority of sex workers have serious concerns about confidentiality, and the negative effect that confidentiality leaks/disclosure may have on sex workers futures; particularly in areas such as employment, legal representation and other settings where such information could result unfavourable biases.

As a result, the industry view expressed through Magenta is that should the current proposed registration requirements be imposed, it is likely that the following outcomes will occur:

- Some workers will simply not register and instead find other ways to continue operating, such as 'street walking';
- It is likely that there will be an increase in unregistered workers acting as escorts - a mode of sex work that poses an increased safety risk to the worker, due to work being performed in isolation at a location chosen by the client; and
- Some of the industry will continue to operate 'underground' which will defeat the purpose of current attempts to improve regulation of the industry and the efforts of the Magenta – Sex Worker Support Project to deliver better health and safety outcomes to the industry.

To allay these concerns, Magenta suggests that the licensing process be less onerous than currently proposed. Paper licenses with no photographs and without the need for fingerprinting is believed to be one such way that the anonymity of sex workers could be better protected.

The City is concerned that the licensing requirements may be too stringent and actually have the unintended and negative effect of pushing sexual services further underground; in particular, it is anticipated that the number of street sex workers operating in local streets/communities will increase.

Instead of Prostitutes being licensed under the Police Act 1892, prostitutes may feel more compelled to become registered if licensed by the Department of Health's Sexual Health and Blood-borne Virus Branch under the Health Act 1911. It is considered that this subtler approach to governance and compliance would tie in well with sexual health education and monitoring, and help minimise prostitution from being forced further underground.

Any new legislation should provide a contingency measure to ensure that on-street based sex work does not become more prevalent. To ensure that this does not occur, what strategies will be put in place to ensure that street work, being a more problematic mode of sex work, does not become more prevalent, needs to be addressed by the State Government.

It is further suggested that provision be made for the Department of Racing, Gaming and Liquor to liaise with the local government when considering licence renewal applications, with regard to the way in which the business has been conducted, whether it has been the subject of substantive complaints from residents, and whether the continuation of the business is likely to have any negative impact, or affect the amenity of the neighbourhood.

Planning and Development Controls

Clause 74 – No prostitution businesses in residential or special use areas

The draft Bill defines a Residential area as:

“residential area means an area, zone or precinct, however described, in which the use of land for residential purposes is permitted by the applicable planning scheme without the need for development approval, as long as any development standards in the scheme that apply to the use are complied with;”

Under clause 33 (e) of the City of Vincent Town Planning Scheme No. 1, a single house is the only residential land use that is exempt from Planning Approval provided the development complies with the Residential Design Codes. Given a single house is a 'P' use in a Residential, Residential/Commercial, Commercial, Local Centre and District zones, prostitution businesses will not be permitted in any of these zones.

It is noted that the areas obtained from the City of Stirling, City of Perth and the former EPRA area, all differ in their requirements for Planning Approval and whether or not a residential use is a 'P' use. The Town Planning Schemes of the City of Stirling and former EPRA area state that Planning Approval is required for residential where residential is 'P' use. Therefore, these areas are exempted from the definition of 'Residential Area' and have a possibility for a prostitution business.

Whilst the City considers that the Attorney General could tighten the definition of 'Residential Area' to ensure that any zone where residential is permitted, regardless whether or not Planning Approval is required, shall be exempted from having a prostitution business, it is noted that a requirement in the Bill states that *'within 100m of a residence, or 200m of a protected place, will not be permitted to be used for any prostitution business in any circumstances'*. Hence, it is unlikely any of the lots within the Hamilton Precinct and the EPRA and City of Stirling areas will be further than 100 metres of any dwelling or 200 metres of a protected place and, therefore, are unlikely to be permitted in this precinct.

Furthermore, the City of Perth City Planning Scheme No. 2 defines the West Perth area obtained by the City of Vincent as the Hamilton Precinct. It is noted that in this precinct a residential use is a 'Contemplated Use' and not a "Permitted Use" Therefore, under the current definition; prostitution businesses could be considered in this area. However again, given the Bill states that *'within 100m of a residence, or 200m of a protected place, will not be permitted to be used for any prostitution business in any circumstances'*, it is unlikely any of the lots will be further than 100 metres of any dwelling or 200 metres of a protected place and, therefore, are unlikely to be permitted in this precinct.

The Bill is silent on the approved hours of operation for prostitution businesses. The City recommends that guidance on the permitted hours of operation should be provided to Local Government, in addition to clarification of whether Local Government will be able to stipulate and enforce hours of operation through existing local development approval processes;

Clause 166 – Planning requirements as to existing prostitution businesses

The draft Bill considers that existing inappropriately situated businesses may be permitted to operate for up to 18 months if the CEO (Department of Racing, Gaming and Liquor) is satisfied that the land was being used for the prostitution business as at commencement day of the Act, and had been so used on a continuous basis since 6 September 2008 or earlier; and having regard to all the matters mentioned in subsection (5), that the business is being, and will continue to be, managed appropriately.

It is considered that there are four (4) known, established sexual services businesses in the City of Vincent that would fall within this category. These businesses have operated in these locations for a number of years, and well before 6 September 2008. All four premises operate from sites with approval for "consulting rooms" approved by the former City of Perth.

The City receives very few complaints regarding these establishments, and would therefore consider supporting their retention on a permanent basis. It is recommended that provisions be considered for these existing established businesses to be included in an exclusion zone or dealt with in a similar fashion to 'non-conforming' or 'exempted' or 'special' uses.

Whilst there is some concern that existing businesses may endeavour to expand their operations in line with the criteria relating to the size of the business detailed in clause 58 of the Bill, the City is of the view that should businesses wish to do this, there must be a requirement for local planning approval to be issued prior to any such expansion of the existing business.

Enforcement

The City notes that Police will be responsible for dealing with public complaints about unlawful prostitution and, where their involvement becomes necessary, enforcing the law with respect to offences under the Act, and that the City's Officers will not be involved in the enforcement of this legislation.

It is noted that a closure notice may be issued by the Police, in relation to a specified place if the Commissioner of Police has received a written complaint from a local government, alleging that a place is being used for a prostitution business.

Protecting vulnerable people

The City's Health Services understand the developmental effects that childhood exposure to adult related activities such as alcohol use, smoking and violence can have over the short and longer terms. As such, safeguards put in place to deal with 'vulnerable people' within the Bill, and particularly in relation to children, are considered to be a sensible approach.

Health

Regulation of the Prostitution Industry is strongly supported by the City's Health Services, as it provides an opportunity to put legitimate processes in place for the monitoring of health and safety standards at brothels, and within the profession more generally. At present, there are no current regulatory requirements in place to compel safe and hygienic practices being implemented at brothels.

COMMENTS:

It is recommended that the Council approve the Officer Recommendations detailed within this report.

9.2.2 2011 Pride Parade – Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets and Associated Side Streets, Perth

Ward:	South	Date:	14 July 2011
Precinct:	Forrest P14, Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001 – Map of Road Closures		
Tabled Items:	Nil		
Reporting Officers:	T Lumbis, Executive Secretary Technical Services C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. APPROVES:

- 1.1 the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 19 November 2011, to facilitate the 2011 Pride Parade;
- 1.2 a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the City at the locations shown on attachment 9.2.8;
- 1.3 funding the proposed road closures from the 2011/2012 Parades and Festivals budget allocation, to a maximum of \$4,500, conditional upon the applicant acknowledging the City of Vincent as a sponsor in all publicity for the parade; and
- 1.4 a temporary “No Parking” restriction in the area outlined in clause 1.1 above from 2.00 pm and progressively removed during the event on Saturday, 19 November 2011; and

2. REQUESTS that the applicant:

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

COUNCIL DECISION ITEM 9.2.2

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to close Brisbane and William Streets, Perth, and sections of the surrounding road network, between the hours of 6.00pm and 9.30pm on Saturday, 19 November 2011, to facilitate the 2011 Pride Parade.

BACKGROUND:

Pride WA has successfully held their annual Pride Parade through the streets of Northbridge for the past twenty (20) years. Last year the parade drew an estimated crowd of 40,000 people, making it one of the largest public events in metropolitan Perth.

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

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

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

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

DETAILS:

As in 2010, the area to be temporarily closed to facilitate the 2011 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on the attached plan.

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

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

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

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

Concert at nib Stadium on 19 November 2011

The 'Kings of Leon' concert is scheduled to be held at *nib Stadium* on the same night, drawing a potential crowd of up to 18,000 people.

This last occurred with the Luciano Pavarotti concert in October 2005.

While there were concerns raised at the time as to the likely adverse impact of two significant events within close proximity, very few issues arose from the two (2) events running concurrently.

As the road closures for the Pride Parade are largely in place before the majority of the concert crowd arrive any additional traffic (generated by the concert) is already under the direction of traffic controllers.

In respect of the reopening of the roads at the conclusion of the parade this will occur approximately an hour (if not earlier) before the concert finishes.

The *nib Stadium* venue managers are responsible for the road closures in the streets abutting the stadium at the conclusion of the concert, which are inserted approximately 30 minutes prior (i.e. 10 pm for a 10.30 finish).

The WA Police Service's Public Events section are aware of the 'double' booking but have verbally advised that if managed properly, they (the Police), do not see it being a problem. However to ensure that a co-ordinated approach is adopted the City will arrange a meeting of *nib Stadium's* Traffic Management contractor with that of the City's of Vincent and Perth contractors and the WA Police Services Public Events section.

In respect of parking demand anecdotal evidence suggests that a majority of crowd specifically attending the Pride Parade tend to utilise the City of Perth parking as that is where the majority of the crowd is concentrated, the southern end of William Street and James Street.

In respect of the concert crowd it would be expected that they will park in the available spaces in the vicinity of nib stadium as currently occurs.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: No significant risk implications.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

Objective 3.1: Enhance and promote community development and wellbeing.

3.1.5: "Promote and provide a range of community events to bring people together and to foster a community way of life."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the twenty-seven (27) road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and dismantling), will cost in the order of \$4,500.

COMMENTS:

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

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the main body of the report to accommodate the 2011 Pride Parade on 19 November 2011.

9.2.3 Robertson Park – Created Wetland Progress Report No. 3

Ward:	South	Date:	15 July 2011
Precinct:	Hyde Park P13	File Ref:	RES0066
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	C Chaudhry, Project Officer – Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council NOTES that:

1. soil and water testing was carried out in the Robertson Park Wetland in June 2011;
2. the results indicated that the level for lead, copper and selenium in the wetland ranged from 'within and marginally outside' the acceptable ANZECC water quality guideline levels;
3. the measured concentration of metals within the wetland pose no significant risk to the public given the area's current use and form; and
4. the erection of signage as previously recommended is not considered necessary at this point in time as there is no significant risk to public health.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (6-0)

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

PURPOSE OF REPORT:

The purpose of the report is to update Council on the outcome of soil and water quality monitoring carried out at Robertson Park Artificial Wetland. This was after Council members raised the issue of Chlorosis occurrence on certain plant species at Robertson Park.

BACKGROUND:

At the Ordinary Council Meeting on the 24 May 2011 a further report was presented in relations to the Robertson Park created wetland where the following decision was made:

"(i) NOTES that:

- (a) *the Edith Cowan University Natural Sciences Department has investigated the Robertson Park - Created Wetland site and have determined that there is no risk of any ill toxicological affects to the general public from materials contained in the top soil layer of the created wetland at Robertson Park;*
- (b) *no further action is recommended with regard to further sampling given the high cost involved (\$22,000 - \$30,000) and the likelihood that further testing may not identify the possible cause/s of the yellowing or chlorotic of the foliage of one particular plant species;*

- (ii) *ENDORSES undertaking the following ‘alternative’ actions as recommended by Edith Cowan University Natural Sciences Department (as outlined in detail in the report);*
 - (a) *sampling, plant replacement, supplementary summer watering and pest identification/monitoring of the affected plant species to determine or rule out causes of the chlorosis to be carried out ‘in house’; and*
 - (b) *the installation of appropriate signage around the Robertson Park - Created Wetland site in liaison with the Department of Environment and Conservation;*
- (iii) *ADVISES the Department of Environment and Conservation, the Department of Health and the Claisebrook Catchment Group of its decision; and*
- (iv) *RECEIVES a further progress report/s on the matter if required.”*

DETAILS:

The City’s Project Officer – Environment has carried out water and soil monitoring in the Robertson Park wetland in June 2011.

The results of the testing indicated that the level for lead, copper and selenium in the wetland ranged from ‘within and marginally outside’ the acceptable ANZECC water quality guideline levels.

The levels of metals which were marginally outside the guidelines, for part of the year, do not pose a risk to human health for a park and reserve area as per the relevant Environmental and Health Investigation Levels Schedule (7) NEPM standards. *(Refer to the table below for actual period ranges in June 2011 compared against ANZECC AND NEPM S(7) Levels).*

Analyte (Water)	Actual Period Range	ANZECC Investigation Levels
Lead	3.2 - 5.4 ug L-1	5.0ugL-1
Copper	2.8 - 4.1 ug L-1	5.0ugL-1
Selenium	4.4 - 5.0 ug L-1	5.0ugL-1
Analyte (Sediment)	Actual Period Range	S(7) NEPM Investigation Levels
Lead	1,200 - 1,450mg/kg	1,220mg/kg
Copper	2,381 - 4,346mg/kg	4,000mg/kg
Selenium	4.3 - 5.6mg/kg	5mg/kg

Signage Consultation

The current results revealed that there were only slightly elevated levels of lead, copper and selenium existing in Robertson Park Wetland. The Council decision of 24 May 2011 was to erect signage around the wetland warning of possible risk to park users.

Officer’s Comment

Following the recent testing it is considered that the erection of signage should be placed on hold for now. It is considered that signage should only be erected if the concentrations fall into a major risk categories, as per the NEPM and ANZECC Water quality guidelines.

Chlorotic Vegetation Condition

The Chlorotic condition in the wetland has partially improved over the last 2 months due to intermittent rainfall. This would indicate that the Chlorosis is being caused by the lack of natural water flowing into the artificial wetland. This is a common problem in most wetlands in the Swan Coastal Plain with the changing rainfall patterns, duration, amount and intensity being experienced over the last 10 years.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

As part of the Contaminated Sites Act 2003, it is requirement for the City to report a site as a known contaminated site to the Department of Environment and Conservation (DEC). In accordance with the Act if a site poses no immediate or long term risk to human life and any contamination can be contained in the immediate area, no clean up or further actions is required.

RISK MANAGEMENT IMPLICATIONS:

Low: Whilst there is some lead and selenium in the Wetland there is no significant risk to the public given the area's current use and form.

STRATEGIC IMPLICATIONS:

The City's Strategic Community Plan 2011-2016 states:

"Natural and Built Environment"

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

1.1.5 "Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe sustainable and functional environment."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

Further soil and water analysis of the Robertson Park Wetland has indicated that only slightly elevated Lead, Copper and Selenium levels are present. The wetland comprises an 'artificial wetland' and the levels of the two contaminates present are typical in this type of system.

Further reports will be submitted to the Council on the matter, if and when required.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 June 2011

Ward:	Both	Date:	15 July 2011
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	Vouchers, supporting invoices and other relevant documentation		
Reporting Officers:	A Siapno, Finance Officer – General; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 June – 30 June 2011 and the list of payments;
2. direct lodgement of payroll payments to the personal bank account of employees;
3. direct lodgement of PAYG taxes to the Australian Taxation Office;
4. direct lodgement of Child Support to the Australian Taxation Office;
5. direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. 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 Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

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

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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 June to 30 June 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 City'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:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	070174-070370	\$334,177.92
Transfer of Creditors by EFT Batch	1242, 1243, 1245-1247 1249, 1250, 1252, 1253	\$3,456,727.17
Transfer of PAYG Tax by EFT	June 2011	\$211,372.15
Transfer of GST by EFT	June 2011	
Transfer of Child Support by EFT	June 2011	\$804.58
Transfer of Superannuation by EFT:		
• City of Perth	June 2011	\$27,710.64
• Local Government	June 2011	\$110,949.04
Total		\$4,141,741.50
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,347.93
Lease Fees		1,318.32
Corporate Master Cards		\$9,501.91
Loan Repayment		\$56,737.45
Rejection Fees		\$27.50
Total Bank Charges & Other Direct Debits		\$72,933.11
Less GST effect on Advance Account		0.00
Total Payments		\$4,214,674.61

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 2011-2016:

- “4.1 Provide good strategic decision-making, governance, leadership and professional management:*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

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.

COMMENTS:

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.

9.4.1 Audit Committee - Receiving of Unconfirmed Minutes - 7 July 2011

Ward:	-	Date:	12 July 2011
Precinct:	-	File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 7 July 2011, as shown in Appendix 9.4.1.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 7 July 2011.

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;*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

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 City's Strategic Plan 2011-2016 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the City's internal Audit Committee minutes to the Council Meeting is a legal requirement of the Local Government Act 1995 and regulations and in keeping with the Audit Charter.

**9.4.2 Strategic Plan 2011-2016 – Progress Report for the Period
1 April 2011 – 30 June 2011**

Ward:	-	Date:	15 July 2011
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2011-2016 for the period 1 April 2011 – 30 June 2011 as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April 2011 – 30 June 2011.

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2011-2016. The reporting on a quarterly basis is in accordance with the Strategic Plain 2011-2016 Key Result Area.

This is in keeping with the City's Strategic Plan 2011-2016 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.4.6 Information Bulletin

Ward:	-	Date:	15 July 2011
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 26 July 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

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

DETAILS:

The items included in the Information Bulletin dated 26 July 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter of Appreciation from Double Lucky regarding the support and approval of sponsorship for 'Double Lucky Re-Lick'
IB02	Letter of Appreciation from Maxine Davies regarding the Library and Local History Centre
IB03	Email of Appreciation from K & C Trouchet regarding Art Tour
IB04	Letter of Appreciation from Mayor Joe Delle Donne, City of Canning regarding Queen's Birthday 2011 Honours List and City Status
IB05	Congratulatory letter from City of Joondalup regarding City Status
IB06	Congratulatory letter from City of Cockburn regarding City Status
IB07	Congratulatory letter from City of Swan regarding City Status
IB08	Congratulatory letter from Town of Cambridge regarding City Status
IB09	Ranger Services Statistics for April, May and June 2011 (PER0018)
IB10	Progress Report on Local History Collection: January to June 2011
IB11	Walcott Street Underground Power Project Business Report
IB12	Unconfirmed Minutes from the Universal Advisory Group Meeting held on 29 June 2011
IB13	Minutes of the Mindarie Regional Council Meeting held on 7 July 2011
IB14	Minutes of the Local Area Traffic Management Advisory Group Meeting held on 16 June 2011

9.1.3 No. 36 (Lot 72; D/P: 2355) Burt Street, North Perth – Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Single Houses

Ward:	South	Date:	13 July 2011
Precinct:	Norfolk; P10	File Ref:	PRO5400; 5.2011.138.2
Attachments:	001 – Property Report and Development Application Plans		
Tabled Items	Nil		
Reporting Officer:	D Mrdja, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Plunkett Homes Pty Ltd on behalf of the owner Cajj Holdings Pty Ltd & FA Lighthouse Pty Ltd for proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Single Houses, at No. 36 (Lot 72; D/P: 2355) Burt Street, North Perth, and as shown on plans stamp-dated 23 May 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Burt Street and Norfolk Street;
3. Any new street/front wall, fence and gate within the Burt Street and Norfolk Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
5. First obtaining the consent of the owners of No. 38 Burt Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 38 Burt Street in a good and clean condition;
6. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

6.1 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 City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

6.2 Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the City'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:

- 6.2.1 the location and type of existing and proposed trees and plants;
- 6.2.2 all vegetation including lawns;
- 6.2.3 areas to be irrigated or reticulated and such method;
- 6.2.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.2.5 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

6.3 Subdivision of Land

The conditions of either of the two proposed green title subdivisions (reference numbers 143528 and 143562) approved by the Western Australian Planning Commission on 21 March 2011, shall be cleared, and Certificates of Title issued and provided to the City, for the proposed lots.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Cr Farrell returned to the Chamber at 6.43pm.

Debate ensued.

MOTION PUT AND CARRIED (5-2)

For: Cr Buckels, Cr Farrell, Cr Harvey, Cr Maier, Cr Burns

Against: Deputy Mayor Cr Lake, Cr Topelberg

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

Landowner:	Cajj Holdings Pty Ltd & FA Lighthouse Pty Ltd
Applicant:	Plunkett Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council as the City's Officers do not have delegation to determine four single houses per lot and more than five (5) written objections have been received.

BACKGROUND:

21 March 2011 The Western Australian Planning Commission conditionally approved two green title subdivisions at the subject site. One for four lots (as per the proposal) and one for two lots.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of four single houses.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	4.6 dwellings at R40; however, Norfolk Precincts limits to 2 dwellings per lot.	4 dwellings.
Officer Comments:		
<p>Clause 20(4) (d) (ii) of the City of Vincent Town Planning Scheme No. 1 states that "<i>within areas coded R40 a maximum of two dwellings will be permitted per lot</i>". The definition of lot in the Town Planning Scheme is the same as the Planning and Development Act 2005, which means a green title lot and not a survey strata lot. Therefore, for the purpose of this application and the Norfolk Precinct, there can be only two dwellings per green title lot.</p> <p>Due to the restriction in the Norfolk Precinct, the applicant has lodged and received subdivision approval for four green title lots. The City's Officers are of the opinion that the subject land can accommodate four dwellings; however, have recommended that a condition be placed on the Approval, stating that the Building Licence cannot be issued until the subdivision conditions are cleared and the four new certificates of title are issued.</p>		
Street Setbacks (Burt Street): Ground Floor Upper Floor	Average street setback to Burt Street = 5.86 metres -Burt Street Upper Floor Walls – 2 metres behind the ground floor main building line. -Norfolk Street Upper Floor Walls – 2 metres behind the ground floor main building line.	Unit 1 – The Burt Street setback to unit 1 is 1.5 metres – 3.8 metres. Unit 1 In line with the ground floor main building line. In line with the ground floor main building line.
Dual Street Frontages and Corner Sites (Norfolk Street):	Upper floor building walls = 1.5 metres behind the ground floor main building line.	Unit 2 Upper Floor In line to 1.15 metres behind the ground floor main building line. Unit 3 Upper Floor In line with the ground floor main building line.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
		Unit 4 Upper Floor In line to 1.15 metres behind the ground floor main building line.
Officer Comments:		
<p>Supported – The proposed two-storey single houses are representative of contemporary design of today's era, which is also consistent with several existing contemporary dwellings in the North Perth area. The dwellings fronting Norfolk Street maintain the existing street setback line and the upper floor balconies facing Norfolk Street provide views to the Perth Hills.</p> <p>The Residential Design Elements Policy under Clause 6.4.1, states that: '<i>residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties</i>'. Dwellings along Burt Street and Norfolk Street are inconsistent in architectural style, and the streetscape contains a mix of developments that vary in age, height, style and building materials. In this context, Burt Street and Norfolk Street is considered as a dynamic and emerging contemporary streetscape.</p> <p>The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of the City's Residential Design Elements Policy as outlined in the above. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Burt Street and Norfolk Street, and that the setback of the balcony will assist in the passive surveillance of the street.</p>		
Side and Rear Setbacks:	Unit 1 -West Ground Floor 1.5 metres	Nil – 2.1 metres
Officer Comments:		
<p>Supported – This is not considered to have an undue impact on the neighbouring property as the proposed boundary wall is compliant with the requirements of the R-Codes.</p>		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (0)	Nil.	Noted.
Objection (6)	<ul style="list-style-type: none"> The proposed retaining wall will be too high. 	<ul style="list-style-type: none"> Not supported – The proposed fill and retaining wall is no more than 500 millimetres above the natural ground level and is therefore compliant with the requirements of the R-Codes.
	<ul style="list-style-type: none"> Overlooking from the upper floor windows. 	<ul style="list-style-type: none"> Not supported – All the windows to habitable rooms are compliant with the visual privacy requirements of the R-Codes.
	<ul style="list-style-type: none"> The 1.5 metre setback to the northern boundary will have an undue impact on light and ventilation to the northern neighbouring property. 	<ul style="list-style-type: none"> Not supported – The proposed building setbacks to the northern neighbouring property are compliant with the requirements of the R-Codes.
	<ul style="list-style-type: none"> The number of dwellings does not comply with the Norfolk Precinct requirements. 	<ul style="list-style-type: none"> Not supported – Refer to comments above.

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> The dwellings do not fit in with the existing streetscape. 	<ul style="list-style-type: none"> Not supported – Refer to comments above.
	<ul style="list-style-type: none"> The proposed street setbacks to Burt Street (unit 1), is not in keeping with the existing streetscape. 	<ul style="list-style-type: none"> Not supported – Refer to comments above.
	<ul style="list-style-type: none"> The proposed development will lead to increased traffic down Marmion and Burt Streets. 	<ul style="list-style-type: none"> This comment is noted; however, this is not a planning consideration in terms of the development and design of the dwellings at No. 36 Burt Street.
	<ul style="list-style-type: none"> The proposed roof line is too high. 	<ul style="list-style-type: none"> Not supported – The proposed height of the pitch is compliant with the requirements of the R-Codes.
	<ul style="list-style-type: none"> The outdoor living areas do not take the best advantage of the northern sun. 	<ul style="list-style-type: none"> Not supported – Only one of the four dwellings has their courtyard on the southern side and this is mainly because unit 2 and unit 3 have been designed as a mirror image. There is at least 3 metres between the outdoor living areas of the dwellings, which is a significant distance, given the lot size.
Advertising	Advertising for a period of 14 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

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

COMMENTS:

Demolition

The subject dwelling at No. 36 Burt Street, North Perth is a brick and tile residence constructed after 1949 in the Post-war Conventional Suburban Style Bungalow.

No. 36 Burt Street is first listed in the WA Post Office Directories in 1913 with Albert H Isles as the first occupier. Since then the subject dwelling has been transferred several times to new owners and occupiers. The Post Office Directories ceased its publication in 1949 and hence, there is limited information available which documents the residency of the subject place.

The Metropolitan Water Supply Sewerage & Drainage Department (MWSS&DD) Plan dated 1924 reveals that the dwelling constructed in 1913 at the subject place was numbered as No. 34 Burt Street, built in weatherboard and had a front verandah extended the full width of the frontage. The weatherboard house was constructed in the front portion of the subject lot and had generous front and side setbacks.

The compilation of the above archival information inferred that the original weatherboard house constructed in 1913 was demolished at some point to make way for the existing brick and tile residence which was constructed after 1949.

The existing subject dwelling has blonde brick and a hipped roof. There is a nil side setback along Norfolk Street. The dwelling has three main openings and a front elevated verandah.

A preliminary heritage assessment, including an external inspection undertaken on 31 March 2011, indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above comments listed in the Non-Compliance Table, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.2 No. 52 (Lot 3; STR: 28487) Forrest Street, Mount Lawley - Proposed Reconsideration of Conditions and Renewal of Home Occupation (Hairdresser)

Ward:	South	Date:	12 July 2011
Precinct:	Norfolk - P10	File Ref:	PRO4788; 5.2011.122.2
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items	Applicant's Submission		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner J & L Muia for proposed reconsideration of conditions and renewal of Home Occupation (Hairdresser) at No. 52 (Lot 3; STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 10 March 2011, subject to the following conditions:

1. Home Occupation Use

- 1.1 the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;
- 1.2 compliance with the provisions relating to home occupation under the City of Vincent Town Planning Scheme No. 1;
- 1.3 the business shall not entail employment of any person not a member of the occupier's household;
- 1.4 the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;
- 1.5 a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;
- 1.6 retail sale or display of goods of any nature shall not occur on the subject property;
- 1.7 this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to the continuation of the use; and
- 1.8 no parking permits for on-street parking are permitted as part of the Home Occupation use;

2. **PRIOR TO THE FIRST OCCUPATION OF THE PREMISES, A BUILDING LICENCE APPLICATION**, including the following, shall be submitted to and approved by the City:
- 2.1 **Parking**
- Revised plans to be provided for two car parking bays within the subject property compliant with AS 2890.1; and
- 2.2 **Building Certificate**
- Within twenty eight days (28) days of the issue date of the approval, a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by the City of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989; and
3. **ADVISES** the applicant that should the use of the property as a Home Occupation (Hairdresser) cease, the property owner/applicant shall;
- 3.1 advise the City within seven (7) days of the cessation of the use.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Deputy Mayor, Cr Sally Lake advised that Cr Burns had declared a financial interest in Item 9.1.2. Cr Burns departed the Chamber at 7.10pm and did not vote on this matter.

**MOTION PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-3)**

For: Presiding Member, Deputy Mayor Cr Sally Lake (two votes – deliberative and casting vote), Cr Topelberg Cr Buckels

Against: Cr Maier, Cr Farrell, Cr Harvey

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

Cr Burns returned to the Chamber at 7.11pm. The Presiding Member, Deputy Mayor, Cr Sally Lake advised Cr Burns that the item was carried (4-3).

Landowner:	Mr & Mrs J & L Muia
Applicant:	Peter D Webb & Associates
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1)
Existing Land Use:	Residential
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1013 square metres
Access to Right of Way	N/A

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as the applicant has requested reconsideration of some of the conditions of the previous approval and renewal of the home occupation.

BACKGROUND:

26 April 1994 The City of Perth granted approval for the construction of two grouped dwellings to the rear of the existing dwelling.

8 September 2009 The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) for the following reasons:

“(a) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;

(b) does not comply with the Town’s Home Occupation requirements as outlined in the Town’s Policy No. 3.5.1 relating to Minor Nature Development, specifically:

(1) the hairdresser salon will attract customers on a regular and frequent basis to the dwelling;

(2) the hairdresser salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling;

(3) the hairdressing salon will occupy an area greater than 20 square metres;

(c) approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and

(d) consideration of the objections received.”

15 December 2009 The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) for the following reasons:

“(a) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;

(b) does not comply with the Town’s Home Occupation requirements as outlined in the Town’s Policy No. 3.5.1 relating to Minor Nature Development, specifically:

(1) the hairdresser salon will attract customers on a regular and frequent basis to the dwelling;

(2) the hairdresser salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling;

(3) the hairdressing salon will occupy an area greater than 20 square metres;

- (c) *approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and*
- (d) *consideration of the objections received.*

Advises the applicant that:

- (a) *the bathroom, laundry and salon shall be removed and the carport reinstated as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the refusal notification; OR*
- (b) *within twenty eight (28) days of the issue date of the refusal notification, a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989. The plans are to document the provision of two car parking bays, which are compliant with AS2890.1; and*
- (iii) *Authorises the Chief Executive Officer to proceed with legal proceedings should the above options not be complied with this twenty-eight (28) day period."*

11 May 2010 The Council at its Ordinary Meeting deferred the item for Retrospective Approval of Home Occupation (Hairdresser).

22 June 2010 The Council at its Ordinary Meeting resolved to approve the application for Retrospective Approval of a proposed Home Occupation (hairdresser) subject to the following conditions:

"(i) PRIOR TO THE FIRST OCCUPATION OF THE PREMISES, A BUILDING LICENCE APPLICATION, including the following, shall be submitted to and approved by the Town:

(a) Parking

Revised plans to be provided for two car parking bays within the subject property compliant with AS 2890.1;

(b) Legal Agreement

Prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use of the premises as a Home Occupation:

- (1) *the Home Occupation shall not entail employment of any person not a member of the occupier's household;*
- (2) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*

- (3) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*
- (4) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (5) *the business shall not entail employment of any person not a member of the occupier's household;*
- (6) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*
- (7) *retail sale or display of goods of any nature shall not occur on the subject property;*
- (8) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*
- (9) *no parking permits for on-street parking are permitted as part of the Home Occupation use; and*
- (10) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property;*

This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner; and

(c) Retrospective Building Certificate Application

Within twenty eight days (28) days of the issue date of the approval; a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), shall be submitted to and approved by the Town of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989;

(ii) Home Occupation Use

- (a) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*

- (b) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
 - (c) *the business shall not entail employment of any person not a member of the occupier's household;*
 - (d) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*
 - (e) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*
 - (f) *retail sale or display of goods of any nature shall not occur on the subject property;*
 - (g) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*
 - (h) *no parking permits for on-street parking are permitted as part of the Home Occupation use; and*
 - (i) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property; and*
- (iii) *ADVISES the applicant that should the use of the property as a Home Occupation (Hairdresser) cease, the property owner/applicant shall;*
- 1. *advise the Town within seven (7) days of the cessation; and*
 - 2. *remove the bathroom, laundry and salon and reinstate the carport as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the cessation of use."*

DETAILS:

The proposal involves a request for reconsideration of conditions of approval for the existing approved Home Occupation (Hairdresser use) and renewal of the use. The applicable conditions to be reconsidered from the approval issued on 22 June 2011 are conditions (i) b, (ii) g and (iii) 2.

The applicant, Peter Webb and Associates, on behalf of the Owner's of the property, have applied for reconsideration of the imposed conditions. Following a consideration of the approval, the applicant is agreeable on the following conditions of approval but not limited to:

- Hours of Operation;
- Only Family Members undertaking operating within the Home Business (Hairdresser);
- Number of Clients;
- Compliance with the Town's Planning Scheme;
- No retail sales of goods occur on site; and
- Provide an Engineering Certification and apply for a Building Certificate for the Carport (Condition (i) c).

It is noted the applicant wishes for a reconsideration of the following conditions.

1. Condition (i) (b) - Prior to the Issue of a Building Licence – Legal Agreement – Section 70a. The applicable condition in the previous approval reads as follows:

“(b) Legal Agreement

Prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use of the premises as a Home Occupation:

- (1) *the Home Occupation shall not entail employment of any person not a member of the occupier’s household;*
- (2) *the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;*
- (3) *the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;*
- (4) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (5) *the business shall not entail employment of any person not a member of the occupier’s household;*
- (6) *a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;*
- (7) *retail sale or display of goods of any nature shall not occur on the subject property;*
- (8) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;*
- (9) *no parking permits for on-street parking are permitted as part of the Home Occupation use; and*
- (10) *the use of the premises as a Home Occupation (Hairdresser) shall cease and the original carport reinstated following the cessation of the use by the current owner of the property;*

This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner; and”

- o *Applicant’s wish to have this condition removed as it is already covered under the Planning Approval under Condition (ii) and the Town has the ability to legislate for this.”*

Officer Comments:

It is considered the inclusion of a Section 70A condition on the conditions of approval is an added burden to the applicant and given each particular condition (b) *Legal Agreement* 1 -10 are covered under condition (ii) *Home Occupation Use*, the removal of this condition is warranted and will not limit the City’s ability to ensure the use of the property continues in line with the Planning Approval. In light of the above, it is considered that Condition (b) on the Planning Approval 5.2010.27.1 should be removed.

2. Condition (iii) (2) – The City advises the applicant that should the use of the property as a Home Occupation cease the applicant should advise the City within (7) seven days of the cessation and remove the bathroom, laundry and salon and reinstate the carport as per the City of Perth Planning Approval dated 26 April 1994. Such works are to be completed within twenty-eight (28) days of the issue date of the cessation of use. The applicable condition in the previous approval reads as follows:
- (iii) *ADVISES the applicant that should the use of the property as a Home Occupation (Hairdresser) cease, the property owner/applicant shall;*
- “1. *advise the Town within seven (7) days of the cessation; and*
2. *remove the bathroom, laundry and salon and reinstate the carport as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the cessation of use.”*
- *Applicant’s wish that once all work is undertaken for the Certification and demonstrate that the structure is structurally sound, that the owners be allowed to convert the room into some form of habitable space such as a bedroom, rather than being required to demolish a structurally sound section of the dwelling. The Owners have no issue, completely removing all the fixtures which relate to the Hairdressing Business.*

Officer Comments:

It is considered that the use of the converted room for the Home Occupation (Hairdresser), and the creation of an enclosed space from a former open carport, may be investigated. It is granted that whilst the enclosure of the carport did require the relocation of available car parking bays on site, the requirement of Condition (a) of the approval, for the applicant's to provide revised plans as part of the Building Licence, ensures that two bays will and can be provided on site. The presence of another room for the purposes of an extra habitable room within the dwelling will not affect the adjoining property owners or provide any further detriment to the existing streetscape of Forrest Street. In light of the above, it is considered that Condition (iii) 2 may be removed from the requirements and that if the applicant wishes to cease the Home Occupation Use and convert the existing room into another habitable room they can do so, provided the fixtures and fittings are completely removed within an immediately practicable timeframe.

3. Condition (ii) g - The applicant is required to reapply for approval of the use after 12 months from the approval date (22 June 2011). The applicable condition in the previous approval read as follows:
- “(ii) Home Occupation Use
- (g) *this approval for a home occupation (hairdresser) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of the use;”*
- *Applicant’s wish that after reapplying after a period of 12 months the applicant and provided it is shown that the use does not impose a burden on the neighbouring area that the use is able to continue for a greater amount of time.*

Officer Comments:

It is considered that whilst the City could possibly look at the removal of a specific time frame for the Home Occupation for a period greater than 12 months, given Condition (ii) g of the previous approval, and given the City has received comment from the surrounding landowners, a further twelve months would be deemed appropriate.

It is further noted the City's Officers in the areas of Building, Heritage, Engineering and Health have not raised any further issues with the proposed reconsideration of the conditions.

Finally it is worth noting that the above mentioned conditions would still be required to be adhered to by the applicant.

The applicant's submission is a Tabled item.

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	Nil	Noted.
Objection (3)	<ul style="list-style-type: none"> • Concerns that the business attracts up to three (3) to four (4) customers at once resulting in traffic congestion from a lack of parking facilities. • Concern that customers are not utilising the onsite bays for use and there is a near permanent use of the verge for customer parking. • Concern that the on-site car bays are not of sufficient size to cater for customers. • Lack of Parking on-site has caused issues for neighbouring owners with visitors parking on adjacent verges. • Concern that the numbers of work stations within the premise are not as approved. • Concern over the frequency of visitors that the owners are continuing their use of their former business on-site. • Concern that the applicant is operating outside of the approved hours of operation both in the morning by commencing prior to 10am and afterwards until 5.30pm. 	<p>Noted.</p> <p>Noted. Visitors to the residence are able to park on the verge of the property and as per the condition of approval, the applicant is required to provide two sufficiently sized bays in accordance with the Australian Standards, at all times for residents of the property or their customers.</p> <p>Noted. See Above.</p> <p>Noted. The clients that attend the Home Occupation (Hairdressers) are able to park on the street verges. Any parking which restricts access to the adjoining owners should be taken up with the City of Vincent Ranger Services who can investigate any unauthorized parking.</p> <p>Noted. As per the conditions of approval, the applicant is to be limited to one wash basin and associated chair and one workstation and associated chair.</p> <p>Noted. The applicant is required as per the conditions of approval for a maximum of one (1) client at one time with a maximum of four (4) clients in total per day. If the applicant is not complying with the conditions of approval, the City can take Legal Action under the Planning and Development Act 2005.</p> <p>Noted. See above.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> Concern that the Council has not inspected or observed the operation of the Home Business to investigate whether the use was approved in accordance with the conditions. Object to the fact the premises do not comply with the City's Economic Development Strategy 2005- 2010 which discourages Commercial type uses in Residential areas. 	<p>Noted. The City was advised of one instance in July 2010 of a non compliance with the approval relating to parking from clientele of the Home Occupation. The City's Development Compliance Officer responded to the complainant directly.</p> <p>Noted. The Home Occupation use is permitted within a Residential area as per the Town Planning Scheme No. 1. Given the conditions imposed on the use, and the use operates within this, it is deemed appropriate.</p>
Advertising	Advertising was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

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

COMMENTS:

As noted above, the applicant's request for the reconsideration of the conditions relating to the removal of the requirement of the legal agreement, and the use of the current enclosed former carport once the Home Occupation ceases, are supported. It is noted that given the presence of objections from the adjoining landowners relating to the use of the premises over the last year, that the applicant be given a further one (1) year approval for the Home Occupation (Hairdresser) use. This is to ensure the City can monitor the use of the property and to ensure the conditions of approval are complied with.

The conditions of the renewal will be updated to reflect the outcome of this report.

In light of the above, it is recommended that the Council support the reconsideration subject to the conditions listed above.

9.1.6 No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley – Proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions

Ward:	South	Date:	11 July 2011
Precinct:	Norfolk; P10	File Ref:	PRO0781; 5.2011.141.2
Attachments:	001 – Property Report and Development Application Plans		
Tabled Items	Applicant's Initial Submission Applicant's Further Submission		
Reporting Officer:	D Mrdja, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by the owner T Pitcher for proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions, at No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 14 April 2011, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The non-compliance with the City's Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the City's Town Planning Scheme No. 1 and City of Vincent Economic Development Strategy;
3. The approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and
4. Consideration of the objections received.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 7.13pm.

Debate ensued.

Cr Buckels returned to the Chamber at 7.14pm.

Debate ensued.

MOTION PUT AND LOST (3-4)

For: Deputy Mayor Cr Lake, Cr Buckels, Cr Burns

Against: Cr Farrell, Cr Harvey, Cr Maier, Cr Topelberg

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

REASONS:

1. The adjoining Right-of-Way provides a sufficient buffer between the site and neighbouring residences; and
2. Conditions can be applied that would reduce the impact on the neighbours.

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Harvey

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner T Pitcher for proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions, at No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 14 April 2011, subject to the following conditions:

1. The proposed Consulting Rooms (Psychology):
 - 1.1 shall be limited to a maximum of three (3) consulting rooms operating at any one time. Any increase in the number of consulting rooms shall require Planning Approval to be applied to and obtained from the City;
 - 1.2 the hours of operation shall be limited to the following times:
 - 1.2.1 8:00am to 6:00pm Monday, Wednesday and Friday;
 - 1.2.2 8:00am to 9:00pm Tuesday and Thursday; and
 - 1.2.3 8.00am to 4:00pm Saturday;
 - 1.3 this approval is for Medical Consulting Rooms (Psychology) only and any change of use from Medical Consulting Rooms (Psychology) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Chelmsford Road;
3. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;
4. All signage is to comply with Clause (2) (iii) of the City's Policy No. 3.5.2 relating to Signs and Advertising, in respect of Signage on Residential Properties, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
5. PRIOR TO THE ISSUE OF A BUILDING LICENCE,
 - 5.1 a detailed Landscape and Reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

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

- 5.1.1 the location and type of existing and proposed trees and plants;
- 5.1.2 all vegetation including lawns;
- 5.1.3 areas to be irrigated or reticulated;
- 5.1.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.1.5 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); and

6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities.

AMENDMENT

Moved Cr Maier, Seconded Cr Harvey

That a new clause 1.4 be inserted as follows:

“1.4 the maximum number of appointments shall be based on a rate of one (1) appointment per hour, per practitioner and limited as follows:

- 1.4.1 maximum 30 appointments Monday, Wednesday and Friday;
- 1.4.2 maximum 39 appointments Tuesday and Thursday; and
- 1.4.3 maximum 24 appointments Saturday;”

The Chief Executive Officer advised the Council that:

- this condition may not be enforceable, as it could contravene legislation concerning a “restraint of trade”; and
- it would be very difficult to enforce this condition because inspection of the Appointment Book would contain patient’s personal details – this may be protected for Doctor/Patient privacy reasons and also Federal legislation protecting personal information for privacy reasons.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Buckels

That the item be DEFERRED to:

- seek advice on whether the proposed amendment can be:
 - legally imposed; and
 - enforced without contravening privacy requirements or legislation; and
- allow the Applicant time to discuss with the City’s staff:
 - an alternative of having some form of legal agreement which is equivalent to this condition; and
 - an Appointment Book format which would be able to be inspected by City Officers, if required to enforce this condition.

PROCEDURAL MOTION PUT AND CARRIED (6-1)

For: Deputy Mayor Cr Lake, Cr Buckels, Cr Burns, Cr Harvey, Cr Maier, Cr Topelberg

Against: Cr Farrell

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

Landowner:	T Pitcher
Applicant:	T Pitcher
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Medical Consulting Rooms
Use Classification:	"SA"
Lot Area:	470 square metres
Access to Right of Way	West side, 5 metres wide, sealed, City owned

PURPOSE OF REPORT:

The proposal requires referral to the Council as the application is for a proposed 'SA' use where objections have been received.

BACKGROUND:

9 December 1996 The Council at its Ordinary Meeting resolved to refuse an application for the rezoning of the subject property to Commercial C2. The Council also resolved that the applicant seek discussions with the Chief Executive Officer regarding the viable development of uses such as Consulting Rooms which may be considered in a Residential zone.

25 August 1997 The Council at its Ordinary Meeting resolved to refuse an application for Change of Use from Residential to Consulting Rooms, for the following reason:

"(i) the non-compliance with the requirement concerning the orderly and proper planning of the locality and the preservation of amenities, particularly in respect to the affect upon the surrounding residential use properties specifically by the generation of traffic demand for car parking and clientele."

It is noted that the application proposed four Consulting Rooms with 12 on-site car bays.

22 October 1997 The owner/applicant lodged an appeal to the Town Planning Appeals Tribunal.

30 January 1998 The Minister for Planning resolved to dismiss the application; therefore, the application was also refused by the Town Planning Appeals Tribunal.

DETAILS:

The proposal involves the change of use from a single house to medical consulting rooms (psychology). The proposal is for three consulting rooms with six (6) proposed on-site car bays. The proposed opening hours are as follows:

- 8am to 6pm on Monday, Wednesday and Friday;
- 8am to 9pm on Tuesday and Thursday; and
- 8am to 4pm on Saturdays.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Consulting Rooms Policy:	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Zone is not favourable. A minimum of 80 per cent of the total building area is to be dedicated for residential use.	The subject lot is directly adjacent to a District Centre zone. The use of the building is for the sole purpose of consulting rooms.
City of Vincent Economic Development Strategy 2011-2016:	Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from 'commercialisation'.	Commercial use in a residential zone.
Non-Residential/ Residential Development Interface:	Non-residential developments shall be restricted to District Centre, Commercial and Local Centre zones only.	A proposed commercial use located within a residential zone.

Officer Comments:

Not supported – refer to comments below.

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	No comments provided.	Noted.
Objection (8)	<ul style="list-style-type: none"> Multiple City of Vincent policies discourage the proposed use in this location. 	<ul style="list-style-type: none"> Supported – refer to comments below.
	<ul style="list-style-type: none"> The property is within 200 metres of a District Centre zone and would impact negatively in terms of economic and residential amenity. 	<ul style="list-style-type: none"> Supported – refer to comments below.
	<ul style="list-style-type: none"> There is no critical need for consulting rooms which could reasonably justify this proposal. 	<ul style="list-style-type: none"> Noted.
	<ul style="list-style-type: none"> Increased traffic generated would result in congestion and conflict with pedestrian and cycle traffic, presenting a safety risk. 	<ul style="list-style-type: none"> Noted.
	<ul style="list-style-type: none"> Access would be compromised by the No-Entry point in Chelmsford Road and would place an undue pressure on the residential network of streets. 	<ul style="list-style-type: none"> Noted.
	<ul style="list-style-type: none"> There would be pressure on drivers to illegally traverse the No-Entry point in front of the property. 	<ul style="list-style-type: none"> Noted.
	<ul style="list-style-type: none"> Four different access points for car parking onto the site take up approximately 18 metres, which is excessive. 	<ul style="list-style-type: none"> Not supported – All the car parking, except for one bay, is from the right of way, which is encouraged by the City.

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> There is a shortfall in required parking and City of Vincent policy precludes this particular application from qualifying for Cash-in-Lieu of parking concessions. 	<ul style="list-style-type: none"> Not supported – The proposed car parking is compliant with the City's Parking and Access Policy, as adjustment factors have been applied to the proposed development.
	<ul style="list-style-type: none"> Proposed parking would visually dominate the property. 	<ul style="list-style-type: none"> Not supported – The existing residential dwelling has car parking from Chelmsford Road.
	<ul style="list-style-type: none"> Lack of visual truncations for traffic exiting the site is non compliant and would create a safety risk. 	<ul style="list-style-type: none"> Not supported – The City's Technical Services Officers have assessed the application and the proposal is compliant with visual truncations and the Australian Standards for car parking.
	<ul style="list-style-type: none"> Lack of visual truncations between right of way and street is non-compliant and would create a safety risk for exiting site. 	<ul style="list-style-type: none"> Not supported – As above.
	<ul style="list-style-type: none"> Vehicles being unable to egress in forward gear from a car bay within front setback would pose a danger to the public – pedestrian, cyclists and motorists alike. 	<ul style="list-style-type: none"> Not supported – As above.
	<ul style="list-style-type: none"> Right of Way parking bays would provide an attractive enclave for anti-social activities. 	<ul style="list-style-type: none"> Noted.
	<ul style="list-style-type: none"> Landscaping requirements are not met. 	<ul style="list-style-type: none"> Not supported – As above.
	<ul style="list-style-type: none"> There is nil residential component proposed. 	<ul style="list-style-type: none"> Supported – refer to comments below.
	<ul style="list-style-type: none"> Approving this application would be endorsing a significant concentration of non-residential development within a residential zone. 	<ul style="list-style-type: none"> Supported – refer to comments below.
	<ul style="list-style-type: none"> This proposal would have a negative social impact, which would also be reflected economically. 	<ul style="list-style-type: none"> Noted.

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Consulting Rooms – 3 bays per Consulting Room Number of Consulting Rooms = 3 Total car bays required = 9 car bays	9 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop); 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces); and 0.90 (the proposed development provides end-of-trip facilities). 	(0.612) = 5.51 car bays
Minus the car parking provided on-site	6 car bays
Minus the approved on-site car parking shortfall.	N/A
Resultant surplus	0.49 car bays

Bicycle Parking	
Consulting Rooms: <ul style="list-style-type: none"> • 1 space per 8 practitioners (class 1 or 2) • 1 space per 4 practitioners (class 3) 	= 0.375 space = 0 space = 0.75 space = 1 space

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

COMMENTS:

The current use of the building is residential and is therefore a permitted use. Due to the nature of the proposed activities, the proposed consulting rooms use ("SA" use) is not considered to be consistent with the general fabric of the residential area, regardless of the scale and intensity of its operations and that it abuts District Centre and Commercial zones. Approval of the proposed development would create an undesirable precedent for further encroachment of commercial uses into residential areas. The proposed clinical psychologist use is not considered to serve the day-to-day needs of the *local* residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the City's commercial centres.

Furthermore, the proposal is inconsistent with the objectives of the City's Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the City's commercial centres.

The site is located on the eastern side of the right of way and is directly next door to a three-storey mixed use development, which is zoned District Centre and Commercial. It could be considered that the right of way acts as an effective barrier and buffer between the commercial and residential uses; however, it is noted that there are three residential properties directly opposite the proposed development. It is noted that other residential zoned properties have been granted approval for commercial uses; however, these properties are generally directly abutting a use that it is considered to adversely impact on their residential amenity or is located on a major road, where a majority of the urban fabric is commercial. This particular property fits into neither of these descriptions.

For the abovementioned reasons, the proposal is therefore considered unacceptable and it is recommended that the Council refuse the application.

9.1.5 No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate – Proposed Signage and Paid Carpark to Existing Shop (Pharmacy)

Ward:	South	Date:	13 July 2011
Precinct:	Mount Lawley Centre Precinct; P11	File Ref:	PRO2339; 5.2011.235.1
Attachments:	001 - Property Information Report and Development Plans		
Tabled Items:	Applicant's submission and associated documentation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Greg Rowe & Assoc on behalf of the owner M R Hopkins & Braxton Pty Ltd for proposed Signage and Paid Carpark to Existing Shop (Pharmacy) at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate, and as shown on plans stamped 12 May 2011, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Beaufort and Broome Streets; and
2. The proposal is inconsistent with the City's Policy relating to the Mount Lawley Centre Precinct.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Burns

That the item be DEFERRED to engage with the Applicant on possible solutions for either City management of the car park facility or possible introduction of a paid parking facility.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

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

Landowner:	M R Hopkins & Braxton Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Pharmacy (Shop)
Use Class:	Signage and Paid Car Park
Use Classification:	"P" and "AA"
Lot Area:	1083 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

The application is presented to a meeting of Council due to a 'car park' being an 'AA' use within a Commercial zone, requiring the discretion of the Council to approve the use.

BACKGROUND:

- 20 December 2005 The Council at its Ordinary Meeting resolved to constructively refuse the application for the proposed change in use from car yard to drive-in fast food outlet with ancillary car wash bays, office and alfresco seating area and associated signage for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
 2. *Does not comply with Mt Lawley Town Centre Precinct Policy; and*
 3. *Concerns about traffic and safety issues.”*
- 22 November 2006 Under delegated authority, the proposal for change of use from car yard to drive-in fast food outlet (coffee outlet) and associated signage was refused under delegated authority from the Council for the following reasons:
- “1. *The development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
 2. *The non-compliance with the Building Height/Scale and Pedestrian Environment requirements of the Town's Policy relating to the Mount Lawley Centre Precinct; and*
 3. *The non-compliance with the Monolith Sign requirements of the Town's Policy relating to Signs and Advertising”.*
- 17 January 2007 Directions Hearing for review matter No. DR 471 of 2006 was held at the State Administrative Tribunal in regards to the proposed change of use from car yard to drive-in fast food outlet (coffee outlet) which was refused under delegated on 22 November 2006.
- 7 March 2007 Full hearing was held at the State Administrative Tribunal for the above-mentioned item.
- 11 June 2007 The State Administrative Tribunal found that the proposed drive-in fast food outlet (coffee outlet) and associated signage did not comply with the City of Vincent's Mount Lawley Centre Precinct Policy and would have an undue adverse affect on the orderly and proper planning and the preservation of amenities of the locality. The application for review was therefore dismissed and the decision of the City of Vincent affirmed.
- 29 April 2010 Council granted conditional approval under delegated authority for the change of use from car yard to shop (pharmacy) and associated alterations and additions.
- 28 September 2010 Council at its Ordinary Meeting resolved to grant conditional approval for five (5) sign additions to existing shop (pharmacy).

DETAILS:

The proposal involves a car parking area of twenty-five (25) car parking bays with the existing shop (pharmacy). The intention is to have six (6) car bays, including one (1) ACROD bay, designated to the existing shop (pharmacy), (not subject to paid-parking fees during the business hours of the pharmacy), and the remaining nineteen (19) car bays on-site proposed to be short stay paid car parking bays. The paid car park will operate seven (7) days a week with core trading hours consisting of the following:

Monday, Tuesday, Wednesday and Thursday: 7.00am to 10.00pm
Friday: 7.00am to 12.00am
Saturday: 7.00am to 12.00am
Sunday: 7.00am to 10.00pm

In addition, the proposed paid parking bays are to be subject to the following hourly rate parking charges:

0-1 hour: \$2.00
1-2 hours: \$4.00
2-3 hours: \$6.00
3-4 hours: \$8.00
Max: \$8.00 per day (12 hours parking only).

The applicants have provided a submission in support of this application, which is attached as a tabled item.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Mount Lawley Centre Precinct Policy:	<p>Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.</p> <p>Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.</p> <p>They should, therefore, be located underground or at the rear of properties.</p>	<p>A car parking area of twenty-five (25) bays on the existing site. The intention is to have six (6) car bays, including one (1) ACROD bay, designated to the existing shop (pharmacy), and the remaining nineteen (19) as paid car parking bays.</p>
Officer Comments:		
Not Supported – See “Comments” section.		

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

Consultation	
In Support:	One (1)
Comments Received	Officer Comments
Nil.	Noted.
Objections:	Nil (0)
Comments Received	Officer Comments
Nil.	Noted.
Department of Planning:	The Department of Planning application was not referred to the, as under the current (revised) notice of delegation, the application does not need to be referred to the Department for comments.
Advertising	Advertising for the proposal for a period of 14 days was carried out as per the City’s Policy 4.1.5 relating to Community Consultation.

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

COMMENTS:

Strategic Planning

At its Ordinary Meeting held on 9 March 2010, the Council endorsed a revised Car Parking Strategy for the City. The Strategy recommends the City move away from its traditional 'predict and provide' approach to parking management, which assumes that the use of parking resources should generally be free and that increasing supply is more cost-effective than reducing demand. Rather, the Strategy promotes that the City look to more efficiently use existing transport infrastructure and facilities as an alternative to expanding roads and parking facilities and to ensure priority is given to more efficient travel modes (such as walking, cycling, car sharing and public transport). The provision of additional public car parking would be inconsistent with the intent of the Strategy.

Furthermore, at the Ordinary Meeting of Council held on 10 May 2011, the Council endorsed the installation of ticket machines along the length of Beaufort Street from Broome Street to Walcott Street and along portions of the adjacent side streets, including Broome Street. It is not recommended that any additional parking alternatives/initiatives be implemented until such time as the City's new ticket machines have been installed and monitored to ascertain whether they have been successful in implementing the Car Parking Strategy's recommendations and objectives.

Mount Lawley Centre Precinct

A 'car park' is an 'AA' use within a Commercial zone, requiring the discretion of the Council to approve the use. The proposal fails to comply with the intention of the Mount Lawley Centre Precinct as set out in the City's Planning Policy No. 3.1.11, which states generally:

'The Mount Lawley Centre Precinct is to continue to serve the retail, commercial and community needs of the district, consolidated within its existing boundaries, with a strong, attractive shopping area (extending into the City of Stirling) forming its focus. Retail and other similar uses are to be concentrated north of Barlee Street, while a range of retail and commercial uses will occupy the remainder of the Precinct. The compatibility of all non-residential uses with any adjacent residential uses is to be ensured.

The ribbon form of development along Beaufort Street and Walcott Street should be reinforced with nil setbacks, continuous interactive fronts and weather protection for pedestrians, particularly in the main shopping area. Public places such as streets, parks and reserves are to be further enhanced and maintained so that they contribute to the pleasant and attractive environment of the Precinct.'

The subject site is nearby three (3) 'fee paying' car parks, those being Raglan Road, Chelmsford Road and Barlee Street Car Parks as well as on-street car parking being available along Beaufort Street, Chatsworth Road and Broome Street, which all directly adjoin the subject site. In addition, the City is also in the process of introducing paid parking, in kerbside locations, in Beaufort Street, between Walcott Street and Broome Street.

These uses already provide significant car parking options for users and there is concern that further land used for car parking will prejudice the emerging retail and commercial character of the area.

In addition, the Mount Lawley Centre Precinct Policy, in outlining the intention for the Commercial area states:

'Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces. They should, therefore, be located underground or at the rear of properties.'

Vincent Vision 2024

In the *Vincent Vision 2024* document, the Mount Lawley Highgate area is defined as being potentially a location that has a fabulous diversity of lifestyles and cultures. The Mount Lawley Highgate Vision 2024 intention is as follows:

'In 2024, Mt Lawley Highgate is a place with something for everyone. With a depth of character and an accepting attitude at its foundation, people are drawn to Mt Lawley Highgate's fabulous diversity of lifestyles and cultures – from the cosmopolitan inner city environment to quiet, tree-lined neighbourhoods. New migrants, artists and students live here, adding diversity, a sense of creativity and festivity to our community. Beaufort Street is a boulevard of pedestrians, trees, and greenery, exuding a distinction and flair all of its own. Traffic is calm and moves slowly on Beaufort Street. With many enticing shops and some unpolished elements, the town centre is always an interesting and lively place. New development is inspired and considered, contributing to and enhancing the character of the area. With some of the most beautiful parks around and an easy walk to the peaceful interludes of the river foreshore, Mt Lawley Highgate could not get much better.'

Notably, page 12 of the Mount Lawley Highgate *Vincent Vision 2024* document depicts a photograph/illustration looking down Beaufort Street now, and then potentially 2024, inclusive of the subject site.

For the reasons outlined above, it is considered that a proposal of this nature will have a detrimental impact on the Mount Lawley/Highgate streetscape and is inconsistent with the City's policies, for which the subject site at No. 462 Beaufort Street, Highgate, falls within. It is therefore recommended that the application be refused.

9.1.1 No. 219 (Lot 55; D/P: 66497) Anzac Road, Mount Hawthorn - Proposed Two-Storey Grouped Dwelling with Roof Deck to Existing Single House

Ward:	North	Date:	12 July 2011
Precinct:	Mount Hawthorn Precinct; P1	File Ref:	PRO0722; 5.2011.108.2
Attachments:	001 - Property Information Report and Development Plans		
Tabled Items:	Applicant's submission and associated documentation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Studio Di Architettura on behalf of the owner R M Delianov & N Tarulli for Proposed Two-Storey Grouped Dwelling with Roof Deck to Existing Single House, at No. 219 (Lot 55; D/P: 66497) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 29 June 2011, subject to the following conditions:

1. 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 Anzac Road;
2. Any new street/front wall, fence and gate within the Anzac Road setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. First obtaining the consent of the owners of No. 219 Anzac Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 219 Anzac Road in a good and clean condition;
4. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
5. No earthworks or permanent structures (including footings) shall encroach into the Mitchell Freeway Reserve;
6. No stormwater drainage shall be discharged into the Mitchell Freeway Reserve;
7. The applicant shall rectify any damage to the existing verge within the Mitchell Freeway reservation, to the satisfaction of Main Roads Western Australia;
8. The ground levels on the Mitchell Freeway boundary shall be maintained as existing;
9. The first floor of the development shall incorporate "Quiet House" design principles to minimise noise intrusion from the Mitchell Freeway, to the satisfaction of Main Roads Western Australia; and

10. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

10.1 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 City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

10.2 Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the City'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:

10.2.1 the location and type of existing and proposed trees and plants;

10.2.2 all vegetation including lawns;

10.2.3 areas to be irrigated or reticulated and such method;

10.2.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

10.2.5 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);

10.3 Building Articulation

Revised plans demonstrating the eastern upper floor wall of the proposed grouped dwelling incorporating at least two (2) additional design features in order to provide appropriate articulation; and

10.4 Boundary Wall

The proponent shall construct a boundary wall on the south eastern and south western boundary locations, where there is no proposed boundary wall, abutting the Mitchell Freeway Reserve, to the City of Vincent standards and specifications.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

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

Landowner:	R M Delianov & N Tarulli
Applicant:	Studio Di Architettura
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	656 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

The proposal requires referral to the Council as the City's Officers do not have delegation to consider planning applications for a three-storey development, in addition to a variation to the minimum site area requirement of the Residential Design Codes.

BACKGROUND:

No previous background relates to this proposal.

DETAILS:

The proposal involves the construction of a two-storey grouped dwelling with roof deck, on the vacant portion of land adjoining the existing single house on-site at No. 219 Anzac Road, Mount Hawthorn. As part of the proposed construction of the new grouped dwelling, the lot is intended to be subdivided down the middle with both the existing and proposed dwellings fronting Anzac Road, with the new lot widths for both dwellings, being consistent with more than 50 per cent of lots within the immediate street block, on the same side Anzac Road.

The applicants have provided a submission in support of this application, regarding the variations proposed, which is attached as a tabled item.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Minimum Site Area:	Minimum 270 square metres per grouped dwelling.	Existing Dwelling – 399.44 square metres New Dwelling – 256.56 square metres (Proposed Average is 328 square metres)
Officer Comments:		
<p>Supported – The retention of the existing dwelling maintains the amenity of the streetscape. In addition, the proposed two-storey grouped dwelling with roof deck is proposed on a lot 5 per cent (13.44 square metres) less in area than that required to achieve the minimum site area per dwelling required of 270 square metres. The proposed development does however, satisfy the performance criteria of Clause 6.1.3 of the Residential Design Codes relating to variation of site area requirements, as the variation is no more than five (5) per cent less in area specified in Table 1 (R-Codes) and facilitates the development of lots with separate and sufficient frontage. In addition, the lots comply with the City's Residential Subdivision Policy for lots split down the middle, as the new lot widths for both dwellings are consistent with more than 50 per cent of the lots within the immediate street block on the same side of Anzac Road.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Street Setbacks:	<p><i>Ground Floor</i></p> <p>To be consistent with the existing streetscape.</p> <p>Total average is 5.7 metres.</p> <p><i>Upper Floor</i></p> <p>Upper floor to be setback a minimum of 2 metres behind ground floor.</p>	<p>Front setback to Anzac Road for the ground floor is from 2.14 metres to 4.599 metres.</p> <p>Upper floor is level with ground floor, besides the kitchen which is 0.6 metre behind the ground floor.</p>
Officer Comments:		
<p>Supported – Given the triangular shape of the lot, it makes the site difficult to propose a development that is compliant with the street setback requirements in a streetscape where the rest of the lots on the same side of Anzac Road are rectangular. Therefore, the proposed dwelling is deemed to facilitate efficient use of the site while ensuring no undue amenity impacts on the neighbouring properties.</p> <p>The dwellings front façade provides numerous elements of articulation that contribute to the amenity and surveillance of the streetscape. This is in compliance with the performance criteria of the Residential Design Elements Policy whereby variations to upper floor setbacks can be supported provided appropriate articulation is provided which ensures the dwelling has a moderate impact on the streetscape.</p> <p>In addition, the Anzac Road streetscape contains a diverse range of traditional, contemporary and multiple storey dwellings. Therefore, the street setbacks proposed on the ground and upper floors are effective in ensuring the dwelling on the subject site is of a contemporary nature.</p>		
Buildings setback from the boundary:	<p><i>Ground Floor</i></p> <p>Rear (South) – 1.5 metres</p> <p><i>Upper Floor</i></p> <p>Rear (South) – 1.2 to 3 metres</p> <p><i>Roof Deck</i></p> <p>Rear (South) – 1.4 metres</p>	<p>Nil – 1.5 metres</p> <p>Nil - 1.5 metres</p> <p>Nil – 1.2 metres</p>
Officer Comments:		
<p>Supported – These setbacks to the southern boundary have no undue impact on the amenity of any adjoining residential properties. As the southern boundary directly abuts the Mitchell Freeway boundary, Main Roads have been consulted and support the development; however, they have provided certain conditions which the City has recommended should the application be approved.</p>		
Buildings on the Boundary:	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>Two boundary walls proposed on two side boundaries.</p> <p>One Parapet Wall on Eastern Boundary: Wall Height – 4 metres to 7.3 metres (average = 5.65 metres) Wall Length – Required: 2/3 = 10.55 metres Proposed length = 13.5 metres</p>

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
		<p>One Parapet Wall on Southern Boundary: Wall Height – 3.2 metres to 9.5 metres (average = 6.35 metres)</p> <p>Wall Length – Required: 2/3 = 21.26 metres Proposed length = 20.197 metres</p>
Officer Comments:		
<p>Supported – With the boundary walls proposed to the eastern and southern boundaries, given the shape and size of the subject lot, the heights and lengths of the parapet walls are considered to make effective use of space given the limited space available.</p> <p>With the eastern boundary parapet wall, the wall directly adjoins the existing dwelling of the same landowner of the subject site at No. 219 Anzac Road. In addition, the wall has no undue amenity impacts in regards to visual privacy, solar access as well as not affecting direct northern sun to the adjoining existing dwelling at the subject site. In addition, the existing dwelling at No. 219 Anzac Road has no major openings facing the proposed parapet wall.</p> <p>While in terms of the southern boundary parapet wall abutting the Mitchell Freeway Reserve, given that the ground floor wall of 20 metres in length is all parapet and then on the first floor and roof deck levels, only 2.2 metres in length is parapet wall, to accommodate the lift shaft; the proposed parapet wall on the southern boundary is acceptable as it has no undue impact on any residential properties and Main Roads have no objection to the subject wall.</p> <p>As the lot is limited in size, the wall heights and lengths of the parapet wall, in particular on the first and roof deck levels, are not considered excessive for a two storey single house with roof deck.</p>		
Building Articulation:	Any portion of wall greater than 9 metres in length on the upper floor is required to incorporate horizontal and vertical articulation.	The length of the eastern upper floor wall is 12 metres in length without articulation.
Officer Comments:		
<p>Not Supported – The two-storey parapet wall has no windows or articulation which results in the wall proposing a bulk and scale impact on the existing single-storey dwelling on the subject site. While the owner of the existing dwelling at No. 219 Anzac Road is the same owner of the proposed new dwelling on the same site, a condition has been recommended to ensure that two (2) significant design features are proposed on the upper floor portion of this wall to ensure it softens the visual appearance when the wall is viewed from the existing dwelling on-site.</p>		
Roof Forms:	The use of lower pitched roofs where they are compatible with existing development and streetscape.	Nil, flat pitched roof.
Officer Comments:		
<p>Supported – Given the mix of traditional and contemporary dwellings along the Anzac Road streetscape, the proposed flat roof will complement the diverse nature of dwellings in the streetscape. In addition, the roof design ensures that there are no undue overshadowing issues and the bulk of the dwelling is not increased, which would more than likely be the case if a pitched roof was proposed.</p>		
Building Height:	Top of external wall (concealed roof) – 7 metres	Maximum top of external wall (concealed roof) height is 9.6 metres for the lift shaft.
Officer Comments:		
<p>Supported – See “Comments” section.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Visual Privacy:	Provided with permanent vertical screening, 1.6 metres in height from finished floor level, to restrict views within the cone of vision from any major opening of an active habitable space.	Side (East) - Roof Deck 1 Screening wall is 1.55 metres in height from finished floor level.
Officer Comments:		
<p>Supported – The applicants have modified the plan so that the screening wall of the eastern side roof deck is at 86 courses. The finished floor level of the subject roof deck is 67 courses. This equates to a screening wall height of 1.63 metres, which satisfies the acceptable development criteria of the R-Codes by providing a screening wall of greater than 1.6 metres in height from the finished floor level.</p>		

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

Consultation	
In Support:	Nil (0)
Comments Received	Officer Comments
Nil.	Noted.
Objections:	Two (2)
Comments Received	Officer Comments
<ul style="list-style-type: none"> • Objects to setback and height variations as well as no articulation being provided. • Front setbacks inconsistent with adjoining homes. • Building bulk not consistent with adjoining. 	<p>Supported in Part – In regards to articulation on the eastern upper floor wall, a condition has been recommended that two (2) significant design features are proposed on this wall to ensure it softens its visual appearance. In regards to the setback variations to the side boundaries, given these particular setback variations had no objections from the directly affected owners, those being Main Roads and the owner of the existing dwelling at No. 219 Anzac Road, and no undue amenity impacts, they have been supported. The street setbacks of the ground and upper floor to Anzac Road, given the irregular shape of the lot in question, the front setbacks proposed are considered to comply with the Performance Criteria of the City's Residential Design Elements Policy. The front elevation to Anzac Road provides significant elements of articulation; that is, in the form of contrasting colours, textures and cladding finishes, major openings to habitable rooms and staggered walls with differing lengths and heights. In addition, the amenity of the neighbouring properties is maintained as there is no undue overshadowing or visual privacy impacts and the dwelling provides adequate surveillance of the streetscape.</p> <p>In terms of the bulk and heights proposed for the subject dwelling, the physical constraints of the subject new lot as a result of retaining the existing dwelling at No. 219 Anzac Road, have resulted in a proposed new lot being of an unconventional nature. As a result, in order to design a functional</p>

Consultation	
	dwelling, the applicants have had to propose variations to the City of Vincent's height requirements. Given that the upper floor facing Anzac Road has been setback a distance that adequately protects the streetscape and surrounding amenity, in addition to incorporating significant articulation and the side boundary walls have no undue impact on the directly affected neighbours, the variation to the maximum top of concealed roof height has been supported.
Advertising	Advertising was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.

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

COMMENTS:

Main Roads

As per the statutory requirements, this application was referred to Main Roads for their comments and recommendation as the lot adjoins the Mitchell Freeway Reserve. In a letter dated 8 April 2011, Main Roads stated that they did not have any objection to the plans subject to appropriate conditions and advice to the City of Vincent and the applicant in the event the development application is approved. This letter has been attached as a tabled item.

Building Height

The roof deck proposed as part of this development results in the maximum building height proposed exceeding the maximum concealed roof height allowance. The lift shaft, bath 2 and staircase void element of the roof deck are insignificant contributors to the overall bulk of the development.

The height proposed for the dwelling does not result in any overshadowing or visual privacy variations to any of the adjoining residential properties. In addition, the lift shaft, the highest portion of the dwelling, is screened from Anzac Road by the void and bath 2 room and the visual impact on the Mitchell Freeway Reserve is considered insignificant; Main Roads were silent in respect of the height of the dwelling.

As outlined in the City's Residential Design Elements Policy No. 3.2.1 on pages 36 and 37, development that proposes a variation to the building height requirements must comply with the following:

- The upper floor being setback from the primary street property boundary such distance to adequately protect the streetscape and surrounding amenity;
- The upper floor being articulated and setback from the side property boundaries to minimise impact on the affected neighbours (refer to clause 6.4.2 (iii)); and
- Compliance with the overshadowing and privacy requirements of the R-Codes.

The subject proposed two-storey grouped dwelling with roof deck complies with the overshadowing and privacy requirements of the R-Codes. In addition, the upper floor setback to Anzac Road, given the irregular and unconventional dimensions of the proposed new lot, is considered to adequately protect the streetscape and surrounding amenity as a result of excellence surveillance from the proposed upper floor major opening windows facing Anzac Road, as well as the roof top deck.

Whilst in terms of the upper floors being articulated to the street and side boundaries, the façade of the new dwelling when viewed from the Anzac Road streetscape is provided with numerous elements of articulation, in the form of major openings to habitable rooms, visible entry and portico, and contrasting external colours, textures and cladding finishes. On the eastern upper floor elevation, adjacent to the existing dwelling on-site at No. 219 Anzac Road, no objection to the development was received. However, a condition has been imposed to ensure that at least two (2) additional design features are provided in order to provide appropriate articulation. The western and southern elevations of the proposed dwelling face and adjoin the Mitchell Freeway Reserve, and therefore have no direct impact on residential properties.

It is noted that the proposal does not comply with the minimum site area provisions of the Residential R30 coding of the property, with the requirement of 270 square metres per lot. The proposed new dwelling on the adjoining lot is 256.56 square metres. Under Clause 27 of the City of Vincent Town Planning Scheme, where it is desirable to facilitate the conservation of an existing dwelling, which in this case, the existing dwelling at No. 219 Anzac Road is being retained, the City can vary any site or development requirements. In this particular case, given the retention of the existing dwelling, the site meets the average site area requirements of the Residential R30 coding and the proposed new dwelling is considered to be appropriate for the site given the complex nature of the lot configuration; therefore, the variation is supported.

In considering the density coding under the Town Planning Scheme No. 1, as well as the City's Residential Subdivisions Policy, the retention of the existing dwelling and splitting the block down the middle results in new lot widths for the existing and proposed dwelling being consistent with more than 50 per cent of lots within the immediate street block. In this context and in light of the variations proposed, the application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. In light of the above, the application is therefore supported, subject to standard and appropriate conditions to address the above matters. If the Council is inclined to approve the application, the Council is required to approve by an 'Absolute Majority', as the applicant is seeking a variation to the minimum site area requirements.

9.2.1 Traffic Management Matter, Purslowe Street, Mt Hawthorn, Progress Report No.º3

Ward:	North	Date:	14 July 2011
Precinct:	Mt Hawthorn P1	File Ref:	TES0334/TES0458
Attachments:	001 – Revised Plan 002 – Original Plan		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the comments raised by the community, the Public Transport Authority and Main Roads WA as outlined in the report;
2. **APPROVES** the proposed Traffic Safety improvements in the streets surrounding Menzies Park, estimated to cost \$45,000 as shown on the attached revised concept Plan No 2748-CP-02A;
3. **FURTHER** investigates some of the other issues raised not directly related to this proposal; and
4. **ADVISES** the Respondents, Public Transport Authority and Main Roads WA of its decision.

Cr Burns departed the Chamber at 7.45pm.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.46pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Harvey

That a new clause 5 be inserted as follows:

- “5. **REQUESTS** that speeds on roads surrounding Menzies Park be measured after installation of the proposed road treatments and the results referred to the City’s Integrated Transport, Traffic and Road Safety Advisory Group if there has not been a marked reduction in speeds.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

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

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

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

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **NOTES** the comments raised by the community, the Public Transport Authority and Main Roads WA as outlined in the report;
2. **APPROVES** the proposed Traffic Safety improvements in the streets surrounding Menzies Park, estimated to cost \$45,000 as shown on the attached revised concept Plan No 2748-CP-02A;
3. **FURTHER** investigates some of the other issues raised not directly related to this proposal;
4. **ADVISES** the Respondents, Public Transport Authority and Main Roads WA of its decision; and
5. **REQUESTS** that speeds on roads surrounding Menzies Park be measured after installation of the proposed road treatments and the results referred to the City's Integrated Transport, Traffic and Road Safety Advisory Group if there has not been a marked reduction in speeds.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of community consultation regarding the proposed traffic management improvement works in the streets surrounding Menzies Park.

BACKGROUND:

Proposed traffic management improvement works in the streets surrounding Menzies Park was discussed at the Ordinary Meeting of Council held on 23 November 2010, where the following decision was made:

"That the Council;

- (i) APPROVES IN PRINCIPLE the proposed Traffic Safety improvements as shown on attached Plan No 2748-CP-01;*
- (ii) CONSULTS with the Public Transport Authority regarding the trial of the proposed 'single lane slow point' in Egina Street and with Main Roads WA and residents in the streets surrounding Menzies Park regarding the overall proposal giving them 21 days to provide their comments; and*
- (ii) NOTES that a further report will be submitted to the Council at the conclusion of the consultation period which will address the possible staging of the works, a trial of the proposed 'single lane slow point' in Egina Street and funding requirements."*

DETAILS:

Community Consultation:

In accordance with the Council decision on 10 January 2011 over 80 letters were distributed to properties on the perimeter on Menzies Park i.e. Purslowe Street, Egina Street, Berryman Street and East Street outlining the proposal and providing some background information on the proposal.

At the close of consultation on 28 January 2011 fourteen letters were received with eight (8) in favour of the proposal, five (5) against and one (1) with other comments.

Discussion/Comments on a 'number' of matters raised by the public:

- *We have no objection about the proposed traffic management but are quite concerned regarding the final height of the road when the raised plateau speed hump is installed. This will be considerably higher than our driveway and kerbing and we wonder as to what will result when it rains.*
- *Stormwater drainage will be a problem on this section of the street.*

Officers Comments:

The proposed plateau at the intersection of Both Purslowe and East Street and Purslowe and Egina Street will be low profile and a 0.3m to 0.5m wide gap will be left at the edge of the plateau for drainage. This has been the practice where similar calming devices have been implemented. (refer photos below of existing raised plateaux with gaps for drainage in Joel Terrace Mt Lawley).



- *The diagram shows the edge of the raised platform starting/finishing in the middle of our crossover. I would greatly appreciate more detailed information regarding the specifics of this platform and how/if it will have any impact on us (for parking on the verge etc).*

Officers Comments:

As mentioned above the proposed plateau at the intersection of Purslowe and East Street will be low profile and a 0.3m to 0.5m wide gap will be left at the edge of the plateau for drainage. Access to properties via a crossover located adjacent to the device will not be affected nor will there be any impediment to accessing the verge area for parking been the practice where similar calming devices have been implemented. (refer photos below showing existing crossovers of existing raised plateaux in Joel Terrace Mt Lawley).



- *I oppose the single slow lane on Egina St.*

Officers Comments:

This has not been supported by the Public Transport Authority, therefore this is no longer being recommended.

- *Raised areas are noisy. Change of parking angle good - takes more cars, should do other side of park too. Single lanes are pointless. Traffic will just be redirected to other streets.*
- *We are against the proposal to install a raised plateau at the intersection of Purslowe Street and East Street. The basis of our objection is the noise that will be created by vehicles as they enter and leave the raised plateau.*

Officers Comments:

As mentioned above the proposed plateau at the intersection of Purslowe and East Street will be low profile, therefore noise will be minimal. Other comments noted.

- *Changing angle parking to 90 degrees will not leave enough space for cars as cars are longer these days.*

Officers Comments:

Not supported. Vehicles are actually getting shorter. The bay length for angle parking (30 or 45 degree) and perpendicular (90 degree) is similar. Also vehicles can overhang into the grass verge area.

- *I am a resident on the corner of Berryman and Egina. Some form of traffic safety improvement is required for traffic coming from the east down Berryman speeding down the hill through the roundabout to East St. The roundabout has had little or no impact on controlling the speed of traffic. It is only a matter of time before someone is injured at this intersection.*

Officers Comments:

Comments noted, a non invasive low profile speed hump could be accommodated either side of the pedestrian refuge island on Berryman Street east of the Roundabout. Adjoining residents would first be consulted regarding this proposal.

Note: Some of the other comments raise will be further investigated by the officers however they will not form part of the current proposal

Response from Public Transport Authority (includes information from Main Roads WA):

The following response was received from the Public Transport Authority (PTA).

"The proposal to construct a 'single lane slow point' as a traffic management measure is unusual on a bus route and the PTA are concerned about the safety and regulatory implications for our bus drivers that could result from an accident in the vicinity of such a device. To this end the PTA forwarded your proposal to a Senior Road Safety Auditor, with many years experience at Main Roads WA, for advice. His comments are as follows:

"The installation of a one lane slow point will result in vehicles approaching head-on with one vehicle required to give way to the other. This relies on motorists making their own decision as to who goes first without any clear guidance. As far as buses go such a situation can lead to unsafe practices affecting bus operations and can also have an impact on bus operations if there is a dominant traffic flow in the opposite direction resulting in variable delays to bus journey times.

Austrroads Guide to Traffic Management Part 8 considers this type of treatment as inappropriate on bus routes for the above reasons and that buses do not have the opportunity to take an alternative route as other vehicles can do.

The proposed slow point on Egina St is located approximately 75m from the roundabout at the Berryman St intersection and approximately 55m from the raised intersection treatment at the Purslowe St intersection in the opposite direction. When providing speed controlling devices on local roads good Traffic Engineering Practice is to space the devices at 100m to 200m intervals. This is achieved here without the one lane slow point.

Based on the above, the installation of this one lane slow point is not supported as it is likely to have an adverse impact on bus operations in this instance"

In view of these comments, we respectfully ask Council to consider installing the Purslowe Street intersection treatment and then rechecking the Egina Street 85th percentile to see if the speed is reduced to council's satisfaction. As you might appreciate we are reluctant to remove the bus service from this area to the detriment of Town of Vincent residents."

Officers Comments:

The proposed single lane slow point was to be trailed however both the PTA and several respondents from Egina Street indicated they were not in favour of this particular element of the proposal. It is therefore considered that the trail 'slow point' not proceed and that the proposal as outlined on Plan 2748-CP-02A be approved.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Safety of children accessing Menzies park is one of the factors instrumental in developing this proposal. The other is "rat running" and improvement of amenity for residents.

STRATEGIC IMPLICATIONS:

The *Strategic Plan 2011-2016* states:

"Natural and Built Environment

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

1.1.5: "Enhance and maintain the Cities infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2011/2012 budget includes \$45,000 for the implementation of traffic management improvement in streets surrounding Menzies Park.

COMMENTS:

As previously reported to the Council, complaints were received regarding traffic volumes and speeds in Purslowe Street, particularly in the vicinity of Menzies Park, between Egina and East Streets. Given the popularity of Menzies Park, which is used for both active and passive recreation, the main concern was the mix of children, parking and speeding traffic.

The consultation with residents and stakeholders indicates that there is majority support for the proposal and some minor issues raised have been explained/discussed in the report. Removing the slow point from the proposal will address some of the negative responses and is in line with the PTA position.

Other issues raised not directly related to this proposal, i.e. time restrictions; parking on Berryman Street etc will be further investigated at some point in time.

It is therefore recommended that the officer recommendation be supported.

The Presiding Member, Deputy Mayor Cr Sally Lake advised that Cr Burns had declared a financial interest in Item 9.3.1. Cr Burns departed the Chamber at 7.46pm and did not speak or vote on this matter.

9.3.1 Investment Report as at 30 June 2011

Ward:	Both	Date:	15 July 2011
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Cr Anka Burns have disclosed a financial interest in this item.

OFFICER RECOMMENDATION:

That the Council NOTES the Investment Report for the month ended 30 June 2011 as detailed in Appendix 9.3.1.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

That the Officer Recommendation be amended to read as follows:

“That the Council NOTES:

1. the Investment Report for the month ended 30 June 2011 as detailed in Appendix 9.3.1; and
2. that the investments with Westpac Bank were temporarily over the limits set by the City’s Investment Policy.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (6-0)

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

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

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

Cr Burns returned to the Chamber at 7.54pm. The Presiding Member, Deputy Mayor Sally Lake advised that the item was carried with an amendment.

COUNCIL DECISION ITEM 9.3.1

That the Council NOTES;

1. the Investment Report for the month ended 30 June 2011 as detailed in Appendix 9.3.1; and
2. that the investments with Westpac Bank were temporarily over the limits set by the City’s Investment Policy.

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 City, 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 – Investments.

DETAILS:

Total Investments for the period ended 30 June 2011 were \$11,511,000 compared with \$14,035,743 at 31 May 2011. At 30 June 2010, \$10,609,646 was invested.

Investment comparison table:

	2009-2010	2010-2011
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
February	\$15,774,304	\$18,335,510
March	\$15,774,304	\$17,635,510
April	\$14,234,304	\$15,535,743
May	\$12,609,646	\$14,035,743
June	\$10,609,646	\$11,511,000

Total accrued interest earned on Investments as at 30 June 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$454,000	\$454,000	\$545,984	120.26
Reserve	\$403,000	\$403,000	\$510,756	126.74

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City'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.”

COMMENTS:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. As at 27 June 2011, key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

Investment funds have been required to be drawn down during this month for the payment of suppliers and payroll. 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.

9.4.3 Delegations for the Period 1 April 2011 to 30 June 2011

Ward:	Both	Date:	15 July 2011
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Reporting Officers:	P Morrice, Team Leader Ranger Administration; J MacLean, Manager Ranger Community & Safety Services		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the delegations for the period 1 April 2011 to 30 June 2011 as shown at Appendix 9.4.3; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$39,665 for the reasons as detailed below:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$1,270
Details Unknown/Vehicle Mismatched	\$6,140
Equipment Faulty (Confirmed by Technicians)	\$470
Failure to Display Resident or Visitor Permit	\$13,305
Interstate or Overseas Driver	\$2,215
Ranger/Clerical Error	\$6,780
Signage Incorrect or Insufficient	\$1,560
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,140
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,400
Penalties Modified	\$0
Litter Act	\$0
Dog Act	\$0
Health Act	\$0
Pound Fees Modified	\$385
TOTAL	\$39,665

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

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

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 April 2011 to 30 June 2011 and to obtain the City's approval to write-off infringement notices.

BACKGROUND:

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

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

DETAILS:

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

The next most prevalent withdrawal class is that of "Ranger/Clerical Error" however it should be noted that in most cases the infringement notices were reissued to the offending vehicle, on the spot, when the error was identified. It should also be noted that the City has engaged a number of new Temporary Rangers, in the past few months.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

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

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter is shown at Appendix 9.4.3.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2011-2016* - Objective 4.1.2 (a) states:

"4.1.2 (a) *Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$1,270
Details Unknown/Vehicle Mismatched	\$6,140
Equipment Faulty (Confirmed by Technicians)	\$470
Failure to Display Resident or Visitor Permit	\$13,305
Interstate or Overseas Driver	\$2,215
Ranger/Clerical Error	\$6,780
Signage Incorrect or Insufficient	\$1,560
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,140
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,400
Penalties Modified	0
Litter Act	0
Dog Act	0
Health Act	0
Pound Fees Modified	\$385
TOTAL	\$39,665

COMMENTS:

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

9.4.4 Adoption of Policy No. 1.1.8 – Festivals

Ward:	Both	Date:	15 July 2011
Precinct:	All Precincts	File Ref:	CMS0110
Attachments:	001 – Draft Policy		
Tabled Items:	Nil		
Reporting Officers:	J Anthony, Manager Community Development; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY the Policy No. 1.1.8 – “Festivals”, as shown in Appendix 9.4.4; and**
2. **ADVERTISES the amended Policy No. 1.1.8 – “Festivals” for a period of twenty-one days, for public comment;**
3. **after the expiry period of submissions:**
 - 3.1 **REVIEWS the amended Policy No. 1.1.8 – “Festivals”, having regard to any written submissions; and**
 - 3.2 **DETERMINES the amended Policy No. 1.1.8 – “Festivals”, with or without amendment, to or not to proceed with it; and**
4. **AUTHORISES the Chief Executive Officer to include the above amended Policy No. 1.1.8 – “Festivals” in the City’s Policy manual if no submissions are received.**

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Buckels

That the item be DEFERRED to further consider the draft Policy No. 1.1.8 – “Festivals” including removing any inconsistencies, reducing the size of the Policy and to allow for Council Members to submit their comments to the City’s Administration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

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

PURPOSE OF REPORT:

The purpose of this report is to adopt the new Policy No. 1.1.8 – “Festivals”.

BACKGROUND:

DETAILS:

The City has organised a number of festivals over previous years. These included the inaugural "Indulgence Festival" in May/June 2006 and the Cappuccino Festival in September 2007. Both festivals featured the various aspects of the popular coffee culture in the City along with other consumable genres that businesses in Leederville, Mt Hawthorn, and Beaufort St are well known for.

The City continued to organise the Mezz Food Festival on 18 October 2008 and the North Perth Community Festival on 30 November 2008 as part of the "Cappuccino Festival 2008". Businesses that were involved with both Festivals were extremely pleased with the turnout and financial benefits from trading at both events. The City was actively lobbied by businesses at the Mezz and on Angove Street to continue organising the events on an annual basis.

In view of the success of the Festivals, the Angove Street Festival was held again in November 2009 due to its high success and popularity with a second festival, Leederville Carnivale held in the Oxford Business District, Leederville in March 2010.

More recently, external parties such as the Beaufort Street Network and the North Perth Business and Residents' Association have approached the City for sponsorship to organise festivals in their respective business areas. Different levels of sponsorship have been provided for the two externally organised festivals.

New Policy

The Policy aims to provide some guidance and consistency to the festival coordination, sponsorship process and level of support. It provides guiding principles to ensure that the festivals in the City are organised for the benefit of the local community, encouraging economic and community development outcomes. It will also provide clear guidelines for the organising committees and will enable them to carefully plan ahead.

The new Policy will encompass a timeframe, which will enable the community to lodge applications for forthcoming festivals. The timeframe will enable the City's Administration to assess the applications and report to the Council as part of the Budget process. This will enable funds to be included and for the Council to consider and determine the level of support to be provided.

CONSULTATION/ADVERTISING:

The City's Community Consultation Policy No. 4.1.5 prescribes that the amended Policy is to be advertised for 21 days with letters to be distributed to local Businesses and Community Groups to advise them.

LEGAL/POLICY:

The City of Vincent Policy Manual.

RISK MANAGEMENT IMPLICATIONS:

Low: Previous festivals organised in the City have been extremely popular and successful, however factors such as weather on the day can be a contributing factor to attendance levels. The adoption of a Policy is considered appropriate.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*:

Objective 3.1 *"Enhance and promote community development and wellbeing"*

Objective 3.1.5 *"Promote and provide a range of community events to bring people together and to foster a community way of life"*

Objective 4.1 *"Provide good strategic decision-making, governance, leadership and professional management"*.

SUSTAINABILITY IMPLICATIONS:

The purpose of the Festivals is to support business in the area and provide a diverse range of community events in the City. They would also provide an excellent opportunity to promote environmental/sustainability initiatives provided by the City and businesses in the area.

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2011/2012 includes an amount of \$130,000 for the Festivals programme 2011-2012.

COMMENTS:

As outlined in the amended Policy, festival events are animators of public and static urban spaces. They bring to life public facilities which may not be regularly associated with celebration and provide opportunities for markets, shopping, and entertainment. They can provide a catalyst for urban renewal, with strategic applications to amenities and infrastructure to successfully develop an event. It is recommended that the amended Policy be approved to provide a framework for such significant events in the City. It is proposed to submit a report to the Ordinary Meeting of Council 9 August 2011 for the Council to consider and adopt the City's Festival Programme for 2011-2012.

9.4.5 Review and Adoption of Delegated Authority Register 2011/2012

Ward:	Both	Date:	18 July 2011
Precinct:	All	File Ref:	ADM0038
Attachments:	Nil		
Tabled Items:	001 – Delegated Authority Register 2011/2012		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) **ENDORSES** the review of its Delegated Authority Register, in accordance with Section 5.46(2) of the *Local Government Act 1995* (“the Act”); and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register 2011/2012, as shown in Appendix 9.4.2 (electronic attachment 001 and Tabled Item).

Cr Farrell departed the Chamber at 7.59pm.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

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

Cr Farrell returned to the Chamber at 8.00pm.

Cr Harvey departed the Chamber at 8.00pm.

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and consider its delegations to the Chief Executive Officer and to approve of the Delegated Authority Register for the 2011/2012 year.

BACKGROUND:

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

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the “day to day” functions of the City’s Administration. The CEO exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

The Chief Executive Officer has reviewed the current Delegated Authority Register (which was comprehensively reviewed in 2010) and it is advised that one new delegation is required as follows;

No: 5.16 Food Act 2008 – Registration of Food Businesses

Function to be performed	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 9.10(1).</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of the <i>Food Act 2008</i> .
Chief Executive Officer delegates to	Manager Health Services the authority to sign and issue any registration approvals to operate a Food Business under the <i>Food Act 2008, s.110</i> .
Conditions and Reporting Requirements	All actions taken must be recorded in writing in the appropriate file or record.

Chief Executive Officer's Comment:

The City's Health Services advises that this new Delegation is required to enable the Manager Health Services and/or Environmental Health Officers to sign and issue any registrations to operate a Food Business. These will eventually replace the Eating House registrations currently issued under the Health Act 1911 - which is being replaced by a new Health Act.

Other Minor Changes

The following delegations do not require Council approval as the Function to be performed is unchanged, however more precise wording has been inserted to remove any ambiguity where the Chief Executive Officer has further delegated the responsibility to another employee.

- Delegation No. 2.5: More precise delegation given to specific employees in the City's Technical services Directorate.
- Schedule No. 3.17: A Schedule specifying the maximum dollar amount that an Employee can sign has been introduced into the Delegation. (Previously this Schedule was retained in the Finance Section.)
- Delegation 4.6: A Schedule as per Delegation No. 3.17 has been introduced.
- Delegation 5.1: More precise wording and specific delegations to various Employees have been introduced to improve internal control measures.
- Delegation 5.8: A sentence has been inserted to specify that only the Chief Executive Officer can sign legal documents where the Council's Common Seal has been affixed.
- Delegation 5.14: The Food Act 2008, Sections 122, 126(2), (3), (6) and (7) has been introduced to the Legislative Power or Duty delegated - this makes the delegation more specific and concise.

Delegation 5.17: The Chief Executive Officer has further delegated this to the Manager Health Services and Environmental Health Officers - this makes the delegation more precise.

Delegations Nos. 5.16-5.22: are renumbered to "5.17-5.23", due to the insertion of new Delegation 5.16.

Replacement pages of the revised Delegations have been issued.

LEGAL/POLICY:

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

Quarterly reports detailing the administration's use of delegations are reported to the Council as follows:

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

Section 5.46(2) of the Local Government Act 1995 requires the Council to carry out a review of its delegations at least once every financial year.

The person to whom a power or duty is delegated is to keep records in accordance with the Act and Regulations.

RISK MANAGEMENT:

High: Failure to review the Delegated Authority Register each year would be a breach of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2011-2016 – Leadership, Governance and Management, Objective 4.1.2 – *“Manage the Organisation in a responsible, efficient and accountable manner.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegated Authority Register has resulted in one new delegation. The remaining delegations are identical to the 2011/2012 delegations, except for several changes to Policies referred to in the Register – to reflect their correct title and internal delegations from the Chief Executive Officer to other Employees have been amended. These do not require the approval of the Council - however, form part of the Delegation.

Accordingly, it is recommended that the Council endorse the review and approve of the Delegated Authority Register 2011/2012.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

Cr Harvey returned to the Chamber at 8.02pm.

Discussion ensued.

At 8.05pm the Presiding Member, Deputy Mayor Cr Sally Lake called an Adjournment of the meeting for 10 minutes, prior to proceeding "Behind closed doors" to consider the Confidential Items.

The Meeting resumed at 8.15pm, with the following persons present;

Cr Sally Lake (<i>Deputy Mayor</i>)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Ben Doyle Director, Planning Solutions (for Items 14.2, 14.3 and 14.4)

There were no members of the public or journalists present.

PROCEDURAL MOTION

At 8.15pm **Moved Cr Farrell, Seconded Cr Burns**

That the Council proceed "behind closed doors" to consider confidential items:

- 14.1, 14.2, 14.3 and 14.4 – as these matters contain information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- 14.5 – as this item relates to a matter to be discussed at the meeting and if disclosed, would reveal information that has a commercial value to a person.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

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

Order of Business for the Confidential Items

The Items were considered in the following Order:

14.4, 14.2, 14.3, 14.5 and 14.1 as the City's Legal Advisor and Planning Consultant were in attendance for Items 14.2, 14.3 and 14.4 (Planning Consultant only).

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

14.4 URGENT BUSINESS: CONFIDENTIAL REPORT: No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth – Proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park – Reconsideration of Conditions – State Administrative Tribunal (SAT) Review Matter No. DR 26 of 2011

Ward:	South	Date:	26 July 2011
Precinct:	Forrest; P14	File Ref:	PRO0733; 5.2011.173.1
Attachments:	NA		
Tabled Items:	NA		
Reporting Officer:	B Doyle, Director Planning Solutions		
Responsible Officer:	R Boardman, Director Development Services		

This report has been prepared by Planning Solutions – Urban and Regional Planning – Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the advice provided by the City's appointed consultant;
2. **AUTHORISES** the Chief Executive Officer to mediate and agree to the determination of the matter through Consent Orders to include the following;

Condition 1.1.3 be modified to read as follows:

- 1.1.3 The applicant shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 133 and 147 Lincoln Street, Nos. 8 and 10 Grant Street and No. 381 (Lot 51) Beaufort Street in a good and clean condition, to the reasonable satisfaction of the City of Vincent;

Condition 1.10.4 be modified to read as follows:

1.10.4 Screening

- (a) The shade hoods on the northern and southern elevation shall be oriented to minimise overlooking into the adjacent Highgate Primary School; and
- (b) The bedroom windows on 1st, 2nd and 3rd floors on the north west elevation and the southern portion of the podium shall comply with the privacy setback of 4.5 metres of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials and be non openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective

permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining property to the north (Lincoln Towers). A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments;

Condition 1.10.7 be modified to read as follows:

1.10.7 Design Features

- (b)(i) A 'green' wall shall be incorporated on the northern boundary wall, created by growing an ivy (or similar) to partly or wholly cover the northern boundary wall by means of planters located both in the ground and in planters located on the third floor roof deck;
- (b)(ii) A detailed schedule of external finishes (including design features, materials, colour schemes and details) for the northern boundary wall shall be submitted to and approved by the City's Chief Executive Officer; and
- (b)(iii) The wall and planters shall be maintained in good condition at all times to the satisfaction of the City's Chief Executive Officer.

Condition 1.10.11 be modified to read as follows:

1.10.11 Boundary Fence

- (a) Any proposed new fence to the southern boundary is to comply with the requirements of the City's Visual Truncation Policy; and
- (b) Landscaping adjacent to crossovers to comply with the requirements of the City's Visual Truncation Policy; and

1.10.3 Service Lane

Condition 1.10.3 shall be retained in the event that the applicant is unable to demonstrate how an alternative solution could achieve the objective of minimising external impacts from the service lane;

in accordance with s56 of the State Administrative Tribunal Act 2004, should the SAT so Order in the mediation scheduled for 28 July 2011.

COUNCIL DECISION ITEM 14.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

The Presiding Member, Deputy Mayor Cr Sally Lake welcomed Mr Ben Doyle, Director of Planning Solutions- the City's appointed Town Planning Consultant.

Mr Doyle advised the Council concerning Town Planning matters relating to this item as detailed in his Confidential Report and responded to questions asked.

Mr Andrew Roberts, Solicitor entered the meeting at 8.27pm. (Legal Adviser for Items 14.2 and 14.3)

Discussion ensued.

Cr Topelberg requested that the City formally advise the residents of Lincoln Tower of the final outcome/conditions, once SAT matter has been finalised. This request was agreed.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 URGENT BUSINESS: CONFIDENTIAL REPORT: No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth - Additions, Alterations to Existing Concrete Batching plant and the lifting of time limited condition requiring the concrete batching plant to cease operating after 16 October 2012 and extended hours of operation (Holcim Batching Plant)

Ward:	South	Date:	26 July 2011
Precinct:	Claisebrook Road North-P15	File Ref:	PRO0733; 5.2011.173.1
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **SEEKS** an urgent deputation before the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day, to discuss the planning applications for Holcim and Hanson Concrete Batching Plants in East Perth;
2. **INSTRUCTS** the City's legal representative to write to the Honourable Minister seeking his agreement for the Council to engage in mediation;
3. **CONSIDERS** the matter at its Ordinary Meeting to be held on 9 August 2011;
4. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time; and
5. **APPROVES** of the deputation to the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day to comprise as follows:
 - Deputy Mayor Sally Lake;
 - Cr Warren McGrath (if available from leave of absence);
 - Cr Joshua Topelberg (if Cr McGrath is unavailable);
 - Chief Executive Officer, John Giorgi JP; and
 - Director Development Services, Rob Boardman.

COUNCIL DECISION ITEM 14.2

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

The Presiding Member, Deputy Mayor Cr Sally Lake welcomed Mr Ben Doyle, Director of Planning Solutions – the City's appointed Town Planning Consultant and Mr Andrew Roberts, Solicitor and Partner with McLeods Barristers & Solicitors – the City's legal advisers in this matter.

Mr Roberts advised the Council as to the process relating to this matter (as detailed on pages 13 and 14 of the Confidential Report 14.2 and responded to questions asked.

Cr Topelberg departed the Chamber at 9.27pm.

Discussion ensued.

Cr Topelberg returned to the Chamber at 9.29pm.

Mr Doyle advised the Council concerning Town Planning matters relating to this matter (as detailed on pages 15-17 of the Confidential Report 14.2 and responded to questions asked.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.3 URGENT BUSINESS: CONFIDENTIAL REPORT: No. 71 (Lot 200; D/P: 92012) Edward Street, East Perth – Deletion of the Existing Condition of Approval that Limits the period of Approval to 26 June 2012 together with structural Additions to the Existing Plant, being the enclosure of the Western Façade of the Two Existing Filling Stations and the Increase in Height of the Existing Western Fence (Hanson Batching Plant)

Ward:	South	Date:	26 July 2011
Precinct:	Claisebrook Road North-P15	File Ref:	PRO0733; 5.2011.173.1
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **SEEKS** an urgent deputation before the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day, to discuss the planning applications for Holcim and Hanson Concrete Batching Plants in East Perth;
2. **NOTES** that the City's Officers will report the matter to the Council at its Ordinary Meeting scheduled for 9 August 2011; and
3. **APPROVES** of the deputation to the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day to comprise as follows:
 - Deputy Mayor Sally Lake;
 - Cr Warren McGrath (if available from leave of absence);
 - Cr Joshua Topelberg (if Cr McGrath is unavailable);
 - Chief Executive Officer, John Giorgi JP; and
 - Director Development Services, Rob Boardman.

COUNCIL DECISION ITEM 14.3

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

The Presiding Member, Deputy Mayor Cr Sally Lake advised that Mr Ben Doyle, Director of Planning Solutions – the City's appointed Town Planning Consultant and Mr Andrew Roberts, Solicitor and Partner with McLeods Barristers & Solicitors – the City's legal advisers in this matter would provide advice to the Council.

Mr Roberts advised the Council that the process relating to this matter was slightly different to the Holcim application, as no appeal had been lodged to the SAT as yet. However, similar legal arguments and conditions would apply to this development application.

Mr Doyle advised the Council as to Town Planning matters relating to this matter and stated that similar planning arguments and conditions would apply to this development application, as to those which apply to the Holcim application.

Discussion ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

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

Mr Doyle and Mr Roberts departed the meeting at 9.50pm.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.5 URGENT BUSINESS: CONFIDENTIAL REPORT: Opportunity to Purchase Land within the City of Vincent

Ward:	South	Date:	26 July 2011
Precinct:	Oxford Centre (4)	File Ref:	PRO1234
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that an opportunity has arisen to purchase land, as detailed in this confidential report and shown in Appendices 14.5(A), (B) and (C);
2. **REQUESTS** the Chief Executive Officer to submit a further report to the Ordinary Meeting of Council to be held on 9 August 2011; and
3. **AUTHORISES** the Chief Executive Officer to make public all or part of this recommendation once the matter has been finalised.

COUNCIL DECISION ITEM 14.5

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Discussion ensued.

Cr Harvey departed the meeting at 10.07pm and did not return (as she had family commitments which she could not change).

MOTION AS AMENDED PUT AND CARRIED (4-2)

For: Cr Burns, Cr Farrell, Cr Maier, Cr Topelberg

Against: Deputy Mayor Cr Lake, Cr Buckels

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter if disclosed, would reveal information that has a commercial value to a person.

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.1 CONFIDENTIAL REPORT: Department of Transport – Leederville Station Bus Interchange Feasibility Study and Design Refinement and Microsimulation Modelling Report

Ward:	-	Date:	11 July 2011
Precinct:	All	File Ref:	PLA0228
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council **ADVISES** the Department of Transport (DoT) that:

1. the Council **SUPPORTS IN PRINCIPLE** the Leederville Bus Interchange Feasibility Study (Study) and associated Design Refinement and Microsimulation Modelling Report (Report); however, notes the following issues for the DoT's consideration;
 - 1.1 investigate the Perth Parking Management Area issue near Newcastle Street, as there is currently an underutilisation of free transit along Newcastle Street;
 - 1.2 examine the potential to incorporate escalators servicing the Leederville Bus Interchange;
 - 1.3 examine the potential to incorporate disability access servicing the Bus Interchange; and
 - 1.4 a Bus Interchange may have a positive impact on the City's Leederville Town Centre Masterplan and Built Form Guidelines, by allowing for future significant improvements in public transport in the area. However, in facilitating the Leederville Station Bus Interchange facility, additional feasibility design work should be undertaken, in order to ensure that the road network configuration is feasible; and
2. the Leederville Bus Interchange Feasibility Study will be factored into the City of Vincent and Town of Cambridge's joint Leederville Station Link Feasibility and Design Study, currently being prepared by consultants, Aurecon.

COUNCIL DECISION ITEM 14.1

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Harvey had departed the meeting. Mayor Catania was an apology for the meeting. Cr McGrath was on approved leave of absence.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature, as the subject documents have not yet been released for public consultation. In light of this, the Department of Transport have requested the City's Officers to treat the matter confidentially.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

At 10.10pm the Chief Executive Officer advised the meeting that the City's Policy concerning Meeting Procedures required meetings to conclude by 10.00pm. If the meeting is to continue, a motion to continue is required.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Maier

That the Council Meeting continue until all items have been considered and determined.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Harvey had departed the meeting. Mayor Catania was an apology for the meeting. Cr McGrath was on approved leave of absence.)

PROCEDURAL MOTION

At 10.12pm Moved Cr Topelberg, Seconded Cr Burns

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Harvey had departed the meeting. Mayor Catania was an apology for the meeting. Cr McGrath was on approved leave of absence.)

15. CLOSURE

There being no further business, the Presiding Member, Deputy Mayor Cr Sally Lake, declared the meeting closed at 10.12pm with the following persons present:

Cr Sally Lake (<i>Deputy Mayor</i>)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

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 26 July 2011.

Signed:Presiding Member
Deputy Mayor Sally Lake

Dated this day of 2011