

# minutes

Ordinary Meeting of Council



Please be advised that the Ordinary Meeting of Council was held at **6.30pm** on **Tuesday 9 October 2012** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "Kyron".

**ATHANASIOS (ARTHUR) KYRON**  
**CHIEF EXECUTIVE OFFICER**

12 October 2012

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(To be confirmed on 13 November 2012)

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(To be confirmed on 13 November 2012)

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(To be confirmed on the 13 November 2012)

## 1 OPENING

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

### Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders both past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

## 2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

- There are guidelines that need to be adhered to in our Council meetings and while we are not as strict as we could be, it is important to remember that during question and statement time, I would like to request that you do not personalise any questions or statements about Elected Members or staff or use any defamatory remarks.
- Mr Joe Sidoti was awarded 'Ranger of the Year Award' for 2012 from The Ranger Association. It is a testament to Joe, and more broadly to the Health and Regulatory Services team, to win industry recognition in this way. The compliance roles of Health, Parking and Ranger officers and all who support them provide new challenges on a daily basis. I am sure that Joe will agree that his success is due in no small part to the support of a professional team of the highest standard. Joe provides a prime example of the professionalism and passion with which the Health and Regulatory Services team conduct themselves daily. His dedication and wealth of experience are an asset to the local community.

## 3 ATTENDANCE

<b>Mayor:</b>	Cr T (Trevor) Vaughan
<b>Banksia Ward:</b>	Cr J (John) Bissett (Deputy Mayor) Cr K (Keith) Hayes
<b>Jarrah Ward:</b>	Cr D (David) Ashton Cr D V (Vin) Nairn Cr V (Vicki) Potter Cr A (Adam) Vilaca
<b>Chief Executive Officer:</b>	Mr A (Arthur) Kyron

(To be confirmed on 13 November 2012)

**Directors:** Mr N (Nathan) Cain  
 Ms R (Rochelle) Lavery  
 Mr A (Anthony) Vuleta  
 Ms T (Tina) Ackerman

**Secretary:** Ms K (Kathleen) Highfield

**Public:** 9

**3.1 Apologies**

**Banksia Ward:** Cr C (Claire) Anderson

**Executive Manager Built Life:** Mr R (Robert) Cruickshank

**3.2 Approved Leave of Absence**

**Banksia Ward:** Cr R (Rowena) Skinner

**4 DECLARATIONS OF INTEREST**

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

**Declaration of Financial Interests**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Nil

(To be confirmed on 13 November 2012)

**Declaration of Interest affecting impartiality**

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mayor Trevor Vaughan
Item No/Subject	13.2 East Victoria Park Primary School
Nature of Interest	Impartiality
Extent of Interest	Employed by the Education Department of WA

**5 PUBLIC QUESTION TIME**

Mr Ross Kendall, 47 Kitchener Avenue, Victoria Park

Mr Kendal asked if Council were aware of the 3 alternatives presented by the independent Metropolitan Review Board in relation to Amalgamation, and if Council could refrain from spending any monies on new Town to City branding.

Answer

Mayor Vaughan advised that Council are aware of the alternatives and that at this stage no changes will be made or monies spent until the amalgamation report is announced.

**6 PUBLIC STATEMENT TIME**

Mr John Milton, 175 Railway Road, Gooseberry Hill

Mr Milton made a statement that relates to the rates paid by his company, Clevefont Holdings Pty Ltd.

**7 CONFIRMATION OF MINUTES**

**RESOLVED:**

**Moved: Councillor Hayes**

**Seconded: Councillor Vilaca**

**That the minutes of the Ordinary Council Meeting held on Tuesday, 11 September 2012 be confirmed.**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

(To be confirmed on 13 November 2012)

**RESOLVED:**

**Moved: Councillor Vilaca**

**Seconded: Councillor Potter**

**That the minutes of the Special Council Meeting held on Tuesday, 18 September 2012 be confirmed.**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

## **8 PRESENTATIONS**

### **8.1 Petitions**

Nil

### **8.2 Presentations (Awards to be given to the Town)**

Nil

### **8.3 Deputations (Planning / External Organisations)**

Nil

## **9 METHOD OF DEALING WITH AGENDA BUSINESS**

Councillors, as we do not tape record Council Meetings I draw to your attention the Alternate Motion / Amendment Submission Form at the end of the Agenda. I request, where you wish to move an Alternate Motion or an Amendment that you complete this form in full prior to the moving either Administration Regulation II which requires a reason for each decision that is significantly different from the officer recommendation.



## 10 CHIEF EXECUTIVE OFFICER REPORTS

### 10.1 Local Government Elections 2013 – Appointment of Western Australian Electoral Commissioner

<b>File Reference:</b>	ADM0168
<b>Appendices:</b>	No

<b>Date:</b>	17 September 2012
<b>Reporting Officer:</b>	R. Fishwick
<b>Responsible Officer:</b>	A. Kyron
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – that the Electoral Commissioner be responsible for conducting the 2013 elections using the postal method.**

- The Council needs to determine whether to appoint the Electoral Commissioner to conduct its 2013 Ordinary Election as a postal election.

**TABLED ITEMS:**

- Letter dated 13 September 2012 from the Western Australian Electoral Commissioner.

**BACKGROUND:**

The Western Australian Electoral Commissioner in his letter dated 13 September 2012 (tabled) requested advice as part of the Commission’s planning process for the 2013 biennial local government elections as to whether Council will utilise the services of the Commission in conducting its 2013 ordinary elections as a postal election. The Western Australian Electoral Commissioner under the provisions of section 4.61(4) of the *Local Government Act, 1995* is the only person able to conduct postal elections.

Should the Council wish to accept the Electoral Commissioners offer to conduct its elections as postal elections then it will need to comply with section 4.20(4) of the *Local Government Act 1995* which states:

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

\* Absolute majority required.

(To be confirmed on 13 November 2012)

**DETAILS:**

The Council has a choice of election methods which is either by “postal election” or a “voting in-person election”. The “postal election” method of casting votes is by posting or delivering them to an electoral officer on or before Election Day, and must be carried out by the Western Australian Electoral Commissioner. A “voting in-person” election is one where the principal method of casting votes is by voting in-person on Election Day but also allows for votes to be cast in-person before Election Day or posted or delivered in accordance with the regulations. A voting in-person election can be carried out by the Chief Executive Officer of the local government as Returning Officer and its staff or another person appointed as Returning Officer or the Electoral Commissioner who appoints the Returning Officer and staff.

Since the inception of the Town in July 1994 the Western Australian Electoral Commissioner has conducted all elections as postal elections and no comparison of the costs or elector participation rates of conducting a “voting in-person” election is available. In addition, all candidates who nominated for office at the Town of Victoria Park in 2011 were elected unopposed and therefore there are no voter participation rates available for comparison with similar sized local governments. Voter participation rates for the 2009 election are however shown below:

**2009 Elections voter participation – similar sized metropolitan local governments**

Postal Voting	%	Voting in-person	%
Bassendean	33.8		
Belmont	34.1	Bayswater	13.24
Cambridge	30.5		
Vincent	29.6	East Fremantle	12.7
Victoria Park	31.4		
South Perth	33.7		

The above figures suggest that local governments that use the voting in-person method of conducting elections may not be engaging with a wider representation of the whole community. Whilst voting in local government elections is not compulsory, the community may have an interest but not feel compelled to attend a polling place for the purpose of casting their vote.

Local governments should then look at ways in which to encourage the community to participate and one way is to use the postal method. The elector participation rate for the Town’s 2009 ordinary elections with only one Ward being contested was 31.4% which is lower than the 2007 election of 38.4%. This lower voter turnout in 2009 is attributed not only the fact that one ward was contested but also there was no election for mayor. This result is still very favourable when compared to the low participation rates achieved by the City of Bayswater and the Town of East Fremantle which both conducted an in-person election in 2009.

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(To be confirmed on 13 November 2012)

**Legal Compliance:**

Section 4.20(4) of the *Local Government Act 1995* states-

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

\* *Absolute majority required.*

Section 4.61(2) of the *Local Government Act 1995* states-

- (2) *The local government may decide\* to conduct the election as a postal election.*

\* *Absolute majority required.*

In accordance with the abovementioned legislation, the Council needs to pass two (2) motions by an absolute majority to enable the Electoral Commissioner to conduct the Town's elections as a postal election, namely:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct the 2013 ordinary election together with any other elections , polls or referendums which may be required; and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the elections, polls or referendums will be as a postal election.

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:****Internal Budget:**

The Electoral Commissioner has provided a cost estimate of \$58,000 (including GST) based on the following assumptions:

- 19,000 electors
- Response rate of approximately 35%
- Four (4) vacancies for councillors (2 in each ward); and
- The count being conducted at the Town's Administration Centre.

Items not included in the estimate comprise:

- Non-statutory advertising (i.e. advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- One local government staff member (Rates Officer) to work in the polling place on Election Day.

(To be confirmed on 13 November 2012)

The cost estimate for 2013 of \$58,000 (including GST) is shown hereunder with a comparison of costs and voter participation over the last 4 elections.

Details	2003	2005	2007	2009 *	2011 Estimate No election	2013 Estimate
Electors on Roll	17,630	18105	18,242	9,738	18,600	19,000
Votes Cast	6,293	6,282	7,004	3,062	7,440	6,650
Percentage Participation	35.7%	34.7%	38.4%	31.4%	40%	35%
Cost	\$53,344	\$48,827	\$46,464	\$26,685	\$53,636	\$58,000
Cost per Elector	\$3.03	\$2.70	\$2.55	\$2.74	\$2.88	\$3.05
Cost per Vote	\$8.48	\$7.77	\$6.64	\$8.71	\$7.21	\$8.72

\* In 2009 the costs per vote are higher due to only one ward being contested

The Western Australian Electoral Commission advised that the major cost increase relates to the increase in overheads for labour and postage costs. It should be noted that the 2003 and the 2007 elections included a mayoral vacancy which normally does increase the voter participation rate. As mentioned previously there was no election in 2011 and the costs provided above are those estimated if an election occurred.

The Commission is required pursuant to clause 9(3) of the *Local Government (Elections) Regulations 1997* to conduct local government elections on a full cost recovery basis. It should be noted that the cost for the 2013 election is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for the Commission's charges is all materials at cost and a margin on staff time only.

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

With all the elections held since the establishment of the Town being postal voting elections, it is difficult to determine what the exact cost of a voting in-person election would be.

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(To be confirmed on 13 November 2012)

The City of Bayswater Ordinary Council Meeting Minutes dated 25 May 2010 report that the cost of conducting their 2009 in-person election was \$99,035.50. In this election there were 40,861 electors and only 8,444 valid votes were cast, resulting in a cost per vote of \$11.73 which is substantially higher than the Town's cost per vote for the 2009 postal election of \$8.71 and the estimated cost of \$8.72 for the 2013 election.

It is common knowledge that local governments that conduct a voting in-person election, with the Chief Executive Officer as Returning Officer and the election managed by Council staff absorb many of the election costs into day to day operations and the true costs of the election are generally understated. The cost per elector is generally significantly higher due to the poor participation rate.

### **Voter Participation**

Local government is now required to consult more with the community, encourage community participation and be more open and accountable for their actions. The Town of Victoria Park has actively supported these requirements. From an election view point, the conduct of the 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009 and 2011 (no election) ordinary elections by the postal vote method has ensured that the highest consultation and participation rates possible were achieved.

Market research (undertaken by the Western Australian Electoral Commission) about the postal voting system indicated that 87% of survey respondents wanted the postal voting method retained for future elections. The participation rates for the Town (which do not fall below 30% of eligible electors) for all its elections supports the market research findings.

Having the local government election process managed by the Western Australian Electoral Commission whose principal activity is to conduct elections, is generally accepted as extremely positive for the following reasons:-

- (1) The election is conducted by professional staff appointed for that sole purpose;
- (2) The election is overseen by an independent service provider with in-depth experience and adequate resources to perform the task; and
- (3) The appointment of the Electoral Commission to conduct and manage the local government election removes any conflict of interest that may exist between Elected Members and the Returning Officer and other local government officers appointed for the election.

Appointing the Western Australian Electoral Commission to conduct the Town's ordinary election, continues the strong commitment to consult with the community and achieve high voter participation rates, as established with previous elections. It is therefore recommended that the elections for 2013 be conducted by the Electoral Commissioner using the postal voting method.

### **CONCLUSION:**

The 2013 Ordinary Election be conducted by the Western Australian Electoral Commissioner as a postal election.

(To be confirmed on 13 November 2012)

**RESOLVED:**

**Moved: Councillor Potter**

**Seconded: Councillor Bissett**

1. In accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct the 2013 ordinary election together with any other elections, polls or referendums which may be required.
2. In accordance with section 4.61(2) of the *Local Government Act 1995*, the method of conducting the Town's elections, polls or referendums in 1. Above will be postal.
3. An amount of \$58,000 be listed for consideration on the 2013/2014 Budget to fund the costs for the Western Australian Electoral Commissioner to conduct the Town's 2013 Ordinary Elections.

The Motion was Put and

**CARRIED BY AN ABSOLUTE MAJORITY: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

(To be confirmed on 13 November 2012)

<b>10.2 Connected Enterprise 2012 Conference, Melbourne, 21 – 22 November 2012</b>
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<b>File Reference:</b>	ADM0058
<b>Appendices:</b>	No

<b>Date:</b>	25 September
<b>Reporting Officer:</b>	K. Donnelly
<b>Responsible Officer</b>	A. Kyron
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:****Recommendation – An Elected Member be approved to attend the Connected Enterprise Conference from 21 – 22 November 2012.**

- Connected Enterprise is a conference covering evolving technologies and how to implement them in the workplace to advance into the digital age.
- An officer will be attending the conference and there is an opportunity for a Councillor to attend also.

**TABLED ITEMS:**

Conference Program Flyer

**BACKGROUND:**

Connected Enterprise 2012 is a two day combined conference and exhibition covering how evolving technologies are transforming the workplace into a more social, virtual and mobile environment, and the opportunities to be gained from these technologies. The event brings together industry leaders to discuss how businesses can become a truly connected enterprise of people, processes and information.

**DETAILS:**

Topics to be covered:

- How the convergence of mobility, social, cloud, security and data is transforming business;
- How to connect customers, employees and partners in new meaningful ways;
- How to design the flexible, collaborative work space;
- How to apply social communities to product innovation;
- How to use collaborative technologies to deepen customer care and engagement;
- How to fully leverage the intelligence that resides within your business;
- How to lead a connected and collaborative business;
- How to prepare and benefit from the new digital workforce; and
- How to secure the connected enterprise and manage risk.

(To be confirmed on 13 November 2012)

**Confirmed Speakers:**

- Brian Solis - author, digital analyst, sociologist and futurist (Keynote);
- Christian Schubert - Vice President Corporate Communications Asia Pacific - BASF Group;
- Erin Grotts - Director of Internal Communications – SUPERVALU;
- Philip van der Most - Lead Business Analyst & Information Manager – Rabobank;
- David Peano – CIO - Visy Industries;
- Tom Quinn – CTO - News Limited;
- Ross Dawson - Futurist and Chairman - Future Exploration (Keynote);
- Nick Merry - General Manager Customer Analytics and Modelling – Telstra; and
- Paul Miller - ANZ Strategy and Transformation Service Line Leader - IBM Global Business Services (Keynote).

**Legal Compliance:**

Nil

**Policy Implications:**

ADM 6 specifies the procedure for inviting Elected Members to conventions and conferences.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

Flights:	from	\$348.00
Accommodation (3 nights):	from	\$444.00
Cost of registration:		\$1895 + GST
<b>Total:</b>		<b>\$2876.50</b>

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil



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(To be confirmed on 13 November 2012)

**COMMENT:**

This conference is relevant to the Town as it makes advances into digital enterprise. With the development of the Digital Hub and the installation of the NBN, plans to use new communication technologies to the advantage of the workplace are in progress. This conference will give new ideas and ways of utilising digital technologies including social media to connect the Town with local businesses, residents, visitors and employees.

**Outcomes sought:**

There are several outcomes being sought from the attendance of this conference.

- It is hoped that we can gain new ideas for uses of the Town's new Digital Hub, and the processes for carrying out these ideas.
- A better insight and understanding of the use of social media as a communication tool and public forum.
- Ideas and examples to help with the writing of a Web Policy for the Town.
- Learn and explore possibilities for the Town when the installation of the NBN is complete (e.g. what new technologies could we potentially use and to what purpose).
- The continued progress of the Town as a digital Council (we were the first in WA to have a mobile compatible website, and one of the first to have the NBN installed).

**CONCLUSION:**

This conference will give an Elected Member a greater understanding of the new technologies accessible by workplaces, and how we could best implement them at the Town.

**RESOLVED:**

**Moved: Councillor Hayes**

**Seconded: Councillor Potter**

**That Councillor Bissett be approved to attend the Connected Enterprise 2012 conference in Melbourne 21 – 22 November 2012 at an estimated cost of \$2876.50.**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

(To be confirmed on 13 November 2012)

### 10.3 Appointments to Regional Councils, Other Outside Organisations, Council Committees and Working Groups

<b>File Reference:</b>	ADM0110 & ADM0027
<b>Appendices:</b>	No.

<b>Date:</b>	3 October 2012
<b>Reporting Officer:</b>	T. McCarthy
<b>Responsible Officer:</b>	A. Kyron
<b>Voting Requirement:</b>	Simple Majority

#### Executive Summary:

**Recommendation – Elected Members be nominated and endorsed to replace Cr Vilaca on the following bodies:**

- Kensington Police & Citizen Youth Club Committee
- Community Environmental Working Group
- Community Safety Working Group

Cr Vilaca has indicated his intention to resign as an appointed representative on the aforementioned bodies.

#### TABLED ITEMS:

- Extract (Item 6.2) from minutes of Special Council Meeting held 17 October 2011.
- Extract (Item 11.2) from minutes of Ordinary Council Meeting held 8 November 2011.

#### BACKGROUND:

At the Special Council Meeting held 17 October 2011, Council resolved, in part,

*That Council:*

10. *Appoints Cr Vilaca to represent the Town on the Kensington Police & Citizen Youth Club Committee until 19 October 2013;*

At the Ordinary Council Meeting held 8 November 2011, Council resolved, in part,

6. *The Council appoints:*

- 6.6 *Councillor Skinner, Councillor Vilaca and Councillor Hayes to the Community Environmental Working Group until the 19 October 2013 and Mayor Vaughan as the Deputy Member;*
- 6.7 *Councillor Anderson, Councillor Vilaca, Mayor Vaughan and Councillor Nairn to the Community Safety Working Group until the 19 October 2013.*

Cr Vilaca has indicated that because of study and work commitments he intends to resign as an appointed representative on the following bodies:

- Kensington Police & Citizen Youth Club Committee
- Community Environmental Working Group
- Community Safety Working Group

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(To be confirmed on 13 November 2012)

**DETAILS:**

No special procedures apply for membership to an outside or statutory body. The Town's Administration will write to the organisation advising which persons have been appointed as primary and deputy delegates, where appropriate. Where the primary delegate is unable to attend a scheduled meeting, he or she should inform the deputy (if any) as early as possible to enable the deputy to attend in his or her place.

Any appointment made by Council to a Regional Council or outside organisation ordinarily continues until the next ordinary election day in October 2013 unless, in the intervening period:

- an elected member no longer holds office;
- an elected member resigns, or
- the organisation is disbanded.

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Nil

**Total Asset Management:**

Nil

**Sustainability Assessment:****External Economic Implications:**

Nil

**Social Issues:**

Nil

**Cultural Issues:**

Nil

**Environmental Issues:**

Nil

**COMMENT:**

Cr Vilaca is currently the sole Town representative on the Kensington Police & Citizen Youth Club Committee. The current Elected Member appointees to the Community Environmental Working Group are Cr Vilaca, Cr Skinner and Cr Hayes. The current Elected Member appointees to the Community Safety Working Group are Cr Vilaca, Cr Anderson and Mayor Vaughan.

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(To be confirmed on 13 November 2012)

The Council is requested to give consideration to acceptance of Cr Vilaca's resignation, because of study and work commitments, from the 3 named bodies on which he currently represents Council, and nomination and selection of alternate Elected Members to represent Council on those 3 nominated bodies.

#### **OFFICER RECOMMENDATION:**

That the Council:

1. Accepts the resignation of Cr Vilaca as a representative on
  - Kensington Police & Citizen Youth Club Committee
  - Community Environmental Working Group
  - Community Safety Working Group
2. Appoints Cr \_\_\_\_\_ to represent the Town on the Kensington Police & Citizen Youth Club Committee until 19 October 2013;
3. Appoints Cr \_\_\_\_\_ to the Community Environmental Working Group until the 19 October 2013;
4. Appoints Cr \_\_\_\_\_ to the Community Safety Working Group until the 19 October 2013.

#### **AMENDMENT:**

**Moved: Councillor Hayes**

**Seconded: Councillor Ashton**

**That Council not appoint a Councillor to the Kensington Police & Citizen Youth Club Committee, Community Environmental Working Group and Community Safety Working Group.**

**The Motion was Put and**

**CARRIED: (5-2)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Vilaca**

**Against the Motion: Cr Nairn; Cr Potter**

**Reason: Not required to appoint a Councillor as a Deputy is available.**

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(To be confirmed on 13 November 2012)

**SUBSTANTIVE MOTION:**

**Moved: Councillor Potter**

**Seconded: Councillor Bissett**

**That the Council:**

- 1. Accepts the resignation of Cr Vilaca as a representative on
  - Kensington Police & Citizen Youth Club Committee
  - Community Environmental Working Group
  - Community Safety Working Group**
  
- 2. That Council not appoint a Councillor to the Kensington Police & Citizen Youth Club Committee, Community Environmental Working Group and Community Safety Working Group.**

**The Motion as Amended was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

(To be confirmed on 13 November 2012)

**11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS****11.1 27 (Lot 192) Hampton Street, Burswood – Proposed Four Grouped Dwellings**

<b>File Reference:</b>	HAMPT27
<b>Appendices:</b>	No
<b>Landowner:</b>	X L Guo & J Liu
<b>Applicant:</b>	Residential Building WA
<b>Application Date:</b>	12 March 2012
<b>DA/BA or WAPC Ref:</b>	12/0165
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	Residential R40
<b>TPS Precinct:</b>	Precinct P6 'Victoria Park Precinct'
<b>Use Class:</b>	Grouped Dwellings / Residential Buildings
<b>Use Permissibility:</b>	'P' use / 'AA' use

<b>Date:</b>	24 September 2012
<b>Reporting Officer:</b>	C. Buttle
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:****Recommendation – Refusal**

- Application for four, two storey Grouped Dwellings involving demolition of a Single House which is located within the Residential Character Study Area and identified as an 'original dwelling'.
- Non-compliant with Council's Local Planning Policy – Streetscape and the Residential Design Codes with respect to Primary Street Setback, Boundary Setbacks, Open Space, Access and Parking, Site Works, Building Height and Visual Privacy.
- Having regard to design characteristics, three of the four dwellings have been assessed as Residential Buildings. These buildings are non-compliant with provisions of Council's adopted Policy PLNG17 – Specialised Forms of Accommodation other than Dwellings.
- Consultation undertaken for 14 days in accordance with Council Policy GEN3 'Community Consultation' with one submission received.
- Proposed development does not satisfy relevant objectives of the R-Codes and unreasonably impacts on adjoining properties and locality generally and therefore recommended for refusal.

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(To be confirmed on 13 November 2012)

**TABLED ITEMS:**

- Application for planning approval form date stamped 12 March 2012.
- Plans dated 12 and 15 March 2012 (Units 2, 3 and 4) and 17 August 2012 (Unit 1 and site).
- Applicant's covering letter in support of application for planning approval date stamped 12 March 2012.
- Consultation letters to adjoining owners and occupiers dated 18 April 2012.
- Response letter from adjoining property owner dated 3 May 2012.
- Photographs of development site.

**DETAILS:**

The application proposes the demolition of an existing single storey Single House which was constructed in 1952 by the War Service Homes Division of the State Housing Commission. This house is identified as an 'original dwelling' and the development site is situated within the Residential Character Study Area.

The proposed replacement development incorporates four buildings, which are said by the applicant to be Grouped Dwellings. However, having regard to their design characteristics, three of the dwellings have been assessed as Residential Buildings by the Town. More detailed commentary in relation to this matter is provided within the body of the report.

Proposed Unit 1 fronts Hampton Street and is served by its own vehicular driveway, while Units 2 to 4 share a common driveway. The proposed buildings represent a conventional building design, although the form of development which has been proposed (four units, one behind the other), is only replicated on one other site (No. 9 Hampton Street) within the street. There is a range of differing building forms within the street, ranging from Single Houses to Grouped Dwellings to large blocks of flats built in the late 1960's.

Original single storey dwellings exist on either side of the development site, with the dwellings to the left hand side at No. 23 Hampton Street being a side by side duplex pair.

**Legal Compliance:**Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 36 of the Scheme Text;
- Clause 39 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P6 'Victoria Park Precinct'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Residential Design Codes (R Codes); and
- Local Planning Policy – Streetscape (LPPS).

(To be confirmed on 13 November 2012)

The following is a summary of compliance with key development requirements:

Item	Relevant Provision	Requirement	Proposed	Compliance
Density	Table 1 of the R-Codes	200m <sup>2</sup> min 220m <sup>2</sup> avg	Unit 1: 217m <sup>2</sup> Unit 2: 200m <sup>2</sup> Unit 3: 200m <sup>2</sup> Unit 4: 247m <sup>2</sup> Com Prop: 148m <sup>2</sup> Avg: 253m <sup>2</sup>	Yes
Building Design	Clause 3.2.11 A4 of LPPS	Conventional roof form with 25 degree pitch; Wall height on front elevation similar to adjacent buildings.	Conventional roof form with 25 degree pitch; Two storey wall height above that of adjacent buildings, although two storey development accommodated by Council Policy, subject to satisfactory design.	No
Demolition of Existing Dwellings	Clause 39 of TPS1 & Clause 3.2.9 of LPPS	Retention of existing dwelling where possible or demolition may be considered where replacement development is of a suitable standard.	Demolition of existing dwelling and replacement with four new dwellings.	No
Primary Street Setback	Clause 3.2.1 of LPPS	6.0 metre average setback and generally in keeping with building line.	5.57 metre average.	No



(To be confirmed on 13 November 2012)

Boundary Setbacks	Clause 6.3.1 of the R-Codes	Side and rear boundary setbacks provided in accordance with Clause 6.3.1 and Tables 1, 2A and 2B of the R-Codes.	Various non-compliant side and rear boundary setbacks.	No
Open Space	Table 1 & Clause 6.4.1 of the R-Codes	45% open space for each dwelling.	Unit 1: 49% Unit 2: 36% Unit 3: 36% Unit 4: 53%	No
Access and Parking	Clause 6.5.1 of the R-Codes	2 Bays per Grouped Dwelling  Residential Building in accordance with Commercial Accommodation Ratio specified in TPS1.  Unit 1: 2 bays; Unit 2: 7 bays; Unit 3: 7 bays; Unit 4: 6 bays.	Unit 1: 2 bays; Unit 2: 2 bays; Unit 3: 2 bays; Unit 4: 2 bays.	No
Site Works	Clause 6.6.1 of the R-Codes	Excavation or filling between the street alignment and building not exceeding 0.5m.  Filling behind street setback line and within 1.0m of a common boundary not exceeding 0.5m	Filling of up to 2.05 metres in height along side boundaries.	No

(To be confirmed on 13 November 2012)

<p>Building Height (measured from the natural ground level)</p>	<p>Clause 6.7.1 of the R-Codes</p>	<p>6.0m maximum wall height (2 storeys) and 9.0m maximum ridge height</p>	<p>Unit 1: Wall: 6.36m Ridge: 8.3m  Unit 2: Wall: 6.476m Ridge: 8.6m  Unit 3: Wall: 7.476m Ridge: 7.9m  Unit 4: Wall: 7.5m Ridge: 9.3m</p>	<p>No</p>
<p>Visual Privacy</p>	<p>Clause 6.8.1 of the R-Codes</p>	<p>Where openings are raised more than 500mm above natural ground level:</p> <ul style="list-style-type: none"> <li>• 4.5 metre setback to Bedroom &amp; Study;</li> <li>• 6.0 metre setback to other Habitable Rooms; and</li> <li>• 7.5 metres to Elevated Outdoor Living Areas.</li> </ul>	<p>Openings raised more than 500mm above natural ground level and unscreened to numerous spaces associated with each of the dwellings. Special information requirements prescribed by Clause 3.6 of the R-Codes not addressed.</p>	<p>No</p>
<p>Design for Climate</p>	<p>Clause 6.9.1 of the R-Codes</p>	<p>Maximum 35% overshadowing of adjoining property.</p>	<p>Approximately 99m<sup>2</sup> or 9.8% of adjoining property cast in shadow by proposed development.</p>	<p>Yes</p>
<p>Incidental Development</p>	<p>Clause 6.10.1 of the R-Codes</p>	<p>Provision of 4m<sup>2</sup> stores for each dwelling</p>	<p>Provision of 4m<sup>2</sup> stores for each dwelling.</p>	<p>Yes</p>

**Submissions:**

Community Consultation:

In accordance with Council’s GEN3 ‘Community Consultation’ Policy and the Residential Design Codes, the proposal was the subject of consultation with adjoining owners and occupiers for a period of 14 days with one submission received as detailed in the table below:

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<b>Consultation Submissions</b> <b>Objection from Owners of No. 62 Harvey Street</b>	
<b>Comments Received</b>	<b>Officer's Comments</b>
<ul style="list-style-type: none"> <li>• Setback variations should not be supported as reduced setbacks will result in:                             <ul style="list-style-type: none"> <li>(a) Reduced space for vegetation to be planted, to provide a habitat for bird life;</li> <li>(b) Minimal open space reduces the likelihood of purchasers or renters of the dwellings being families with children as, other than the driveway, there is no outside playing space for children;</li> <li>(c) Increased possibility of damage to trees on No. 62 Harvey Street;</li> <li>(d) Risk of building debris resulting from construction associated with reduced setbacks; and</li> <li>(e) Intrusion into personal privacy from the rear dwelling.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Submitter's comments supported in part. Officers are of the opinion that the extent of open space that has been provided for Units 2 and 3 should be increased to meet the 45% minimum, having regard to the extent of accommodation that has been provided, and that privacy setbacks should be provided in accordance with R-Code requirements.</li>   <li>Comments in relation to the potential for damage to vegetation and building debris are not valid planning considerations, but rather, matters that would need to be controlled in association with any construction program.</li> </ul>
<ul style="list-style-type: none"> <li>• The current natural ground level at the western (rear) boundary of the development site is not the natural ground level. Approximately 10-15 years ago, the ground level was raised after soil was pushed towards and against the rear boundary fibro fence without a retaining wall being erected. Along the boundary fence the ground level of No. 27 Hampton Street is now up to a metre higher than the ground level at No. 62 Harvey Street.</li> </ul>	<ul style="list-style-type: none"> <li>• In the absence of any supporting evidence, Officers are unable to verify these comments, especially noting the timeframe involved (10 – 15 years ago).</li>   <li>The survey drawing which forms part of the application drawings does not show a difference in levels of the kind referred to by the submitter.</li> </ul>
<ul style="list-style-type: none"> <li>• The proposed height of the rear dwelling is between 11 – 12 metres (excluding ridge height) above the ground level of the development site. The height of the building will be even higher when viewed from No. 62 Harvey Street, being in the order of 12 – 13 metres.</li> </ul>	<ul style="list-style-type: none"> <li>• The height of Unit 4 is approximately 7.5 metres wall height and 9.3 metres to the top of the roof. These compare to the 'as of right' permissible heights of 6.0 metres for the wall and 10 metres to the top of roof. (Note: permissible top of roof height is 10 metres rather than standard 9 metres due to short length of roof ridge).</li> </ul>

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<ul style="list-style-type: none"> <li>• Access to the sewer mains located inside the development site will be restricted. This will restrict the use of machinery and, if it can be used, will increase the risk of damage to the boundary fence.</li> </ul>	<ul style="list-style-type: none"> <li>• Submitter’s comments not supported. Potential operational restrictions to Water Corporation infrastructure are not a valid planning consideration. If planning approval is granted, it will be necessary for the applicant to separately have the plans approved by the Water Corporation at the building permit stage. There is no planning involvement in this process.</li> </ul>
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**Policy Implications:**

The provisions of Policy PLNG17 ‘Specialised Forms of Accommodation Other Than Dwellings’ and Local Planning Policy - ‘Streetscape’ are relevant to the assessment of this application for planning approval. Further comment with respect to each of these policies is provided within the ‘Comment’ section of this report.

**Sustainability Assessment:**

External Economic Implications:

No impact.

Social Issues:

Approval of the proposed development may lead to adverse social outcomes, having regard to the manner in which the buildings lend themselves to being occupied.

Environmental Issues:

No impact.

**COMMENT:**

Demolition and Replacement of ‘Original’ dwelling

The application proposes the demolition of an ‘original’ dwelling and its replacement with four, two storey Grouped Dwellings. Council’s Town Planning Scheme No. 1 and Local Planning Policy – Streetscape both have a presumption against the demolition of an ‘original’ dwelling or pre-1945 dwelling, unless there are compelling reasons to justify demolition.

Existing Dwelling

Whilst the existing dwelling is identified as an “original place” within the Residential Character Study Area, a search of Council’s records has confirmed that it was constructed by the State Housing Commission War Service Homes Division in 1952, and incorporates architectural features consistent with the post-WWII period. The recommendations of the *Residential Character Study Final Report* and the general intent of Council’s Local Planning Policy – Streetscape is to retain the traditional character of the Town, commonly referred to as the “Victoria Park” character, which consists mostly of surviving residential development constructed prior to World War II. Given that the existing dwelling is not of this era or design it is considered the principle of demolition is acceptable in this case, subject to an acceptable replacement development being presented.

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The following criteria have been assessed to determine the acceptability of demolition of the dwelling:

<b>Criteria</b>	<b>Comment</b>
(a) The architecture of the existing building.	The dwelling was constructed in 1952 and is not consistent with the architecture of Victoria Park character dwellings in the Residential Character Study Area being generally pre 1945 construction.
(b) The degree of intactness of the original building fabric of the dwelling.	Original building fabric of the dwelling appears largely intact.
(c) The condition of the existing dwelling.	The Town has not received any information to indicate that the existing building is in anything other than a sound structural condition.
(d) The streetscape context and in particular the importance to the streetscape of retaining the existing dwelling.	Hampton Street has a varied character and the subject dwelling does not make a significant contribution to the streetscape.
(e) The location of the existing dwelling on the site.	As the existing dwelling is situated toward the front of the lot, it would be possible to retain the existing dwelling while constructing an additional two dwellings to the rear. This form of development has occurred at Nos. 5 and 7 Hampton Street.
(f) The effect of retention of the existing dwelling upon the development potential of the site.	If the existing dwelling were to be retained, the maximum dwelling yield for the property would be three dwellings as opposed to the four dwellings which have been proposed.
(g) Whether retention of the existing dwelling could be achieved through the granting of variations to development requirements.	As discussed in point (f) above, the existing dwelling could be retained, but in such a scenario the maximum resulting development potential for the site would be three dwellings compared to the four dwellings which have been proposed.

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Criteria	Comment
(h) Whether the proposed new development contributes positively to the character of the streetscape in which the development is set and is an appropriate replacement for the original dwelling proposed to be demolished.	The proposed development presents too great a bulk and scale to the street. The bulk and scale of the dwelling would be more appropriately relieved through the incorporation of traditional design features such as a verandah. With the exception of bulk and scale, the proposed dwelling incorporates desirable design elements such as a roof with a traditional form, shape and pitch, eaves with exposed rafter ends and traditional window design on the front elevation. Window treatment could be improved through the provision of more traditional window treatment on the side elevations of Unit 1 which will be visible within a streetscape context.

Clause 3.2.9 of Council’s Local Planning Policy – Streetscape states that where demolition is proposed, “the subsequent development must comply with the relevant provisions of the Town Planning Scheme, contribute positively to the character of the streetscape in which the development is set and be an appropriate replacement for the traditional character dwelling being demolished.”

As identified below, there are a range of areas where the proposed development does not comply with adopted Council Policy provisions (Local Planning Policy – Streetscape and PLNG17 – Specialised Forms of Accommodation other than Dwellings), and concerns are held in relation to the streetscape compatibility of the proposed replacement development, having regard to a deficient primary street setback and non-compatible bulk and scale.

Having regard to the concerns that are held in relation to the replacement development, demolition of the existing ‘original’ dwelling is not supported at this time.

Nature of Dwellings

The application which has been made to the Town is for four (4) Grouped Dwellings. However, an assessment of the plans by Council Officers has concluded that it would be more appropriate to classify Units 2 – 4 as Residential Buildings rather than Grouped Dwellings.

The R-Codes define a Grouped Dwelling as:

*“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”*

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A Residential Building is defined as:

*“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

The classification for Units 2 – 4 each as a Residential Building has been made for the following reasons:

1. The number of proposed and potential bedrooms:  
Units 2 and 3 each have seven rooms which can be used as bedrooms, while Unit 4 has six rooms that can be used as bedrooms. A number of the rooms lend themselves to occupancy by multiple persons.
2. The number of bathrooms and toilets:  
Units 2 and 3: Four bathrooms and four toilets  
Unit 4: Three bathrooms and three toilets.
3. The floor area ratio of potential bedrooms to living areas:  
The dwellings incorporate a proportionately high amount of floor area that can be used as bedrooms compared to that which reasonably lends itself to living areas.
4. The development incorporates minimal outdoor living areas and minimal soft landscaped spaces.
5. The overall non-standard building design. There are many compartmentalised spaces within the Units which lend themselves to bedrooms.

Concerns regarding the nature of the buildings and their potential occupancy has been conveyed to the applicant, and no formal response has been provided in relation to the concerns that were raised.

As Residential Buildings, the buildings have been assessed as being able to accommodate at least 12 people (Unit 4) and 14 people (Units 2 and 3). As a building which can accommodate this number of people, the buildings fall within the “Lodging House” classification contained within Council’s adopted Policy PLNG17 “Specialised Forms of Accommodation Other Than Dwellings”.

As Lodging Houses, the proposed buildings fail to satisfy a variety of specified policy provisions, including:

- Density Code of development site;
- Location of development site;
- Required car parking provision; and
- Need for a manager to permanently reside on the premises (requirement of the Town’s Health Local Law)

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### Primary Street Setback and Building Design

Council's Local Planning Policy – Streetscape specifies requirements for the provision of:

- A 6.0 metre average (with a 3.0 metre minimum) setback from the primary street boundary;
- Setbacks which are generally consistent with the street setback pattern;
- Garages setback a minimum of 4.5 metres from the primary street; and
- Two storey development being designed to reduce the scale and bulk of the building on the streetscape.

The proposed development provides:

- An average street setback of 5.57 metres with a 3.5 metre minimum setback from the primary street boundary;
- Setbacks which are less than those reflective of other dwellings within the street;
- Garage to Unit 1 setback 4.011 metres from the primary street; and
- Two storey development which has not been designed to sufficiently reduce the scale and bulk of the building on the streetscape (a balcony has been incorporated into the design forward of the upper floor Living Room which is beneficial, however upper floor Bed 1 and Bed 3 sit immediately above the ground floor Study and Living, offering little relief to the bulk and scale of the two storey building.

Although the matter of non-compliant front setback averaging has been raised with the applicant, there has been no attempt to justify the non-compliance.

The Town has consistently required minimum provision of a 6.0 metre average street setback. Approval of a street setback of less than 6.0 metres would set an undesirable precedent for other similar development within the locality.

Having regard to the reduced street setback and the unrelieved mass associated with two storey building design, the development does not comply with the relevant Performance Criteria in the Local Planning Policy – Streetscape for “buildings set back an appropriate distance to ensure they contribute to the desired streetscape character”.

In addition to concerns that have been referred to above, the following design related concerns are also held:

- Windows on the side walls of Unit 1, which sit forward of the alignment of adjoining dwellings, and which will be visible within the streetscape, have a non-traditional size and shape. The need for an alternative, more traditional, window shape and size has been conveyed to the applicant. The Town has not received any response from the applicant with respect to this matter.
- Insufficient detail has been provided with respect to landscaping provision. The Town has sought confirmation that at least 50% of the front setback area will be soft landscaped. The Town has not received any response from the applicant with respect to this matter.

### Boundary Setbacks

The proposed development incorporates a range of proposed side setbacks which are non-compliant with those prescribed by the R-Codes, in many cases which are linked to the extent of filling and retaining and resultant building heights that have been proposed.



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There has been no response from the applicant in relation to the setback variations that have been identified, and no attempt to justify these variations against the relevant Performance Criteria contained within the R-Codes.

In addition to side and rear boundary setbacks which are non-complaint with R-Code requirements, there are variations proposed from the proposed buildings to the Communal Street which serves the Units 2-4. Once again, there has been no attempt to justify these variations against the relevant Performance Criteria contained within the R-Codes.

### Open Space

Table 1 of the R-Codes specifies a requirement for the provision of a minimum of 45% open space. Units 1 and 4 are provided with the minimum amount (50% for Unit 1 and 52% for Unit 4), while Units 2 and 3 are each only provided with 36% open space, being some 22m<sup>2</sup> less than the minimum amount specified.

The applicant has provided the following comments in support of the open space provision for Units 2 and 3:

#### *“Open Space*

- *Unit 2 & 3 open space at 42% in lieu of 45%*

*Given the proposal provides an attractive front façade, adequate sized courtyard areas and landscaped front setbacks, the open space provisions are considered to complement the building while enhancing the streetscape. The open space around the dwelling will suit the needs of our clients, while providing adequate light and ventilation to the adjoining properties. This variation is considered to be acceptable as it is believed that this will not have a negative impact upon the amenity of the residents.”*

The applicant has been advised that the open space provision for Units 2 and 3 is actually 36% and not 42% as suggested in their covering letter, and has not attempted to provide additional justification

The relevant Performance Criteria within the R-Codes specify:

#### *“P1 Sufficient open space around buildings*

- *to complement the building;*
- *to allow attractive streetscapes; and*
- *to suit the future needs of residents, having regard to the type and density of the dwelling.*

The amount of open space that has been provided for Units 2 and 3 does not satisfy the relevant Performance Criteria, particularly in relation to complementing the building and suiting the future needs for residents. Having regard to the extent of accommodation that is offered by these buildings, it would be appropriate that a greater level of open space be provided.

The size of the Outdoor Living Areas that have been provided for Units 1 and 4 are beneath the 20m<sup>2</sup> minimum specified by the R-Codes. The applicant has not made any attempt to address concerns that have been raised by the Town with respect to deficient Outdoor Living Area size.

The extent of roof cover to the Outdoor Living Area of Unit 1 exceeds that permitted by the

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R-Codes. The applicant has not made any attempt to address concerns that have been raised by the Town with respect to the deficient amount of unroofed Outdoor Living Area.

Access and Parking

Two car bays are provided to Unit 1, being a Grouped Dwelling, which is compliant.

Having regard to the classification of Units 2 – 4 as Residential Buildings, it is necessary for car parking provision to be provided in accordance with the Commercial Accommodation parking ratios specified in Town Planning Scheme No. 1. Having regard to the prescribed ratio of 1 bay for every bedroom or 1 for every 3 beds provided, whichever is the greater, the following situation arises:

	Required Bays	Provided Bays	Deficiency
Unit 2	7	2	5
Unit 3	7	2	5
Unit 4	6	2	4

In addition to the deficient number of bays, there are a number of technical deficiencies that exist in relation to access and car parking, being:

1. Crossovers:  
Inadequate information / not provided in accordance with the Town’s Engineering specifications.
2. Truncations:  
Required truncations not provided at intersection of common property access leg and front property boundary.
3. Driveway Gradients:  
Having regard to the steep nature of the topography, the applicant has been asked for long section and cross section drawings of the vehicle driveways, showing finished design levels, cross falls to garages and gradients which satisfy the requirements specified in AS 2890.1 “Parking Facilities - Off Street Car Parking”. The required section drawings have not been provided.
4. Driveway and Crossover:  
The garage of Unit 1 has not been provided with a driveway and crossover to connect it to the public street.

Site Works

It is acknowledged that the development site is difficult to design for, having a cross fall of nearly 8 metres from the front property boundary to the rear property boundary.

When originally submitted, the design incorporated retaining walls of 3.2 metres in height to both side property boundaries. When combined with a standard 1.8 metre high fence, this would have resulted in structures of 5.0 metres in height on both side boundaries adjacent to each side neighbour. The applicant was advised that structures of such height would not be supported.

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Revised drawings have been submitted which reduce the height of retaining adjacent to side boundaries to a maximum of 2.05 metres in height adjacent to the left hand (southern) side property boundary and 1.95 metres adjacent to the right hand side (northern) property boundary. A 2.05 metre maximum retaining wall height is consistent with the height of retaining walls for the development at No. 9 Hampton Street, which is the only other development within Hampton Street that is similar in configuration (four dwellings, each behind the other) to that which is proposed with this application.

The form of development at No. 9 Hampton Street, however, is the exception rather than the norm, with all other properties that have been developed along the low side of Hampton Street being done so in a manner which has minimised the height of filling and retaining along the external boundaries of each respective development site. Minimisation of filling and retaining for other developments has generally been achieved through the introduction of undercroft or basement levels within buildings.

A retaining wall of 2.05 metres in height substantially exceeds 500mm maximum permitted fill which is specified within the 'Acceptable Development' provisions of the R-Codes. Having regard to the nature in which the majority of other properties on this side of the street have been developed, and the significant departure from natural ground levels that such fill would result in, it would not meet the prescribed R-Code 'Performance Criteria' which is:

*"Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property".*

Accordingly, the proposed extent of fill and retaining is not supported.

#### Building Height

The R-Codes permit an as of right 6.0 metre wall height and 9.0 metre ridge height for the proposed development. The development incorporates building heights as follows:

Unit 1:	Maximum wall height:	6.376 metres – non-compliant
	Maximum ridge height:	8.3 metres - compliant
Unit 2:	Maximum wall height:	6.476 metres – non-compliant
	Maximum ridge height:	8.6 metres - compliant
Unit 3:	Maximum wall height:	7.476 metres – non-compliant
	Maximum ridge height:	7.9 metres - compliant
Unit 4:	Maximum wall height:	7.5 metres – non-complaint
	Maximum ridge height:	9.3 metres – compliant*

\* Note: Ridge Height is compliant as it is a "short ridge", and the R-Codes permit an increase in ridge height of 0.5 metres for each 2 metres reduction in length beyond the standard 6m ridge length. As the ridge length is less than 2m, a permissible ridge height of 10 metres applies.

Council's Local Planning Policy – Streetscape, requires "wall height on the front elevation

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similar to adjacent dwellings and housing predominating in the street but does not preclude two storey developments". It goes on to require that two storey development be designed so as to "reduce the scale and bulk of the building on the streetscape".

The proposed development does not demonstrate compliance with the prescribed primary street setback for the development (6m average setback) and Unit 1 has not adequately been designed to reduce its scale and bulk on the streetscape. As such, the proposed building height cannot be said to meet the specified Performance Criteria, and building height is non-compliant with Council Policy and R-Code requirements.

#### Visual Privacy

There are various openings within each of the proposed buildings which are non-compliant with the 'Acceptable Development' provisions of the R-Codes relating to visual privacy.

In the event of non-compliance with the 'Acceptable Development' provisions of the R-Codes relating to visual privacy, the R-Codes are specific, in clause 3.6, of additional information that an applicant must provide in order to allow a considered assessment of the application to be undertaken. The Town has requested that the applicant provide all of the information specified in Clause 3.6 of the R-Codes, however the required information has not been provided, and accordingly compliance with the specified Performance Criteria has not been demonstrated to the Town's satisfaction.

#### **CONCLUSION:**

While not strongly representative of the architecture associated with Victoria Park character dwellings that are situated within the Residential Character Study Area, being primarily houses that were constructed prior to 1945, Council's Local Planning Policy – Streetscape is clear in stating that where demolition of an original dwelling within the Residential Character Study Area is proposed:

*"the subsequent development must comply with the relevant provisions of the Town Planning Scheme, contribute positively to the character of the streetscape in which the development is set and be an appropriate replacement for the traditional character dwelling being demolished."*

As identified within the report, there are a range of concerns that are held with the proposed development, in terms of:

- The proper characterisation of the replacement dwellings (Grouped Dwellings or Residential Buildings);
- Contribution to the character of the streetscape in relation to the reduced primary street setback and the bulk and scale associated with the proposed replacement buildings; and
- Various non-compliances with specified R-Code requirements.

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(To be confirmed on 13 November 2012)

Following the Town's initial assessment of the application for planning approval, there have been numerous telephone discussions between Town and the Applicant, in an attempt to address the areas of concern. These discussions culminated in a meeting during which the areas of concern were discussed in detail. However, it is apparent that the property owner has been unwilling to allow the Applicant to make changes to the plans which would enable the Town's concerns to be adequately addressed. This is evidenced through the re-submission of plans on 17 August 2012 which made a very minimal attempt to address the areas of concern, and which lacked any form of covering letter to explain what changes had been made or put forward the case for approval. The Applicant is fully aware that this final re-submission did not adequately address concerns that had been raised, and that the application would be presented to a Council Meeting with a recommendation for refusal. The application has now reached a point where the Applicant is seeking to have the application determined, and there is no prospect for further negotiation and / or submission of further revised drawings in advance of such determination being made.

A Residential Building is classified as an 'AA' land use and is subject to the advertising requirements specified in Council Policy GEN 3 "Community Consultation. As the application was purported to be for conventional Grouped Dwellings, it was advertised on this basis for the purposes of community consultation associated with this application. If Council were of a mind to approve the proposed development, it would be prudent to carry out consultation with surrounding property owners in relation to the Residential Building Land Use, prior to making any such decision. No implications arise in conjunction with the Residential Building land use matter if Council adopts the Officer recommendation.

#### **RESOLVED:**

**Moved: Councillor Bissett**

**Seconded: Councillor Potter**

- 1. In accordance with the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Residential Building WA (DA Ref: 12/0165) for Four Grouped Dwellings at No. 27 (Lot 192) Hampton Street, Burswood as shown on the consolidated set of plans dated 12 March 2012, 15 March 2012 and 17 August 2012 be refused for the following reasons:**
  - 1.1 The proposed development not being of a sufficient standard to warrant demolition of the existing dwelling which is identified as an 'Original Dwelling' within the Residential Character Study Area, having regard to the requirements identified in Clause 3.2.9 "Retention of Dwelling" contained within Council's 'Local Planning Policy – Streetscape'.**
  - 1.2 Units 2 – 4 being properly classified as Residential Buildings (Lodging Houses) rather than Grouped Dwellings, having regard to the design characteristics of each of these buildings. The resulting development being non-compliant with the following provisions contained within Council Policy PLNG17 "Specialised Forms of Accommodation other than Dwellings":**

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(To be confirmed on 13 November 2012)

- i. Residential Density Code assigned to development site;
  - ii. Positioning the development site relative to the locational criteria specified for the development of Lodging Houses;
  - iii. Insufficient car parking provision; and
  - iv. The inappropriateness of constructing three Lodging Houses on the one site, and the potential for resultant adverse amenity impact on the surrounding locality if such development were to be approved.
- 1.3 Non-compliance with Clause 3.2.1 - Setback of Buildings Generally of Council's Local Planning Policy – Streetscape in relation to the average Primary Street setback and the minimum garage setback of the proposed development.
  - 1.4 Non-compliance with Part 6.3 of the Residential Design Codes of Western Australia relating to "Boundary Setback Requirements".
  - 1.5 Non-compliance with Part 6.4 of the Residential Design Codes of Western Australia relating to "Open Space Requirements".
  - 1.6 Non-compliance with Part 6.5 of the Residential Design Codes of Western Australia relating to "Access and Parking Requirements".
  - 1.7 Non-compliance with Part 6.6 of the Residential Design Codes of Western Australia relating to "Site Works Requirements".
  - 1.8 Non-compliance with Clause 3.2.11 of Council's Local Planning Policy – Streetscape and Part 6.7 of the Residential Design Codes of Western Australia relating to "Building Height Requirements".
  - 1.9 Non-compliance with Part 6.8 of the Residential Design Codes of Western Australia relating to "Privacy Requirements".

### Advice to Applicant

- 1.10 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council's decision by the State Administrative Tribunal within 28 days of the date of this decision.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

The Motion was Put and

CARRIED: (7-0)

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca



(To be confirmed on 13 November 2012)





(To be confirmed on 13 November 2012)

## 11.2 935D (Lot 20, Strata Lot 9) Albany Highway, East Victoria Park – Change of Use from Shop and Restaurant to Restaurant

<b>File Reference:</b>	ALBA935D
<b>Appendices:</b>	No
<b>Landowner:</b>	D Shore
<b>Applicant:</b>	D Shore
<b>Application Date:</b>	7 August 2012
<b>DA/BA or WAPC Ref:</b>	12/0503
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	District Centre
<b>TPS Precinct:</b>	Precinct P11 - 'Albany Highway Precinct'
<b>Use Class:</b>	Restaurant
<b>Use Permissibility:</b>	'P' use

<b>Date:</b>	3 October 2012
<b>Reporting Officer:</b>	D. Rowley
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:****Recommendation – Approval**

- Application seeks approval for a change of use for a Shop and Restaurant to a Restaurant.
- The Restaurant was the subject of consultation for 14 days in accordance with Council's Policy GEN3 – Community Consultation, with letters to owners/occupiers of affected surrounding residential and commercial properties due to the proposed on-site car parking shortfall.
- During the consultation period one submission of objection was received.
- Recommended that the application be Approved.

**TABLED ITEMS:**

- Application form dated 7 August 2012;
- Plans dated 7 August 2012;
- Correspondence from applicant dated 7 August 2012;
- Consultation with adjoining owners and occupiers dated 22 August 2012;
- Submission letter received dated 28 August 2012.

**BACKGROUND:**

Planning Approval was granted by Council at the Ordinary Council Meeting on 4 July 2006, for the development of the subject site, comprising four (4) offices fronting Albany Highway and eight (8) Multiple Dwellings.

The approved development required the provision of a minimum of 15 on-site car bays, including one (1) car bay for the subject tenancy (935D Albany Highway). 19 on-site car bays have been provided in which case the development was approved with a surplus of four (4) on-site car bays.



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(To be confirmed on 13 November 2012)

The commercial premises at 935D Albany Highway, was granted further planning approval for a Change of Use from 'Office' to 'Shop' (DA 07/0510) on 12 September 2007, subject to a Planning Condition restricting the retail floor area of the 'Shop' use to a maximum of 10 square metres to comply with the one (1) car bay being provided for the exclusive use of the premises. The remaining 32m<sup>2</sup> was to be used for storage associated with the Shop.

On 13 January 2012, an enquiry was submitted by the applicant requesting the sale of cake and coffee for takeaway purposes from the premises. Council's Urban Planning Business Unit raised no objection to the sale of takeaway food and beverages from the 'Shop', provided that it was incidental to the predominant use of the premises as a 'Shop' and consistent with the following:

1. The primary source of revenue and sales for the business constitutes retail sale of goods;
2. All prepared food and beverages are to be packaged suitably for takeaway from the premises;
3. No service of food or beverages is provided to customers for consumption on the premises; and
4. All necessary approvals and licences to be obtained from Council's Environmental Health Business Unit for the proposed sale of takeaway food and beverages.

The applicant was also advised in this correspondence that should the proposal to sell cake and coffee constitute the intended primary/predominant use of the premises and/or involve the consumption of food and beverages within or adjacent to the premises, then an application for planning approval to change the approved use of the premises would be required.

On 15 March 2012, the applicant was granted further approval for a Change of Use from 'Shop' to 'Shop and Restaurant' on the basis of restricting the retail floor area of the premises to 9.5m<sup>2</sup> and the Restaurant component to 6 square metres, which complied with the one (1) parking bay ratio requirement for both uses. However, an additional condition of the planning approval stated the following:

*"This Planning Approval does not include approval of any sit down dining area within the premises. Further Planning Approval is required prior to any sit down dining area being provided inside the premises for the Restaurant component of the use."*

A separate Alfresco License was approved by Council's Environmental Health Business Unit on 26 April 2012, limited to 2 small tables and 4 chairs. No additional parking is required for alfresco dining areas.

On 1 August 2012, a concern was raised in regards to the approved use of 935D Albany Highway. A site inspection was conducted on the same day by Council's Compliance Officer, Planning Officer and Environmental Health Officer, where it was noted that two small tables, a large table, three chairs and a bench were present for the intended purpose of sit-down dining areas within the premises. No additional retail area was observed within the premises.

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(To be confirmed on 13 November 2012)

The applicant was advised of the conditions of the planning approval for the premises and was requested to remove the tables and chairs. The applicant was also advised that he required a further planning approval should he wish to change the approved use of the premises.

**DETAILS:**

This application seeks planning approval for a Change of Use from 'Shop and Restaurant' to 'Restaurant' with a sit down dining area of approximately 20 square metres.

A 'Restaurant' is a 'P' (permitted) use within the District Centre Zone of Precinct P11 - 'Albany Highway Precinct'. The subject tenancy (935D Albany Highway) is currently approved for 9.5m<sup>2</sup> of retail floor area for Shop use and 6m<sup>2</sup> of sit down dining area for Restaurant purposes. Based upon the parking standards contained in Council Policy PLNG16 'Car Parking Standards for Developments along Albany Highway', the current approved use as 'Shop and Restaurant' requires one (1) on-site car bay. The application the subject of this report proposes a change of use to 'Restaurant' with 20m<sup>2</sup> of sit down dining area.

The applicant has submitted correspondence in support of the proposal as follows:

- *"The shop is surrounded by units, many residents walk up and down the street to visit coffee shops. Currently, Council has granted me permission to have 2 tables and 4 chairs out the front of the shop but no chairs and tables inside the shop.*
- *It is very hard for me as a small business owner to survive selling \$3, \$4 coffees, cakes and \$5 sandwiches. On a daily basis, customers literally abuse me for wasting space in the shop by not allowing them any seating for them to sit down and have their coffee and cake. Customers constantly request more seating, pointing out the wasted space.*
- *The shop is not equipped with any kitchen so it will always be a basic coffee and cake shop. I provided bathroom facilities which is in the shop for customers who wish to use the toilet.*
- *I believe the Town of Victoria Park is trying to encourage 'small boutique shops' into the area, however, this is very hard with my current planning approval of 2 small tables and 4 chairs outside the shop and none inside the shop*
- *There is a bus stop literally 5 metres from the shop, many people use public transport and walk from neighbouring surrounding houses and apartments. There is always plenty of street parking as East Victoria Park is not as built up as the centre of Victoria Park and there is a lot more residential housing with their own parking who can easily attend the coffee shop when enough seating is provided for them to sit down."*

Following receipt of the application an initial assessment was undertaken by Council's Planning Officer with it being calculated that based upon the parking requirement for a Restaurant contained in Council's Policy PLNG 16 "Car Parking Standards for Developments Along Albany Highway", four (4) on-site car parking bays would be required for the total proposed Restaurant area of 26.21 square metres (sit-down dining area of 19.25m<sup>2</sup> plus area of counter queuing and walkway of 6.96m<sup>2</sup>) at a ratio of 1 bay for every 6m<sup>2</sup> of net lettable area.

(To be confirmed on 13 November 2012)

Furthermore in acknowledgement of Councils practice to permit a 50% reduction in the on-site car parking requirement during normal business hours, and the applicant's confirmation that the operating hours of the subject tenancy are 6am to 3pm Monday to Sunday, it was calculated that the change of use to a 'Restaurant' would require two (2) on-site car bays. Accordingly this would require the car parking requirement for the subject tenancy to be increased from one (1) car bay under the previous approval to two (2) car bays.

The application was advertised for public comments with it being stated that the application would result in an increased on-site parking shortfall of three (3) bays.

**Legal Compliance**

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regards to the following general provisions of the Scheme:

- Clause 38 of the Scheme Text - Determination of Non Complying Application
- Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct'

**Submissions:**

Community Consultation:

In accordance with Council's Policy GEN3 'Community Consultation' the application was the subject of community consultation with letters being sent by the Council's Urban Planning Business Unit to owners and occupiers of affected residential and commercial surrounding properties giving them 14 days to comment on the application. On closing of the consultation period on 6 September 2012, one submission was received, as detailed below. It should be noted that ownership of the property from which the objection was received has changed since the conclusion of the advertising period. Notwithstanding this, the objection is still considered to be valid.

<b>CONSULTATION SUBMISSIONS</b>	
<i>Submission from owner of No. 933 Albany Highway, East Victoria Park</i>	
<b>Comments Received</b>	<b>Officer's Comments</b>
Objection to the Change of Use from Shop & Restaurant to Restaurant. Areas of Concern: <ul style="list-style-type: none"> <li>• <b>Lack of Parking</b> – specifically since Unit 935A has also been given approval for a change of usage and has not been able to provide adequate parking. Parking is at a premium already and will only get worse as future developments in the area are completed.</li> <li>• <b>Unsafe-Unhygienic Kitchen Area</b> – as the above premises was not designed or constructed with commercial food preparation in mind, will the alterations adequately comply with the Council's stringent health requirements ie: grease traps, toilet facilities, ventilation/exhaust requirements?</li> </ul>	<ul style="list-style-type: none"> <li>• As detailed below in the 'Comments' section, a reassessment of the car parking requirements has been undertaken, with it being concluded that the change of use to 'Restaurant' will in fact not increase any on-site parking shortfall.</li> <li>• The proposed 'Restaurant' will be required to comply with Council's Environmental Health requirements.</li> </ul>

(To be confirmed on 13 November 2012)

<ul style="list-style-type: none"> <li>• <b>Unbalance Ratio</b> – There is a lack of retail variety in the section of Albany Highway situated between Westminster Street and Baillie Street. The size of the above mentioned premises is ideal for a retail only outlet or office. Adding to the saturation of restaurants/cafes/bars/lunch bars in the small catchment will not benefit current occupiers nor provide a point of difference for pedestrians or patrons.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed Restaurant is a permitted use within the District Centre Zone and therefore complies with the intent of the Precinct.</li> </ul>
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**Sustainability Assessment:**

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

Environmental Issues:

No impact

**COMMENT:**

The application proposes the change of use of the subject premises from ‘Shop and Restaurant’ to ‘Restaurant’. One (1) on-site car bay is required for the current approved use as ‘Shop and Restaurant’. As outlined above, having regard to Council Policy PLNG16 “Car Parking Standards for Developments Along Albany Highway” and Council’s practice for Restaurants operating during normal business hours, the application to use the premises as a ‘Restaurant’ only, requires a minimum of two (2) on-site car bays.

On the basis that the change of use of the subject tenancy would result in an increased parking requirement of one(1) bay, and that no additional on-site car parking could be physically provided, the application was advertised for public comments on the basis that it would result in an additional three (3) bay shortfall.

However, a reassessment of the car parking standards has now been completed. It has become evident that as part of the original approval for development in 2006, there is a surplus of four (4) on-site car bays (15 bays required, 19 bays provided). While this application for a change of use does increase the car parking requirement for the subject tenancy by one (1) bay, this can be absorbed by one (1) of the four (4) surplus on-site car bays for the entire development. Therefore the additional car parking requirement associated with the change of use of the subject tenancy can be accommodated on-site, and therefore does not result in a car parking shortfall.

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(To be confirmed on 13 November 2012)

It is noted that the Strata Plan for the development indicates that one (1) on-site car bay is provided for the exclusive use of the subject tenancy. While under Council's requirements there is sufficient on-site car parking provided for the use of the subject tenancy as a Restaurant and all other uses within the development, it may be necessary for the applicant to obtain approval from the Strata Company for the allocation of one (1) additional on-site car bay for use by the subject tenancy. This is a matter between the applicant and the Strata Company, not Council.

**CONCLUSION:**

The proposed Restaurant use is considered to be a compatible use, which will not result in an adverse impact on the amenity or undue interference to the surrounding locality and on this basis, it is recommended that the application be Approved subject to conditions.

**Further Comments:**

At the Elected Members Briefing Session on 2 October 2012, a question was raised in relation to the need to obtain approval from the Strata Company for the allocation of one (1) additional car bay for the subject tenancy. The Executive Manager Built Life advised that the recommendation is that the application be approved by Council as there are a sufficient number of total bays on the site for the entire development, but separate and following the Council's approval, the applicant would need to obtain approval from the Body Corporate for the allocation of one further car bays for the subject tenancy. While it is true that this is a matter between the applicant and the Body Corporate, on reflection it would be more appropriate that prior to commencing the use the applicant obtain and provide Council with written confirmation of the Body Corporate approval. This will ensure that the applicant does in fact obtain the Body Corporate approval. In the event that the applicant is unable to obtain the approval of the Body Corporate, then Council would need to review the car parking situation.

Accordingly the recommendation has been modified to include a condition that the applicant obtain and provide Council with the written consent of the Body Corporate for the allocation of one additional car bay for the subject tenancy, prior to the commencement of the use. Unfortunately

**OFFICER RECOMMENDATIONS:****Moved: Councillor Bissett****Seconded: Councillor Vilaca**

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by D Shore (DA Ref: 12/0503) for Change of Use from Shop and Restaurant to Restaurant at 935D (Lot 20, Strata Lot 9) Albany Highway, East Victoria Park as indicated on the plans dated received 7 August 2012 be Approved subject to:

- 1.1 The maximum sit down dining area, walkways and counter queuing area permitted on the subject tenancy is 26m<sup>2</sup> only.

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(To be confirmed on 13 November 2012)

- 1.2 The use of the premises as a Restaurant is not permitted after 5pm on any day, without further planning approval and a reassessment of car parking requirements.
- 1.3 Prior to the commencement of the approved Restaurant use, the applicant is to obtain and provide Council with the written approval of the Body Corporate for the allocation of one (1) additional on-site car bay for use by the subject tenancy. In the event that such approval is unable to be obtained, the applicant shall instead provide a cash-in-lieu payment for car parking of \$22,000 to be placed in a fund for the upgrading and maintenance of the public car parks within the Town of Victoria Park prior to the commencement of the approved Restaurant use or the applicant entering into a legal agreement prepared by Council's Solicitors at the applicant's cost, to pay 20% of the \$22,000 prior to commencement of the approved Restaurant use and an additional 20% of the \$22,000 on the anniversary of the first payment for four consecutive years.
- 1.4 A minimum of 16 on-site car bays being provided for all uses on Lot 20.
- 1.5 This approval does not include the approval of any alteration to the subject building, a building permit may be required for any fit-out to the commercial premises.
- 1.6 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application.
- 1.7 The movement of delivery vehicles and activities outside buildings are to be limited to the hours of 7.00am to 7.00pm Monday to Fridays and 8.00am to 12 noon Saturdays.
- 1.8 Compliance with Council's Building, Environmental Health and Renew Life requirements.

#### Advice to Applicant

- 1.9 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
- 1.10 Should more than 20 patrons (inclusive of both internal and external seating areas) be accommodated, then dedicated toilet facilities for patrons will need to be provided in addition to the existing toilet.
- 1.11 The planning approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the Strata Titles Act 1985 or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.

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(To be confirmed on 13 November 2012)

- 1.12 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

**RESOLVED:**

**Moved: Councillor Bissett**

**Seconded: Councillor Vilaca**

1. **In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by D Shore (DA Ref: 12/0503) for Change of Use from Shop and Restaurant to Restaurant at 935D (Lot 20, Strata Lot 9) Albany Highway, East Victoria Park as indicated on the plans dated received 7 August 2012 be Approved subject to:**
  - 1.1 **The maximum sit down dining area, walkways and counter queuing area permitted on the subject tenancy is 26m<sup>2</sup> only.**
  - 1.2 **The use of the premises as a Restaurant is not permitted after 5pm on any day, without further planning approval and a reassessment of car parking requirements.**
  - 1.3 **Prior to the commencement of the approved Restaurant use, the applicant is to obtain and provide Council with the written approval of the Body Corporate for the allocation of one (1) additional on-site car bay for use by the subject tenancy. In the event that such approval is unable to be obtained, the applicant shall instead provide a cash-in-lieu payment for car parking of \$22,000 to be placed in a fund for the upgrading and maintenance of the public car parks within the Town of Victoria Park prior to the commencement of the approved Restaurant use or the applicant entering into a legal agreement prepared by Council's Solicitors at the applicant's cost, to pay 20% of the \$22,000 prior to commencement of the approved Restaurant use and an additional 20% of the \$22,000 on the anniversary of the first payment for four consecutive years.**
  - 1.4 **A minimum of 16 on-site car bays being provided for all uses on Lot 20.**
  - 1.5 **This approval does not include the approval of any alteration to the subject building, a building permit may be required for any fit-out to the commercial premises.**
  - 1.6 **This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application.**

(To be confirmed on 13 November 2012)

- 1.7 The movement of delivery vehicles and activities outside buildings are to be limited to the hours of 7.00am to 7.00pm Monday to Fridays and 8.00am to 12 noon Saturdays.
- 1.8 Compliance with Council's Building, Environmental Health and Renew Life requirements.

**Advice to Applicant**

- 1.9 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
- 1.10 Should more than 20 patrons (inclusive of both internal and external seating areas) be accommodated, then dedicated toilet facilities for patrons will need to be provided in addition to the existing toilet.
- 1.11 The planning approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the Strata Titles Act 1985 or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.
- 1.12 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

- 2. Those persons who lodged a submission regarding the application be advised of Council's decision.

The Motion was Put and

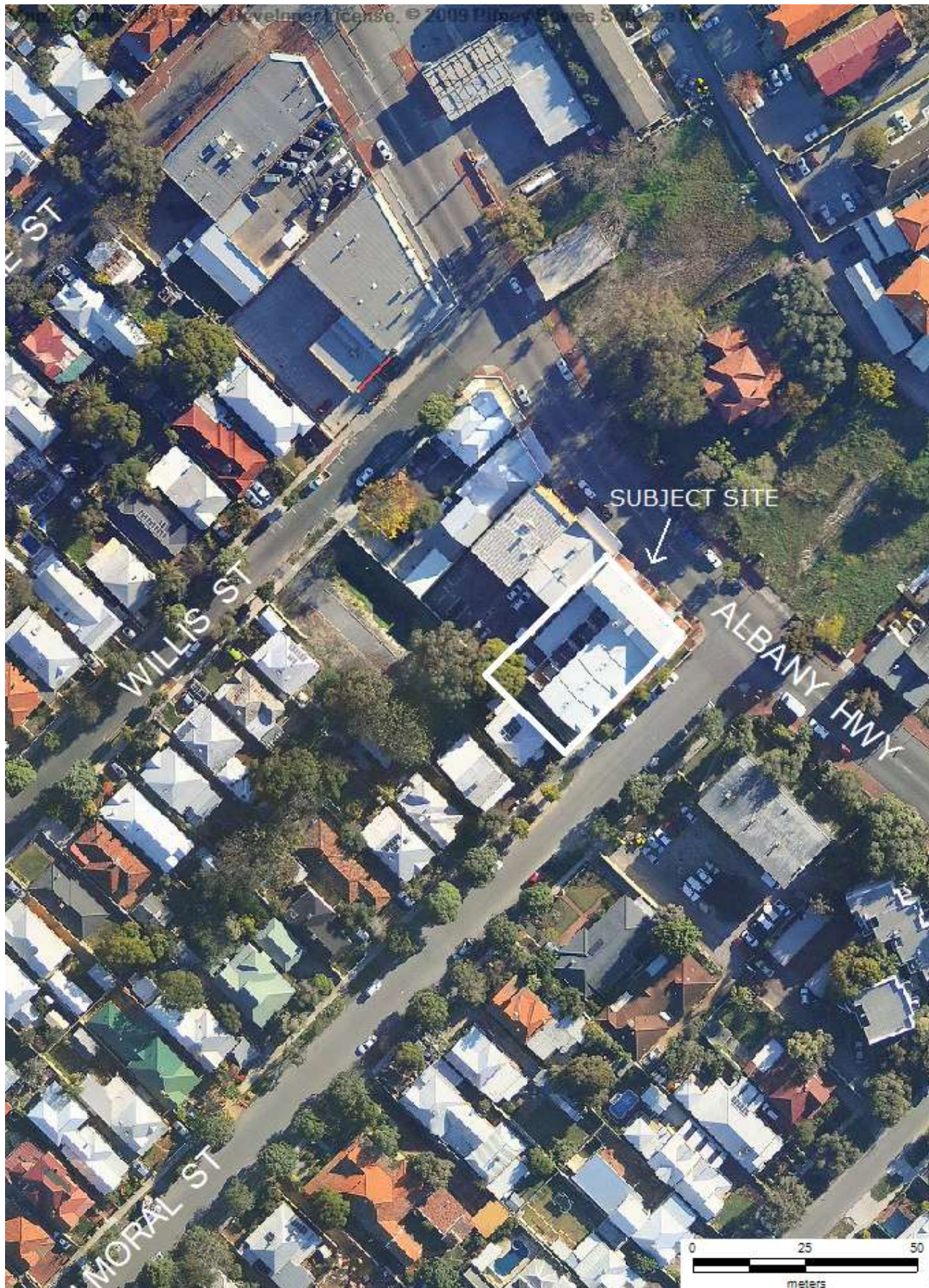
**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

Reason: The new motion provides an additional option for the applicant.



(To be confirmed on 13 November 2012)





**11.3 Final Approval of Amendment No. 59 to Town Planning Scheme No. 1 – Re-classification of 77, 79 and 81 (Lots 41, 15 and 14) Armagh Street, Victoria Park from ‘Residential R30’ to ‘Residential R30/R60’**

<b>File Reference:</b>	PLA0003/59
<b>Appendices:</b>	No
<b>Landowner:</b>	SKS Armagh Pty Ltd
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	Residential R30
<b>TPS Precinct:</b>	Precinct P5 ‘Raphael Precinct’

<b>Date:</b>	3 October 2012
<b>Reporting Officer:</b>	I. Ahmad
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

<b>Executive Summary:</b>	
<b>Recommendation – Council resolve to grant final approval to the Amendment.</b>	
<ul style="list-style-type: none"> <li>• Amendment 59 proposes to re-classify the subject lots from ‘Residential R30’ to ‘Residential R30/R60’.</li> <li>• The site is adjoined by Commercial zoned land to the north-west and south-west, and land zoned Residential R30 to the north-east and south-east.</li> <li>• Specific development standards are proposed to apply to the site to ensure a suitable built form.</li> <li>• Amendment publicly advertised for 42 days. 13 submissions received during advertising period.</li> <li>• Recommended that Council grants Final Approval to Amendment No. 59 to Town Planning Scheme No. 1, with one minor modification.</li> </ul>	

**TABLED ITEMS:**

- Email dated 28 August 2012 from Western Power;
- Letter dated 22 August 2012 from Department of Health;
- Letter dated 13 August 2012 from MainRoads WA;
- Letter dated 30 July 2012 from Water Corporation;
- Nine (9) submissions from surrounding owners and/or occupiers;
- Consultation letter to relevant authorities, and surrounding owners and occupiers dated 16 July 2012;
- Minutes of the Ordinary Council Meeting held on 8 May 2012;
- Correspondence from the applicant requesting the Council to initiate an Amendment to Town Planning Scheme No. 1 dated received 16 April 2012;
- Plans and information dated received 16 April 2012;
- Minutes of the Design Review Committee meetings dated 7 December 2011, 18 January 2012, 13 February 2012 and 15 March 2012; and
- Aerial photograph of the locality.

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(To be confirmed on 13 November 2012)

**BACKGROUND:**

On 12 April 2012, Council received a formal request from the applicant to initiate an Amendment to Town Planning Scheme No. 1. The Amendment proposes to re-classify the above mentioned properties from 'Residential R30' to 'Residential R60'.

Prior to the submission of the formal request, the applicant had submitted preliminary concept plans to demonstrate the possible type and form of development that could occur on the site if the proposed density coding was approved which were discussed at the Design Review Committee meetings held on 7 December 2011, 18 January 2012, 13 February 2012 and 15 March 2012.

The Council at its Ordinary Meeting held on 8 May 2012 resolved to initiate Amendment No. 59 to Town Planning Scheme No. 1 as follows:

- 1.1 *Modify the Town Planning Scheme No. 1 Precinct Plan P5 'Raphael Precinct' by recoding 77, 79 and 81 (Lots 41, 15 and 14) Armagh Street, Victoria Park from 'Residential R30' to 'Residential R30/R60'.*
- 1.2 *Modify the Town Planning Scheme No. 1 Precinct Plan P5 'Raphael Precinct' by adding the following after 'Development Standards' for the 'Residential Zone', and before the accompanying 'Policy Note':*

*"Development on Lots 14, 15 and 41 Armagh Street to be generally in accordance with the Residential Design Codes and the relevant planning policies contained in the Town Planning Scheme. Development to be in accordance with the development standards for R30, or in the case of where the subject lots are amalgamated into one lot, development to be in accordance with R60 with the following specific standards applying:*

1. *Building Height:  
Building height shall be limited to 3 storeys (11.25m), other than any portion of building within 8.0m of the boundary with Lot 42 Armagh Street, for which a maximum building height of 2 storeys (7.5m) applies.*
2. *Setback:  
Setback to Berwick Street may be reduced to less than 3.0m where the proposed development is considered to result in a good urban design outcome.*
3. *Access and Parking:  
Vehicle access shall not be taken from Berwick Street.  
All car parking to be screened from view from streets.*
4. *Landscaping:  
The existing mature Fig Tree at the street corner to be retained."*

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(To be confirmed on 13 November 2012)

A letter dated 5 June 2012 was received from the Environmental Protection Authority (EPA) advising the Town that the proposed amendment “should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act).” However, EPA has provided further advice that notwithstanding the subject lots have not been reported to the Department of Environment and Conservation (DEC) as a known or suspected contaminated site, the advice provided may not be sufficient to exempt further environmental site investigations.

This is due to the fact that the lots adjoining the subject properties (78-80 Canning Highway, Victoria Park) are classified as ‘Possibly contaminated – investigation required’. In light of this, the Office of the Environmental Protection Authority (OEPA) recommends that the applicant consults with DEC Contaminated Sites Branch to clarify the contamination status of the subject lots.

**DETAILS:**

The applicant requests Council to initiate an Amendment to Town Planning Scheme No. 1 to increase the applicable density coding for the site from R30 to R60. For the reasons outlined in the Minutes of the Ordinary Council Meeting held on 8 May 2012, it is considered that an R60 density coding is acceptable on the basis that any future development occurs over all three of the subject lots. However development of the site at an R60 density coding would not be supported if the three lots were developed separately. Accordingly it is recommended that the site be recoded R30/R60, with development to be in accordance with R30 or in the case of where the three lots are amalgamated then development may occur at the higher density coding of R60.

Development across all three lots and at a density of ‘Residential R60’ is considered to be appropriate given the location of the site in its surrounding context. A higher residential coding will ensure that the site be developed to its full potential in terms of built form and site planning. Whilst a higher density residential coding can be supported in this locality, acknowledgment is given to the need to ensure that the amenity of the adjoining properties is protected. As such, specific development standards are proposed for the site in recognition of the relationship with the existing buildings on the adjoining lots.

Amendment No. 59 was advertised for a period of 42 days. The public advertising period commenced on 17 July 2012 and closed on 27 August 2012, with letters being sent to relevant government authorities, surrounding owners and occupants, signs being installed on site and advertisements being placed in the Southern Gazette and Victoria Park Examiner.

Over the comment period, 13 submissions were received which are summarised and responded to as follows:

(To be confirmed on 13 November 2012)

<b>Property Address/ Agency</b>	<b>Summary of Submission</b>	<b>Officer's Comments</b>
Water Corporation	No objection in principle	Comments noted.
Department of Health	No objection however proposed development to R60 density must be connected to reticulated water and sewerage so as to comply with the provisions of the Government Sewerage Policy – Perth Metropolitan Region.	Comments noted. These matters will be dealt with as part of any future Subdivision Application, Development Application or Building Permit Application for the site.
MainRoads WA	No objection. However, Council is advised of the following: <ul style="list-style-type: none"> <li>• The Canning Highway and Berwick Street intersection may need to be upgraded to accommodate the future growth in traffic.</li> <li>• Subject to any increase in traffic demand at Berwick Street and Canning Highway intersection, there might be a need to alter the design at a later date which will have some land implication around the subject site.</li> </ul>	Comments noted. Advice was sought from Council's Street Life Business Unit who are aware of the proposed modification at the Canning Highway and Berwick Street intersection.  Council's Street Life is currently collaborating with MainRoads WA regarding the proposed modification to the subject street intersection and will advise Council's Urban Planning Business Unit should there be any changes to the intersection which may impact on the subject property via any future Subdivision Application, Development Application or Building Permit Application for the site.
Western Power	No objection. However, Council is advised that there are overhead powerlines adjacent to the proposed area of works. Therefore, all works are to comply with Worksafe Regulation 3.64 – guidelines for Work in the Vicinity of Powerlines.	Comments noted. These matters will be dealt with as part of any future Subdivision Application, Development Application or Building Permit Application for the site.

(To be confirmed on 13 November 2012)

<p>Unit 3, No. 66 Armagh Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Concern with potential increase in on-street parking which will aggravate the existing parking problems on the streets.</li> <li>• Increased accident risk given that there are already many cars parked on the streets which may affect visibility along the street.</li> <li>• Recommends that each proposed dwelling on the subject property be provided with at least two on-site car bays.</li> </ul>	<ul style="list-style-type: none"> <li>• Future development will have to comply with the on-site parking provisions of the Residential Design Codes and incorporate adequate visual sightline truncations to enhance safety.</li> <li>• Council's Health and Regulatory Services Business Unit acknowledge that should there be any issues with on-street parking on Armagh Street following any future development on the subject site, this matter will be managed.</li> </ul>
<p>82 Armagh Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Substantial increase in the number of residences.</li> <li>• The permissible building height of 3 storeys will not be in keeping with the character and scale of existing buildings within the locality and will result in overlooking onto adjoining properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Noting the location of the subject site both adjacent to a major road and properties used for commercial purposes, the higher density coding is consistent with the objectives stated in the State strategic framework, 'Directions 2031 and Beyond' and State Planning Policy 4.2 'Activity Centres for Perth and Peel' which recognise the merits of a compact and high density residential development located within close proximity to commercial or activity centres.</li> <li>• To Berwick Street, the maximum allowable building height is three (3) storeys. This is considered to be acceptable given that the height limit for the properties north-west and south-west of the subject property which are zoned 'Commercial' is three (3) storeys as per Precinct Plan P4 'McCallum Precinct'.</li> <li>• A maximum three (3) storey height limit is also proposed</li> </ul>

(To be confirmed on 13 November 2012)

	<ul style="list-style-type: none"> <li>• Potential increase in on-street parking which will exacerbate the existing parking problems on the streets.</li> <li>• Increase in traffic volume which will compromise pedestrians' safety.</li> </ul>	<p>to most of the Armagh Street frontage, however in order to protect the amenity of the north-eastern adjoining residential property and respect the existing scale of the adjoining property, it is considered that a three (3) storey building component shall not be permitted within 8.0m of the north-eastern boundary. Accordingly, any portion of building that falls within this 8.0m boundary setback area is to be a maximum two (2) storey high (7.5m). This will provide an acceptable transition to the maximum permitted building height of two storeys to the north-eastern adjoining properties.</p> <ul style="list-style-type: none"> <li>• Future development will have to comply with the visual privacy provisions of the Residential Design Codes.</li> <li>• The Scheme Report acknowledges the need to provide safe and convenient access to and from the subject property. For instance, given that the subject property is located within close proximity to a major intersection and that Berwick Street (designated as a District Distributor Road) experiences a high volume of traffic, any vehicular access taken from Berwick Street will compromise the safety of the residents and the road users. Therefore, it is considered necessary to impose a requirement that vehicle</li> </ul>
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(To be confirmed on 13 November 2012)

	<ul style="list-style-type: none"> <li>• Potential increase in noise pollution due to the fact that the driveway would probably be directly facing 82 Armagh Street, Victoria Park.</li>   <li>• Future development may compromise the traditional character and ‘ambience’ of the streetscape.</li>   <li>• Future development will more likely to accommodate rental units. The transient nature of occupancy may affect the management/ maintenance of the property.</li> </ul>	<p>access to development on the subject site is not permitted from Berwick Street. In addition, any vehicular access to the street is required to incorporate adequate visual sightline truncations to enhance safety.</p> <ul style="list-style-type: none"> <li>• It is considered that there will not be any significant negative impact on the residential amenity through the generation of traffic and parking and associated noise.</li>   <li>• Specific development standards such as building height and street and boundary setbacks have been applied to the site in recognition of the relationship with the existing buildings on the adjoining lots. The design of any building on the site and its relationship to the streetscape, will be considered at the planning application stage.</li> <li>• Not a planning consideration. Notwithstanding this, it is the responsibility of the owners and/or a strata manager to ensure that the building is well maintained and managed properly.</li> </ul>
<p>57 Colombo Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Increase traffic congestion on Armagh Street and Colombo Street.</li> </ul>	<ul style="list-style-type: none"> <li>• Council’s Urban Planning Business Unit has been advised by Council’s Street Life Business Unit that any future development on the site will not generate significant additional traffic volumes on the subject</li> </ul>



(To be confirmed on 13 November 2012)

	<ul style="list-style-type: none"> <li>• Increase population in a confined area.</li> <li>• Increase number of residences which may compromise the quality of development.</li> <li>• Future development may result in adverse impact on adjoining properties.</li> <li>• Concept plans of the future development on the site have not been provided for public comments.</li> <li>• The Scheme Report does not address the potential impact on the opposite side of Armagh Street.</li> </ul>	<p>streets and would still be within the indicative traffic volume of 3000 vehicles per day for a Local Access Road as stated by Main Roads Road Hierarchy Criteria. Refer to 'Comments' section of this report for more information.</p> <ul style="list-style-type: none"> <li>• As discussed above.</li> <li>• Any future development on the subject lots is required to be of a high design quality and respect the existing character of the streetscape.</li> <li>• Specific development standards have been applied to the site in recognition of the relationship with the existing buildings on the adjoining lots.</li> <li>• It should be emphasised that the concept plans are indicative only, and while useful in providing a visual illustration of what could occur, a different development proposal may be ultimately submitted for the site as part of a future application for planning approval (assuming the requested Amendment is initiated and gazetted).</li> <li>• The proposed development standards contained in the Scheme Report have been devised having regard to the parameters of the site and the relationship with the existing buildings on the adjoining and/or surrounding lots. The impact of any development on the street</li> </ul>
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(To be confirmed on 13 November 2012)

	<ul style="list-style-type: none"> <li>• The Scheme Report does not address the traffic implications on Armagh Street and Colombo Street.</li> <li>• Visitor street parking has not been discussed in the Report.</li> </ul>	<p>will be considered in more detail as part of any future planning application.</p> <ul style="list-style-type: none"> <li>• Traffic implications on Armagh Street and surrounding streets have been discussed above.</li> <li>• Future development will have to comply with the on-site car parking provision of the Residential Design Codes.</li> </ul>
<p>75B Armagh Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Consideration has not been made to protect the visual privacy of the adjoining properties.</li> <li>• Concerns with traffic noise given that access will be taken from Armagh Street.</li> <li>• Increase in traffic volumes and on-street parking which will aggravate the existing traffic issues on the streets.</li> </ul>	<ul style="list-style-type: none"> <li>• Future development will have to comply with the visual privacy provisions of the Residential Design Codes.</li> <li>• Comments noted. In order to avoid any potential impact on the adjoining residential amenity through the generation of traffic and parking and associated noise, in particular to the north-eastern adjoining property, it is anticipated that a 1.8 metre high masonry screen wall will be required to be constructed along the common boundary.</li> <li>• Traffic implications on Armagh Street and surrounding streets have been discussed above.</li> </ul>
<p>397 Berwick Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Supportive of the proposed Scheme Amendment.</li> <li>• Encourage a review of R20 and R30 zoning along Berwick Street.</li> <li>• A higher density coding along Berwick Street would facilitate urban renewal in particular along major transport routes such as Berwick Street.</li> </ul>	<ul style="list-style-type: none"> <li>• Comments noted.</li> </ul>

(To be confirmed on 13 November 2012)

<p>80 Armagh Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Potential increase in traffic volumes and on-street parking which will aggravate the existing traffic congestion on the streets.</li> <li>• The permissible building height of 3 storeys will not be in keeping with the character and scale of existing buildings within the locality. Future development may compromise the traditional character and ‘ambience’ of the streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic implications on Armagh Street and surrounding streets have been discussed above.</li> <li>• As discussed above.</li> </ul>
<p>29 Berwick Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• Increased traffic congestion which would increase risk of accidents (involving pedestrians and cyclists), in particular, at the intersection of Armagh Street and Berwick Street.</li> <li>• High density residential development will not be in keeping with the character of the streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic implications on Armagh Street and surrounding streets have been discussed above.</li> <li>• In view of the site context, the subject land is recognised as a location with potential for delivering medium to high residential development and therefore, a higher density coding would be considered appropriate provided that any future development on the site results in good urban design outcome for the locality and respects the character of the existing streetscape.</li> </ul>
<p>78 Armagh Street, Victoria Park</p>	<ul style="list-style-type: none"> <li>• High density residential development will not be in keeping with the character of the streetscape.</li> <li>• Increase traffic volumes and parking and associated noise.</li> <li>• More refuse will be generated and overflow onto the local streets.</li> </ul>	<ul style="list-style-type: none"> <li>• As discussed above.</li> <li>• As discussed above.</li> <li>• Future development is required to provide a bin storage area for refuse disposal as per the Residential Design Codes.</li> </ul>

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(To be confirmed on 13 November 2012)

**Legal Compliance:**

Clause 47 (1) of the Town Planning Scheme Text states that:

*“Council may only amend or revoke a Scheme Document with the exception of a Council Register in accordance with the procedures applying to a Town Planning Scheme Amendment set out in Section 7 of the Act.”*

Under regulations 17(1) & (2) and 25(fb) of the Town Planning Regulations 1967, the Council must consider all submissions received on the amendment and resolve whether the amendment will be adopted with or without modifications or whether it does not wish to proceed with the Amendment within 42 days of the end of the advertising period or such longer period as the Minister may approve.

Under regulation 18(1) of the Town Planning Regulations 1967, the Council must forward the Amendment to the Western Australian Planning Commission for a decision on final approval within 28 days of passing a resolution under regulation 17(2).

The Western Australian Planning Commission will consider the Amendment and any submissions received and make a recommendation to the Hon Minister for Planning concerning determination. Upon receipt of the Western Australian Planning Commission's recommendation the Hon Minister will consider the matter then make a determination on the outcome of the Amendment, which may include finalisation of the Amendment, modifications to the Amendment that may or may not require readvertising or refusal to finalise the Amendment.

**Sustainability Assessment:**External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

Environmental Issues:

No impact

**COMMENTS:**

Over the public comment period, 13 submissions were received with seven (7) being objections to the proposed reclassification of the subject property. Most of the concerns expressed by the affected surrounding residents as highlighted above, were pertaining to traffic implications that a higher density development would have on the local streets, in particular to Armagh Street, as a result of the proposed re-classification from 'Residential R30' to 'Residential R30/60'. The objectors contend that a higher density development (assuming the requested Amendment is gazetted) on the subject lots would result in an increase in traffic volumes and on-street parking along the streets which will exacerbate the existing traffic congestion on the streets.

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(To be confirmed on 13 November 2012)

Advice was sought from Council's Street Life Business Unit and Health and Regulatory Business Unit regarding the above matter with the following comments being received:

- A preliminary traffic assessment was undertaken based on the concept plan that was submitted by the applicant which demonstrates the possible type and form of development that could occur on the site.
- In accordance with the Roads and Traffic Authority (RTA) Guide to Traffic Generating Developments, the conceptual 22 Multiple Dwelling development could generate 110 vehicles per day and 11 vehicle trips in the peak hour, based on a daily trip rate of 5 vehicles per unit and a weekday peak hour vehicle trip rate of 0.5 per unit for a medium density residential flat building. The latest traffic volume data surveyed on Armagh Street between Berwick Street and Gloucester Street in February 2012 indicates an average weekday traffic (i.e. Monday to Friday) being an average of 936 vehicles per day only.
- Therefore, an additional 110 vehicles per day to the existing average weekday traffic will still be well within its indicative traffic volume of 3000 vehicles per day for a Local Access Road as stated by Main Roads Road Hierarchy Criteria.
- Coupled with the current geometric constraints at the intersection of Armagh Street and Berwick Street which restrict vehicular movements to left in/left out only at the subject junction, it will be necessary for traffic generated out of the development to be evenly distributed to other streets in the nearby vicinity. Therefore, the 11 additional vehicles generated in the peak hour is unlikely to create any adverse impacts onto the surrounding streets.
- Notwithstanding there are no current on-street car parking restrictions along Armagh Street, Council's Health and Regulatory Services Business Unit acknowledge that should there be any issues with on-street parking on the surrounding streets following the future development on the subject site, this matter will be managed.

#### **CONCLUSION:**

The above comments have demonstrated that the objections and concerns raised by the affected surrounding residents have been adequately addressed, and that careful consideration have been given to the implications of the proposed reclassification of the subject lots from 'Residential R30' to 'Residential R30/60'. Whilst a higher density residential coding can be supported in this locality, acknowledgment is given to the need to ensure that the amenity of the adjoining properties is protected. As such, specific development standards are proposed for the site in recognition of the relationship with the existing buildings on the adjoining lots. Additionally, further consideration will be given to the impact of any development on the site as part of any future planning application for the site.

For the reasons outlined in the Minutes of the Ordinary Council Meeting held on 8 May 2012 and in this report, it is recommended that Council resolve to adopt Amendment 59 to the Town of Victoria Park Town Planning Scheme No. 1 for Final Approval.

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(To be confirmed on 13 November 2012)

**Further Comments:**

At the Elected Members Briefing Session on 2 October 2012, a concern was raised in relation to the proposal to require retention of the existing mature Fig tree on the site, as this species of tree is fairly invasive. It should be noted that it is the landowner's intention to retain this tree and for any development on the site to occur around the tree. However, this matter has been considered further, and it has been determined that any requirement to keep this tree is for consideration at the planning application stage rather than as part of the Scheme Amendment. Accordingly, the Amendment now proposes to remove the requirement for retention of the existing Fig tree, as this will be dealt with at a planning application stage.

**RESOLVED:****Moved: Councillor Bissett****Seconded: Councillor Potter**

1. Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to adopt an Amendment (Amendment No. 59) to the Town of Victoria Park Town Planning Scheme No. 1 for final approval as follows:

- 1.1 Modify the Town Planning Scheme No. 1 Precinct Plan P5 'Raphael Precinct' by recoding 77, 79 and 81 (Lots 41, 15 and 14) Armagh Street, Victoria Park from 'Residential R30' to 'Residential R30/R60'.

- 1.2 Modify the Town Planning Scheme No. 1 Precinct Plan P5 'Raphael Precinct' by adding the following after 'Development Standards' for the 'Residential Zone', and before the accompanying 'Policy Note':

*Development on Lots 14, 15 and 41 Armagh Street to be generally in accordance with the Residential Design Codes and the relevant planning policies contained in the Town Planning Scheme. Development to be in accordance with the development standards for R30, or in the case of where the subject lots are amalgamated into one lot, development to be in accordance with R60 with the following specific standards applying:*

**"1. Building Height:**

*Building height shall be limited to 3 storeys (11.25m), other than any portion of building within 8.0m of the boundary with Lot 42 Armagh Street, for which a maximum building height of 2 storeys (7.5m) applies.*

**2. Setback:**

*Setback to Berwick Street may be reduced to less than 3.0m where the proposed development is considered to result in a good urban design outcome.*

**3. Access and Parking:**

*Vehicle access shall not be taken from Berwick Street. All car parking to be screened from view from streets."*

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(To be confirmed on 13 November 2012)

2. **The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 59 documents and to have the Common Seal affixed.**
3. **Amendment No. 59 be forwarded to the Western Australian Planning Commission for final approval.**
4. **Those persons who lodged a submission regarding the Scheme Amendment be advised of Council's decision.**

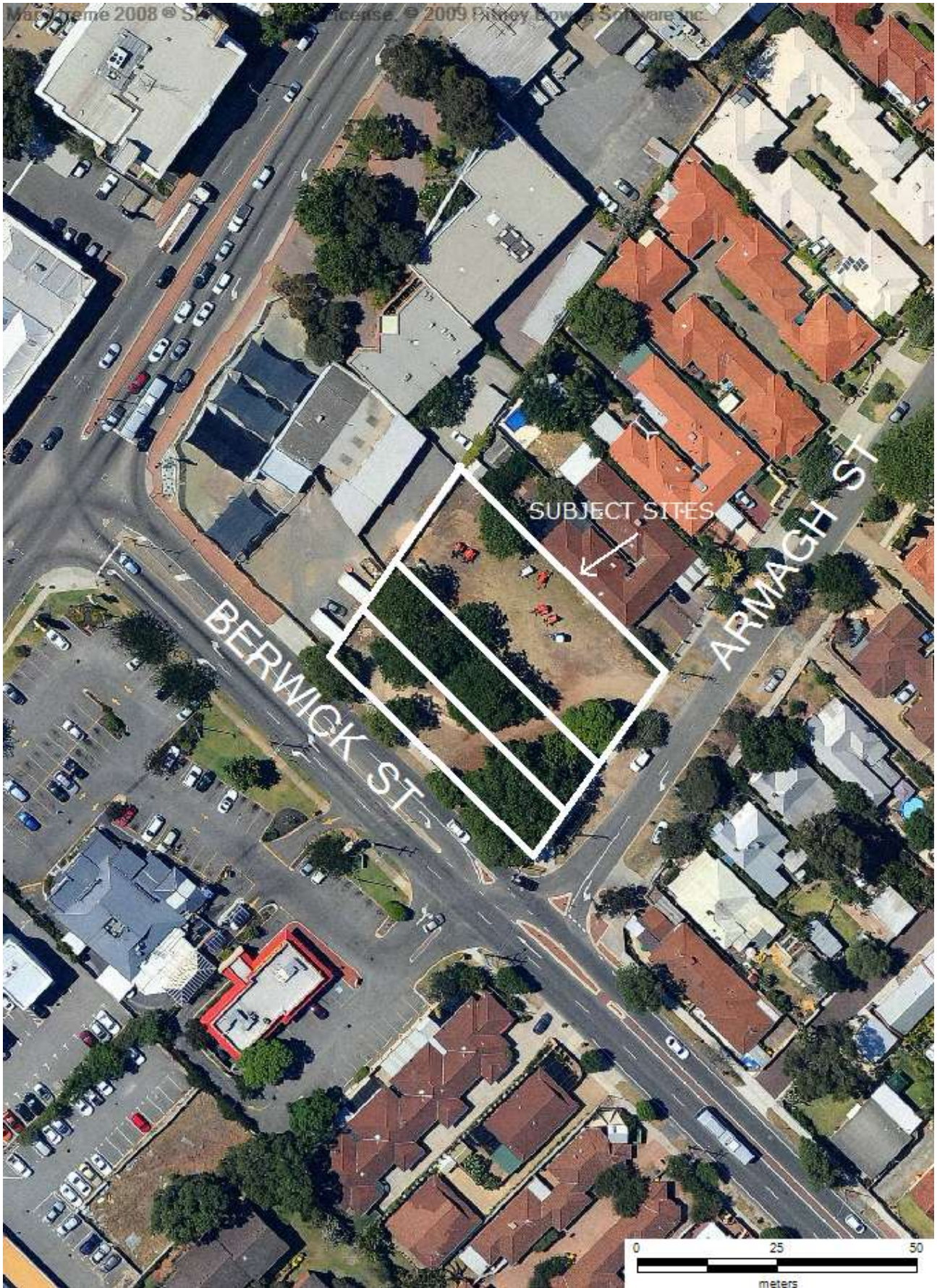
**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**



(To be confirmed on 13 November 2012)





(To be confirmed on 13 November 2012)

### 11.4 Amendment No. 60 to Town Planning Scheme No. 1 – Motor Vehicle Sales Premises in Commercial Zone within Albany Highway Precinct

<b>File Reference:</b>	PLA0003/60
<b>Appendices:</b>	No
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	Commercial
<b>TPS Precinct:</b>	Precinct P11 - 'Albany Highway Precinct'

<b>Date:</b>	3 October 2012
<b>Reporting Officer:</b>	J. Gonzalez
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:****Recommendation – Council resolve to initiate an Amendment to Town Planning Scheme No. 1**

- Under the current Town Planning Scheme, the use of 'Motor Vehicle Sales Premises' is an 'AA' (Discretionary) use within the Commercial Zone of the 'Albany Highway Precinct'.
- It is considered the use of land along Albany Highway for the purpose of Motor Vehicle Sales Premises is no longer appropriate and is inconsistent with the desire for Albany Highway to be an activated retail and commercial strip.
- Amendment No. 60 proposes to amend the Town Planning Scheme by designating the uses of 'Motor Vehicle and Marine Sales Premises' and 'Open Air and Sales and Display' as an "X" (prohibited) use within Commercial zones along Albany Highway.

**TABLED ITEMS:**

- Minutes of the Ordinary Council Meeting held on 14 August 2012;
- Minutes of the Ordinary Council Meeting held on 25 September 2001; and
- Precinct Plan 11 'Albany Highway Precinct'.

**BACKGROUND:**

The Council at its Ordinary Meeting on 25 September 2001 resolved to adopt for Final Approval Amendment No 12 to Town Planning Scheme No. 1 by modifying the use of Motor Vehicle Sales Premises from being a 'P' (permitted) use in District Centres and Commercial Zones within the Precinct P11 – Albany Highway Precinct to 'X' (prohibited) use in District Centres, and an 'AA' (discretionary) use in Commercial zones within the Precinct P11 - Albany Highway Precinct. Amendment No. 12 was gazetted on 6 September 2002.

The Council at its Ordinary Meeting on 10 July 2012 refused an application for 'Offices and Motor Vehicle Sales Premises' at 225, 233 and 237-239 Albany Highway, proposing the demolition of existing character commercial buildings and the loss of existing original shop front windows to be replaced by a Motor Vehicle Sales Premises.

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(To be confirmed on 13 November 2012)

The Council at its Ordinary Meeting held on 14 August 2012 resolved that the Council's Urban Planning Business Unit present a report by no later than the October round of Council Meetings, to initiate an Amendment to Town Planning Scheme No. 1 to change the permissibility of 'Motor Vehicle Sales Premises' from 'AA' (discretionary) use to 'X' (prohibited) use in the Commercial zoned land known as 'Albany Highway Gateway' and 'Albany Highway Central' in Precinct P11 'Albany Highway Precinct'.

**DETAILS:**

Under the current Town of Victoria Park Town Planning Scheme No. 1, Motor Vehicle Sales Premises is an 'AA' (discretionary) use on Commercial zoned land within Albany Highway Precinct – Precinct P11.

The Albany Highway Precinct includes two areas of Commercial zoned land:

- 'Albany Highway Gateway' – generally the land on both sides of Albany Highway and extending to the southern side of Shepperton Road, from Armagh Street to McMaster Street – Harvey Street.
- 'Albany Highway Central' - generally between Temple Street and Sussex Street along both sides of Albany Highway.

Motor Vehicle Sales Premises is not a designated single use class within the Zoning Table of the Scheme. The Zoning Table groups together the uses of 'Motor Vehicle Sales Premises', 'Marine Sales Premises', and 'Open Air Sales and Display', all being an 'AA' (discretionary) use on Commercial zoned land.

'Motor Vehicle Sales Premises' is a use which requires extensive areas mainly for display which may be open air display or enclosed display (showroom). It is a low intensity use which requires extensive land area and provides minimal activation at the street, contrary to medium and high intensity uses such as office, café, restaurant, shop, etc that are a more intensive use and create activation, vibrancy and interest at the street level.

**Legal Compliance**Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining whether to initiate this Scheme Amendment, Council is to have regard to the following general provisions of the Scheme:

- Clause 47 of the Scheme Text – Amendment of Other Scheme Documents;
- Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct'

**Sustainability Assessment:**External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

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(To be confirmed on 13 November 2012)

Environmental Issues:

No impact

**COMMENT:**

Statement of Intent of the Precinct

The Statement of Intent of the Albany Highway Precinct – Precinct P11 states, *“The Albany Highway Precinct will be revitalised and consolidated as a major urban/shopping commercial axis incorporating the “strip” imagery of its past development along the length of Albany Highway.”*

During the last few years a number of properties along Albany Highway containing showroom, warehouse, service industry and car yard uses which are considered as low intensity uses, have been replaced with medium to high intensity uses, especially shops, cafes and restaurants, including in some instances residential units above ground floor.

Albany Highway Gateway

Among the objectives of the Albany Highway Gateway area is stated: *“This area shall function as a location for medium scale general commercial uses. Ultimately, the area shall develop as a high quality commercial area predominately occupied by office uses, serving as the ‘gateway’, to the Precinct and to the city centre from the south.*

*Appropriate uses are offices and/or residential on upper levels, with ground level tenancies preferably occupied by uses such as banks, restaurants, local shops, cafes, and lunch bars.”*

The Town of Victoria Park Urban Design Study dated October 2000 and approved at the Ordinary Meeting of the Council held on 12 December 2000 states: *“The Albany Highway Gateway Commercial Zone should be redeveloped with a lively mix of uses including a substantial residential component, to ensure day and night time activity.”*

Within the Albany Highway Gateway Commercial zone approximately 40% of the gross land area is occupied by Motor Vehicle Sales Premises. This percentage has increased in the last few years with some existing premises increasing their display area.

The establishment of Motor Vehicle Sales Premises on additional properties in the area would be inconsistent with the planning objectives for the area of developing a high quality commercial area occupied predominately by offices plus banks, restaurants, local shops, cafes, lunch bars and residential on upper floors, serving as the “gateway” to the Town of Victoria Park. Additionally, Motor Vehicle Sales Premises do not generate any activity during evenings and most of the weekend.

Albany Highway Central

Among the objectives of the Albany Highway Central area is stated: *“This part of the precinct shall continue in its present capacity as a location for small to medium scale mixed general commercial and minor retail activities.”*

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(To be confirmed on 13 November 2012)

*“The scale, architectural style and character of new buildings shall enhance and consolidated the commercial strip imagery of Albany Highway development.”*

Within the Albany Highway Central area approximately 47% of the gross land area is occupied by Motor Vehicle Sales Premises. Within this area some minimal changes have occurred in the past few years. Last year the Council granted approval for a four storey mixed use development at 696-700 Albany Highway, replacing a Motor Vehicle Sales Premises. The mixed use development included offices and restaurant at ground level with residential above. In addition, a preliminary design has been discussed with Planning Officers of the Council’s Urban Planning Business Unit for another Motor Vehicle Sales Premises to be replaced with a Mixed Use development with commercial on the ground floor and residential above.

New buildings have been approved in compliance with the above objective and with Council’s Policy 4.9 ‘Street Frontage Design Guidelines - District Centres and Commercial Areas along Albany Highway’.

In general, the Commercial zones are intended to be a pedestrian friendly environment, with shop front windows, alfresco dining and verandahs/awnings for weather protection, taking advantage of the transport facilities offered by Albany Highway. To the contrary, ‘Motor Vehicle Sales Premises’ do not create an attractive pedestrian environment due to the large extensive areas for cars display, having cars parked against footpaths and buildings with greater setbacks.

Furthermore Town Planning Scheme No. 1, Policy 4.9 ‘Street Frontage Design Guidelines – District Centres and Commercial Areas along Albany Highway’ states: *“As part of the Council’s objective to attract more people to these areas, this Policy focuses on the contribution made by buildings to the character and comfort of the immediate pedestrian environment of the shopping and commercial areas along Albany Highway and adjoining site streets.”*

Modifying the Town Planning Scheme to change the designation of ‘Motor Vehicle and Marine Sales Premises’ and ‘Open Air Sales and Display’ from ‘AA’ (discretionary) use to ‘X’ (prohibited) use in the Commercial zones within the ‘Albany Highway Precinct’ – Precinct P11 would give the Council the opportunity to pursue the above Statement of Intent for the Albany Highway Precinct, as such uses could not be approved in the future

The proposed Amendment would result in those existing Motor Vehicle Sales Premises becoming non-conforming uses, which although no longer being a complying use of land, can lawfully continue to operate subject to compliance with the non-conforming use provisions of the Scheme.

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(To be confirmed on 13 November 2012)

**CONCLUSION:**

In view of the above, it is recommended that Amendment No. 60 be initiated and the Zoning Table contained in the Town Planning Scheme No. 1, and the extract of the Zoning Table in the Albany Highway Precinct - Precinct P11 for the Commercial Zones known as 'Albany Highway Gateway' and 'Albany Highway Central' be amended to indicate 'Motor Vehicle and Marine Sales Premises' and 'Open Air Sales and Display' as an 'X' use. It should be noted that the proposed Amendment only relates to Commercial zoned land in Albany Highway, and that Motor Vehicle Sales Premises would remain an 'AA' (discretionary) use in the other Commercial zones in the Town.

**Further Comments:**

At the Elected Members Briefing Session on 2 October 2012, some queries were raised by Elected Members in respect to the implications of the proposed Amendment upon existing Motor Vehicle Sales Premises and opportunities for additions to such premises, and where this use could occur along Albany Highway.

In relation to existing Motor Vehicle Sales Premises, these premises would become "non-conforming uses" which can continue to lawfully operate, notwithstanding that they would otherwise be prohibited following finalisation of the Amendment. In accordance with Clause 18 of the Scheme Text, if a non-conforming use were to cease operating for a period of six months or more, then the property would lose its non-conforming use rights and can thereafter only be used for a purpose permitted under the Scheme. With respect to additions to non-conforming uses, Clause 18 provides Council with the power to consider an application to alter or extend a building used for a non-conforming use, having regard to the impact of the works on the amenity of the locality. Therefore it would still be open to Council to approve applications for additions to existing Motor Vehicle Sales Premises.

As noted above, Motor Vehicle Sales Premises are currently prohibited uses along Albany Highway other than the two Commercial zones. This Amendment would also prohibit Motor Vehicle Sales Premises in the two Commercial zones, such that no new Motor Vehicle Sales Premises would be permitted anywhere along Albany Highway, however those existing premises can continue to operate.

While the Amendment would have implications upon any proposals for new Motor Vehicle Sales Premises, the fact is that there are already a sufficient number of properties along Albany Highway used for such purposes, and particularly those large operators are likely to continue into the foreseeable future until land values determine otherwise.

**RESOLVED:****Moved: Councillor Potter****Seconded: Councillor Bissett**

- 1. Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment No. 60 to amend the Town of Victoria Park Town Planning Scheme No. 1 by amending the Town Planning Scheme Text Zoning Table to read as follows:**

(To be confirmed on 13 November 2012)

**ZONING TABLE**

Use Class	Zone								
	1. Residential	2. Residential / Commercial	3. Office / Residential	4. Local Centre	5. District Centre	6. Commercial	7. Industrial (1)	8. Industrial (2)	9. Special Use
Motor Vehicle and Marine Sales Premises,  Open Air Sales and Display	X	X	X	X	X	X <sup>6</sup> /AA	P	P	Refer to provisions in Precinct Plan

and adding a Footnote 6 following Footnote 5 as follows:

6. *The “Prohibited Use” notation applies to the Commercial Zone within Precinct P11 – Albany Highway Precinct.*

1.2. Amending Precinct Plan P11 - Sheet B – ‘Albany Highway Precinct’ by amending the extract of the Zoning Table for the Commercial zones known as ‘Albany Highway Gateway’ and ‘Albany Highway Central’, as follows:

Use Class	Zone	Commercial
Motor Vehicle and Marine Sales Premises		6. X
Open Air Sales and Display		

2. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment 60 documents.
3. A copy of Amendment No. 60 be referred to:
  - a) The Environmental Protection Authority, in accordance with Section 81 of the Planning and Development Act 2005, prior to the commencement of advertising of the Amendment; and
  - b) The Western Australian Planning Commission for information.
4. On receipt of advice from the Environmental Protection Authority under Section 48A of the Environmental Protection Act indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for 42 days.

The Motion was Put and

CARRIED: (7-0)

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

**11.5 6-8 (Lots 593-596) Planet Street, Carlisle**

This report will be issued under a separate cover.

## **12 RENEW LIFE PROGRAM REPORTS**

Nil



(To be confirmed on 13 November 2012)

*Mr Kyron left the meeting at 7.15pm.***13 COMMUNITY LIFE PROGRAM REPORTS****13.1 Recommendation from Culture and Local History Working Group**

<b>File Reference:</b>	CMS0153
<b>Appendices:</b>	Nil

<b>Date:</b>	25 September 2012
<b>Reporting Officer:</b>	J. Thomas
<b>Responsible Officer:</b>	T. Ackerman
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation - Correspondence be prepared inviting consultation with Aboriginal Elders to provide input to initiatives from an Aboriginal culture perspective for projects deemed to have an indigenous component.**

- **A recommendation from the Arts Working Group to seek input from an Aboriginal perspective on indigenous arts projects has been modified by the Culture and Local History Working Group to refer to all projects that may have an indigenous component.**

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Arising from general discussion at its Special Meeting on 30 April 2012, the Arts Working Group recommended consultation with Toogarr Morrison to gain an Aboriginal cultural perspective as appropriate for initiatives deemed to have an indigenous connection.

*ARTS WORKING GROUP RESOLUTION:*

*Subject to Toogarr Morrison acceptance to be involved, Administration forward a letter inviting his input from an Aboriginal Culture perspective as required for initiatives deemed to have an Indigenous connection.*

After the meeting, additional information provided by Arts Working Group community representative Ms Irena Harper following discussions with Toogarr Morrison was the catalyst for the Working Group resolution to be modified and a revised Officer Recommendation to be included in the report to Council:

*RESPONSIBLE OFFICER RECOMMENDATION:*

*Correspondence be forwarded inviting consultation with Toogarr Morrison and other Elders to provide input to art initiatives from an Aboriginal Culture perspective for projects deemed to have an Indigenous component.*

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(To be confirmed on 13 November 2012)

When the Arts Working Group and Officer recommendations above were discussed at the Ordinary Council Meeting on 10 July 2012, the item was referred to the Culture and Local History Working Group for their comments as it was considered the consultation could be extended to any project deemed to have an indigenous component:

**COUNCIL RESOLUTION:**

*The item is referred to the Culture and History Working Group for comments and to be submitted back to a subsequent Ordinary Council meeting.*

**DETAILS:**

Consistent with Council's recommendation of 10 July 2012, the item regarding cultural understanding formed the basis of a report to the Culture and Local History Working Group on 13 September 2012.

At the meeting, members agreed that a group of Elders and Aboriginal people could assist the Town with information and guidance for projects deemed to have an indigenous connection.

The Culture and Local History Working Group broadened the original recommendation of the Arts Working Group to include all initiatives, not only arts projects, with the following recommendation:

*Correspondence be forwarded inviting consultation with Elders to provide input to initiatives from an Aboriginal Culture perspective for projects deemed to have an indigenous component.*

Should the recommendation be endorsed potential participants will be invited to put their names forward to be invited to participate in a consultation process as needed. It is not considered necessary to create a formal reference group, rather the participants would meet as required in a non-paid consultative capacity without any specific decision-making delegation. It is expected that the consultation would provide helpful information when developing and delivering cultural projects.

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Community Life Program Objective: We will celebrate cultural diversity and promote cultural harmony.

**Financial Implications:**

Internal Budget:

Nil

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(To be confirmed on 13 November 2012)

*Mr Kyron returned to the meeting at 7.19pm.*

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Community participation and inclusion.

Cultural Issues:

Indigenous relations.

Environmental Issues:

Significance of Aboriginal culture within the Town's natural environment.

**COMMENT:**

The recommendation from the Arts Working Group and the Culture and Local History Working Group to seek input from Aboriginal Elders when developing a project that has an indigenous connection is considered an appropriate way to support cultural sensitivity and advance projects in a meaningful way.

If the recommendation is endorsed the Administration will progress with contacting Aboriginal Elders seeking their willingness to be called upon by the Town to provide input for initiatives deemed to have an indigenous component.

**CONCLUSION:**

The recommendation from the Arts Working Group and the Culture and Local History Working Group to seek input from Aboriginal Elders when developing a project that has an indigenous connection is considered an appropriate way to support cultural sensitivity and advance projects in a meaningful way.

**RESOLVED:**

**Moved: Councillor Ashton**

**Seconded: Councillor Potter**

**Correspondence be prepared inviting consultation with Aboriginal Elders to provide input to initiatives from an Aboriginal culture perspective for projects deemed to have an indigenous component.**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

(To be confirmed on 13 November 2012)

## 13.2 East Victoria Park Primary School – Petition Received Regarding ‘Out of Boundary’ Children

<b>File Reference:</b>	CMS0058
<b>Appendices:</b>	No

<b>Date:</b>	3 October 2012
<b>Reporting Officer:</b>	T. Ackerman
<b>Responsible Officer:</b>	T. Ackerman
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – the Town write to the Minister for Education urging them to develop a long term plan for Western Australia’s growing population; to express concern regarding the impact on the education outcomes of children that are required to changes schools at a young age and to reconsider changes at East Victoria Park Primary School that are due to be introduced in 2013.**

- A petition received at the September Council meeting requested that the Mayor and Elected Members lobby the State Government to reconsider ‘out of boundary’ enrolment applications for 2013.
- This report supports the petitioners’ request, noting that the education outcomes of those students currently attending the school and their younger siblings may be impacted if they were required to relocate.
- The Town’s increasing population and the introduction of compulsory pre-primary schooling has a significant impact on the local community, with improved planning required in order to reduce the potential impact on the education of young children that requiring them to change primary schools may have.

**TABLED ITEMS:**

- ‘Keep Our Kids at East Victoria Park Primary School’ - Petition received at 11 September 2012 Ordinary Council Meeting

**BACKGROUND:**

At the 11 September 2012 Ordinary Council Meeting a 139 signature petition was received regarding the Department of Education’s decision to exclude ‘out of boundary’ children in Kindergarten, Pre-Primary and Year 1 at the East Victoria Park Primary School from 2013 onwards. The petition requests that the Mayor and Councillors lobby the State Government on the signatories’ behalf to reconsider the enrolment applications for next year that have been rejected.

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(To be confirmed on 13 November 2012)

**DETAILS:**

The Town has been advised that 77 children have had enrolment applications for next year at the East Victoria Park Primary School rejected as they don't live within the catchment area for the school. It is understood that 45 of the children whose enrolments have been rejected are already current students at the school. Advice received indicates that the 'out of boundary' students' enrolments have been rejected due to the Department of Education's ('the Department'):

- implementation of compulsory Pre-Primary schooling in Western Australia in 2013;
- guarantee that all Pre-Primary students will have a place at their local school in 2013;
- decision to remove the East Victoria Park Primary School's status as an 'overflow' school; and
- planned removal of two transportable classrooms from the school.

The decision to remove the East Victoria Park Primary School's status as an 'overflow' school and the intended removal of two transportable classrooms has had a significant impact on the school community.

While parents were notified in August 2011 that enrolment places for future years could not be guaranteed, the petition states that they "had been explicitly told no child would be turned away". As this is no longer the case, the petitioners are frustrated with the Department's lack of communication regarding the policy shift and the impact it would have.

While the Town recognises it is the Department's responsibility to provide high quality education in the most cost effective manner possible, the financial implications must be considered together with the social and educational impacts on the affected children and families. To this end, the Town's Administration recommends that consideration be given to retaining the two transportable classrooms for the short term to allow those children already attending the school to remain and for their younger siblings to enrol, which would allow the community to transition gradually from being an 'overflow' school to local intake only.

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**Internal Budget:

Nil

Total Asset Management:

Nil

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(To be confirmed on 13 November 2012)

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Allowing children that are currently enrolled at the East Victoria Park Primary School and their siblings to remain despite the fact that they live outside the catchment area reduces the potential risk to their long term education outcomes that may arise if they were required to relocate.

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

While it is the Department's responsibility to deliver high quality education outcomes, consideration must be given to the potential impact on long term education outcomes that may arise if children who are already enrolled at the East Victoria Park Primary School and their siblings are required to relocate as a result of changes introduced by the Department effective 2013, including:

- implementation of compulsory Pre-Primary schooling in Western Australia;
- guarantee that all Pre-Primary students will have a place at their local school;
- decision to remove the East Victoria Park Primary School's status as an 'overflow' school; and
- planned removal of two transportable classrooms from the East Victoria Park Primary School.

To reduce the potential impact on the long term education outcomes that may arise if children at the East Victoria Park Primary School are required to relocate due to changes introduced by the Department it is the Town's recommendation that the Department retain the two transportable classrooms currently on site and to allow 'overflow' children already attending the school to remain and for their younger siblings to enrol. New students with no connection to the school and who live outside the catchment area would not be eligible to enrol in the 'overflow' category. This would allow the school to transition gradually from being an 'overflow' school to local intake only.

**CONCLUSION:**

While it is the Department of Education's responsibility to deliver high quality education outcomes, consideration must be given to the potential impact on long term education outcomes that may arise if children who are already enrolled at the East Victoria Park Primary School and their siblings are required to relocate as a result of changes introduced by the Department effective 2013, including:

- implementation of compulsory Pre-Primary schooling in Western Australia;
- guarantee that all Pre-Primary students will have a place at their local school;
- decision to remove the school's status as an 'overflow' school; and
- planned removal of two transportable classrooms from the East Victoria Park Primary School.

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(To be confirmed on 13 November 2012)

It is therefore recommended that the Town write to the Minister for Education (cc'd to the Director General - Department of Education and Ben Wyatt MLA) urging the Department to consider retaining the two transportable classrooms currently on site at the East Victoria Park Primary School and to allow 'overflow' children already attending the school to remain, together with their younger siblings to enrol. New students with no connection to the school and who live outside the catchment area would not be eligible to enrol in the 'overflow' category. This would allow the school to transition gradually from being an 'overflow' school to local intake only.

**ADDITIONAL COMMENT:**

At the 2 October 2012 Elected Members' Briefing Session the Director Community Life Program responded to a query regarding the impact of compulsory pre-primary schooling on other schools within the Town, advising that there would be no impact. This response was given based on information provided by the Department of Education in response to queries regarding East Victoria Park Primary School's change of status to a 'local intake' only school. Information has since been gathered that indicates that other schools within the area will be impacted by the introduction of compulsory pre-primary schooling. This, together with the changing demographics of the Town (i.e. increasing number of families with young children living in the area), has resulted in the Officer's Recommendations being modified to include additional information (see Recommendation 1.2 and 1.3) regarding the content of the letter to the Minister for Education.

**RESOLVED:**

**Moved: Councillor Bissett**

**Seconded: Councillor Potter**

1. **The Town write to the Minister for Education urging the Department of Education to:**
  - 1.1 **allow 'overflow' students currently enrolled at the East Victoria Park Primary School to remain at the school and for their younger siblings to enrol at the school despite the school's recent change to 'local intake' only status;**
  - 1.2 **express concern regarding the impact of changing schools on the education of young children attending any of the public primary schools within the Town may have if enforced by the Department; and**
  - 1.3 **to develop a long term plan for Western Australia's growing population to ensure the impact on the education of young children required to change primary schools as a result of the increasing population and changes in the education system is kept to a minimum.**
2. **Copies of the letter referred to at (1) above be sent to the Director General – Department of Education.**

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(To be confirmed on 13 November 2012)

- 3. The organiser of the petition submitted with the Town be written to advising the outcome of Council's decision.**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**



(To be confirmed on 13 November 2012)

**14 BUSINESS LIFE PROGRAM REPORTS****14.1 Schedule of Accounts for August 2012**

<b>File Reference:</b>	FIN0015
<b>Appendices:</b>	Yes

<b>Date:</b>	24 September 2012
<b>Reporting Officer:</b>	G. Patrick
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (as amended)*, confirm;**

- 1. The Accounts Paid for August 2012 as contained in the Appendices.**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees;**
- 3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government.**

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.

Under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

(To be confirmed on 13 November 2012)

**DETAILS:**

The list of accounts paid in accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* is contained within the Appendices, and is summarised as thus:

Fund	Reference	Amounts
<b>Municipal Account</b>		
Recoup Advance Account		0.00
Automatic Cheques Drawn	603201 - 603299	99,498.86
Creditors – EFT Payments		3,343,249.77
Payroll		775,668.61
Bank Fees		3,011.28
Corporate MasterCard		7,455.78
		<b>4,228,884.30</b>
<b>Trust Account</b>		
Automatic Cheques Drawn		Nil
		<b>Nil</b>

**Legal Compliance:**

*Section 6.10 (d) of the Local Government Act 1995 refers, ie.-*

*6.10. Financial management regulations*

*Regulations may provide for —*

*(d) the general management of, and the authorisation of payments out of —*

*(i) the municipal fund; and*

*(ii) the trust fund,*

*of a local government.*

*Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, ie.-*

*13. Lists of Accounts*

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

*(a) the payee's name;*

*(b) the amount of the payment;*

*(c) the date of the payment; and*

*(d) sufficient information to identify the transaction.*

*(3) A list prepared under subregulation (1) is to be —*

*(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*

*(b) recorded in the minutes of that meeting.*

---

(To be confirmed on 13 November 2012)

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**Internal Budget:

Nil

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

**OFFICER RECOMMENDATION:**

That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (as amended)*, confirm;

1. The Accounts Paid for August 2012 as contained in the Appendices;
2. Direct lodgement of payroll payments to the personal bank accounts of employees;
3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government.

**AMENDMENT:**

**Moved: Councillor Ashton**

**Seconded: Councillor Potter**

**Add a recommendation 4 that reads: The Schedule of Accounts Appendices be included directly after the Agenda Item.**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

**SUBSTANTIVE MOTION:**

**Moved: Councillor Ashton**

**Seconded: Councillor Potter**

**That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (as amended)*, confirm;**

- 1. The Accounts Paid for August 2012 as contained in the Appendices;**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees;**
- 3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government.**
- 4. The Schedule of Accounts Appendices be included directly after the Agenda Item.**

**The Motion as Amended was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

**Reason: the inclusion of the Accounts Appendices allows for closer reference of financial information to the report.**

(To be confirmed on 13 November 2012)

## 14.2 Financial Statements and Budget Variations for the Month ending 31 August 2012

<b>File Reference:</b>	FIN0015
<b>Appendices:</b>	Yes

<b>Date:</b>	24 September 2012
<b>Reporting Officer:</b>	G. Patrick
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Simple Majority / Absolute Majority

**Executive Summary:**

**Recommendation – That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – August 2012 as included in the Appendices.**

**TABLED ITEMS:**

- Nil

**BACKGROUND:**

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

**DETAILS:**

Presented, in the Appendices, is the Financial Activity Statement Report – August 2012.

For the purposes of reporting material variances from the Statement of Financial Activity (as contained in the Report), the following indicators, as resolved by Council, have been applied:

Revenue

Operating Revenue and Non-Operating Revenue – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating Expense, Capital Expense and Non-Operating Expense – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

For the purposes of explaining each material variance, a three-part approach has been applied. The parts are –

## 1. Period Variation

Relates specifically to the value of the variance between the Budget and Actual figures for the period of the Report.

---

(To be confirmed on 13 November 2012)

2. Primary Reason(s)  
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
3. End-of-Year Budget Impact  
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting, for circumstances may subsequently change prior to the end of the financial year.

**Legal Compliance:**

Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996* states –

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) *budget estimates to the end of the month to which the statement relates;*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown –*
  - (a) *according to nature and type classification; or*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –*
  - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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(To be confirmed on 13 November 2012)

Section 6.8 of the *Local Government Act 1995* (Expenditure from municipal fund not included in annual budget) states –

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
  - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*
- (1a) *In subsection (1) —*

*additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
  - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

The Statement of Financial Activity, as contained in the body of the Financial Activity Statement Report, refers and explains.

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

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(To be confirmed on 13 November 2012)

**COMMENT:**

It is recommended that the Financial Activity Statement Report – August 2012, as contained in the Appendices, be accepted.

Where, as part of the Report, an identified expenditure requirement from the municipal fund that has not been included in the annual budget is recognised, and included in the Report in the associated section, this will require an absolute majority decision and will be separately identified in the recommendation.

**OFFICER RECOMMENDATION:**

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – August 2012 as included in the Appendices.

**AMENDMENT:**

Moved: Councillor Ashton

Seconded: Councillor Potter

Add a recommendation 2 that reads: The Financial Statement and Budget Variations Appendices be included directly after the Agenda Item.

The Motion was Put and

CARRIED: (7-0)

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

**SUBSTANTIVE MOTION:**

Moved: Councillor Ashton

Seconded: Councillor Potter

1 That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – August 2012 as included in the Appendices.

2 The Financial Statement and Budget Variations Appendices be included directly after the Agenda Item.

The Motion as Amended was Put and

CARRIED: (7-0)

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

Reason: the inclusion of the Financial Statement and Budget Variation Appendices allows for closer reference of financial information to the report.



(To be confirmed on 13 November 2012)

*Cr Vilaca left the meeting at 7.35pm.*

### 14.3 Parking Management Committee Recommendation: Adoption of Parking Fees

<b>File Reference:</b>	ADM0058
<b>Appendices:</b>	No

<b>Date:</b>	19 September 2012
<b>Reporting Officer:</b>	A. Lantzke
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Absolute Majority
<b>Executive Summary:</b>	
<b>Recommendation – The proposed parking fee structure be adopted.</b>	
<ul style="list-style-type: none"> <li>The Parking Management Committee resolved to recommend to Council the adoption of a parking fee structure</li> </ul>	

**TABLED ITEMS:**

- Summary of parking fees in other local governments

**BACKGROUND:**

The Council at its meeting held on 10 July 2012 resolved to adopt a Draft Parking Management Plan to guide the future parking management activities in the Town. The adopted plan requires consultation with stakeholders in the community to gather information which will be used to guide parking management activities in the Town. One of the tools identified in the plan for managing parking is paid parking.

At the Council workshop held on 18 September 2012 Elected Members explored the elements of parking fees. The framework for the recommended parking fee structured was received by the Elected Members at this workshop.

Directly after the workshop the Parking Management Committee (PMC) held a meeting. At this meeting the PMC resolved to recommend the parking fee structure detailed in this report to Council for adoption.

**DETAILS:**

Paid parking is recommended in contemporary literature as a parking management tool to address situations where parking demand is greater than parking supply. This is specifically relevant in commercial areas where public parking is provided in support of business activities. The use of paid parking is an alternative to increasing the supply of parking and is recommended because of significant benefits economically, socially and environmentally.

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(To be confirmed on 13 November 2012)

*Cr Vilaca returned to the meeting at 7.36pm.*

The 7 Hot Spots Report commissioned by the Town in 2009 identified areas where this tool could be applied. Since this time demand for parking has grown due to population growth, infill development, economic development and spill over from the City of Perth resulting from their parking management activities.

In addition to controlling demand for parking, paid parking has subsidiary benefits such as:

- Promoting alternative transport use
- More efficient use and management of available parking
- Providing funding to improve the overall transport and parking system/ network within the Town
- Promoting more efficient use of parking on adjacent private land
- Improved environmental outcomes including more use of alternative modes of transport
- Reduced traffic congestion and related carbon emissions
- Improved enforcement efficiency

The Town's Draft Parking Management Plan (the Plan) is currently out for public consultation. Once consultation is finalised the Plan will be reviewed and updated where required to incorporate the information gathered through consultation. It will then detail areas where paid parking should be applied as a parking management tool.

It is recommended that the Town adopt parking fees in preparation for the adoption of a finalised Parking Management Plan.

In developing this recommendation the following information has been considered:

1. The goals and outcomes of the Draft Parking Management Plan
2. Parking fees charged by other Western Australian Local Governments (See tabled item)
3. Contemporary literature
4. The costs of providing a public parking bay.
  - a. Estimated land and infrastructure costs: \$24,800 per bay
  - b. Estimated annualised maintenance costs per bay: \$285 per annum
  - c. Estimated equivalent commercial rent if land was provided as a commercial premises: \$4,360 per annum
  - d. Estimated rates revenue if bay was private commercial property: \$150 per annum
5. The current cost of a private parking bay:
  - a. Centro Vic Park: all day parking. First 2 hours free then \$1.50 per hour.
  - b. 117 Shepperton Road (Centrelink): leased bays. \$66 per month (equivalent to \$3 per day)
  - c. \$250 per month (\$8.24 per day) with commercial lease: 642 Albany Highway
  - d. \$50 per month (\$1.65 per day) with commercial lease: 342 Albany Highway
  - e. \$450 per month (\$14.80 per day): 251 Adelaide Terrace, Perth
  - f. \$360 per month (\$11.86 per day): 54 Guger Street, Claremont
  - g. \$780 per month (\$25.71 per day): 18 The Esplanade Perth
  - h. \$240 per month (\$7.91 per day): Cnr Pier Street and Newcastle Street, Northbridge

(To be confirmed on 13 November 2012)

6. The potential impact of FBT liability for private parking in the Town. FBT liability begins when a private parking bay is provided within 1km of paid parking to a value of \$7.53 (2013) per day or more.

The following is the recommended parking fee structure:

1. The following introductory fees (inclusive of GST) to be applied:
  - 1.1. \$2 per hour in 'on-street' bays
  - 1.2. \$1.50 per hour in 'off-street' parking bays
  - 1.3. A daily capped rate of \$10 for 8 hours in all day paid parking bays
2. The following free parking periods to apply:
  - 2.1. First 15 minutes free parking in all on-street paid parking bays
  - 2.2. Other free periods in parking stations as defined in the final endorsed Parking Management Plan
  - 2.3. In line with *Section 3.8(3) of the Parking and Parking Facilities Local Law* a driver displaying a valid ACROD permit is entitled to park for twice the time that they have paid for under these fees.
3. The Town's administration to review parking fees after the first 6 months and then annually to achieve
  - 3.1. An average of 90% occupancy of applicable parking bays in any paid parking area taking into account peak demands during the day
  - 3.2. Higher occupancy in off-street parking stations than on-street parking bays
4. Paid Parking to be introduced in streets and parking stations as identified in the final endorsed Parking Management Plan and any subsequent adopted review of the Plan by Council.

### **Legal Compliance:**

The following extracts are taken from the *Local Government Act 1995* and outline the framework allowing the Council to implement a new fee:

#### ***"6.16. Imposition of fees and charges***

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required."*

*"(2) A fee or charge may be imposed for the following —*

*(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

*(3) Fees and charges are to be imposed when adopting the annual budget but may be —*

*(a) imposed\* during a financial year; and*

*(b) amended\* from time to time during a financial year.*

*\* Absolute majority required."*

#### ***"6.17. Setting level of fees and charges***

*(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*

*(a) the cost to the local government of providing the service or goods; and*

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(To be confirmed on 13 November 2012)

- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

*(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

*(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*

- (a) under section 5.96; or*
- (b) under section 6.16(2)(d); or*
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.”*

**Policy Implications:**

Nil

**Strategic Plan Implications:**

This recommendation is consistent with the Town's *Plan For The Future* as referenced in the *Draft Parking Management Plan*.

**Financial Implications:**

Internal Budget:

Until the costs of new parking management technology and number of potential paid parking bays are known the final financial implications of a parking fee are unknown.

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

The appropriate use of paid parking as a parking management tool will facilitate access to public parking by business customers.

Social Issues:

The appropriate use of paid parking as a parking management tool will facilitate access to public facilities and services, and increase amenity to residential areas by reducing traffic congestion.

Cultural Issues:

Nil

Environmental Issues:

The appropriate use of paid parking as a parking management tool will reduce private vehicle use and traffic congestion with positive effects on vehicle emissions.

**COMMENT:**

The adoption of parking fees is identified as an essential step in preparing to implement improved management strategies over the Town's public parking resources.

(To be confirmed on 13 November 2012)

Industry best practise and contemporary literature also advocate that a portion of parking fee net revenue is allocated to local area improvements or community projects developed in conjunction with the local community.

#### **CONCLUSION:**

In some areas the supply of public parking in the Town is outstripped by demand for parking. The most appropriate tool to address this issue is paid parking. In preparation for implementing this tool in areas identified through the Parking Management Plan the adoption of a parking fee structure is required.

#### **RESOLVED:**

**Moved: Councillor Bissett**

**Seconded: Councillor Potter**

- 1. The following fees and charges be added to the 2012/2013 Schedule of Fees and Charges. The listed fees and charges are inclusive of GST:**
  - 1.1. \$2 per hour in 'on-street' bays**
  - 1.2. \$1.50 per hour in 'off-street' parking bays**
  - 1.3. A daily capped rate of \$10 for 8 hours in all day paid parking bays**
  - 1.4. The following free parking periods to apply:**
    - 1.4.1. First 15 minutes free parking in all on-street paid parking bays**
    - 1.4.2. Other free periods in parking stations as defined in the final endorsed Parking Management Plan**
    - 1.4.3. In line with *Section 3.8(3) of the Parking and Parking Facilities Local Law* a driver displaying a valid ACROD permit is entitled to park for twice the time that they have paid for under these fees.**
- 2. The Town's administration to review parking fees after the first 6 months and then annually to achieve:**
  - 2.1. An average of 90% occupancy of applicable parking bays in any paid parking area taking into account peak demands during the day**
  - 2.2. Higher occupancy in off-street parking stations than on-street parking bays**
- 3. Paid Parking to be introduced in streets and parking stations as identified in the final endorsed Parking Management Plan and any subsequent adopted review of the Plan by Council.**
- 4. In accordance with Section 6.19 of the *Local Government Act 1995*, Local Public Notice to be given that the Town intends to impose the fees to be charged for parking as detailed in clause 1 above as from 1 November 2012.**

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

**14.4 Parking Management Committee Recommendation: Parking Permit Policy**

<b>File Reference:</b>	ADM0058
<b>Appendices:</b>	Policy Procedure PKG1 Residential and Visitor Parking Permits
<b>Date:</b>	19 September 2012
<b>Reporting Officer:</b>	A. Lantzke
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Absolute Majority
<b>Executive Summary:</b>	
<b>Recommendation –A Residential and Visitors Parking Permit Policy be adopted</b>	
<ul style="list-style-type: none"> <li>• Provision for Residential Permits</li> <li>• Provision for Transitional Permits</li> <li>• Fees for parking permits be adopted</li> </ul>	

**TABLED ITEMS:**

- Summary of permit fees from other Local Governments

**BACKGROUND:**

The Council at its meeting held on 10 July 2012 resolved to adopt a Draft Parking Management Plan to guide future parking management activities in the Town. The adopted plan requires consultation with stakeholders in the community to gather information which will be used to guide parking management activities in the Town. The expected outcomes of the plan include large scale parking restriction changes which may have some impact on residential streets.

The Parking Management Committee (PMC) explored the subject of parking permits at its meeting held on the 13 September 2012. Subsequently at its meeting held on 18 September 2012 the PMC resolved to recommend the parking permit policy detailed in this report to Council for adoption.

The Town currently has a restricted residential permit scheme with the following parameters:

Current Permit Scheme

Number of permits allowed:

Number of Onsite bays	Residential Permits	Visitors Permits
0	1	1
1	0	1
2 or more	0	0

(To be confirmed on 13 November 2012)

**Terms and Conditions:**

- Permit only provides the user with an exemption to to park longer than 1P or longer sign posted time restrictions. The holder could not use the permit in a 15min or 30min bay.
- Businesses or non-residents are not eligible for permits
- Residents in properties that form part of a complex of 4 or more residential units are not eligible
- Applicable fee:
  - Application \$90.00
  - Annual renewal \$26.00
  - Replacement \$26.00

In comparison, other local governments have the following permit schemes:

Number of permits allowed:

Bays onsite	Vincent		Subiaco		Perth	
	Residential	Visitors	Residential	Visitors	Residential	Visitors
0	2	2	3	2	1	0
1	1	2	2	2		
2	0	2	1	2		
3	0	2	0	2		
4	0	2	0	2		

**DETAILS:**

In consideration of previous consultation, and the outcomes sought through the Draft Parking Management Plan, a review of the existing parking management scheme has been undertaken and the permit scheme structure detailed in the recommended policy has been developed. It is recommended that this scheme be adopted by Council as a Policy.

Proposed Permit Scheme

The recommended scheme recognises two types of impact on residents that may result from new parking restrictions:

1. Residents who have very limited onsite parking.
2. Residents who have more cars than parking spaces at the time that new parking restrictions are implemented, and need additional time to find an alternative solution.

The appended Policy outlines two classes of permit which address each of these potential impacts:

1. Residential Permits, and
2. Transitional Permits

(To be confirmed on 13 November 2012)

The number of residents who experience negative impacts when new parking restrictions are implemented is likely to be minimal based on the following information:

- Instead of ‘Residential Parking Only’ restrictions the Town is using time limited parking to deter unwanted parkers from residential streets. This means that residents and their visitors can park without a permit within the allowed times.
- The average property has more parking bays than vehicles based on the following statistics:
  - It is estimated that the average standard residential property in the Town has 2 or more parking bays (excludes multi-unit dwellings).
  - Australian Bureau of Statistics data for the Town from 2010 indicated that the average household has 1.6 passenger vehicles.
  - The average respondent to consultation in Hotpots 4 and 5 in January 2012 had 1.9 vehicles at their property.
  - Current consultation in response to the Draft Parking Management Plan as of 13 September 2012 indicates the following averages from the 118 online responses so far:

Statistic	Average
Number of adults with drivers licenses per household	1.97
Number of onsite parking bays	1.98
Number of cars per property	1.88

- Many residents can utilise the following alternatives to permits:
  - Verges
  - Parking further away
  - Private parking arrangements with neighbours
  - Organising works outside of restricted hours
  - Better management of onsite parking bays
  - Alternate transport modes
  - Work zone Permits

The recommended Parking Permit Policy has been designed to minimise the impact of parking restrictions on residents in line with the outcomes of the Draft Parking Management Plan. The Parking Management Plan and its outcome will be reviewed regularly. In line with these reviews, future changes to the Town’s Parking Permit scheme may also be recommended.

**Legal Compliance:**

The Town’s *Parking and Parking Facilities Local Law 2008* provides a framework for issuing permits. The proposed policy aligns with that framework.

**Policy Implications:**

This report recommends the adoption of a new Policy.

**Strategic Plan Implications:**

This recommendation is consistent with the Town’s *Plan for the Future* as referenced in the *Draft Parking Management Plan*.



(To be confirmed on 13 November 2012)

**Financial Implications:**

Internal Budget:

The Town’s schedule of fees and charges outlines the following permit related fees for the 2012-2013 financial year:

- Application Fee: \$90
- Renewal Fee: \$26
- Replacement Fee: \$26

These fees have been estimated based on cost recovery and indicate the actual costs to the Town if issuing and administering individual permits. They do not include the costs of providing and maintaining public parking.

Currently the Town has 14 Visitor and 6 Residential Permits representing \$520 in annual renewal fees/costs.

This number has the potential to increase depending on the permit scheme which the Town adopts in line with proposed parking management changes.

A quote for provision of permits has shown a cost of approximately \$2.50 for each residential or transitional permit printed.

In line with the recommended policy the following new fees (inclusive of GST) are also recommended:

Fee Type	Amount
Application for Residential Permit, including permit/s	\$90
Application for Transitional Permit, including permit/s	\$90
Replacement Residential Permit	\$26
Replacement Transitional Permit	\$26
Transfer of Residential Permit to new vehicle, including replacement permit	\$26
Discount on parking permit fees for Health Care Card holders	50% discount

Total Asset Management:

Nil

**Sustainability Assessment:**

The Town’s Draft Parking Management Plan has specific objectives which link parking management activities with the objectives of:

- The Plan for the Future
- The Integrated Movement Network Strategy
- Objectives of the Equitable Access – Parking Management project
- Relevant State and National strategic directions
- Best practice parking management that is relevant to the issue at hand

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(To be confirmed on 13 November 2012)

The recommended permit scheme is designed to complement these objectives which have strong links to sustainability.

External Economic Implications:

Nil

Social Issues:

The conditions of parking permits as outlined in the recommended policy provide for carers and other persons who may require special consideration in relation to parking access.

Cultural Issues:

Nil

Environmental Issues:

The conditions of parking permits as outlined in the recommended policy do not provide residential permits to new residents who move into the area after restrictions are in place.

This will effectively phase out residential parking permits requiring residents to only maintain the number of vehicles which they can park on their own property. This will facilitate reduced use of private motor vehicles with associated environmental benefits.

**COMMENT:**

The recommended policy differs in many ways from permit schemes operating in other local governments in Western Australia however it is directly linked to the Town's overall parking management objectives. As such it benefits the Town's overall integrated transportation network objectives.

**CONCLUSION:**

The recommended policy is designed to assist those residents who may be impacted by the introduction of new parking restrictions in residential streets.

(To be confirmed on 13 November 2012)

**RESOLVED:**

**Moved: Councillor Bissett**

**Seconded: Councillor Potter**

1. The following fees and charges, which include GST, be added to the 2012/2013 Schedule of Fees and Charges:

Fee Type	Amount Inc GST
Application for Residential Permit, including permit/s	\$90
Application for Transitional Permit, including permit/s	\$90
Replacement Residential Permit	\$26
Replacement Transitional Permit	\$26
Transfer of Residential Permit to new vehicle, including replacement permit	\$26
Discount on parking permit fees for Health Care Card holders	50% discount

2. In accordance with Section 6.19 of the *Local Government Act 1995*, Local Public Notice to be given that the Town intends to impose the fees to be charged for parking permits as detailed in clause 1.
3. The Policy Procedure ‘PKG1 Residential and Visitor Parking Permits’ as detailed in the appendices of this report be adopted.

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

**14.5 Tender TVP/12/06 – Supply of Business Systems Analyst Consultancy**

<b>File Reference:</b>	TVP/12/06
<b>Appendices:</b>	No
<b>Date:</b>	29 August 2012
<b>Reporting Officer:</b>	N Cain
<b>Responsible Officer:</b>	N Cain
<b>Voting Requirement:</b>	Simple Majority
<b>Executive Summary:</b>	
<p><b>Recommendation – That Council award Tender TVP-12-06 (Supply of Business Systems Analyst Consultancy) to Outsource Business Support Solutions and Brenton Michael Pember, in accordance with their submitted tenders, Council’s contract documentation and budget allocations.</b></p> <ul style="list-style-type: none"> <li>• Tenders have been called for the provision of Business Systems Analyst Consultancies.</li> <li>• Evaluation of tender submissions against prescribed criteria has been completed.</li> <li>• Recommend to accept the tenders from Outsource Business Support Solutions and Brenton Michael Pember.</li> </ul>	

**TABLED ITEMS:**

Tender Submissions

**BACKGROUND:**

Following the inception of the Town’s Corporate System Software, Authority, in 2010, the Town has regularly engaged contractors to assist in the development and project management of the various productivity modules associated with the system. The nature of the usage of these contractors is such that a Tender was called to ensure that the Town could secure the services of experienced contractors without breaching the Tender Regulations associated with the *Local Government Act 1995*.

**DETAILS:**

The tender was for the provision of onsite Business Systems Analyst Consultancy (3 years). The tender recognised that a panel selection would be the most advantageous for the Town as this represented the best method of obtaining the required skills and depth of knowledge required.

A total of three (3) tenders were received from suitably qualified and experienced Consultants / Companies. Of the three tenders received, all three conformed to the tender specification. The low numbers of tenders received perhaps reflects the difficulty in obtaining the specific level of knowledge and skill sets required for the Town’s Corporate Software.

(To be confirmed on 13 November 2012)

**Selection Criteria**

The selection criteria and weightings for the evaluation of this tender are as follows:

Item	Description	Weighting
1	Demonstrated experience in supplying similar requirements	50%
2	Skills and experience of key personnel	30%
3	Tenderer's resources	5%
4	Demonstrated understanding of the requirements of the specification	15%
<b>Total</b>		<b>100%</b>

**Tenders Received**

Tenders were received from the following:

- Outsource Business Support Solutions
- Brenton Michael Pember
- Datacom

**Tenderer's Weighted Scores**

The weighted scores (out of 10) of each of the tenders are as follows:

- Outsource Business Support Solutions – 9.65
- Brenton Michael Pember – 9.65
- Datacom – 8.85

**Tender Evaluation Panel**

The tender evaluation panel consisted of three Town Officers. After the four elements of the selection criteria were applied to each of the tenderers and, on the information supplied, two out of the three tenderers are recommended to be part of the panel and would provide the most advantageous outcome for Council.

Both of these tenderers were clear leaders in Criteria 1, 2 and 4 demonstrating experience, necessary skills and a good understanding of the requirements, and submitted an appropriate price.

**Legal Compliance:**

Section 3.57 (Tenders for providing goods and services) of the *Local Government Act 1995* states –

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

**Policy Implications:**

Council policy FIN4 – Purchase of Goods and Services applies. This Tender, and the process applied, is in accordance with this policy.

**Strategic Plan Implications:**

Nil

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(To be confirmed on 13 November 2012)

**Financial Implications:**Internal Budget:

The Business Life Program Annual Budget contains allocations for the use of contractors / consultants to assist with various projects. If approved, the usage of the successful Tenderers will be governed by the available allocation of funds.

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Having assessed the tenders, both Outsource Business Support Solutions and Brenton Michael Pember most suitably met the tender specifications and weightings. Both tenderers demonstrate the successful application of similar skills with other Local Government Authority clients, with particular relevance to this type of Business Systems Analyst services required by the Town. Both of these tenderers have demonstrated their capacity to undertake this onsite consultancy. It is therefore recommended that the Town appoint a panel of two consultants and the tenders of Outsource Business Support Solutions and Brenton Michael Pember be accepted.

**RESOLVED:**

**Moved:** Councillor Ashton

**Seconded:** Councillor Potter

**That Council, pursuant to Section 3.57 of the *Local Government Act 1995*, and with reference to Tender TVP/12/06 - Supply of Business Systems Analyst Consultancy, appoint a panel of consultants (for a period of 3 years) and accept the tenders from Outsource Business Support Solutions and Brenton Michael Pember, in accordance with their submitted tenders, Council's contract documentation and budget allocations, at a commencing hourly rate of \$132.00 (GST inclusive).**

**The Motion was Put and**

**CARRIED: (7-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca**

(To be confirmed on 13 November 2012)

## 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 16.1 Notice of Motion – Councillor Potter

Councillor Potter has requested the following Notice of Motion be considered by Council:

*"The CEO be requested to review the merits of amending the Town Planning Scheme to have a separate use class of 'Liquor Store', and that a report be presented to Council at the February 2013 Meeting.*

#### 16.1.1 Notice of Motion - Liquor Store

<b>File Reference:</b>	PLA0001
<b>Appendices:</b>	No

<b>Date:</b>	2 October 2012
<b>Reporting Officer:</b>	R. Cruickshank
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

#### Executive Summary:

**Recommendation – That Council's Urban Planning Business Unit prepare a report to the February 2013 round of Council Meetings in accordance with the Notice of Motion from Councillor Potter.**

#### TABLED ITEMS:

Nil

#### BACKGROUND:

Cr Potter has given notice that she intends to move the following motion:

*"The CEO be requested to review the merits of amending the Town Planning Scheme to have a separate use class of 'Liquor Store', and that a report be presented to Council at the February 2013 Meeting.*

#### DETAILS:

Under the provisions of the Town of Victoria Park Town Planning Scheme No. 1, a liquor store is generally regarded as a 'Shop'. 'Shop' is defined as :

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(To be confirmed on 13 November 2012)

*"any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part;"*

The use of land as a 'Shop' is a 'P' (Permitted) use of land on land zoned 'District Centre' and 'Local Centre'.

In the case of an application for planning approval for 232 Orrong Road, Carlisle, which involved some additions and alterations to the building and a change from a supermarket to a liquor store, Council Officers were of the view that as both uses are classified as a 'Shop' that there was no ability for Council to refuse the application based upon the use of the site as a liquor store. While the application was refused by Council and is now the subject of an application for review to the State Administrative Tribunal, the grounds for refusal were primarily related to traffic concerns rather than the proposed use of the site as a liquor store per se.

Should Elected Members be of the view that liquor stores should be treated differently to other retail uses that fall under the 'Shop' classification. then an Amendment to the Town Planning Scheme could be initiated to introduce a separate use class of 'Liquor Store'.

**Legal Compliance:**

In accordance with the provisions of the Planning and Development Act 2005, an amendment to the Town's Town Planning Scheme No. 1 would need to be initiated to introduce a separate use class of 'Liquor Store'. Should Council resolve to initiate an Amendment, then statutory processes would need to be followed including advertising of the proposal for public comments for a period of 42 days. Ultimately the Hon. Minister for Planning will be responsible for determining whether to approve the Scheme Amendment.

**Policy Implications:**

No impact

**Strategic Plan Implications:**

No impact

**Financial Implications:**

Internal Budget:

No impact

Total Asset Management:

No impact

**Sustainability Assessment:**

External Economic Implications:

No impact

Social Issues:

No impact



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(To be confirmed on 13 November 2012)

Cultural Issues:

No impact

Environmental Issues:

No impact

**COMMENT:**

Further investigation needs to be undertaken by Council's Urban Planning Business Unit to determine whether there would be merit in initiating a Scheme Amendment to classify liquor stores in a different manner to other retail uses. While the WAPC's Model Scheme Text does not classify liquor stores separately from a 'Shop', it is noted that the City of Melville's Town Planning Scheme does do so.

**CONCLUSION:**

Councillor Potter's Notice of Motion is supported by Council's Urban Planning Business Unit, and the presentation of a report to the February 2013 round of Council Meetings is achievable.

**RESOLVED:**

Moved: Councillor Potter

Seconded: Councillor Bissett

That Council supports Cr Potter's Notice of Motion which reads:

*"The CEO be requested to review the merits of amending the Town Planning Scheme to have a separate use class of 'Liquor Store', and that a report be presented to Council at the February 2013 Meeting.*

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

(To be confirmed on 13 November 2012)

**16.2 Notice of Motion – Councillor Hayes**

Councillor Hayes has requested the following Notice of Motion be considered by Council:

*"That Council conduct a Remembrance Day service; to be held at 11 A M, Sunday 11 November 2012".*

**16.2.1 Notice of Motion - Remembrance Day 2012**

<b>File Reference:</b>	CMS0067
<b>Appendices:</b>	No

<b>Date:</b>	4 October 2012
<b>Reporting Officer:</b>	T. Ackerman
<b>Responsible Officer:</b>	T. Ackerman
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – The Town conduct a Remembrance Day Service on 11 November 2012 and that the Culture and Local History Working Group’s Annual Work Plan be modified to include input to future Remembrance Day Services.**

**TABLED ITEMS:**

- Excerpt from the booklet *Australian Flags – Part 2: The protocols of the appropriate use and the flying of the flag* (page 26 refers to Remembrance Day)

**BACKGROUND:**

Councillor Hayes has submitted a Notice of Motion that Council conduct a Remembrance Day Service to be held at 11am on Sunday 11 November 2012.

**DETAILS:**

Remembrance Day (11 November) marks the anniversary of the armistice which ended the First World War (1914–18). Each year Australians observe one minute silence at 11 am on 11 November, in memory of those who died or suffered in all wars and armed conflicts.

Traditionally the Town has commemorated Remembrance Day by observing one minute silence at 11am on 11 November throughout the Town’s facilities; no service has been held. In light of the significance of the moment that hostilities ceased on the Western Front it is considered appropriate that the Town commemorate Remembrance Day. As the Town traditionally hosts a large-scale ANZAC Day commemoration due to its importance as a national occasion, it is recommended that a smaller scale event be held for Remembrance Day. For 2012 such an event would include a flag ceremony, the laying of a wreath on the War Memorial, observance of a minutes silence at 11am and a speech by the Mayor. Members of the community would be welcome to attend, with an advert placed in the local paper and through the Town’s various publications advising of the event.

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(To be confirmed on 13 November 2012)

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Strategic Plan Implications:**

*Plan for the Future 2011-2026* – Community Life Program – Objective 5 – We will promote and celebrate the rich history and heritage of the Town.

**Financial Implications:**Internal Budget:

One Ranger on duty to raise and lower flag at beginning and end of day, as well as during ceremony - \$200

Estimated cost for advert in local paper - \$400

Total estimated cost - \$600

The cost for the service can be funded within existing budgets.

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

A Remembrance Day service provides community members the opportunity to remember those who died or suffered for Australia's cause in all wars and armed conflicts.

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

In order to consider further opportunities for commemorating Remembrance Day in 2013 and beyond it is recommended that the Culture and Local History Working Group's Annual Work Plan be modified to include Remembrance Day planning. Like the ANZAC Day Services it is anticipated that the Town's Communications Team would organise the event with input from the Culture and Local History Working Group.

**CONCLUSION:**

In light of the significance of the moment that hostilities ceased on the Western Front it is considered appropriate that the Town commemorate Remembrance Day.

(To be confirmed on 13 November 2012)

**RESOLVED:**

**Moved: Councillor Hayes**

**Seconded: Councillor Potter**

1. The Town conduct a Remembrance Day Service on 11 November 2012.
2. The Culture and Local History Working Group's Annual Work Plan be modified to include an additional item – *Provide input to the Town's Remembrance Day Services.*

**AMENDMENT:**

**Moved: Councillor Hayes**

**Seconded: Councillor Potter**

That recommendation one add 11.00am to the end of the recommendation.

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

**SUBSTANTIVE MOTION:**

**Moved: Councillor Hayes**

**Seconded: Councillor Potter**

1. The Town conduct a Remembrance Day Service on 11 November 2012 at 11.00am.
2. The Culture and Local History Working Group's Annual Work Plan be modified to include an additional item – *Provide input to the Town's Remembrance Day Services.*

The Motion as Amended was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

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(To be confirmed on 13 November 2012)

## **17 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

### Question 1

Cr Vilaca asked if any statistics have been presented in regards to an increase in crime and alcohol consumption.

### Answer

Mr Kyron informed Cr Vilaca that at this stage no statistics have been brought to his attention in relation to crime and alcohol consumption.

## **18 NEW BUSINESS OF AN URGENT NATURE**

Nil

## **19 PUBLIC QUESTION TIME**

Nil

## **20 PUBLIC STATEMENT TIME**

Nil

## 21 MEETING CLOSED TO PUBLIC

### 21.1 Matters for Which the Meeting May be Closed

**RESOLVED:**

**Moved:** Councillor Nairn

**Seconded:** Councillor Bissett

That the meeting be closed to members of the public in accordance with clause 4.2; Section 5.23(2) of the *Local Government Act 1995*.

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

*Members of the public left the meeting at 7.52pm.*

#### 21.1.1 Item 11.5 –6-8 (Lots 593-596) Planet Street, Carlisle

**PROCEDURAL MOTION:**

**Moved:** Councillor Hayes

**Seconded:** Mayor Vaughan

Item 11.5 - 6-8 (Lots 593-596) Planet Street, Carlisle be deferred to the Ordinary Council Meeting in December 2012.

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

**RESOLVED:**

**Moved:** Councillor Bissett

**Seconded:** Councillor Vilaca

That the meeting be opened to members of the public in accordance with Section 5.23(2) of the *Local Government Act 1995*.

The Motion was Put and

**CARRIED: (7-0)**

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Bissett; Cr Hayes; Cr Nairn; Cr Potter; Cr Vilaca

### 21.2 Public Reading of Resolutions That May be Made Public

The Presiding Member read out that Item 11.5 is deferred to the Ordinary Council Meeting December 2012 meeting.

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(To be confirmed on 13 November 2012)

## **22 CLOSURE**

There being no further business the Mayor declared the meeting closed at 8.07pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: ..... Mayor

Dated this ..... Day of ..... 2012