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(20 DECEMBER 2005)**

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(iv)	WALGA Metropolitan Member - Metropolitan Emergency Management Executive	
(v)	WALGA Member - Neighbourhood Watch Board	
(vi)	WALGA Member - State Emergency Management Committee - Emergency Services Group	
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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 20 December 2005, commencing at 6.02pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Dan Hatch	Journalist – Guardian Express (from 6.05pm until 9.50pm)

Approximately 27 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Paul Kotsoglo of Planning Solutions - Item 10.1.24 - Stated they are pleased that the application is recommended for Approval but noted that several of the proposed conditions are of concern and these being signage, the inability to claim compensation from the Planning Commission and the need to remove the activity within five years of approval - (*Handed in a photo montage of the site to be circulated to Councillors*) - Advised that they have worked with the Town's Officers to achieve an interactive street front and that the proposed signage is consistent with the national branding of the product. Believes that the five year restriction is impractical and requested that the approval be granted for at least the duration of the business.

2. Tanya Trevison of TRG Properties - Item 10.1.14 - Requested that the application be approved as it will allow the houses to enjoy a continuation of use. Stated that the houses were derelict and have now been refurbished.
3. Ray Herron of 187 Roberts Road, Subiaco - Item 10.2.5 - Stated that there are concerns regarding the two hour limit proposed on only one side of Wright Street, and the other having no limit, as it may result in commuters concentrating their attention on areas with no parking limit. Requested that if the condition can not be amended, that the Item be deferred to allow discussion with the Town's Officers regarding the constraints of allowing four hour parking. Stated that the proposed two hour parking would prevent clients of Silver Chain from gaining access to the facility. Asked that Council consider either the imposition of a four hour limit or the deferral of the Item to allow discussion with the relevant Officer/s.
4. Elias Oostveen of 4A Eton Street, North Perth - Item 10.1.9 - Stated that he is the owner of 11 Selden St and thanked the Town's Planning Department for their assistance in progressing the application. Stated that he has made various changes to his plans in an attempt to be more compliant with the Town's Residential Design Codes and noted that all engineering requirements have been satisfied. Believes the development will improve the streetscape and be beneficial to the Town. Requested that the Council not introduce a requirement for 50% visual permeability to the garage doors as the garage and building are behind the front setback. Stated that he is more than willing to undertake the extra landscaping as outlined in the recommendation. Requested that the Council support the application.
5. Sue Wells of 198 Anzac Road, Mt Hawthorn - Item 10.1.19 - (*Handed in a petition objecting to the application*) - Stated that the application is very similar to previous applications submitted and rejected by Council. Advised that one of the main reasons for her objection is the lot sizes being less than 300 square metres as is required by the R-codes. Noted that this has been refused on previous occasions by both the Council and the Appeals Tribunal. Requested the Council to refuse the application once again.
6. Lorraine Vicensoni of 73 Sydney Street, North Perth - Item 10.1.37 - Stated that she is speaking as a resident, on behalf of the North Perth Precinct Group and on behalf of the residents at 68 Sydney Street. Stated that they strongly object to the proposed development and demolition of a character and their objections are based on numerous planning grounds, namely that the land is zoned R20, and there is an expectation in the community that land in the Eton Locality will be developed in accordance with R20 requirements. Stated that the development is not in keeping with the bulk and scale of surrounding single dwellings and is inconsistent with the Eton Locality Statement by way of loss of privacy for adjoining neighbours. Outlined numerous aspects of the application that will negatively impact on the neighbours and streetscape. Requested that Council refuse the application for the reasons given in the submission by the North Perth Precinct Group, or at the least defer its decision pending further consideration of appropriate conditions.

7. Rose Ricciardello of 11 Hodder Way, Karrinyup - Item 10.1.1 - Stated that an amended plan has been submitted for the front fence to address the Council's concerns regarding the required 50% permeability. Stated that after liaising with one of the Town's Planning Officers, she is of the understanding that the proposal is now acceptable. Asked that the application be approved and that an extension is granted for the remedial works to allow for the holiday season. Stated that she believes condition (i)(b) is unnecessary and requested that the Town's Policy be updated to allow solid walls as being necessary for the building in of required services. Stated that she was deeply disappointed with Cr Simon Chester's unwarranted remarks at the Council Meeting held 22 November 2005 and stated she had telephoned him and that no reply had been received. Believes an apology is in order.
8. Robyn Bousious of 197 MacDonald Street, Joondanna - Item 10.1.10 - Stated that the Out of School Care Committee supports the recommendation to approve out of school care on an adjoining site. Stated that there are no objections to the conditions and advised Council that landscaping is underway. Reassured the Council that there would be no increased traffic as a result of the proposal. Stated that the conditions set down by the Department of Community Development allow for one carer per ten children and therefore there will only be ten children on the site at one time. Outlined the reasons for requiring a prompt decision and thanked the Council for their consideration.
9. Ken Austin of 72 Sydney Street, North Perth - Item 10.1.37 - Objects to the proposed development as it does not comply with the current R20 zoning regardless of the conditions on approval and all R20 requirements should be enforced in accordance with the Eton Locality Statement. Believes that demolition of the character house would permanently damage the streetscape, which is in a sound condition. Stated that the demolition does not comply with the Town's Heritage Policy regarding the conservation of heritage dwellings and outlined the negative impacts of the design of the proposed new dwellings. Noted that the proposed development has no provision for visitor parking. Requested that the Council consider the impact the proposal will have on neighbouring properties and asked that it be refused.
10. Cosi Schirripa of 66 Auckland Street, North Perth - Item 10.3.7 - Stated that the Subiaco Football Club have been fantastic co-users of the Reserve in the winter months, but this is not the issue. Stated that the issue for those he is speaking on behalf of, is that an agreement had been reached after a great deal of consultation, and after supporting the Council in their efforts to find a training ground for the Football Club, the residents and North Perth Precinct Group request that the Council now support them and refuse the Subiaco Football Club's request. Asked that Council either make clear to Subiaco Football Club that they are not entitled to extra usage of the Reserve (outside of the agreement) or remove the words from condition (p) that have created this issue.
11. Robert Radici of 60 Redfern Street, North Perth - Item 10.1.39 - Stated that he was appalled that he and his wife were notified only this afternoon that this matter was on the Agenda for tonight's meeting. Asked that the Item be deferred until the next meeting in accordance with due process, due notification and all the principles that Local Government Planning insists upon being enacted, which he believes in this case they have not

been. Stated that he is extremely angered by the manner in which this has been brought to his attention.

12. Andrew Kelly of 329 Walcott Street, Mt Lawley - Item 10.1.29 - Outlined the reasons given by the Officer in their recommendation for refusal and addressed each with a potential solution. Stated that he is happy to amend his plans to the Council's satisfaction but noted that there are several other houses on the same side of the street with carports of a very similar design to the one he proposed. Asked that his application is considered in the same way that others on the street have been and that a carport be approved.
13. S E Ong of 17 Senior Way, Willetton - Item 10.1.11 - Stated that he is the tenant of Shop 3 and approximately one year ago, brought to the Council's attention that there were unapproved alterations and additions made to the shop which may have replaced two car parking bays with additional shop space. Stated that although the Officer has recommended approval if strict compliance with the Planning and Building Policy relating to parking bays is adhered to, it would be contrary to the spirit of the Policies addressing safety, comfort and access. Stated that if approved, it would be a great disservice to the users of the area. Complimented the Town's Ranger Services on their work in the Northbridge area. Urged the Council to take the bold step of rejecting this retrospective approval for the good of the community.
14. Linda Roberts Hall of 81 Lynton Street - Item 10.1.6 - Stated that the objections raised involve setbacks and privacy impact, vehicular access and fencing. Disagrees with the Officer's assessment of the effects of the proposal on her neighbouring home.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.37pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

The Chief Executive Officer read out the petition received during public question time from Ms Sue Wells of 198 Anzac Road, Mt Hawthorn with 15 signatories requesting Council reject the application for 196 Anzac Road, Mt Hawthorn for the same reasons it was refused previously (ie Lot not big enough).

The Chief Executive Officer advised that the petition would be considered during debate on the Item on tonight's Agenda.

Moved Cr Farrell, Seconded Cr Torre

That the petition be received.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Torre, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 6 December 2005 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Mayor's Community Barbecue

The Mayor's Community Barbecue was held on Sunday 11 December 2005 and was attended by approximately 550 people. This was a very community spirited event and replaced the Mayor's Annual Dinner.

The Mayor thanked the staff who organised the event for a job well done.

7.2 Carols by Candlelight

The Mayor advised that he attended the Carols by Candlelight organised by Youth with a Mission was held on Friday 16 December 2005 in Hyde Park. He mentioned the good work carried out by the Mission.

7.3 Launch of the New Nyoongar Patrol Service

The Mayor advised that he attended and was delighted to be part of the launch of the new Nyoongar Patrol Service held on 20 December 2005. Stated that it was most pleasing to see that there are now trained people from the Nyoongar Patrol going to be on duty in the Town and that the hours have been extended.

Mayor Catania wished all present, and their families, a wonderful Christmas and a happy, healthy and prosperous New Year.

The Chief Executive Officer responded on behalf of the Staff and wished everyone happy Christmas and a safe New Year. He thanked the Mayor and Elected Members for their support during the year and looks forward to it continuing in 2006.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 30 November 2005. The nature of his interest being that he is Chairperson of the North Perth Community Bank.

8.2 Mayor Catania declared a proximity interest in Item 10.1.14 – Nos 489-495 (Lot 200) Fitzgerald Street, North Perth – Proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices and Associated Alterations. The nature of his interest being that he has an interest in the property next door.

- 8.3 Cr Messina declared a financial interest in Item 10.3.2 – Investment Report as at 30 November 2005. The nature of his interest being that he a Director and Shareholder in the North Perth Community Bank.
- 8.4 Cr Messina declared a financial interest in Item 10.1.24 – No 462 Beaufort Street (Lot 2 D/P: 3824), Corner Broome Street, Highgate – Proposed Drive-In Fast Food Outlet with Ancillary Car Wash Bays, Office and Alfresco Seating Area and Associated Signage. The nature of his interest being that he has received financial information in regards to investment in this application.
- 8.5 Cr Messina declared a proximity interest in Item 10.3.6 – Banner Poles – Use and Design. The nature of his interest being that he has an office on the intended route of the banner poles. Cr Messina requested that he be permitted to participate in the debate.
- 8.6 Cr Ker declared a financial interest in Item 10.1.36 – Progress Report No 11 – Municipal Heritage Inventory Review. The nature of his interest being that he is an owner of a property listed on the Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter.)*
- 8.7 Cr Chester declared a financial interest in Item 10.1.36 – Progress Report No 11 – Municipal Heritage Inventory Review. The nature of his interest being that he is an owner of a property listed on the Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter.)*
- 8.8 Cr Sally Lake has declared a financial interest in Item 10.1.36 – Progress Report No 11 – Municipal Heritage Inventory Review. The nature of her interest being that she is a part owner of two properties listed in the Town’s Municipal Heritage Inventory. Cr Lake requested that Council grant approval for her to remain in the Chamber during the discussion and decision making of this Item but not to participate or vote on the matter.
- 8.9 Cr Dudley Maier has declared a financial interest in 10.1.36 – Progress Report No 11 – Municipal Heritage Inventory Review. The nature of his interest being that he is a part owner of a property listed in the Town’s Municipal Heritage Inventory. Cr Maier requested that Council grant approval for him to remain in the Chamber during the discussion and decision making of this Item but not to participate or vote on the matter.

The Presiding Member advised that the Council would consider Cr Messina’s request.

Cr Messina departed the Chamber at 6.50pm.

Moved Cr Maier, Seconded Cr Torre

That Cr Messina’s request to participate in debate and vote on Item 10.3.6 – Banner Poles – Use and Design be approved.

CARRIED (9-0)

(Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 6.51pm. The Presiding Member advised Cr Messina that his request had been approved.

The Presiding Member advised that the Council would now consider Crs Lake and Maier's requests. Crs Lake and Maier departed the Chamber at 6.51pm.

Moved Cr Ker, Seconded Cr Torre

That Crs Lake and Maier's request to remain in the Chamber during the deliberation of Item 10.1.36 – Progress Report No 11 – Municipal Heritage Inventory Review but not participate, be approved.

Debate ensued.

LOST (2-5)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Ker	Cr Doran-Wu
	Cr Farrell
	Cr Messina
	Cr Torre

(Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 6.52pm. The Presiding Member advised Crs Lake and Maier that their request had been not been approved.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.24, 10.1.14, 10.2.5, 10.1.9, 10.1.19, 10.1.37, 10.1.1, 10.1.10, 10.3.7, 10.1.39, 10.1.29, 10.1.11 and 10.1.6

Moved Cr Chester, Seconded Cr Farrell

That the due to the size of the Agenda and importance of a number of strategic matters that the following Items be debated at the conclusion of the Items raised by the members of the public:

- *10.1.33 – Proposed Northbridge Entertainment Zone and Related Noise Management Issues;*

- *10.1.36 – Progress Report No 11 – Municipal Heritage Inventory Review;*
- *10.2.1 – Proposed William Street Streetscape Upgrade, Brisbane to Newcastle Streets Perth – Progress Report No 2; and*
- *14.3 – Confidential Report: Submission – Local Government Reform in Western Australia – Ensuring Future Sustainability of Communities.*

CARRIED (9-0)

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

Items 10.1.3 and 10.4.4

Presiding Member, Mayor Nick Catania JP, requested Elected Members to indicate:

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

Cr Farrell	Items 10.1.26, 10.1.32 and 10.1.35
Cr Chester	Items 10.1.2, 10.1.5, 10.1.7, 10.1.13, 10.1.17, 10.1.18, 10.1.23, 10.1.33, 10.2.1, 10.2.4, 10.4.2 and 10.4.4
Cr Ker	Item 10.1.22
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.4.3
Cr Messina	Item 10.2.3
Cr Maier	Items 10.1.21, 10.1.30, 10.3.4 and 10.3.5
Mayor Catania	Nil

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

10.4 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Items 10.1.14, 10.1.24, 10.3.2, 10.3.6 and 10.1.36

10.5 **Unopposed items which will be moved "en bloc" and the following was advised:**

Items 10.1.4, 10.1.8, 10.1.12, 10.1.15, 10.1.16, 10.1.20, 10.1.25, 10.1.27, 10.1.28, 10.1.31, 10.1.34, 10.1.38, 10.2.2, 10.3.1, 10.3.3, 10.4.1 and 10.4.5

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

Item 14.1, 14.2 and 14.3

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

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

Items 10.1.4, 10.1.8, 10.1.12, 10.1.15, 10.1.16, 10.1.20, 10.1.25, 10.1.27, 10.1.28, 10.1.31, 10.1.34, 10.1.38, 10.2.2, 10.3.1, 10.3.3, 10.4.1 and 10.4.5

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

Items 10.1.24, 10.1.14, 10.2.5, 10.1.9, 10.1.19, 10.1.37, 10.1.1, 10.1.10, 10.3.7, 10.1.39, 10.1.29, 10.1.11 and 10.1.6

(c) **The following Items were brought forward because of their importance and strategic nature;**

Items 101.33, 10.1.36, 10.2.1 and 14.3

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

Moved Cr Torre, Seconded Cr Messina

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.8, 10.1.12, 10.1.15, 10.1.16, 10.1.20, 10.1.25, 10.1.27, 10.1.28, 10.1.31, 10.1.34, 10.1.38, 10.2.2, 10.3.1, 10.3.3, 10.4.1 and 10.4.5

CARRIED (9-0)

10.1.4 No. 77A (Lot 185, Strata Lot No. 1) Eton Street, North Perth - Alterations and Additions to Street/Front Fence to Existing Grouped Dwelling - State Administrative Tribunal -Determination

Ward:	North	Date:	14 December 2005
Precinct:	North Perth; P8	File Ref:	PRO0957; 00/33/2647
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the proposed Alterations and Additions to Street/Front Fence to Existing Grouped Dwellings, at No. 77A (Lot 185, Strata Lot No. 1) Eton Street, North Perth- State Administrative Tribunal (SAT) Determination (Matter Nos. DR/320 of 2004 and CC/41741 of 2004);*
- (ii) *NOTES that the following conditions have been forwarded to the SAT in response to the SAT Orders dated 16 November 2005 and Reasons for Determination dated 1 December 2005:*
 - (a) *all proposed works to the Street/Front Fence and Gates shall be in accordance with the amended plans stamp dated 6 April 2005 which have been approved by the State Administrative Tribunal (SAT) on 16 November 2005;*
 - (b) *the existing Street/Front Fence and Gates shall be modified in accordance with the amended plans approved by the SAT on 16 December 2005. These works shall be completed within 60 days of the consent orders being issued; and*
 - (c) *any works to the Street/Front Fence and Gates that is non-compliant with the amended plans approved by the SAT on 16 November 2005 shall require a new Planning Application and Building Licence application to be submitted and approved by the Town, prior to the commencement of such works; and*
- (iii) *AUTHORISES the Town's Officers to represent the Town in defending any application for cost to the SAT by the applicant in the above review matter.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

- To advise the Council of the SAT's determination of the above review application, and the appropriate conditions applied.
- To comply with the requirements of the Town's Policy/Procedure for SAT.

BACKGROUND:

- 27 July 1998 The Council at its Ordinary Meeting, resolved to approve demolition of existing dwelling and development of three grouped dwellings at No. 77 Eton Street, North Perth. Condition (viii) of the Planning Approval stated as follows:
- "(viii) The front fence and retaining wall within the front setback area adjacent to Eton Street shall be open infill fencing."*
- 9 April 2002 The Council, at its Ordinary Meeting, resolved to refuse the application dated 25 March 2002 for the proposed front fence to existing grouped dwellings at No. 77 Eton Street, North Perth.
- 18 November 2004 Building Notice under Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (c), and Planning Written Direction under Section 10 (3) of the Town Planning and Development Act 1928, were issued requiring the unauthorised timber infill slats, steel framed screens and gates that have been constructed abutting the existing approved masonry front fence, to be removed within 35 days and 60 days, respectively.
- 22 December 2004 Copy of Notice of Appeal lodged against Building Notice and Planning Written Direction received by the Town.
- 18 January 2005 Statement by Respondent issued by the Town.
- 8 February 2005 The Council, at its Ordinary Meeting held on 8 February 2005, resolved to refuse the application for alterations and additions to street/front fence to existing grouped dwelling (application for retrospective approval) at the subject property.
- 16 February and
30 March 2005 Directions Hearings were held at the State Administrative Tribunal (SAT) regarding the subject appeal/review.
- 24 April 2005 The Council, at its Ordinary Meeting held on 24 April 2005, resolved to not support the amended plans stamp dated 6 April 2005.
- 8 July 2005 Full Hearing of SAT.
- 16 November 2005 Review application allowed by SAT.

DETAILS:

The Town received a letter from the SAT dated 18 November 2005 advising the Town of its decision of the hearing held on 16 November 2005 to allow the review application (attached). One of the Orders was that the Town negotiate with the applicant in good faith a set of appropriate and reasonable conditions relating to the modified works to the fence at the above site. The Town was also advised that a transcript of the decision will be sent in due course. This uncorrected proof copy of the transcript dated 1 December 2005 was received by the Town on 5 December 2005 (attached). The final edited version of the above decision was not on the SAT website at the time this Agenda Report was prepared.

The plans approved by the SAT (stamp dated 6 April 2005) are attached and are similar to the plans considered by the Council at its Ordinary Meeting held on 24 April 2005.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost involved for planning consultant Mr John Meggitt to represent the Town in the above review was \$924.70.

COMMENTS:

The conditions were not reported to the Council earlier as the Town's Officers were awaiting the final detailed reasons of the SAT decision, so as to have the full details prior to responding to the Orders for conditions, which is due on 14 December 2005. Due to the tight timelines, a letter has been sent to the SAT on 14 December 2005 advising of the conditions agreed upon by applicant and the Town, bar one condition, which related to cost, which the Town's Officers were not prepared to agree to. As such, the cost will have to be determined by the SAT.

On the above basis, is recommended that the Council note the applied conditions and authorise the Town's Officers to represent the Town in defending any application for costs to the SAT by the applicant in the above review matter.

10.1.8 No. 10 (Lot 337 D/P: 33213) Marmion Street, North Perth - Proposed Alterations, Outbuilding Addition and Two (2) Storey Additions to Existing Single House

Ward:	South	Date:	13 December 2005
Precinct:	Norfolk; P10	File Ref:	PRO3345; 5.2005.3216.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Wandoo Building Company on behalf of the owner C Jongeling and E Kirkaldy for proposed Alterations, Outbuilding Addition and Two (2) Storey Additions to Existing Single House, at No. 10 (Lot 337 D/P: 33213) Marmion Street, North Perth, and as shown on amended plans stamp-dated 22 November 2005 (site plan, floor plans, elevations, and overshadowing plan) and 13 December 2005 (adjacent building outline), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Marmion Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *subject to first obtaining the consent of the owners of No. 8 Marmion Street and No. 12 Marmion Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 8 Marmion and No. 12 Marmion Street in a good and clean condition;*
- (iv) *the subject approved outbuilding/shed structure shall not be used for car parking purposes;*
- (v) *the subject approved outbuilding/shed structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only;*
- (vi) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved outbuilding/shed structure without the prior approval of such by the Town; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *to protect the reasonable privacy of the adjacent residents, the windows to the master bedroom on the eastern elevation, on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and;*
 - (b) *the louvre screens to the master bedroom on the northern elevation on the first floor being extended to the finished floor level of the first floor and being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

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

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	C Jongeling & E Kirkaldy
Applicant:	Wandoo Building Company
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	506 square metres
Access to Right of Way	Property abuts a right of way; however the owner does not have a legal right to use the right of way.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations, outbuilding addition and two-storey additions to existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks Outbuilding- West	1 metre	Nil	Supported - boundary wall is compliant with boundary wall requirements of the Residential Design Codes (R Codes) in terms of height and length and is not considered to have an undue impact on affected neighbour.
Dwelling- Ground Floor: East -Bedroom 4	1.5 metres	Nil	Supported - setback is not considered to have an undue impact on affected neighbour.
-Family/Deck	1.8 metres	Nil - 1.07 metres	Supported - as above.
West	1.5 metres	0.92 metre	Supported - as above.

Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two Boundary Walls East - Bedroom 4 boundary wall is 3.44 metres high and family room boundary wall is 3.44 metres high. West - outbuilding boundary wall is 2.4 metres.	Supported - boundary walls are not considered to have an undue impact on affected neighbours.
Privacy Upper Floor: Master Bedroom (east elevation)	4.5 metres	3.2 metres to eastern boundary	Not supported – undue impact and addressed in Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • Parapet wall for No. 10 Marmion Street will increase the length of the existing 3.2 metre high parapet wall by approximately 7.5 metres and the wall height will be increased by 0.5 metre. • Parapet wall • Overshadowing • Building height • Privacy • Access to Garage 		<p>Noted.</p> <p>Not supported - boundary walls are not considered to have an undue impact on affected neighbours.</p> <p>Not supported - compliant with overshadowing requirements of the R Codes.</p> <p>Not supported - compliant with the building height requirements of the R Design Codes.</p> <p>Supported – undue impact and addressed in Officer Recommendation.</p> <p>Not supported - there is no proposed garage, only an outbuilding which is addressed in the Officer Recommendation.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, the planning application is considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.12 No. 88 (Lot 3 D/P: 8068) Anzac Road, Mount Hawthorn - Alterations and Additions to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	12 December 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3300; 5.2005.3320.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner N and S Hollis for Alterations and Additions to Existing Single House (Application for Retrospective Approval), at No. 88 (Lot 3 D/P: 8068) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 3 December 2005, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Anzac Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	N & S Hollis
Applicant:	N Hollis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	East side, 4.2 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing single house (application for retrospective approval).

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
The application is compliant with the Residential Design Codes and Town's Policies and is therefore not required to be advertised.			
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

The proposal is compliant with the Residential Design Codes and the Town's Policies. In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions.

10.1.15 Nos. 488-492 (Lot 52 D/P: 29193) Beaufort Street, Highgate - Proposed Signage to Existing Shop

Ward:	South	Date:	12 December 2005
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2502; 5.2005. 3292.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Allerding Burgess on behalf of the owner Benjamin & Co Pty Ltd for proposed Signage to Existing Shop, at Nos.488-492 (Lot 52 D/P: 29193) Beaufort Street, Highgate, and as shown on plans stamp-dated 22 November 2005, subject to the following conditions:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (iv) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (v) the removal of any signage that is not shown on the subject approved plans prior to the erection of the subject approved signage.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Benjamin & Co Pty Ltd
Applicant:	Allerding Burgess
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	501 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 6 December 2005 resolved to conditionally approve two planning applications for change of use from shop to shop and eating house and associated internal alterations, and bi-fold windows additions to existing shop.

DETAILS:

The proposal involves signage to existing shop, namely 5 created roof signs and 3 projecting signs. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Signage Area (overall)	10 per cent of the total area of the building wall	25.4 per cent	Supported- minor variation in the context of the existing building scale in this instance, no undue impact on surrounding area, actual 'wording' size takes up minor proportion of the signage area and proposal is an improvement in the existing situation in terms of signage.
Signage Area (created roof)	3.0 square metres	4.4 square metres in total	
Projecting Sign	-not to exceed 0.6 metre - not to project beyond the outer face of fascia	1.0 metre -projects by 80mm of the fascia at the top and bottom of the awnings fascia	
Consultation Submissions			
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The Town' Policy relating to Signs and Advertising makes provision for 'variation of standards' in instances where a sign strategy for the whole site has been submitted and whereby particular standards or provisions of the Policy are considered unreasonable. In this instance, it is considered that the number, scale or nature of the proposed signage is reasonable, improves what is currently on site in terms of signage and not to have undue impact of the surrounding streetscape.

In view of the above, it is recommended that the application be approved, subject to standard conditions.

10.1.16 No. 19 (Lot 91 D/P 3845(1)) Bondi Street, Mount Hawthorn - Proposed Partial Demolition of and Carport Addition, Alterations and Additions to Existing Single House

Ward:	North	Date:	9 December 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3334; 5.2005.3199.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Ross on behalf of the owner D A & R J Moody for proposed Partial Demolition of and Carport Addition, Alterations, Additions to Existing Single House, at No. 19 (Lot 91 D/P: 3845(1) Bondi Street, Mount Hawthorn, and as shown on plans stamp-dated 4 October 2005 (site plan and part elevations) and amended plans stamp-dated 29 November 2005 (floor plan and part elevations), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) the western side of the decking is to be screened up to a minimum height of 1.6 metres above the respective floor level; and*
 - (b) the screen wing wall extensions on the eastern and western elevation of rear decking shall have a minimum protrusion length of 1 metre on the eastern side and 4.2 metres on the western side, a minimum height of 1.6 metres above the respective floor level.*

The screens shall be constructed of a permanent obscure material which does not include a self-adhesive material or other material that is easily removed;
- (iii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted; and*
- (iv) any new street/front wall, fence and gate between the Bondi Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *no street verge tree(s) shall be removed unless prior written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	D A & R J Moody
Applicant:	A Ross
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of the existing house and the construction of a carport within the front setback and alterations and additions to the existing single house. The proposed additions are to be constructed at the same floor level of the existing house, resulting in the proposed rear decking with a finished floor level 1.63 metres above natural ground level.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
West - carport	1 metre	0.4 metre	Supported – the proposed carport is open on all sides and is in line with the side setback of the existing house.
- main building wall	4 metres (considering height of wall above natural ground level and existing major openings).	0.96 metre	Supported – the proposed setback is in line with the existing house and considered to have no undue impact on the adjoining property.
East - main building wall	1.8 metres (considering the height of the existing wall).	0.875 metre	Supported – as above.
Maximum Building Height	6 metres to top of pitched roof.	6.2 - 6.6 metres	Supported – the proposed level of the rear additions are in keeping with the finished floor levels and roof pitch of the existing house. Considering the natural fall of the site, the proposed height to the top of the roof has no undue impact on the adjoining properties or streetscape.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Object to overlooking from the decking, however do not object to the proposal if a permanent screen is erected. 		Supported – revised plans were submitted by the applicant, proposing wing wall extensions to the east and west sides of the decking to prevent overlooking to the adjoining properties.

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

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

COMMENTS:

The variations sought by the applicant are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.20 No. 140 (Lot 13 D/P: 692) Harold Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey (2) Grouped Dwelling

Ward:	South	Date:	13 December 2005
Precinct:	Forrest; P14	File Ref:	PRO3343; 5.2005.3210.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangelo Designs on behalf of the owner J Rasheed for proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey (2) Grouped Dwelling, at No. 140 (Lot 13 D/P: 692) Harold Street, Mount Lawley, and as shown on plans stamp-dated 24 November 2005 , subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Harold Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Harold Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *subject to first obtaining the consent of the owners of No. 136 Harold Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 136 Harold Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the 'privacy screens' to the two (2) decks, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	J Rasheed
Applicant:	Tangelo Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	North side, 3.02 metres wide, sealed, Town owned

BACKGROUND:

10 June 2004

The Western Australian Planning Commission granted conditional approval for the survey strata subdivision of No. 140 (Lot 13) Harold Street, Mount Lawley.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing single house and construction of an additional two-storey (2) grouped dwelling.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.6 dwellings R50	2 dwellings R42.28	Noted.
Plot Ratio	N/A	N/A	Noted.
Setbacks: Proposed Dwelling- Ground Floor East – Garage	1.5 metres	Nil	Supported - variation is considered minor, is not considered to have an undue impact on affected neighbour, and affected neighbour has not objected. Supported - boundary wall is not considered to have an undue impact on affected neighbour and setback is to an internal boundary. Supported - variation is considered minor, does not have an undue impact on affected neighbour and setback is to an internal boundary.
South – Store	1 metre	Nil	
Upper Floor South	3.2 metres	1.2 metres - 4 metres	
Building on Boundary Proposed Dwelling-	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls. East (Garage) - Average height is 3.3 metres. South (Store) - Average height 3 metres.	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has not objected. Supported – no undue impact and boundary wall is compliant with the building on boundary requirements of the R Codes in terms of height and length, and boundary wall is to an internal boundary.

Privacy Proposed Dwelling-Desk Room	6 metres	4.1 metres to southern boundary	Supported – no undue impact as overlooking is to an internal boundary.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Privacy 		Not supported - overlooking is compliant with the R Codes and is not considered to have an undue impact on adjoining neighbours.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

In light of the above, the planning application is generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.25 No. 338 (Lots 710 and 711 D/P: 85950) Bulwer Street, Corner Fitzgerald and Eden Streets, West Perth - Proposed Signage to Existing Fast Food Outlet

Ward:	South	Date:	13 December 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0797; 5.2005.3301.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner Bruni Corporation Pty Ltd for proposed Signage to Existing Fast Food Outlet, at No. 338 (Lots 710 and 711 D/P: 85950) Bulwer Street, corner Fitzgerald and Eden Streets, West Perth and as shown on plans stamp-dated 30 June 2005 (sign type 8) and 29 November 2005, subject to the following conditions:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (iv) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Sign Licence;*
- (vi) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the signage on the Fitzgerald Street and Bulwer Street elevations being in accordance with plan stamped dated 29 November 2005, G.02. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vii) doors, windows and adjacent floor areas fronting Bulwer and Fitzgerald Streets shall maintain an active and interactive relationship with these streets;*
- (viii) prior to the issue of a Sign Licence for the pylon sign (sign type 8), the applicant shall submit to the Town written support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense; and*
- (ix) any signage that is not shown on the subject approved plans shall be removed prior to the erection of the subject approved signage.*

COUNCIL DECISION ITEM 10.1.25

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Bruni Corporation Pty Ltd
Applicant:	Oldfield Knott Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Fast Food Outlet
Use Class:	Eating House, Drive-in Fast Food Outlet
Use Classification:	"P", "AA"
Lot Area:	1120 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 23 August 2005 resolved to conditionally approve an application for additions and alterations to existing fast food outlet and associated existing signage (part application for retrospective approval) at the subject property.

DETAILS:

Approval is sought for the reconsideration and removal of the latter part of the following condition (viii) (a) (the deletion of Pylon Sign) of the 23 August 2005 approval:

"(viii) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating:

- (a) the deletion of the Monolith Sign (sign type 1) and Pylon Sign (sign type 8);*
- (b) the removal of any signage that is not shown on the subject plans; and*
- (c) the wall sign (sign type 9) having a maximum area of 2.7 square metres.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;"

The current plans show compliance with all aspects of the above condition. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Pylon Sign	One pylon sign per frontage.	-2 adjacent to Fitzgerald Street -3 adjacent to Bulwer Street -1 adjacent to Bulwer/Fitzgerald Streets corner -1 adjacent to Eden Street (all existing)	Supported - with the exception of sign type 8, signs are generally small in scale, for directional purposes, not orientated to face the street and adequately setback and therefore, no undue impact on streetscape and surrounding area. In relation to sign type 8, refer to 'Comments'.
	Not greater than 4 square metres in area.	Sign Type 8- approximately 5.6 metres in area.	Supported- refer to 'Comments'.
Consultation Submissions			
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The applicant has advised that the pylon sign (sign type 8) is a fundamental requirement of the businesses franchise and that the business is unable to be in operation without it. In support of the application, the applicant has provided photographs of streetscape perspectives, alternative elevations in relation to the sign type 10 and a comparison of the existing and proposed elevations. In light of the supporting submission, which shows the context of the site and the sign in comparison to the adjacent and nearby buildings, the application for reconsideration is supported as the sign is not considered to have an undue impact on the area. In relation to the alternative elevations proposed, namely G.01 and G.02, it is considered that elevation G.02 will have the least impact as the signage is contained within the buildings fascia. This matter has been conditioned accordingly.

On the above basis, the subject planning application is recommended for approval, subject to standard and appropriate conditions, including the deletion of the previous subject condition (viii) which has been addressed above and complied with (for all other matters not relating to pylon sign type 8).

10.1.27 No. 158 (Lot Y62 and Y61 D/P: 2456) Edward Street, Perth - Sectional Doors Additions to Existing Warehouse and Office Building (Application for Retrospective Approval)

Ward:	South	Date:	13 December 2005
Precinct:	Beaufort; P13	File Ref:	PRO2817; 5.2004.2257.2
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner S Jones for Sectional Doors Additions to Existing Warehouse and Office Building (Application for Retrospective Approval), at No. 158 (Lot Y62 and Y61 D/P: 2456) Edward Street, Perth, and as shown on plans stamp-dated 7 November 2005, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings; and*
 - (c) *the sectional doors on non-residential building requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements;*
- (ii) *the Council ADVISES the owner of No. 158 (Lot Y62 & Y61) Edward Street, Perth, that the unauthorised sectional doors additions are to be removed within 14 days of the date of notification by the Town; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owner of No. 158 (Lot Y62 & Y61) Edward Street, Perth, if this unauthorised sectional doors additions still remain after the above 14 days period.*

COUNCIL DECISION ITEM 10.1.27

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	S Jones
Applicant:	S Jones
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Warehouse and Office Building
Use Class:	Warehouse and Office Building
Use Classification:	"SA","AA"
Lot Area:	372 square metres
Access to Right of Way	North side, 3 metres wide, sealed, privately owned

BACKGROUND:

14 September 2005 Council at its Ordinary Meeting granted conditional approval for proposed partial demolition of and alterations and two-storey additions to existing warehouse and office building.

DETAILS:

The applicant seeks retrospective approval for two (2) sectional doors additions to existing office and warehouse at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Sectional doors	The selected security screen is to be visually permeable with a minimum 50 per cent visual permeability when viewed from the street.	Two solid sectional doors.	Not supported - existing solid tilt doors are non-compliant with the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, proposes a variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements, and is considered to have an undue impact on the streetscape and surrounding amenity.
Consultation Submissions			
The application was not advertised as it involves a variation that is contained in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements, is retrospective and is recommended for refusal.			

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

The application has been assessed under the Town's previous Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings as the application was received prior to the formal adoption of the Town's new Policy relating to Shop Fronts and Front Facades to Non-Residential Buildings.

The development is not supported on the basis that it is not compliant with the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, proposes variations contained in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements and is considered to have an undue impact on the streetscape and surrounding amenity.

10.1.28 No. 98 (Lot 36 D/P 692) Harold Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey Single House

Ward:	South	Date:	13 December 2005
Precinct:	Forrest; P14	File Ref:	PRO2105; 5.2005.3161.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners A C Yoong and K K Foo for Proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey Single House, at No. 98 (Lot 36 D/P 692) Harold Street, Mount Lawley, and as shown on plans stamp-dated 9 September 2005 (site plan, floor plan and overshadowing plan) and plan stamp-dated 28 October 2005 (site demarcation plan and elevations), for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the setback, open space and privacy requirements of the Residential Design Codes, and the Town's Policy relating to Vehicle Access to Dwellings via a Right of Way, respectively; and*
- (iii) the open space requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.28

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	A C Yoong and K K Foo
Applicant:	A C Yoong and KK Foo
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	North side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 27 August 2002 The Council at its Ordinary Meeting resolved to approve proposed additional two-storey grouped dwelling to existing dwelling.
- 30 January 2003 The Western Australian Planning Commission (WAPC) granted conditional approval for survey strata subdivision of the property.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing single house and construction of an additional two-storey single house. Both sites use the right of way for vehicle access and the rear site has a 1.14 - 1.18 metre wide pedestrian accessway/ service corridor. The existing dwellings is to remain single storey and the proposed Home B is two-storey.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.63 dwellings R 50	2 dwellings R 42.28	Noted - compliant with R Codes requirements.
Plot Ratio	N/A	N/A	N/A
Front Setback: Home A (Existing House)	4 metres	3.5 metres	Not supported - adjacent dwellings are setback 4 metres to main building line, and Heritage Officers have advised that the proposed changes (in this instance, the additional ensuite) are not sympathetic to the original house.
Setbacks: Home A (Existing House) East - Store and Kitchen	1.5 metres	Nil	Supported - no objections received and compliant with height and length Building on Boundary provisions of R Codes.

North (rear and common boundary to proposed rear site) - Meals and Bathroom	1.5 metres	Nil	Supported - no objections received and compliant with height and length Building on Boundary provisions of R Codes.
West - Bathroom	1.5 metres	1.18 metres to boundary - in line with the side setback of the existing house. Nil to pedestrian access way for proposed rear site B.	Supported - no objections received and follow main building line of the existing house.
Home B Ground Floor			
South - Porch	1 metre	0.65 metre	Supported - no undue impact as setback variation is adjacent to boundary wall and is a 'nook' for bin storage.
West - Study, powder and carport	1.5 metres	Nil	Supported - no objections received and compliant with Building on Boundary provisions of R Codes.
Upper Floor			
West - Computer Nook	1.8 metres	1.2 metres	Not supported - insufficient setback for upper floor portion of wall due to proximity to adjacent verandah and outdoor living area, therefore, undue impact on the amenity of the area.

Privacy Setbacks: Home B North - balcony to rear	7.5 metres cone of vision setback to adjoining property	7 metres cone of vision setback to northern property, opposite right-of-way.	Not supported - insufficient privacy setback and therefore undue impact on the amenity of the area.
Buildings on Boundary: Home A	To one side boundary	To two side boundaries	Supported - no objections received and no undue impact on adjoining properties.
Open Space: House B	45 per cent	43.7 per cent	Not supported - non-compliance with fundamental requirement of R Codes and therefore undue impact on the amenity of the area.
Vehicle Access to Dwellings via a Right of Way	1.5 metres	1.14 - 1.18 metres	Not supported - see "Comments" below.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

Overshadowing

The Town's Officers note that although the application is compliant with the acceptable development design for climate provisions of the R Codes, the entire outdoor living area for the proposed dwelling is overshadowed during the winter solstice. Furthermore, the overshadowing plan does not include portions of overshadowing over the building envelope of Home A.

Vehicle Access to Dwellings via a Right of Way

The applicant was advised in writing on 4 October 2005 that the pedestrian accessway/ service corridor (PAW) was of insufficient width and that the Town's Officers may support a PAW of minimum width of 1.2 metres where it abuts the existing dwelling with the appropriate justification. The Town's Officers have not received amended plans or written justification for the non-compliant PAW.

Open Space

The Town's Officers note that as the proposal is for two single houses and if the Council is inclined to support the proposal, the approval could be conditioned to remove the storeroom for House B. The proposal would therefore be compliant with R Codes' open space requirements.

Refusal

The proposed development, by reason of its scale, massing, height and design of its built form would result in an overdevelopment of the site and form over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of the Town's Policies and the Residential Design Codes and is therefore recommended for refusal.

10.1.31 East Perth Redevelopment Authority – Proposed Minor Modifications to the Lindsay Street Precinct Design Guidelines

Ward:	South	Date:	13 December 2005
Precinct:	Beaufort ; P13	File Ref:	PLA0022
Attachments:	"Laid on the Table"		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 5 December 2005 and associated documentation in relation to proposed minor modifications to the East Perth Redevelopment Authority Lindsay Street Precinct Design Guidelines, as "Laid on the Table"; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has no objection to the proposed minor modifications to the Lindsay Street Precinct Design Guidelines.*

COUNCIL DECISION ITEM 10.1.31

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the minor modifications proposed by the East Perth Redevelopment Authority (EPRA) to the *Lindsay Street Precinct Design Guidelines*.

DETAILS:

The Town has received a letter dated 5 December 2005 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Board, advising of the recent endorsement for advertising some proposed modifications to the Design Guidelines for the Lindsay Street Precinct in Northbridge.

EPRA is now seeking comments on the proposed modifications to the Design Guidelines, with the closing date for submissions being 30 December 2005. Whilst the Precinct is situated within the Town of Vincent municipal boundaries, it is under the jurisdiction and management of the East Perth Redevelopment Authority.

The proposed modifications are explained below:

"The Lindsay Street design guidelines have been amended to address the following issues:

- *The widening of Washing Lane;*
- *The relocation of a portion of sewer line that previously encumbered Lots 514 and 515. The sewer line is proposed to be diverted along the rear of Lots 505, 506 and 507; and*
- *The identification of anomalies in the height and residential density requirements for Lot 512."*

The proposed modifications to the *Lindsay Street Precinct Design Guidelines* relate to proposed modifications to relocate a portion of the sewer easement which currently encumbers Lots 514 and 515 and divert it along the rear of Lots 505, 506 and 507; the widening of Washing Lane to reflect a more appropriate access lane width (7.5 metres) and the identification and removal of anomalies relating to height and residential density requirements for Lot 512, as a result of the aforementioned changes.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

“1.3 Develop, implement and promote sustainable urban design”.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed amendment will have no impact on the Town of Vincent itself, as the minor modifications proposed to the *Lindsay Street Design Guidelines* are contained wholly within the existing lot boundaries. The proposed minor modifications will not have any implications on the adjacent land located within the Town of Vincent.

In light of the above, it is recommended that the Council receives the documentation relating to the proposed modifications to the *Lindsay Street Precinct Design Guidelines* and advises that the Town does not object to the proposed modifications.

10.1.34 Application for the Installation of a Greywater System at No. 103 Flinders Street, Mount Hawthorn

Ward:	North	Date:	14 December 2005
Precinct:	Mount Hawthorn Precinct; P01	File Ref:	ENS0042
Attachments:	-		
Reporting Officer(s):	D Monteiro		
Checked/Endorsed by:	D Brits, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed installation of a Greywater System at No. 103 Flinders Street, Mount Hawthorn;*
- (ii) *NOTES that the 'Greywater Reuse System' has received approval from the Department of Health (WA);*
- (iii) *APPROVES the application for installation of the Greywater Reuse System (GRS) with 'WaterSaver Filter and Piped Trench'; and*
- (iv) *NOTES that future applications for Greywater Reuse Systems will be approved by the Town's Administration in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

COUNCIL DECISION ITEM 10.1.34

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

This report has been prepared for the Council's consideration regarding the application received from No. 103 Flinders Street, Mount Hawthorn, in accordance with the Council Resolution at the Ordinary Meeting of Council held on 23 July 2002.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 July 2002, the Council resolved in relation to Greywater Reuse Systems (GRS) that "(iii) each application will be reported to the Council for consideration; and (iv) authorises the Chief Executive Officer to prepare a Draft Policy once local needs and concerns become clear."

An "Application to Construct or Install an Apparatus for the Treatment of Sewage" has been submitted by Dr Ross Mars of Greywater Reuse Systems, on behalf of the owners of No. 103 Flinders Street, Mount Hawthorn.

Since the original Council Resolution, the Department of Health, Government of Western Australia, amended the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* to provide legal standing for the '*Code of Practice for the Reuse of Greywater in Western Australia*'. Subsequently, a policy is no longer required and future applications can be approved by the Town's Environmental Health Officers, under the Health Act legislation.

DETAILS:

Greywater is defined as the waste-water generated in the bathroom, kitchen and laundry. Greywater is therefore defined as the components of domestic wastewater, which have not originated from the toilet. The State Agencies report that the opportunity exists for greywater to be reused to irrigate gardens.

This will reduce the demand on quality ground and surface water supplies. Considering the dry environment in many parts of Western Australia and the sometimes limited supply of water available, it is important that water is used efficiently and conserved wherever possible. The responsible reuse of greywater is therefore supported and encouraged by the State Government and numerous Local Governments to help conserve water.

An "*Application to Construct or Install an Apparatus for the Treatment of Sewage*" was received with the appropriate fees, for the installation of an approved greywater system. The proposed Greywater Reuse System with greywater filter, and piped trench system to be installed has been approved by the Department of Health WA (DOHWA). The Conditions of Approval were issued on 8 November 2004, and is approved by the Executive Director, Public Health under the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* for use within Western Australia in accordance with the relevant Schedule 1 Conditions.

An assessment of the proposed installation by the Town's Health Services revealed compliance with the conditions of approval set by the DOHWA. The greywater reuse in this instance is to be limited to the waste water from the laundry and bathroom only.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, and the subsequent '*Code of Practice for the Reuse of Greywater in Western Australia*'.

STRATEGIC IMPLICATIONS:

The application is in keeping with KRA 1.1(d) of the Town's Strategic Plan, 2005 - 2010 - '*Incorporate water sensitive urban design principles...and implement water conservation initiatives.*'

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Health Services recommend approval as the application is compliant.

10.1.38 Australian Institute of Environmental Health 32nd National Conference

Ward:	-	Date:	14 December 2005
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECIEVES the report on the attendance of the Executive Manager Environmental and Development Services at the Australian Institute of Environmental Health 32nd National Conference held from 7 and 9 November 2005 at the Hilton Hotel, Adelaide, South Australia.

COUNCIL DECISION ITEM 10.1.38

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the Australian Institute of Environmental Health 32nd National Conference held between 7 and 9 November 2005.

BACKGROUND:

The Executive Manager Environmental and Development Services attended the 32nd National Conference held at the Hilton Hotel, Adelaide, South Australia from 7 to 9 November 2005.

The theme of the Australian Institute of Environmental Health 32nd National Conference was "Imagine Life Without Us?" intended to stimulate thought about the value of the profession by examining the integral role Environmental Health Practitioners have on health and wellbeing of communities. The program explored lessons learned, new and emerging issues and challenges for the future from a local, national and global perspective.

DETAILS:

The conference was officially opened by the Hon. John Hill, Minister for Health, Government of South Australia where delegates were welcomed to Adelaide and encouraged to visit the city's various facilities and attractions.

PRESENTER RISK ASSESSMENT FOR LEGIONELLA IN WATER SYSTEMS. MISINTERPRETATION OF THE EVIDENCE?

Richard Bentham, Department of Environmental Health, Flinders University, Adelaide

The development of regulations and guidelines for the control of Legionnaires' disease necessarily began when knowledge of the organism and its ecology was limited. As a comparatively new disease emerging in the late 1970's, Legionnaires' disease has continued to provide a challenge to public health with regard to risk management. Though recognised globally as a 'preventable disease', roughly 1.5:100,000 Australians contract Legionnaires' disease each year from a variety of sources in the built environment.

Public concern and outrage has ensured that the evidence-base relating to Legionella has trailed behind the adopted control measures. In this paper, some of the 'myths' currently enshrined in legislation and standards were compared with available evidence, within a risk assessment framework. Generic risks and management strategies applicable to building water systems were also addressed, as well as those specific to individual systems.

PUBLIC HEALTH ASSESSMENT OF SPONTANEOUS PEOPLE SETTLEMENTS CAMPS IN ACEH PROVINCE, INDONESIA, 29 JANUARY - 11 FEBRUARY 2005
Graham Tallis, Anne Murphy, Claire Boardman, Rod Demands, Bob Handby, Tom Handzel, Victorian Department of Human Services '

Public health teams were deployed by the Australian Government to assist with the prevention of disease outbreaks in Aceh Province Indonesia following the 2004 Tsunami. The team from 29 January conducted a water and sanitation assessment of Spontaneous People Settlements (SPS).

UNICEF provided standardized data collection forms covering population statistics of the site, with a quantitative assessment of water availability and sanitation facilities, and broad description of other activities. The assessor then gave a summary score out of ten for priorities for action for eight activities (latrine construction and maintenance, water quality and availability, solid waste disposal, vector control, hygiene promotion, and drainage improvement). A score of ten meant that urgent action was required, a score of one low priority for action. Data was collected by interviewing the camp coordinators, displaced persons, and direct observation.

37 SPS were assessed (median population 316, range 26 to 3328). By summing the priority scores for each activity, the single biggest issue was clearly latrine maintenance (both latrine cleaning and de-sludging of septic / holding tanks). The other priority issues were vector control and hygiene promotion. Water quality and water availability attracted the lowest cumulative scores.

Urgent remedial action was undertaken as required through a water and sanitation group coordinated by the Aceh Provincial Public Works Department. Apart from a tetanus outbreak, and increased pneumonias, disease outbreaks did not eventuate in the initial emergency phase. Nevertheless, several factors were observed indicating an ongoing high risk for outbreaks.

IMPLEMENTING THE AUSTRALIAN FOOD SAFETY ASSESSMENT IN WESTERN AUSTRALIA
Darren Ponton, City of Perth

The Australian Institute of Environmental Health (AIEH) Food Safety Standard of Practice (FSSP) is a professional guidance document aimed at promoting consistency and accountability in the work practices of environmental health practitioners (EHPS) through the Australian Food Safety Assessment (AFSA) a tool for conducting assessments of food premises. In 2004, the AIEH released the 'AFSA Training Package' to educate EHPS on how to gain the greatest value from the AFSA. It was believed that the Training Package would be welcomed in Western Australia, as many EHPS are not familiar with the national Food Safety Standards, due to WA state regulations still being in force. In 2005, the WA Branch of the AIEH conducted six (6) AFSA training workshops in metropolitan and regional areas, facilitated by the author. The paper detailed the results of the evaluation of the workshops showing positive responses to the AFSA training package.

The author related workshop pacification to use of AFSA by WA local government, and presented case studies of successful use of AFSA at the City of Perth (a follow up survey of 600 food businesses as a comparison to the City of Perth AFSA trial in 2004), which may indicate the greater understanding of AFSA by EHOs that have attended AFSA workshops. Other case studies from WA show the flexibility of AFSA firstly to demonstrate to food businesses the need for a staged food safety education at an outer metropolitan, semi rural local government, and also to monitor implementation of behaviours learned during food safety training provided by a small metropolitan local government.

IMMUNIZATION SERVICE DELIVERY IN THE PUBLIC SECTOR - CAN IT SURVIVE?

Gillian Brereton - Eastern Health Authority Inc., SA and Karyn Fromene - City of Port Adelaide Enfield, SA

This presentation addressed the issues currently experienced with providing an immunization service within the public sector setting and explored solutions that will lead to supporting the existing framework that is currently under threat through lack of resources.

Australia public providers offer quality immunization services including local council immunization clinics, school based programs and corporate/industry programs. These services support the National Immunization Strategy with the aim to make Immunization easily accessible and affordable. The provision of a public senior immunization service provides choice for parents who do not wish to attend General Practice. The Australian Government has demonstrated support for service delivery using public providers through the provision of funding for the Meningococcal C catch-up program. The Australian Government has acknowledged the provision of immunization services is expensive through their introduction of the Medicare Plus initiatives, which provide funds for immunizations given by nurses delivering the service in the General Practice setting. However, the Australian Government has not provided any similar funds for the provision of immunization services provided by nurses in the public sector setting.

The public immunization services contribute to the high immunization coverage in children and adolescents in South Australia. To maintain public sector involvement in the immunization program, there needs to be national recognition and a commitment to the provision of adequate funds to continue such a valued service.

RAINWATER TANKS AND GREATER REUSE IN A SUSTAINABLE HOUSING PROJECT

Ben Helen, Central Queensland University; Peter Wolfs, Ian Tomlinson, and David Midmore

Research House is a sustainable housing project run by the Queensland Department of Public Works and Housing and monitored by the Central Queensland University (CQU). Research House is a rental property administered by Queensland Housing', and has had several changes in tenancy patterns during the course of the study. The house was built using passive sustainable housing designs in regards to water and energy requirements. Water efficient infrastructure was installed, as well as rainwater tanks. A greywater reuse system has been designed and installed in 2005. The house has solar panels that feed into the electricity grid. The energy production and water and energy use of the house is monitored remotely by CQU.

Three years worth of data has been gathered. Water and energy meters have been placed on the wastewater-generating infrastructure in the house. The paper discussed the results of the passive sustainable housing design principles and how they have worked with the rental tenants. '

**START RIGHT-EAT RIGHT FOOD HYGIENE AND NUTRITION AWARD SCHEME FOR CHILD CARE CENTRES:
HEALTH PROMOTION, EDUCATION AND TRAINING IN ACTION**

Julie-Anne Mcwhinnie, Noarlunga Health Services

Start Right-Eat Right (SRER) is a nutrition and food hygiene award for child care centres who have:

- good food hygiene practices, with all staff trained in food hygiene;
- nutritionally adequate menu (that meets 50% of a child's daily nutrition requirements), and
- a supportive and enjoyable eating environment for children.

Most centres choose to train all staff in food hygiene via an in-house training kit such as Foodsafe or 'Hygiene'. The Award scheme also includes accredited training and support (from Community Dietitians) for centre cooks and directors in good nutrition for babies and young children, menu planning and assessment, and good nutrition policy for child care.

Since 2001, 176 staff from 87 SA child care centres have done SRER nutrition training. This represents one third of all child care centres in SA, and is expected to be 50% by the end of 2005. Many more staff than this have completed in-house food hygiene training, which is beyond the current statutory requirements and recognizes that all child care staff invariably handle and serve food. (Traditionally only a select few child care staff do food hygiene training, often seen as the cook's domains). Local Council EHO's supported SRER by continuing their normal role in conducting their routine inspections at child care centres.

To get the SRER Award, centres must have a satisfactory AFSA or Foodsafe audit, a training log of all staff having completed food hygiene training; and evidence of keeping the following records: cleaning schedule; A temperature monitoring of fridges and warmers; pest control plan record of rejected and recalled foods Evaluation has shown that the SRER Award process helps improve relationships between child care staff and EHO's. SRER is now working to help child care centres get a head start on mandatory Food Safety Programs.

CLEANER PRODUCTION PROGRAM IN THE WETHERILL PARK- SMITHFIELD INDUSTRIAL ESTATE

David Wilson, Fairfield City Council

A voluntary, 'cleaner production' project was undertaken by Fairfield City Council and thirteen manufacturing and industrial businesses, during 2003 -2005. Fairfield City Council regulates over 3500 businesses in its industrial area. Keen to see cleaner production initiatives get underway, it encouraged the local chamber of commerce and industry to promote the idea with its members. Council then followed up some of its members with whom, in its capacity as appropriate regulatory authority, Council had interacted regarding pollution and waste management issues. In fact some of the thirteen eventual participants in the project admit they became involved initially mainly to satisfy Council. Council successfully sought part funding for the project from the Department of Environment and Conservation to facilitate a cleaner production review of each of the thirteen businesses. The funding enabled a consultant environmental engineer to be consulted, and helped Council coordinate the project.

The participating businesses comprised an electroplater, manufacturers of cleaning and hygiene products, construction chemicals, ink, and plastics, an equipment hire business and three businesses in the motor vehicle industry, as well as three of council's own business units (Depot, Administration Centre and Swimming Centre) The businesses reported various cost savings and environmental improvements, including a saving of over \$600,000 annually by recycling used plastic chemical drums, thereby diverting them from landfills. Saving \$18,000 annually by granulating and melting wastes from plastic manufacturing, diverting the wastes from landfill. Engineering improvements to an aluminium anodizing process, reducing annual power bills by \$100,000. Paper and cardboard recycling, including asking suppliers to deliver raw materials in containers that produced less, non-recyclable waste.

Commentary

While regulatory approaches to environmental improvement are necessary, they must be complemented with voluntary initiatives. This case study illustrates how councils can improve their relationship with industry, and enhance the effectiveness of their regulatory work by facilitating cleaner production. For example, a Council could issue a prevention notice in relation to an industry practice that is legal, but wasteful. At best, this command-and-control approach might improve the wasteful practice. However, if Council alternatively (or initially) encourages voluntary action through a cleaner production initiative, broader environmental improvements and lost savings might result, creating stronger relationships with the Council, and greater likelihood of ongoing industry interest in environmental improvement.

The Legal Standing of Disinfectants in Australia and How They Are Regulated Greg Whitely, Whitely Corporation Pty Ltd

Disinfectants are used to kill and control micro-organisms that can spread diseases. Their role in first line prevention of infection has been long understood. EHO's variously administer establishments such as hairdresser and beauty establishments where disinfectant usage is mandatorily required and so it naturally follows that this usage should be correct in both its intent and process. The laws governing disinfectants were changed in 1996 and 1997. In 1996 the Australian Government promulgated laws controlling disinfectants through the Therapeutic Goods Administration (the TGA), which set up new controls, performance requirements, and manufacturing licensing provisions. In 1997 all states in the Commonwealth ceded their powers covering this product group back to the Commonwealth. There has been no successful informational campaign to update EHO's over the changes and what has happened as a result of the changes. This paper will cover the basic legal changes, the performance requirements for different classes of disinfectants, the implications for use and administration, and the impacts of product availability, choice and consumer confidence. These changes will need to be thoroughly understood should any major health disease outbreak occur where disinfectant usage is required. This would include terrorism related matters as well as introduced disease issues.

COMMUNITY ENGAGEMENT IN THE MITIGATION OF LOCAL HAZARDS OVERVIEW OF PILOT COMMUNITY EMERGENCY RISK MANAGEMENT PROJECTS CONDUCTED IN THE RIVERLAND REGION OF SOUTH AUSTRALIA AND CITY OF MITCHAM, ADELAIDE

Michael Stephenson of the Berri Barmera Council and Cathy Isbester, City of Mitcham

Michael Stephenson of the Berri Barmera Council and Cathy Infester, City of Mitcham, introduced participants to the concept of Community Emergency Risk Management (CERM) and present the key elements of two pilot projects conducted in South Australia. Governments have come to realise that there is a smarter approach to emergency management than a response mentality.

During the period 1967 - 1999, emergency response cost Australia \$37.8 Billion (1999 dollar value). However, for every \$1.00 spent on mitigation, \$2.00 can be saved in response and recovery (Source: Bureau of Transport Economics, Report No 103, Economic Cost of Natural Disasters in Australia, 2000).

A successful CERM project requires the process to be led by local people with an understanding of local priorities. The presentation will explain why this is so and how to engage the community to draw out potential hazards, risks and solutions. Examples will illustrate the positive outcomes for communities that result from CERM.

A NEW APPROACH TO URBAN DESIGN: MEETING THE CHALLENGES OF TODAY'S EPIDEMICS THROUGH INNOVATIVE DEVELOPMENT

Gilbert de Chalain, Rosemary Nicholson and Brent Powis, University of Western Sydney

The significant contribution of the Environmental Health profession in combating the infectious disease epidemics that accompany rapid urbanization has been predicated on a strong focus on regulatory control of the local physical environment. Public health statistics are testimony to our success in addressing these issues, at least in the western world.

The epidemics we are now faced with, however, are more insidious, more complex and brought about by poorly understood interactions between human health and well being and the socio-cultural and physical environments in which we live. Currently Australia, in common with the remainder of the 'developed' world, is facing two major public health epidemics. Obesity is of particular concern in children and results primarily from a high-carbohydrate diet combined with an increasingly sedentary lifestyle. Depression is brought about through stress and social isolation and contributes directly to youth suicide.

As long ago as 1999 Australia's National Environmental Health Strategy urged a re-thinking of the role of the environmental health profession in recognition of the need to embrace a more pro-active, more collaborative and inter-sectoral approach in order to build capacity to address the complex causes of today's environmental health issues. This paper explores the New Urban Design, a proactive and collaborative planning strategy that seeks to reinstate human health as a key focus of the planning agenda. In particular the New Urban Design recognizes the centrality of community and in so-doing seeks to incorporate design features that support living environments that are safe, secure and health-enhancing. The vision is one of places where community members are supported in making healthy lifestyle choices and feel a strong sense of ownership and connection. In place of reactive regulation the role of the environmental health profession becomes more focused on reinstating human health on to the planning agenda with health impact assessment at the front end of planning decisions.

CASE STUDIES OF TWO SUCCESSFUL PROSECUTIONS FOR BREACHES OF FOOD STANDARDS LEGISLATION IN SOUTH AUSTRALIA AND QUEENSLAND: A CASE STUDY OF RECENT PROSECUTIONS IN SOUTH AUSTRALIA

Paul Kelly, Norman Waterhouse Lawyers, Australian Institute Environmental Health Council

The paper provided attendees with an update on recent prosecutions pursuant to the Food Act 2001 and a case study using the Public Environmental Health Act 1987 as the relevant legislation. The prosecution of Golden Eggs Pty Ltd in the Magistrates Court of South Australia which was prosecuted for breaching the Food Safety Standards Code and for selling "unsuitable foods".

PROSECUTING FOR HEALTH CLAIMS: A CASE STUDY

Bruce Morton, Brisbane Southside Public Health Unit, and Greg Shillig

Food businesses use marketing as the key to selling their product or positioning it's product in a competitors market. While the merits of marketing for improved sales are well established, the marketing of a food product must not be misleading or likely to mislead or make health related claims in contravention of Standard 1.1A.2 of the Food Standards Code. One reason for these provisions is that the public may base their decision on the marketed information to make nutritional choices which could be to the detriment of overall health outcomes.

The prosecution of food businesses for such offences is rarely reported or even undertaken. The environmental health team of the Brisbane Southside Public Health Unit investigated the sale of a reported unique food product (A2 Milk) by a food business entering the market, through reviewing the food business, print material and broadcast advertising for the food product.

This presentation provided an insight into this complex area of enforcement of advertising or publicizing percentage of certain claims by detailing the investigation process, decision making, related issues and eventual successful prosecution of the food business for misleading advertising.

SUSTAINABLE ON-SITE WASTEWATER TREATMENT AND REUSE TECHNOLOGY THAT PROTECTS PUBLIC AND ENVIRONMENTAL HEALTH BEN MELEE

Central Queensland University; David Midmore, Barry Hood, and Brendan McKennariey

The Central Queensland University (CQU) developed an on-site wastewater treatment and reuse system. The aim of the technology was to protect public health', such as through the reduction or isolation of potential pathogens, and to protect environmental health, for example minimum use of chlorine which can cause salinity and sodality problems in Australian soils.

The technology had a small environmental footprint and was sustainable as it used soils that were suitable for the long-term application of effluent. The technology used a recirculating evapotranspiration channel as its main form of treatment and effluent reuse. The system was monitored for potential pathogens (*Escherichia coli*, *Salmonella sp*, *Total coliforms*, and *non-fastidious heterotrophic* organisms), nutrients, pH, organic carbon/oz heavy metals, salinity, and chlorinated hydrocarbons. This paper will detail the results from the five-year trial and discuss the public and environmental health issues and the sustainability of the technology.

SHARING THE LEADERSHIP

Julian James, City of Onkaparinga

Local Government has a multitude of roles in governing for the community, not least is the opportunity for leadership in the drive for a sustainable future. The City of Onkaparinga is collaborating with business associations and groups to build their capacity to share this role through its Sustainable Industries Program Food and Wine (SIP). The work that is being undertaken with the Willunga Farmers Market (WFM) was presented as an example demonstrating the learning gained from this approach. The success of WFM can largely be attributed to a consumer perception of authenticity of produce (fresh, regional and seasonal). Like most primary producers and value adding business from the Fleurieu Peninsula, WFM also promotes a clean and green image. Visitors to the Willunga Farmers Market (WFM) were surveyed during December 2004 uncovering a surprising level of consumer expectation of "greenness" and other credence values. SIP had approached WFM previously to elicit contact opportunities with the shareholders and the results of the survey provided the

incentive to take up the offer. WFM approached SIP to assist with the development of appropriate governance structures, systems and smallholder practices to respond to their customer's expectations and manage the business imperatives. Through this course of action, WFM has had to undergo a process of organizational learning. To maintain their achievements, WFM will also need to embrace continuous improvement. WFM is working with its stockholders to develop sustainable business practices and by doing so is playing a critical role in multiplying the effect of Local Government outreach.

**COMPLAINTS AND REPORTS OF ENVIRONMENTAL SIGNIFICANCE (CARES)
PROTECTION AUTHORITY, SOUTH AUSTRALIA
(Presenter: Meredith Abbot)**

Complaints And Reports of Environmental Significance (CARES) Management System used by the SA EPA and local government (Councils) was discussed. The CARES system meets the need of Environmental Protection Authority (EPA) and the Councils to share information. The CARES system is a web based incidents/complaints management system that was developed to provides the EPA and the Councils with a central database accessed by a common web based interface, to record environmental incident related information and provides an ability to track, manage and report on all those incidents. CARES also has a spatial interface which provides users with a visual representation of incidents.

**MOBILE PHONE USE AMONG FULL TIME USERS
UNIVERSITY; PERTH, WESTERN AUSTRALIA; A PILOT STUDY.**

Dr Jacques D Oosthuizen, Edith Cowan University

A cross-sectional survey among students at Edith Cowan University quantified mobile phone use patterns and symptoms associated with the use of mobiles. Individuals may be exposed to 239 476.22 joule per kilogram measured over 19 grams of tissue per year through conventional use. SMS massaging could expose the hand to 252 562.13 J per kilogram measured over 10g of tissue per year. 17% of the students reported headache, 38% heat sensations in the ear and 6% pain in the region where the mobile is worn. Mobile telephone use among Australian teenagers has grown significantly over the last decade. Young adults are particularly at risk, as they will use mobile phones for many years. In planning for the protection of this groups current and predicted levels of exposure need to be quantified. Exposures of the hand during SMS massaging and the groin and waist region where mobiles are carried need further investigation. A cohort of young mobile phone users needs to be established to determine long term health impacts. There is sufficient concern to employ a precautionary approach and children and young adults should be advised to minimise their exposure to mobile phones as far as practicable.

**ENVIRONMENTAL EXPOSURES TO CHEMICALS USED IN THE ILLEGAL
MANUFACTURE OF DRUGS**

John W Edwards, Flinders University; David Caldicott, Paul Pigou, Rob Beattie

The presenters advised that while it is clear that illicit drugs represent a risk of harm caused by their ingestion, little information has been developed on the potential harm associated with illegal drugs manufacture. The number of clandestine drug laboratories detected in Australia has risen significantly over the past several years, with most used to produce methamphetamine. The so-called 'clan labs' are predominantly found in metropolitan areas and represent a source of exposure for the environment, police and emergency services personnel, and bystanders including children. This paper reviewed the methods and the chemicals used in methamphetamine production, and identified the issues that may arise for environmental health and other professionals.

UPDATE ON PRIMARY PRODUCTION AND PROCESSING STANDARDS AND FOOD SAFETY PROGRAM REQUIREMENTS

Jane Cook - Food Standards Australia New Zealand

Food Standards Australia New Zealand (FSANZ) is a bi-national independent statutory authority that develops food standards for Australia and New Zealand. FSANZ works in close partnership with the Commonwealth, State and Territory Agencies and with input from shareholders to develop and review regulatory measures that protect public health and safety by ensuring a safe food supply. The enforcement measures are set out in standards within the Australia New Code. The responsibility and monitoring of food standards rests with the States and Territories in Australia. Within each jurisdiction there are one or more agencies responsible for food surveillance charged with the task of ensuring the requirements of the Code are met. Environmental Health Officers who work within their jurisdictions, employed by local government authorities are vital to the successful implementation, monitoring and enforcement of the requirements of the Code. The Food Standards Code is constantly being reviewed and amended to ensure it continues to protect public health and safety as new tendencies and problems arise. It is essential for FSANZ to provide regular updates on the developments and changes to the Code to keep key stakeholders such as the members of the AIEH informed and abreast of issues relevant to their jurisdictions.

HOW ENVIRONMENTAL HEALTH PRACTITIONERS CAN SUCCESSFULLY TARGET FOOD SAFETY PROGRAMMES THROUGH RANDOMIZED CONTROL TRIALS

Elizabeth Dunphy - Managing Director - Euro-pacific Partnerships Ltd

The challenge was to determine which HACCP (Hazard Analysis and Critical Control Point) system, from several on trial, would be the most effective in supporting micro-businesses to implement HACCP within their catering operations. The solution was to use a randomized control trial, a statistical tool commonly associated with medical drugs trials, which had no precedent in environmental health in the UK. The result was a 2 year ground breaking study which involved 46 Local Authorities, 19903 telephone calls to businesses, 3871 visits to businesses and a team of 70 field staff. Food Safety legislation in the UK will be changed in January 2006, and the UK Food Standards Agency was prepared to support small caterers by providing a HACCP system which would meet the requirements of the legislation and assist them in preparing safe food. The Food Standards Agency commissioned the project which involved 3 food safety systems (interventions) and 1 non intervention across randomly selected local authority areas in randomly selected businesses. The use of recognized statistical techniques such as randomized control trials by Environmental Health Practitioners can only reinforce the positive difference we can make in areas such as food safety. By employing methods which are widely accepted amongst health professionals, our continued recognition as a profession is respected and our contribution to the health sciences is acknowledged.

CONSULTATION/ADVERTISING:

None required.

LEGAL AND POLICY:

Council's Policy 4.1.15 – "Conferences & Training – Attendance, Representation, Travel & Accommodation Expenses and Related Matters" – Clause 5 states;

- "5.1 Following attendance at State conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the attendees shall submit a report to the Council within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the Town and recommendation as to whether attendance at similar conferences is warranted.*
- 5.2 All Conference papers are the property of the Town and are also to be place in the Town's Library so that they are accessible by the public."*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.4 (b) '*...professional development' (of staff) and under Challenges'....providing a clean healthy and sustainable environment*'.

FINANCIAL/BUDGET IMPLICATIONS:

None required.

COMMENTS:

On-going professional development and enhancement of corporate knowledge are facilitated by professional bodies such as the Australian Institute of Environmental Health. In addition, annual networking with practitioners and researchers is essential in staying abreast of emerging issues pertaining to healthy cities and environmental protection.

10.2.2 Further Report Traffic Management Matters - Referred to Local Area Traffic Management Advisory Group - Lincoln / Smith Street, Highgate

Ward:	Both	Date:	14 December 2005
Precinct:	Forrest P14	File Ref:	TES0061
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Traffic Management Matters "Referred to the Local Area Traffic Management Advisory Group" - Lincoln and Smith Streets, Highgate;*
- (ii) *DEFERS the implementation of any Traffic Management works - in the areas outlined in clause (i) - until the matters raised by residents and other matters raised in this report have been further explored;*
- (iii) *REFERS the matter back to the Town's LATM Advisory Group at its earliest scheduled meeting in 2006 and that residents, the WA Police and the Town's Safer Vincent Coordinator be invited to attend; and*
- (iv) *RECEIVES a further report once the LATM Advisory Group have further determined the matter.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the Local Area Traffic Management (LATM) Advisory Group meeting held on 15 August 2005, where Lincoln and Smith Streets were discussed, and to make appropriate recommendations to address some of the issues raised at the meeting.

BACKGROUND:

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The requests, which are referred to the Group by the Council, are considered and the Group's recommendations are reported back to the Council.

As part of this process, on 12 April 2005 the Council received a report on various traffic matters where it was decided (in part):

"That the Council;

- (i) *RECEIVES the report on Traffic Management - Various Matters;*
- (ii) *REFERS the following traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
 - (c) *Lincoln / Wright Sts - Through traffic;*
 - (d) *Smith St - Embayed parking / traffic calming;*
 - (i) *Lincoln St - Lord St to Smith St;*
- (iii) *RECEIVES a further report on each of the matters listed following consideration by the Town's Local Area Traffic Management Advisory Group."*

DETAILS:

A brief outline of each matter as presented to the 12 April 2005 meeting is outlined below:

Lincoln / Wright St - Through Traffic

Section: Lincoln St at Wright St
Request: Traffic management to stop / deter through traffic (possible cul-de-sac)
Posted Speed: 50 kph
Traffic Data: (2004 data)

Lincoln St

Section	Volume (vpd)	85% Speed (kph)
• Smith - Wright	1,298	59
• Lord - Wright	1,182	54

Wright St

Section	Volume (vpd)	85% Speed (kph)
• Bulwer - Lincoln	633	45
• Lincoln - Broome	538	48

Classification: Access Roads.
Budget: Nil
Comments: Both Lincoln and Wright Sts are access roads surrounded by higher order roads i.e. Lord St and Beaufort St. The request to cul de sac the road (Wright St) stems from kerb crawlers harassing a local resident's daughter on several occasions. Blocking off roads has not generally been supported by the Council in the past as this impacts on traffic movement, access, emergency vehicles etc. Other measures to address the concerns raised may be appropriate and should be investigated.

Smith St - Embayed parking / traffic calming

Section: Harold - Broome
Request: Road narrowing creation of embayed parking speed humps (wider street proposal)
Posted Speed: 50 kph
Traffic Data (2004 data)

Section	Volume (vpd)	85% Speed (kph)
• Harold - Broome	2,201	52

Classification: Access Road
Budget: Nil
Comments: Smith St is an access road surrounded by higher order roads. The request to traffic calm the street stems from perceived excessive speed by non residents. The requested treatment has been implemented in other streets in the town, where justified.

Lincoln St

Section: Lord to Smith
Request: Traffic management to improve safety and reduce speeds
Posted Speed: 50 kph
Traffic Data: (2004 data)

Section	Volume (vpd)	85% Speed (kph)
• Smith - Wright	1,298	59
• Lord - Wright	1,182	54

Classification: Access Roads.
Budget: Nil
Comments: Lincoln St is an access road surrounded by higher order roads i.e. Lord St and Beaufort St. This section of Lincoln St has recorded 85 % speeds exceeding the 50kph speed limit including recorded accidents at the Lord/Lincoln intersection. The matter has been raised by local residents on several occasions in the last few years, most recently last September.

Local Area Traffic Management Advisory Group meeting held on 15 August 2005

Issues

Three (3) community representatives attended the above meeting, where the following issues were raised:

- Speed and volume of traffic in Lincoln Street during peak periods however speed is main concern.
- Consider a calming device or no right hand turn into Lincoln Street from Lord Street.
- Kerb crawlers - possibly cut the street off to cut off the loop. The prostitutes have been known to sit on the street walls around the round a bout at Smith / Bulwer.
- Traffic avoids the right hand signal at Lord Street.
- Kerb crawlers seemed to have moved from Smith Street to Lincoln Street.

- The parking on both sides of the road certainly slow traffic in Smith Street between Lincoln and Broome
- The width of the street is the issue.
- Nibs with landscaping to indicate a reduction in road width.
- The phone box in Smith Street is where people tend to park the vehicles and it can be quite dangerous. Linemarking needs to be refreshed
- Residential Streets need to be narrow and because Lincoln Street is so wide it is not obvious that it is a residential street.
- Can trees be provided to create a narrowing effect?
- Advantage of moving the nibs out provides better visibility
- Can we put the trees in the centre of the road?

Three main issues

- Speed of traffic on Lincoln between Wright and Smith particularly at the Lord Street end.
- Speed on Smith Street north of Broome. (*Data does not bear that out. Smith Street is fairly broad north of Broome*)
- Circuit for kerb crawlers. Need to look at the possibility of interrupting traffic or making it more difficult to carry out a circuit and need more information from Police about the kerb crawlers and to look at where the circuits are.

Discussion

The group was advised that Smith Street is a Local Distributor Road and is classified to carry up to 6,000 vehicles per day and has a posted speed of 50kph, whereas Lincoln Street is an Access Road classified to carry up to 3,000 vehicles per day and also has a posted speed of 50kph.

There was general consensus that a narrowing of the roadway (*wider street treatment*) would result in an improvement in amenity and reduction in vehicle speeds. There was also general consensus that planting of additional verge trees would also assist in the road narrowing affect.

Kerb Crawlers was a major issue for one of the community representatives and she requested that physical road closures be implemented to break the circuit for the kerb crawlers. This was discussed and it was considered this would have implications for emergency vehicles, increase traffic on other roads in the vicinity and was not generally supported.

Banning the right turn at Lord Street was also suggested, however, again this was not generally supported as it was not classified as a blackspot and this treatment could adversely impact on other roads in the vicinity. It was suggested that Main Roads WA be requested to examine the signal phasing at the Lord and Bulwer intersection, especially the right turn phase, to better facilitate the right turn from Lord into Bulwer.

Suggested solutions

- The kerb crawler issue needs will be taken up with the Police by the Town's Safer Vincent Coordinator.
- Local Traffic Only signs will be erected at the start of Lincoln Street.
- Main Roads WA will be requested to examine the signal phasing at the Lord and Bulwer intersection, especially the right turn phase to better facilitate the right turn from Lord into Bulwer.
- A wider Street proposal can be progressively implemented (*linemarking and nibs in the first instance and coloured asphalt and verge trees in the longer term*)
- Removal of the line down the middle of the road (*Smith Street*).
- Refresh linemarking in Smith Street in the vicinity of the phone box

Independent Survey Conducted by MLA John Hyde

The Town is in receipt of the results (*received on 5 December 2005*) of an independent survey carried out by John Hyde. The survey form asked:

- Do you support 50kph signage along the street?
- Are more Roundabouts needed?

Note: There was NO prior liaison with the Town prior to this survey being sent out.

It is not clear how many forms were distributed, however, six (6) responses were received with all respondents wanting 50kph signage (which is not the Town's responsibility) and three (3) respondents wanting a roundabout at Lincoln and Wright Streets. Most of the comments were in line with the comments raised at the LATM meeting, however, one respondent (who also attended the LATM meeting, considered the Town was not doing enough to address kerb crawling in the area and insisted that roads should be blocked off.

Officers' Recommendation

Given the wider issues raised by residents and their perception that Traffic Management will be the panacea to address these issues, and that a survey has already been sent to residents, it is considered prudent to refer this matter back to the Town's LATM Advisory Group and that residents, the WA Police and the Town's Safer Vincent Coordinator be invited to attend the meeting.

CONSULTATION/ADVERTISING:

Not recommended at this stage.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

FINANCIAL/BUDGET IMPLICATIONS:

The following funds have been listed in the 2005/2006 budget for Traffic Management in this area.

Project	Budget
Lincoln / Wright St - (Black spot)	\$15,000
Smith St - Embayed parking / traffic calming	\$20,000
Lincoln St – Lord St to Smith St	\$10,000
Total:	\$45,000

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the WA Police for enforcement of the legal speed limit.

It is considered that given the complex nature of this matter and community expectations that may exceed what has been proposed (and budgeted for), the matter again be referred to the Towns LATM Advisory Group for further determination as has been recommended.

10.3.1 Financial Statements as at 30 November 2005

Ward:	Both	Date:	13 December 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Mitch Howard-Bath		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 30 November 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 November 2005.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 November 2005.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 104.93 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 101.53% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100.71% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 131.42 % of the budget received to date; this can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 66.34 % due to the timing on the receipt of budget grants not yet received.

Health (Page 4)

Health is showing a favourable variance of 113.67 %, this is due to over 300 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining as well as an increase in the fees charged. This has resulted in an increase over budgeted revenue.

Education & Welfare (Page 5)

Education & Welfare is showing a favourable variance of 109.68 % attributable to receipt of Leederville Gardens management fees and lease payments from a number of Child Care centres which have proved favourable towards the projected budget.

Community Amenities (Page 6)

Community Amenities is 128.74 % of the year to date budget. This is as a result of Refuse Charges for non-rated properties being higher than budget and over 260 planning applications have been processed year to date; this has resulted in an increase in the budgeted revenue for this area at this time.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a variance of 106.10 % of their revenue budget. As Beatty Park Leisure Centre Budget Phasing has been adjusted to better reflect expected timings of relevant revenues and expenditures, the operating results have finished the period favourable against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 160.13% against the year to date revenue budget. This may be attributed to the favourable increase in parking income as well as modified penalties being significantly higher than budget due to increased fees and vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 140.56 % over budget which is mainly due to more than 150 building licences issued to the end of November which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

At 100.37% against budget, Other Property & Services is operating in line with Budget Projections.

Operating Expenditure

Operating expenditure for the month of November is almost equal to budget at 100.03%.

Health

The expenditure is currently over budget attributable to the employment of a temporary Health Officer required for the increased work load and leave cover. There has also been an increase in after hour attendances which attracts overtime.

Other Property & Services

This program is currently over budget because of the low recovery rate for the plant charges in the section. It is envisaged that this position should improve as the financial year progresses and the scheduled larger Capital Works Projects are undertaken.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for November amount of \$2,039,146 which is 5 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	44,515	27%
Plant & Equipment	1,252,040	512,287	41%
Land & Building	32,651,460	130,879	1%
Infrastructure	6,318,996	1,351,464	21%
Total	40,388,796	2,039,146	5%

Statement of Financial Position and Changes in Equity (Pages 26 & 27)

The statement shows the current assets of \$20,244,511 less current liabilities of \$3,834,352 for a current position of \$16,410,159. The total non current assets amount to \$115,329,651 less non current liabilities of \$11,010,874 with the total net assets of \$120,728,937.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts.

Sundry Debtors of \$420,903.58 are outstanding at the end of November. Of the total debt \$46,861.36 (11%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 30)

The notices for rates and charges levied for 2005/06 were issued on the 2 August 2005.

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

First Instalment	6 September 2005
Second Instalment	7 November 2005
Third Instalment	5 January 2006
Fourth Instalment	7 March 2006

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$4.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding are \$3,600,681 which represents 24.92 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 30 November 2005 the operating deficit for the Centre was \$186,638 in comparison to the budgeted year to date deficit of \$435,940 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$11,052 in comparison to the year to date budget of cash deficit of \$236,811 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

The Swim school is continuing to return better than budgeted results due to the increased attendances at the school.

The Café continues to be operating below budgeted expectations, this is due in the main to the timing of stock purchases which has put the expenditure over budget.

The Retail Shop is trading well and is returning higher than expected figures partly attributable to the increase in swim school patronage.

Health and Fitness performance is better than budget with increased funds due to a membership drive at the centre, which attracted over 100 new memberships.

10.3.3 Authorisation of Expenditure for the period 1 November - 30 November 2005

Ward:	Both	Date:	05 December 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Mitch Howard-Bath	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 November - 30 November 2005 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 30 November 2005.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account		
	EFT	\$891,634.35
	EFT	\$1,043,554.20
Total Municipal Account		\$1,935,188.55
Advance Account		
Automatic Cheques		
	53564-53813, 53815-53925, 53927-53937, 53938-53947	\$614,260.81
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 449-451, 453, 455-457		\$819,956.30
Transfer of PAYG Tax by EFT	November 2005	\$154,754.75
Transfer of GST by EFT	November 2005	\$0.00
Transfer of Child Support by EFT	November 2005	\$293.84
Transfer of Superannuation by EFT City of Perth	November 2005	\$43,267.34
Local Government	November 2005	\$129,838.25
Total Advance Account		\$1,762,371.29
Transfer of Payroll by EFT	November 2005	\$260,198.31
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,353.75
Lease Fees		\$1,399.90
Corporate Master Cards		\$3,238.05
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$107.55
Loan Repayment		\$63,679.31
Rejection Fees		\$0.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00

Total Bank Charges & Other Direct Debits	\$72,778.56
Less GST effect on Advance Account	-\$66,656.00
Total Payments	\$3,963,880.71

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	12 December 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
02/12/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - Perth Glory v Media - Grandstand and Pitch - 5 December 2005
05/12/05	Restrictive Covenant	2	Town of Vincent and Edward Clough and Maureen Stephenson of 108 Loftus Street, Leederville re: Nos 108-110 (Lots 5219 and 5183) Loftus Street, cnr Emmerson Street and Brio Lane, North Perth Leederville
12/12/05	Deed of Covenant for Amalgamation	4	Town of Vincent and A Gerard and D M Platts of 21 Ebsworth Street, Mount Lawley and Australian & New Zealand Banking Group Ltd re: NO. 21 (Lot 268 and 409 D/P: 2001) Ebsworth Street, Mount Lawley - Partial demolition of and additions and alterations to existing single house

10.4.5 Information Bulletin

Ward:	-	Date:	14 December 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 20 December 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 20 December 2005 are as follows:

ITEM	DESCRIPTION
IB01	Smith v Town of Vincent (RD 564 of 2005) – Letter from the State Administrative Tribunal attaching orders
IB02	La Falce & Anor v Town of Vincent (RD 430 of 2005) – Letter from the State Administrative Tribunal attaching orders
IB03	Proposal for a New Building Act – Infopage Western Australian Local Government Association
IB04	Status of crime statistics in the Town of Vincent (ENS0095)
IB05	WA Local Government Association – Notification of WAPC Infrastructure Coordinating Committee Local Government Representation

Mayor Catania advised that Cr Messina had declared a financial interest in this Item. Cr Messina departed the Chamber at 7.06pm and did not speak or vote on the matter.

10.1.24 No.462 Beaufort Street (Lot 2 D/P: 3824), Corner Broome Street, Highgate- Proposed Drive-In Fast Food Outlet with Ancillary Car Wash Bays, Office and Alfresco Seating Area and Associated Signage

Ward:	South	Date:	12 December 2005
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO2339; 5.2005.3144.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner M R Hopkins & Braxton Pty Ltd for proposed Drive-In Fast Food Outlet with Ancillary Car Wash Bays, Office and Alfresco Seating Area and Associated Signage, at No.462 (Lot 2 D/P: 3824) Beaufort Street, corner Broome Street, Highgate, and as shown on plans stamp-dated 30 August 2005 (floor and elevation plans) and 17 October 2005 (site and alfresco area plan), subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (c) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (d) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Beaufort and Broome Street verges adjacent to the subject property, and a minimum of one (1) tree per four (4) uncovered car parking bays, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (e) *windows, doors and adjacent areas fronting Beaufort and Broome Street shall maintain an active and interactive relationship with these streets;*
 - (f) *the maximum gross floor area of the alfresco seating area use shall be limited to 46.5 square metres (as shown on the subject plans), unless adequate car parking is provided for the changes in floor space area;*

- (g) *the proposed car wash bays structure development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (h) *prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (i) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (j) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *a maximum of two signs on each of the northern and southern elevation of the drive-in fast food outlet building, with the signage area not exceeding 10 per cent of the building wall in which the signage is located; and*
 - (2) *a maximum of two signs on the eastern elevation of the alfresco seating area, with the signage area not exceeding 10 per cent of the 'see through printed fabric' in which the signage is located.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (k) *the hours of operation of the drive-in fast food outlet and alfresco seating area shall be limited to 6am to 9pm Monday to Wednesday, 6am to midnight Thursday to Saturday, and 6am to 9pm Sunday, and the hours of operation for the car wash component shall be limited to 8am to 6pm Monday to Sunday, inclusive;*
- (l) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works which encroaches the Other Regional Road Reserve/ road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title;*

- (m) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to cease the drive-in fast food outlet, ancillary car wash bays, office and alfresco seating area uses and remove all structures and/or buildings associated with these uses within five years of approval. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (n) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (o) *the signage shall not have flashing or intermittent lighting; and*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement for the future upgrading of Beaufort Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3562/3 defines the land requirement (1.5 metres) for the ORR.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

COUNCIL DECISION ITEM 10.1.24

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Farrell

That clause (i)(j) be amended to read as follows:

- "(i) (j) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *a maximum of two signs on each of the northern and southern elevation of the drive-in fast food outlet building, with the signage area not exceeding 10 per cent of the building wall in which the signage is located; ~~and~~*
 - (2) *a maximum of two signs on the eastern elevation of the alfresco seating area, with the signage area not exceeding 10 per cent of the 'see through printed fabric' in which the signage is located; and*

(3) the deletion of all signage on the northern and southern elevations of the alfresco seating area as shown on elevations/cross sections B1 and E1.

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;"

Debate ensued.

AMENDMENT CARRIED (6-2)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Doran-Wu	Cr Torre
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	

(Cr Messina was absent from the Chamber and did not vote.)

Moved Cr Ker, Seconded Cr Lake

That a new clause (i)(p) be added as follows:

"(i) (p) *prior to the first occupation of the development, the footpaths adjacent to the subject land are to be upgraded and made suitable for the movement of all path users, with or without disabilities. The footpath materials used shall be continuous across the proposed driveway. These works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense, and"*

AMENDMENT CARRIED (8-0)

(Cr Messina was absent from the Chamber and did not vote.)

Moved Cr Doran-Wu, Seconded Cr Farrell

"(i) (k) *the hours of operation of the drive-in fast food outlet and alfresco seating area shall be limited to 6 7am to 9pm Monday to Wednesday, 6am to midnight Thursday to Saturday, and 6am to 9pm Sunday, and the hours of operation for the car wash component shall be limited to 8am to 6pm Monday to Sunday, inclusive;*

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Torre	

(Cr Messina was absent from the Chamber and did not vote.)

Debate ensued.

Cr Torre departed the Chamber at 7.14pm.

MOTION AS AMENDED LOST (0-7)

(Cr Messina was absent from the Chamber and did not vote. Cr Torre was absent from the Chamber and did not vote.)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. Does not comply with Mt Lawley Town Centre Precinct Policy.
3. Concerns about traffic and safety issues.

ADDITIONAL INFORMATION:

The following Table summarises submissions received from the applicant and a member of the public (as forwarded to Elected Members by the authors) subsequent to the Agenda being made available to the public, and the Officer Comments in response.

Submission	Submission Comments	Officer Comments Pursuant to Clause 38(5) of TPS 1
Objection	<ul style="list-style-type: none"> • Signage did not advertise the ancillary car wash component and suggests re-advertising 	Not supported-refer to comments below.
	<ul style="list-style-type: none"> • Car wash component will have detrimental impact on adjoining residences in terms of noise and pollution 	Not supported- car wash use is minor in scale (only 'minor mechanical hand-held aids' to be utilised), development has been conditioned to be adequately sound insulated and will be required to comply with Environmental Protection Act 1986.
	<ul style="list-style-type: none"> • Hours of operation 	Not supported- proposed hours of operation considered reasonable on this Commercial zoned property.
Applicant	<ul style="list-style-type: none"> • Requests clause (g) be amended to refer to car wash only • Requests clauses (j) and (m) to be deleted • Requests clause (f) be clarified 	Supported- Town's Environmental Health Officers supports this request. Not supported- refer to Agenda Report. Supported- refer to 'Corrected Recommendation' above.

The description of the proposal during community consultation contained a typographical error in that it read "*Proposed Change of Use from Unlisted Use (Carwash) and Construction of Drive-In Fast Food Outlet and Alfresco Area and Signage*" instead of "*Proposed Change of Use to ...*". It is considered that the proposal did not require re-advertising in this instance as the plans and applicant's written submission made available to the public explicitly indicated the proposed car wash bays, the car wash use is incidental and minor in scale, the community consultation letters sent out to the adjacent and most affected residents made reference to car wash bays in the non-compliance table and it is apparent that the previous use of the site is a vehicles sales premises and not a car wash facility as stated in the description.

The applicant has also provided further details of the car wash component (as attached) for the Council's consideration.

Landowner:	M R Hopkins & Braxton Pty Ltd
Applicant:	Planning Solutions (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant
Use Class:	Drive-In Fast Food Outlet and Light Industry
Use Classification:	"AA" and "SA"
Lot Area:	1083 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves drive-in fast food outlet with ancillary car wash bays, office and alfresco seating area and associated signage. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Building height/scale	New buildings are to be of a height and scale generally compatible with existing buildings - two storeys are strongly encouraged.	Single storey building	Supported in part- refer to 'Comments'.
Pedestrian environment	New buildings to have continuous interactive fronts, constructed to Beaufort Street alignment and be weather protected over footpath	Requirement not demonstrated	Supported in part - refer to 'Comments'.

Rear setback (proposed car wash bays)	6.0 metres	2.2 metres (existing building)	Supported- existing structure, car wash use is minor in scale (only 'minor mechanical hand-held aids' to be utilised) and development has been conditioned to be adequately sound insulated.
Vehicle Access	Access to properties abutting Beaufort Street is to be taken from another road where possible	Access proposed from both Beaufort Street and Broome Street	Supported- extra access from Beaufort Street considered to assist in alleviating traffic from Broome Street, which predominately consists of residential dwellings.
Wall sign (Drive-In Structure)	Maximum of 2 signs on any one wall	4 signs	Not supported- has been conditioned to comply.
	Signage area-10 per cent of building wall	21 per cent	
Wall sign (Alfresco Area)	Maximum of 2 signs on any one wall	Eastern elevation - 5 signs	
	Signage area-10 per cent of building wall	Information has not been provided	

Consultation Submissions

The proposal was referred to the Department for Planning and Infrastructure (DPI) as the subject property is affected by Other Regional Road (ORR). In summary, DPI does not object to the proposal subject to conditions/clauses (i) (l) and (ii) of the Officer Recommendation. In terms of the proposed access arrangements, DPI has indicated that given the traffic expected to be generated from the development is similar in magnitude to a range of other commercial premises in this vicinity, it has no objections to the proposal gaining access from Beaufort Street.

Support	Nil	Noted.
Objection (3)	<ul style="list-style-type: none"> • Rear Setback • Vehicle Access • Signage 	Not supported in part- refer to above.
	<ul style="list-style-type: none"> • Development does not encourage pedestrian traffic • Proposal not complementary and consistent with character of area 	Supported in part- refer to 'Comments'.
	<ul style="list-style-type: none"> • Effect on residential area 	Not supported- proposal not considered to have unreasonable undue impact on adjacent residential areas considering its proximity to the Commercial zoning.

	<ul style="list-style-type: none"> • Traffic and Safety • Parking 	<p>Not supported- Town's Technical Services have advised that it supports the proposal in respect to this matter.</p> <p>Not supported- it is considered that adequate car parking has been provided, refer to 'Car Parking'.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
<p>The Town's Policy relating Parking and Access does not provide any provisions for car parking for a drive-in fast food outlet. Notwithstanding this, due to the nature of the use, it is considered that the car parking for this use can be incorporated with the alfresco area car parking calculations and additional car parking will not be required for the drive-in fast food component.</p>		
Alfresco Area: 1 car bay per 4.5 square metres of public floor area (46.5 square metres)		10.33 car bays
Total car parking requirement (nearest whole number)		10 car bays
Apply the adjustment factors.		(0.85)
<ul style="list-style-type: none"> ▪ 0.85 (within 400m of a bus stop) 		8.5 car bays
Minus car parking on-site		10 car bays
Resultant surplus		1.5 car bays
Bicycle Parking		
Eating House		Nil facilities indicated on plans, has been conditioned to comply.
<ul style="list-style-type: none"> • 1 space per 100 square metres public area for employees (class 1 or 2)- 0.47 space • 2 spaces plus 1 space per 100 square metres of public area for visitors (class 3)- 2.47 spaces 		

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

COMMENTS:

Due to the nature of the proposed use, the general intentions of the Mount Lawley Centre Precinct and requirements relating to building height and scale and pedestrian environment are difficult to achieve and it is considered that the proposal may not be suitable for the area in the long term.

Notwithstanding this, the applicant has endeavored to address this issue via the incorporation of the alfresco area adjacent to Beaufort Street and has demonstrated that the proposal will generally improve the existing situation of the site. In light of this, the objections being addressed as above, adequate car parking being provided for, and the subject site being vacant vehicles sales premises for some time, it is considered that the proposal has merits as an interim use. Accordingly, it is recommended that the planning application be approved, subject to the use being ceased and all structures relating to the use being removed within 5 years and other standard and appropriate conditions to address the matters raised in the report.

Cr Messina and Torre returned to the Chamber at 7.20pm. The Presiding Member advised Cr Messina that the Item was not approved.

The Chief Executive Officer advised that Mayor Catania had declared a proximity interest in this Item. Mayor Catania departed the Chamber at 7.20pm and did not speak or vote on the matter.

Deputy Mayor – Cr Farrell, assumed the Chair.

10.1.14 Nos. 489-495 (Lot 200) Fitzgerald Street, North Perth - Proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices and Associated Alterations

Ward:	North	Date:	13 December 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO2047; 5.2005.3297.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner TRG Properties Pty Ltd for proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices and Associated Alterations, at Nos.489-495 (Lot 200) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 15 November 2005 (site plans) and 16 November 2005 , subject to the following conditions:

- (i) the home offices shall be used in accordance with the Home Occupation requirements of the Town, except the floor area requirement which shall be in accordance with this Planning Approval;*
- (ii) any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (iv) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (viii) *the maximum gross floor area for the home office use shall be limited to 38 square metres, 37 square metres, 38 square metres and 34 square metres for Strata 1, Strata 2, Strata 3 and Strata 4, respectively; and*
- (ix) *the business shall not entail employment of any person not a member of the occupier's household.*

Note: The Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Messina, Seconded Cr Maier

That new clauses (x) to (xvii) be added as follows:

- "(x) *the business or activity to be carried on within the buildings shall be by a person residing in the building to which it is appurtenant;*
- (xi) *the home office shall entail the conduct of a business, office, or workshop only, and shall not entail the retail sale or display of goods of any nature;*
- (xii) *the home office shall not cause injury to or prejudicially affect the amenity of the neighbourhood;*

- (xiii) *the home office shall not detract from the residential appearance of the building;*
- (xiv) *the home office shall not display a sign exceeding 0.2 square metre in area;*
- (xv) *the home office in the opinion of the Council shall be compatible with the principal uses of the area;*
- (xvi) *the home office shall not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (xvii) *the home office shall not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight."*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

Moved Cr Chester, Seconded Cr Messina

That the Item be DEFERRED to allow the applicant to submit another proposal that may include a home occupation.

CARRIED (6-2)

<u>For</u>	<u>Against</u>
Cr Chester	Cr Ker
Cr Doran-Wu	Cr Maier
Cr Farrell	
Cr Lake	
Cr Messina	
Cr Torre	

(Mayor Catania was absent from the Chamber and did not vote.)

ADDITIONAL INFORMATION:

The applicants submitted a revised plan of the floor layout of Strata Lot 3 (Appendix 10.1.14) to accurately reflect the submission/proposal and have confirmed that there will be no alterations to the dwellings. Accordingly, changes were made to the heading and preamble of the report.

Landowner:	TRG Properties Pty Ltd
Applicant:	Peter D Webb & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	5224 square metres
Access to Right of Way	West side, 5.0 metres wide, sealed, privately-owned (subject right of way scheduled to be converted to dedicated road)

BACKGROUND:

- 17 December 2002 The Council at its Ordinary Meeting refused an application for twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement car parking, to the existing four (4) grouped dwellings, on the subject property.
- 10 February 2004 The Council at its Ordinary Meeting refused an application for fourteen (14) two-three storey multiple dwellings, seven (7) two storey grouped dwellings, and associated car parking, to existing four (4) single houses.
- 27 April 2004 The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses.
- 25 May 2004 The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses - reconsideration of condition in relation to carports to right of way.
- 28 September 2004 Conditional Approval was granted by the Western Australian Planning Commission for the survey strata subdivision of the subject site.
- 8 March 2005 Conditional Approval was granted by the Western Australian Planning Commission for the built strata subdivision of the subject site.
- 8 November 2005 The Council at its Ordinary Meeting refused an application for proposed change of use from four (4) single houses to four (4) offices at the subject property.

DETAILS:

The proposal involves change of use from four (4) single houses to four (4) single houses with home offices at the subject property. The applicant has advised that the occupancy of the residential and home office components is intended to be one entity. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
While the Town's Policy relating to Community Consultation implies only development applications which were previously advertised and subsequently approved by the Town does not require re-advertising, in this instance, the subject proposal was not considered to require advertising as the Council at its Ordinary Meeting held on 8 November 2005 resolved that a mix-use residential/home office use within the subject properties may be considered and the current proposal is considered to be less intensive as the previous proposal. The outcome of the previous consultation period is outlined below.			
Support	Nil		Noted.

Objection (1)	While submission implied no objection to the 'change of use', concerns were raised in relation to the following: <ul style="list-style-type: none"> • large signage 	Not supported- any proposed signage would be required to comply with relevant Town's Policies.
	<ul style="list-style-type: none"> • car parking encroaching on to street 	Not supported- adequate car parking has been provided and matter to be monitored by Town's Rangers Services in the event of approval.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking (Home Office)		
Car Parking Requirement (nearest whole number) <ul style="list-style-type: none"> • Office: 1 car bay per 50 square metres of gross floor area Strata 1 - 38 square metres Strata 2 - 37 square metres Strata 3 - 37.5 square metres Strata 4 - 34 square metres 		1 car bay per strata
Apply the adjustment factors <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 		(0.8075) 0.81 car bay per strata
Minus car parking on-site		1 car bay per strata
Minus the most recently approved on-site car parking shortfall		Nil
Resultant surplus		0.19 car bay per strata

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

COMMENTS:

The subject planning application is not considered to unduly impact on the amenity of the area and in light of there being other limited scale and nature commercial uses encroaching the residential area within close proximity of the subject site, adequate car parking being provided for as per the Town's Policy relating to Parking and Access and R-Codes (for the residential component), and the limited scale and nature of the proposed home office. The proposal is considered to be supportable as an appropriate transitional use between the North Perth commercial and residential zoning.

Accordingly, it is recommended that the subject proposal be approved, subject to standard and appropriate conditions.

The Presiding Member advised that as Mayor Catania had declared a financial interest in Item 10.3.2 and as he was already absent from the Chamber, suggested that this Item be brought forward.

Moved Cr Lake, Seconded Cr Ker

That Item 10.3.2 – Investment Report as at 30 November 2005 be brought forward.

CARRIED (8-0)

The Presiding Member advised that Cr Messina had also declared a financial interest in this Item. Cr Messina departed the Chamber at 7.27pm and did not speak or vote on the matter.

10.3.2 Investment Report as at 30 November 2005

Ward:	Both	Date:	5 December 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	M Howard-Bath	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 November 2005 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.2.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 30 November 2005 were \$13,803,722 compared with \$13,801,433 at 31 October 2005. At 30 November 2004, \$ 12,789,617 was invested.

Total accrued interest earned on Investments as at 30 November 2005:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	155,541	50.17
Reserve	324,200	161,192	49.72

COMMENT:

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

Mayor Catania and Cr Messina returned to the Chamber at 7.29pm. The Presiding Member – Cr Farrell, advised Mayor Catania that Item 10.1.14 had been deferred and that Item 10.3.2 had been carried.

Mayor Catania assumed the Chair.

10.2.5 Proposed Introduction of Parking Restrictions in Portions of Smith, Wright and Lincoln Streets

Ward:	South	Date:	13 December 2005
Precinct:	Forrest (P14)	File Ref:	PKG0050/PKG0147 PKG0142
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed introduction of parking restrictions in portions of Smith, Wright and Lincoln Streets;*
- (ii) *APPROVES the introduction of two (2) hour parking restrictions on the east sides of Wright and Smith Streets between Bulwer and Lincoln Streets and on the north side of Lincoln Street between Smith and Lord Streets, as shown on attached plan 2381-PP-02;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES all adjacent residents and service organisations of the Council's decision.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted subject to clause (ii) being amended to read as follows:

- “(ii) *APPROVES the introduction of ~~two (2)~~ three (3) hour parking restrictions on the east sides of Wright and Smith Streets between Bulwer and Lincoln Streets and on the north side of Lincoln Street between Smith and Lord Streets, as shown on attached amended plan 2381-PP-03;*”

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the Item be DEFERRED to allow for further consultation with Silver Chain regarding the proposed restrictions.

CARRIED (7-2)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Doran-Wu	Cr Messina
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Torre	

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the recent public consultation and to recommend the introduction of a modified restriction proposal.

BACKGROUND:

In 2003, the Council decided to introduce ticket parking in Pier and Brewer Streets, as well as a number of other locations. This measure was implemented to dissuade commuters from outside the Town who were not patrons of local businesses from parking free all day in these streets.

The introduction of the paid parking has driven all-day parkers further a field, into Smith and Wright Streets, where residents have requested measures be implemented to ensure they are able to park in the street. Time restrictions are an effective means of discouraging all-day parkers, with residents entitled to apply for exemptions (where applicable).

DETAILS:

At the time the paid parking was introduced, it was proposed that time restrictions would be required in surrounding streets to combat the "domino" effect which is often the result of time restricted or paid parking. Residents and business proprietors of each street subject to the proposal were canvassed for comment.

Smith Street

Although predominantly residential, this section of Smith Street is also the location of the Salvation Army Women's Centre, which houses approximately 25 women with intellectual disabilities and also families escaping domestic violence. The facility operates 24 hours per day, and is attended by specialist medical service providers, nursing staff, families and friends of the residents.

Previous Action

The Officer's recommendation following this initial survey was as follows:

"As respondents showed considerable resistance to the introduction of parking restrictions and there are special circumstances in the street with regard to welfare agencies who may be detrimentally affected by a change to the current status of parking, it is recommended that no restrictions be implemented at this time, with further review being undertaken following the introduction of the paid parking."

This recommendation was adopted by the Council at its meeting held on 18 November 2003.

The introduction of ticket machines in Pier and Brewer Streets has resulted in those who parked there previously moving to unrestricted, free parking in surrounding streets, with Pier Street in particular, all but empty every day. Parking congestion in Smith Street has increased considerably since the introduction of the ticket machines.

Current Action

One particular resident of Smith Street approached the Town, urging a review of its previous decision. The initial proposal put to residents was for a two (2) hour parking restriction to be in place from 8.00am until 5.30pm Monday to Friday and 8.00am and 12noon Saturdays on both sides of the street (see attached plan 2381-PP-01).

On 18 November 2005, 34 letters were delivered to residences and the management of the Salvation Army facility, drawing nine (9) responses (26%). Of these, seven (7) were in favour of the restriction and three (3) were not.

The Salvation Army's submission asked that consideration be given to their needs, being a not for profit organisation which has operated from the premises for 107 years. Their concern is that visitors, volunteers and attendees of courses they run would be discouraged from participating if parking was not available.

In recognition of the requirements of both residents and the Salvation Army, it is recommended that the time restriction be applied only to the east side of the road, which is entirely residential (as shown on attached Plan No. 2881-PP-02).

Wright Street

Wright Street has similar circumstances to Smith Street, being both residential and also the home to Silver Chain's main centre on the west side and Silver Chain's Cottage Homes on the east side.

Silver Chain has 30 nurses, 60 care aids, 90 home helpers, 15 administrators and allied health professionals attending their centre each week. Although they provide some parking on site they depend on kerbside parking as well, and cannot predict how long each visit will be.

Silver Chain's aged care facility houses 46 residents and between 8 and 15 staff.

In the 2003 consultation, 56 letters were distributed, drawing 8 responses (14%). Of these, 2 were in favour of the restriction and 4 were not (2 were undecided). The Officer's recommendation was as follows:

"It is recommended that Wright Street be treated similarly to Smith Street, and no restriction be implemented at this time. A further review should be undertaken once the impact of the ticket parking can be assessed."

Although there have been no further parking related complaints from residents of Wright Street, it is apparent that the introduction of time restrictions in Smith Street would inevitably result in an increased parking burden for Wright and Lincoln Streets, from Smith Street to Lord Street. Therefore it was proposed that these sections of the streets be included in the time restriction proposal.

Current Action

The same restriction proposed for Smith Street was also proposed for Wright Street, i.e. to be in place on both sides of the street. Of the 50 consultation letters delivered in Wright Street, only 4 responses were received (8%). 3 were opposed to the introduction of time restricted parking and 1 supported it. Although the majority were not in favour of the proposal, the response rate was poor and strong sentiment is not evident. Silver Chain was strongly opposed to the parking restrictions.

It is therefore recommended that time restrictions be applied to the east side (mostly residential) of Wright Street, as in Smith Street. This will ensure that there will be a regular turnover of at least half of the vehicles parked in Wright Street, protecting the amenity of residents while still providing some accommodation of longer term parking for non residents (refer attached Plan No. 2881-PP-02).

Lincoln Street

Lincoln Street was not included in the initial consultation as it was considered that Pier Street parkers would be unlikely to walk the additional distance to the city or public transport. This still appears to be the case, with little interest apparent in all day parking in Lincoln Street.

As with Wright Street though, those who have now become accustomed to parking in Smith Street are likely to accept the additional distance and park all day around the corner in Lincoln Street. In anticipation of this occurrence, Lincoln Street between Lord Street and Smith Street was included in the restriction proposal.

Current Action

It was proposed that the time restriction in Lincoln Street be on both sides of the road. Of the 26 consultation letters distributed in Lincoln Street, 11 responses were received (42%). Of these 6 were against the proposal and 5 were in favour.

It is recommended that time restricted parking be introduced on the north side only of Lincoln Street between Smith Street and Lord Street. As with Smith Street and Wright Street this will ensure that kerbside parking remains available in Lincoln Street, and will protect the amenity of both residents and visitors, staff and consultants of the service organisations located in the area.

CONSULTATION/ADVERTISING:

As detailed above.

LEGAL/POLICY:

There is no legal impediment to the introduction of the parking restrictions.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"p) Develop a strategy for parking management in business, Residential and mixed use precincts, that includes:*

- *parking facilities that are appropriate to public needs;*
- *a clear indication that it is the developer's responsibility to provide on-site parking;*
- *protection of the rights of local residents in their streets where limited off road parking is available."*

FINANCIAL/BUDGET IMPLICATIONS:

Installation of poles and signage is estimated to be approximately \$1,000.

COMMENTS:

Free parking in close proximity to the city is always keenly sought. The Town must balance the needs of residents, businesses and organisations which all form part of its community. The proposed restrictions endeavour to address the requirements of all of these groups and it is recommended that the Council approve the proposal as presented.

10.1.9 No 11a, 11b and 11c (Lots 100,101 and 102 - Vol 2571 Folios 691, 692 & 693 P43310.) Selden Street, North Perth- Proposed Additional Three (3) Separate Garages to Existing Three (3) Two-Storey Single Houses (Under Construction)

Ward:	North	Date:	13 December 2005
Precinct:	North Perth; P08	File Ref:	PRO2580; 5.2005.3261.1
Attachments:	001		
Reporting Officer(s):	K Loader, J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Greg Rowe & Associates on behalf of the owner Niche Developments Pty Ltd for proposed Additional Three (3) Separate Garages to Existing Three (3) Single Houses at Nos. 11a, 11b and 11c (Lots 100,101 and 102 - Vol 2571 Folios 691, 692 & 693 P43310.) Selden Street, North Perth, and as shown on amended plans stamp-dated 8 December 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Selden Street boundary and the main building, including along the side boundaries within this front setback area, and the three new entrance gates, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *a detailed landscaping plan prepared in consultation with the Town's Parks Services Section, including a list of plant species, (four (4) mature trees, with a minimum height of three (3) metres when planted, to be planted within the front setback area, as depicted on the attached amended plan dated 8 December 2005, and the landscaping and reticulation of the Seldon Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s); and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) significant appropriate design features being provided on the garage doors to reduce the visual impact on the streetscape. Examples of design features may include significant open structures, and the incorporation of varying materials, finishes and/or colours. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

<u>For</u>	<u>Against</u>
Cr Torre	Mayor Catania
	Cr Chester
	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Lake
	Cr Maier
	Cr Messina

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. The non-compliance with the requirements of the Residential Design Codes in terms of the width of the driveways.
3. The garage doors create an undue impact on the amenity and streetscape of the area as they dominate the streetscape, are not sympathetic to the character of the area, and does not facilitate casual surveillance between the main dwellings and the street.
4. Consideration of the objection received.
5. Non compliance with Section 3.2.8 of the R- Codes.

Landowner:	Niche Developments Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single Houses (under construction)
Use Class:	Single House
Use Classification:	"P"
Lot Area:	976 square metres
Access to Right of Way	N/A

BACKGROUND:

- 10 February 2004 The Council at its Ordinary Meeting resolved to:
1. conditionally approve the demolition of the existing house;
and
 2. refuse the application for three (3) two-storey dwellings.
- 24 February 2004 The Council at its Ordinary Meeting resolved to conditionally approve three (3) two-storey single houses on the subject property.
- 13 September 2005 The Council at its Ordinary Meeting resolved to conditionally approve amended plans to Units 2 and 3 of the three (3) two-storey single houses approved by the Council on 24 February 2004.

DETAILS:

The proposal involves the deletion of the entry courts, single carports and the tandem car parking situation, and proposes the construction of three double garages and double width driveways, the conversion of the stores to studies and the construction of gates in front of the entrance doors (Unit 1 is currently under construction).

Following several discussions with the applicants, amended plans were submitted to address concerns raised by the Town's Planning and Engineering Services in relation to the garage dimensions, the width of the driveways and crossovers, the solid front entrance gates and the amount of hard standing area.

ASSESSMENT:

Non-Compliant Requirements			
Require ments	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Vehicular Access	Subject to a minimum width of 3 metres, driveways not to occupy more than 40 per cent of the frontage of a property.		Supported - Although the proposed driveway widths are not considered acceptable as they detract from the amenity of the streetscape, the proposal is supported subject to the provision of mature trees to soften the impact of the

	<p><u>Driveway Widths (shown at 40 per cent)</u></p> <p>Unit 1-3.292 metres</p> <p>Unit 2- 3.096 metres</p> <p>Unit 3-3.312 metres</p>	<p>Ranges from 3 metres (36.4 per cent) to 5.3 metres (64 per cent).</p> <p>Ranges from 3 metres (38.75 per cent) to 4.9 metres (63.3 per cent).</p> <p>Ranges from 3 metres (36.4 per cent) to 5.4 metres (65.2 per cent).</p>	<p>hard standing areas. Also, the applicants have reduced the width of the crossovers from 3.5 metres to 3 metres. The R Codes could also be interpreted that the 40 per cent is measured at the property street frontage.</p>
Consultation Submissions			
Support	One letter raising no objections to the proposed development.		Noted.
Objection (1)	<ul style="list-style-type: none"> • Objects to the proposal as the garages resemble storage units and they do not maintain the current streetscape. The proposal should be made to comply, especially in regards to the driveways. • Objects to the number of roller doors and suggests one roller door per dwelling. 		<p>Not supported - as the garages comply with the Town's Street Setbacks Policy and the applicant has reduced the width of the crossovers down to 3 metres. Also, landscaping has been incorporated to reduce the impact of the large amount of hard standing area in the front setback area.</p> <p>Not Supported-as the Town's Street Setbacks Policy overrides the Residential Design Codes (R-Codes) streetscape provisions and Clause 3.2.8 (Garage Doors) of the R-Codes therefore does not apply in this instance.</p>
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

The amended plans addressed the concerns raised by the Town's Engineering Services as the pillars have been adjusted within the garages of Unit 2 and Unit 3, and one side of all three garages has been left open to ensure that the proposal complies with Australian Standard 2890.1 in terms of car parking dimensions.

The proposed double garages are not considered ideal in comparison to the previous tandem car parking situation approved by the Council, as the proposed garages doors are considered to dominate the streetscape. Notwithstanding the latter, the garages are considered acceptable as they are setback 6.5 metres from the street and therefore comply with the Town's Street Setbacks Policy. However, a condition has been recommended to ensure that appropriate design features are provided on the garage doors to reduce the visual impact on the streetscape. Also, the dwellings' entrance gates are 50 per cent visually permeable to reduce the impact of solid surfaces on the street and to ensure that the entrances are clearly identified from the street.

The double driveways are also considered acceptable, as the applicant has reduced the width of the crossovers from 3.5 metres down to 3 metres and provided landscaping, in the form of mature trees, to soften the impact of the hard standing area on the streetscape. Accordingly, a condition has been recommended to ensure that mature trees are planted within each of the four (4) front setback landscape areas.

The conversion of the stores to studies areas are also considered acceptable, as stores are not required for single houses. The study areas comply with the Building Code of Australia in terms of natural light and ventilation, as the garages are open on the side closest to the studies.

It should also be noted that the conditions previously recommended by the Council on 24 February 2004, in relation to design features being provided on the rear western wall of the carports, are no longer considered necessary given that the garages doors will screen these walls. Also, the condition in relation to the carports being one hundred per cent open is also no longer necessary as the garages now comply with the required dimensions, as the pillars have been modified and one side of the garages have been left open.

The planning application is therefore generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions, to address the above matters.

10.1.19 No. 196 (Lot 556 D/P: 2177) Anzac Road (Corner Federation Street), Mount Hawthorn - Proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Storey Single Bedroom Single House to Existing Single House

Ward:	North	Date:	12 December 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2723; 5.2005.3181.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Taylor on behalf of the owner T M Martin for proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Storey Single Bedroom Single House to Existing Single House, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street), Mount Hawthorn, and as shown on plans stamp-dated 23 September 2005, subject to the following conditions:

- (i) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Federation Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) *any new street/front wall, fence and gate between the Anzac Road boundary and Federation Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Federation Street boundary from the above truncation(s) along the existing single house, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (v) *prior to the clearance and endorsement of the documentation by the Town for the creation of the subject lots, the perimeter walls of the approved single bedroom single house shall be constructed to plate height; and*
- (vi) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's costs, prior to the first occupation of the development.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	T M Martin
Applicant:	M Taylor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	541 square metres
Access to Right of Way	N/A

BACKGROUND:

- 13 April 2004 At its Ordinary Meeting, the Council refused an application for an additional single house and alterations to the existing house, for the following reasons:
- "1. The proposed development does not comply with the minimum site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
 - 2. The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 - 3. Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
 - 4. Consideration of objections received."*
- 3 May 2004 Notice of appeal lodged with the previous Town Planning Appeal Tribunal (TPAT).
- 22 June 2004 At its Ordinary Meeting, the Council refused revised plans stamp dated 28 May 2004, for the following reasons:
- "1. The proposed development does not comply with the average site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
 - 2. The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 - 3. Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
 - 4. Consideration of objections received.*
 - 5. The place as it will remain, does not warrant a density bonus under Clause 20 of the Town Planning Scheme.*
 - 6. Proposed alterations to the existing property would substantially erode the place's integrity and any purported heritage value."*
- 16 July 2004 Previous TPAT resolved to dismiss the appeal.

- 12 April 2005
- At its Ordinary Meeting, the Council refused an application for proposed additional single storey single house to existing single house for the following reasons:
- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (ii) the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
 - (iii) the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1; and*
 - (iv) consideration of the objections received."*
- 9 August 2005
- At its Ordinary Meeting, the Council refused an application for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house for the following reasons:
- "1. the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - 2. the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
 - 3. the development does not comply with the access and car parking requirements of the Residential Design Codes;*
 - 4. the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1;*
 - 5. consideration of the objections received;*
 - 6. the proposed crossover for the existing house accessed off Anzac Road does not comply with Australian Standard AS/NZS 2890.1:2004 as the proposed crossover would be located within 6 metres of the kerb tangent point;*
 - 7. the proposed crossover for the existing house accessed off Federation Street does not have the required clearance from the existing power pole. The measured width from the rear of the existing house and southern edge of the existing power pole is approximately 2.7 metres and the required minimum width of a crossover is 3 metres with a 0.5 metre offset from the edge of the power pole; and*
 - 8. the car bays for the proposed dwelling are 2.5 metres wide and not the required 2.7 metres wide."*
- 16 August 2005
- Owners of No.196 Anzac Road, Mount Hawthorn lodged an application for the review of the Council determination at its Ordinary Meeting on 9 August 2005, with SAT.

- 13 September 2005 The Council at its Ordinary Meeting resolved to refuse for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house (Development Application No.5.2005.3110.1).
- 21 September 2005 Direction hearing at SAT.
- 11 October 2005 The Council at its Ordinary Meeting resolved to defer the application for proposed demolition of existing outbuilding (shed) and construction of single bedroom dwelling to existing single house at the subject property for further consideration and information being supplied by the Town's Officers.
- 25 October 2005 The Council at its Ordinary Meeting constructively refused the application for proposed demolition of existing outbuilding (shed) and construction of single bedroom dwelling to existing single house at the subject property for the following reasons:
- "1. the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - 2. non-compliance with the first floor front setback requirements of the Town's Policy relating to the Anzac Locality;*
 - 3. the subject property is an inappropriate location for the minimum site area requirement to be reduced in order to accommodate the proposed single bedroom dwelling;*
 - 4. approval of the development would create an undesirable precedent within the area;*
 - 5. consideration of the objection received; and*
 - 6. the development presents the bulk and scale of a two or three bedroom dwelling through the extensive void area provided above the kitchen living area and the carparking spaces provided and as such is in conflict with the intent of Section 4.1 – Single Bedroom Dwellings of the R-Codes and the Code's intent to limit the impact of single bedroom dwellings.*
- 4 November 2005 SAT Hearing. SAT determination not yet delivered.

DETAILS:

The proposal involves demolition of existing outbuilding (shed) and construction of a single storey single bedroom single house to existing single house. The proposed single bedroom dwelling will front Federation Street.

The proposal is fully compliant with the requirements of the Residential Design Codes pertaining to single bedroom single houses. In light of the background of previous planning applications for this property, this application is being referred to the Council for its consideration and determination.

The current proposal mainly differs from the single bedroom dwelling application that was constructively refused by the Council at its Ordinary Meeting held on 25 October 2005 in that, it is single storey.

The Town's records indicate that there is no subdivision application for the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 single house plus 1 single bedroom dwelling as permitted under clause 3.1.3 A3 (i) variation to the minimum site area required.	1 single house plus 1 single bedroom dwelling as permitted under clause 3.1.3 A3 (i) variation to the minimum site area required.	Supported - proposal is compliant with the variation to the minimum site area requirements of the Residential Design Codes for single bedroom dwellings.
Plot Ratio	60 square metres	58.7 square metres	Noted
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> • Density/Lot size. • Streetscape / amenity. • Accuracy of plans. • Sets an undesirable precedent for the creation of smaller lots. 		<p>Not supported - application is compliant with the variation to the minimum site area requirements of the Residential Design Codes for single bedroom dwellings.</p> <p>Not supported - proposal is not considered to have an undue impact on the streetscape and surrounding amenity.</p> <p>Not supported - plans appear accurate.</p> <p>Not supported - planning applications are considered on their merits.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

The proposal is fully compliant with the single bedroom dwelling requirements of the Residential Design Codes. In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.37 No. 76 (Lot 10 D/P: 13371) Sydney Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two (2) Storey Grouped Dwellings

Ward:	North	Date:	14 December 2005
Precinct:	North Perth; P08	File Ref:	PRO3226; 5.2005.3010.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Federico on behalf of the owner A and I Federico for proposed Demolition of Existing Single House and Construction of Three (3) Two (2) Storey Grouped Dwellings, at No. 76 (Lot 10 D/P: 13371) Sydney Street, North Perth, and as shown on plans stamp-dated 24 June 2005 (existing house site plan and floor plan) and 16 September 2005 (proposed site plan, floor plan and elevations), subject to the following conditions:

- (i) subject to first obtaining the consent of the owners of No. 72 Sydney Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 72 Sydney Street in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Sydney Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Sydney Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 3 on the western elevation, and the window to the sitting room on the northern elevation and southern elevation, on the first floor of the rear most Dwelling 3, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

COUNCIL DECISION ITEM 10.1.37

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Torre

That the Item be DEFERRED to allow the applicant to provide a more appropriate proposal for the lot.

LOST (4-5)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Farrell	Cr Doran-Wu
Cr Messina	Cr Ker
Cr Torre	Cr Lake
	Cr Maier

Moved Cr Lake, Seconded Cr Torre

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

"(i) subject to first obtaining the consent of the owners of No. 72 Sydney Street for entry onto their land the owners of the subject land shall erect a 2.4 metres high solid masonry or brick fence along the dividing southern boundary and finish and maintain this fence and the surface of the boundary (parapet) wall facing No. 72 Sydney Street in a good and clean condition. These works shall be undertaken at the applicant's/owner(s)' full expense;"

Debate ensued

AMENDMENT CARRIED (8-1)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Torre	

MOTION AS AMENDED LOST (1-8)

<u>For</u>	<u>Against</u>
Cr Maier	Mayor Catania
	Cr Chester
	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Lake
	Cr Messina
	Cr Torre

Reasons:

- 1. Impact of the streetscape.**
- 2. Concerns regarding bulk and scale.**
- 3. Outdoor living space of Unit 1 being in the front setback.**
- 4. Concerns regarding intensity of development.**
- 5. Impact on neighbouring residents.**
- 6. Contrary to the provisions of the Eton Locality Statement.**

ADDITIONAL INFORMATION:

The applicant submitted an A4 elevation plan of the proposed development on 15 December 2005 (without a section of the roof being deleted) for Council's Consideration (Appendix 10.1.37).

Landowner:	A & I Federico
Applicant:	A Federico
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	997 square metres
Access to Right of Way	N/A

BACKGROUND:

20 March 2003 The Town under delegated authority from the Council recommended conditional approval to the Western Australian Planning Commission (WAPC) for the proposed survey strata subdivision of the subject property.

17 April 2003 The Western Australian Planning Commission granted conditional approval for the survey strata subdivision of the subject property.

DETAILS:

The proposal involves the demolition of existing single house and construction of three (3) two-storey grouped dwellings at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.99 dwellings R20	3 dwellings R30 50 per cent density bonus	Supported - subdivision of lots was conditionally approved by the Western Australian Planning Commission (WAPC) prior to the rezoning of the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20.
Minimum Site Area Dwelling 1	440 square metres	300 square metres	Supported - subdivision of lots was conditionally approved by the Western Australian Planning Commission (WAPC) prior to the rezoning of the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20.

Dwelling 2	440 square metres	270 square metres	Supported - as above.
Dwelling 3	440 square metres	300 square metres	Supported - as above.
Plot Ratio	N/A	N/A	Noted
Setbacks Dwelling 1- Ground Floor: North	1.5 metres	1 metre - 1.6 metres	Supported - variation is considered minor and do not have an undue impact on affected neighbour.
East	1.5 metres	Nil - 1.7 metres	Supported - no undue impact and wall to internal boundary.
South	1.5 metres	1 metre - 2.6 metres (to common property)	Supported - as above.
Dwelling 2- Upper Floor: North	3.3 metres	3 metres - 6.5 metres	Supported - variation is considered minor and do not have an undue impact on affected neighbour.
East	3.1 metres	1.4 metres - 2.9 metres	Supported - no undue impact and wall to internal boundary.
South	2.5 metres	1.6 metres (to common property)	Supported - as above.
Dwelling 3- Ground Floor: West	1.5 metres	Nil - 1.5 metres - 2.3 metres	Supported - as above.
South	1.5 metres	Nil - 6 metres	Supported - variation is considered minor, do not have an undue impact on affected neighbour and boundary wall is compliant with the building on boundary requirements of the Residential Design Codes (R Codes).
Upper Floor: East (Bedroom 2, Sitting Room and Bedroom 3)	1.7 metres	1.6 metres - 3 metres - 4.3 metres	Supported - variation is considered minor and do not have an undue impact on affected neighbour.

<p>Building on Boundary Dwelling 1- East (Garage)</p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>Compliant with boundary wall requirements of the R Codes</p>	<p>Noted - no variation.</p>
<p>Dwelling 3- West (Garage)</p> <p>South (Store)</p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>Building on two boundaries</p> <p>Building on two boundaries</p>	<p>Supported - no undue impact and wall to internal boundary.</p> <p>Supported - boundary wall is compliant in terms of height and length, and is considered to not have an undue impact on affected neighbour.</p>
<p>Outdoor Living Area Dwelling 1</p>	<p>Behind the front setback</p>	<p>In the front setback</p>	<p>Supported - complies with performance criteria of Residential Design Codes (R-Codes) in that it is accessible from a habitable room and is open to winter sun. The outdoor living area could not be located behind the front setback due to site design constraints as a result of the rezoning of the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20 imposing a 6 metre street setback.</p>
<p>Privacy Dwelling 2- Upper Floor Bedroom 2</p>	<p>4.5 metres</p>	<p>2.8 metres to eastern boundary.</p>	<p>Supported - no undue impact and overlooking to internal boundary.</p>

Bedroom 1	4.5 metres	4.3 metres to eastern boundary and 1.5 metres to southern boundary (common property).	Supported - no undue impact and overlooking to internal boundary.
Computer Nook	6 metres	2.8 metres to southern boundary (common property).	Supported - no undue impact and overlooking to common property.
Dwelling 3- Upper Floor Bedroom 3	4.5 metres	2.8 metres to southern boundary.	Not supported - undue impact and addressed in Officer Recommendation.
Sitting Room	6 metres	4.6 metres to eastern boundary and 4.7 metres to southern boundary.	Not supported - as above.
Consultation Submissions			
Support	Nil		Noted
Objection (5)	<ul style="list-style-type: none"> • Density. • Minimum site area. • Setbacks. • Building on boundary. • Outdoor living area. • Privacy. • Noise. • Demolition/heritage conservation. 		<p>Not supported - refer to above.</p> <p>Not supported - refer to above.</p> <p>Not supported - refer to above.</p> <p>Not supported - refer to above.</p> <p>Not supported - refer to above.</p> <p>Supported in part - refer to above.</p> <p>Noted - not a major planning consideration.</p> <p>Not supported - refer to 'Comments'.</p>
	<ul style="list-style-type: none"> • Traffic noise/vehicular access. 		Not supported - not considered to have an undue impact on affected neighbour, is compliant with the vehicular access requirements of the R Codes and survey strata plan has been conditionally approved by the Western Australian Planning Commission.

	<ul style="list-style-type: none"> • No visitor parking. • Requests the neighbour build a solid masonry wall along the southern boundary to 2.4 metres. • Requests the developer to landscape the 0.5 metre driveway setback with mature vegetation to aid with privacy and noise reduction. • Requests air conditioning units to be demonstrated on plans. • Non compliant with Eton Locality Policy specifically <i>"...priority will be given to ensuring that new infill and group housing developments do not result in a loss of privacy or amenity for existing residents."</i> • Non compliant with Eton Locality Policy specifically <i>"Intact streetscapes are strongly encouraged to be maintained. As such, applications for demolitions are generally not supported in areas that have intact streetscapes"</i>. • Fencing 	<p>Not supported - proposed development is compliant with parking requirements of the R Codes.</p> <p>Not supported - dividing fences are a civil matter and no valid planning justification.</p> <p>Not supported - proposed development is compliant with the landscaping requirements of the R Codes.</p> <p>Not supported - air conditioning units have not been proposed.</p> <p>Not supported - overlooking has been addressed in the Officer Recommendation and development is not considered to have an undue impact on surrounding amenity. The Eton Locality Plan also states that <i>"...infill development will be favored. Grouped Dwelling developments comprising two or more new dwellings are also appropriate"</i>.</p> <p>Not supported - refer to 'Comments'.</p> <p>Not supported - addressed in Officer Recommendation.</p>
	<ul style="list-style-type: none"> • Bulk and Scale 	<p>Not supported - is considered to be in keeping with the surrounding streetscape.</p>

	<ul style="list-style-type: none"> • Plate height request condition 	Not supported - this condition is only generally applied to subdivision proposals.
	<ul style="list-style-type: none"> • Bin storage 	Not supported - there is adequate space, not visible from the street for bin storage.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

Demolition

The place is a good example of an Inter-War bungalow, typical of the later stages of residential developments that occurred in this area prior to the impacts of the Second World War. It is part of a group of comparable dwellings and is in good condition.

The place has been assessed in accordance with the Town's Policy 'Heritage Management - Assessment', shown as an attachment to this report. It is considered to contribute to the streetscape in terms of setback, bulk and style. However, based on the criteria for cultural heritage significance, the place does not meet the threshold for recommendation for inclusion on the Town's Municipal Heritage Inventory and as such its demolition is supportable subject to standard conditions.

Redevelopment

In light of the above, the planning application is generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.1 Further Report - Nos. 28 and 32 (Lot 401 D/P: 33178 and Lot 1072 D/P: 42485) Carr Street, West Perth - Street Front Fence and Gates to Existing Grouped Dwellings (Application for Retrospective Approval)

Ward:	South	Date:	13 December 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0856; 5.2005.3160.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ricciardello Nominees Pty Ltd on behalf of the owner R Ricciardello & Ricciardello Nominees Pty Ltd for Street/Front Fence and Gates to Existing Grouped Dwellings (Application for Retrospective Approval), at Nos. 28 and 32 (Lot 401 D/P: 33178 and Lot 1072 D/P: 42485) Carr Street, West Perth, and as shown on plans stamp-dated 2 September 2005 (site plan component only) and 9 December 2005, (existing fence detail) and amended plans stamp-dated 20 December 2005 (proposed fence details), subject to the following conditions:*

- (a) *the approved works shall be completed within 28 days of notification; and*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

(ii) *the Council ADVISES the applicant and owner as follows;*

- (a) *that the works that form part of clause (i) (a) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period; and*
- (b) *the electronic gate shall be subject to a separate Planning Approval and Building Licence application being submitted to and approved by the Town prior to the erection of the subject structure.*

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

- “(ii) (b) *the electronic gate shall be subject to a separate Planning Approval and Building Licence application being submitted to and approved by the Town prior to the erection of the subject structure. The visitors bay should be within the development and be provided uninhibited access from the public realm.*

Debate ensued.

AMENDMENT CARRIED (5-4)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Doran-Wu	Cr Farrell
Cr Ker	Cr Messina
Cr Lake	Cr Torre
Cr Maier	

Moved Cr Chester, Seconded Cr Messina

That clause (ii)(a) be amended to read as follows:

- “(ii) (a) *that the works that form part of clause (i) (a) above shall be completed within ~~twenty-eight (28)~~ fifty-six (56) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this ~~twenty-eight (28)~~ fifty-six (56) days period; and”*

AMENDMENT CARRIED (9-0)

Debate ensued.

Moved Cr Farrell, Seconded Cr Torre

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

- “(i) (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, ~~solar panels, external hot water heaters, air conditioners,~~ and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and”*

Debate ensued.

AMENDMENT CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ricciardello Nominees Pty Ltd on behalf of the owner R Ricciardello & Ricciardello Nominees Pty Ltd for Street/Front Fence and Gates to Existing Grouped Dwellings (Application for Retrospective Approval), at Nos. 28 and 32 (Lot 401 D/P: 33178 and Lot 1072 D/P: 42485) Carr Street, West Perth, and as shown on plans stamp-dated 2 September 2005 (site plan component only) and 9 December 2005 (existing fence detail) and amended plans stamp-dated 20 December 2005 (proposed fence details), subject to the following conditions:*
- (a) *the approved works shall be completed within 28 days of notification; and*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) *the Council ADVISES the applicant and owner as follows;*
- (a) *that the works that form part of clause (i) (a) above shall be completed within fifty-six (56) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this fifty-six (56) days period; and*
- (b) *the electronic gate shall be subject to a separate Planning Approval and Building Licence application being submitted to and approved by the Town prior to the erection of the subject structure. The visitors bay should be within the development and be provided uninhibited access from the public realm.*

ADDITIONAL INFORMATION:

An additional plan showing the amended height to the slats of the gate is attached at Appendix 10.1.1. The slats to the gates are placed above the 1000 millimetre line above the adjacent footpath level. This is the lowest point above the lock and handle for the gate.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 22 November 2005 resolved that "*the Item be DEFERRED to allow the applicant to submit amended plans depicting increased permeability of the fence*".

The following is a summary of the main issues raised by the Council at its Ordinary Meeting held on 22 November 2005:

- A resident of one of the units expressed concern regarding the modifications required by the Council to the existing fence, and if changed, would impact on the lifestyle, privacy and security of the residents.
- The Architect for the development advised the Council that the existing front fence complies with the performance criteria of the Town's Policies and that there is a high degree of permeability through the fences as existing.
- Elected Members believed that the existing fence is aesthetically pleasing and provides suitable permeability through the existing horizontal timber battens, furthermore, sufficient passive surveillance is achieved from the first floor balconies of the existing development. However, it was also stated that the conditions of the Council regarding the front fence were made clear on the Planning Approval and Building Licence for the development, and that the conditions were not adhered to.
- Elected Members were inclined to approve the existing fences and gates provided increased visual permeability is provided through the timber infills.

The visual permeability for the area of fence where the timber panel inserts are located, as shown on the amended plans dated 6 December 2005, is 37 per cent.

In light of the above and the revised plans submitted, dated 9 December 2005, the extent of the solid portions and proposed visual permeability of the existing front gates and fence, are supported in this instance and the previous Officer Recommendation has been amended accordingly.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 22 November 2005.

"OFFICER RECOMMENDATION:

That;

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Ricciardello Nominees Pty Ltd on behalf of the owner R Ricciardello & Ricciardello Nominees Pty Ltd for Street/Front Fence and Gates to Existing Grouped Dwellings (Application for Retrospective Approval), at Nos. 28 and 32 (Lot 401 D/P: 33178 and Lot 1072 D/P: 42485) Carr Street, West Perth, and as shown on plans stamp-dated 2 September 2005, for the following reasons:*
 - (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (b) the non-compliance with the Town's Policy relating to Street Walls and Fences;*
- (ii) the Council ADVISES the owners of Nos. 28 and 32(Lots 401 and 1072) Carr Street, West Perth, that the unauthorised Street/Front Fence shall be removed or modified to comply with the provisions of the Town's Policy relating to Street Walls and Fences within 28 days of the date of notification by the Town; and*
- (iii) the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owners of Nos. 28 and 32 (Lots 401 and 1072) Carr Street, West Perth, if the unauthorised Street/Front Fence is not removed or modified as detailed in clause (ii) above within the above 28 day period.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

*Cr Doran-Wu departed the Chamber at 8.20pm.
Cr Doran-Wu returned to the Chamber at 8.23pm.*

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED to allow the applicant to submit amended plans depicting increased permeability of the fence.

CARRIED (6-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Ker
Cr Chester	Cr Maier
Cr Doran-Wu	Cr Torre
Cr Farrell	
Cr Lake	
Cr Messina	

<i>Landowner:</i>	<i>R Ricciardello & Ricciardello Nominees Pty Ltd</i>
<i>Applicant:</i>	<i>Ricciardello Nominees Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Grouped Dwelling</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1333 square metres (Lot 401), 1012 square metres (Lot 1072)</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

20 January 2004 The Council at its Ordinary Meeting conditionally approved the demolition of two existing single houses and construction of eight (8) two-storey grouped dwellings on No. 28 Carr Street, and six (6) two-storey grouped dwellings on No. 32 Carr Street.

7 September 2004 The Town conditionally approved a Building Licence for the construction of eight (8) two-storey grouped dwellings on No. 28 Carr Street, and six (6) two-storey grouped dwellings on No.32 Carr Street.

18 January 2005 The Council at its Ordinary Meeting resolved to Refuse an application for a proposed vehicle gate, involving reconsideration of condition of Planning Approval for eight (8) two-storey grouped dwellings on No. 28 Carr Street, and six (6) two-storey grouped dwellings on No. 32 Carr Street.

DETAILS:

The applicant seeks a retrospective approval for a front fence and gates. The front fence and gates were constructed as shown on the plans submitted as part of the Planning Application and Building Licence. However, the following fence condition was placed on the Planning Approval issued by Council on 20 January 2004 - condition nos. (iv) and (xi), and Building Licence issued on 7 September 2004 - condition nos. 31 and 37, respectively.

- "(iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Carr Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xi) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised."*

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Height of front fence.</i>	<i>Not to exceed 1.8 metres above ground level.</i>	<i>Up to 2 metres - rendered wall with no capping.</i>	<i>Supported - refer to "Comments".</i>
<i>Solid portion of wall.</i>	<i>Solid portion of wall to have a maximum height of 1.2 metres above adjacent footpath level.</i>	<i>Lower part of wall solid up to 0.9 metre with parts of upper portion solid with no permeability up to 1.8 metres.</i>	<i>Not supported - refer to "Comments"</i>
<i>Permeability to upper portion of the front fence.</i>	<i>Upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.</i>	<i>90 millimetres timber battens with 10 millimeter gaps.</i>	<i>Not supported - refer to "Comments".</i>
<i>Visual truncations</i>	<i>1.5 x 1.5 metres truncation to intersection of the road reserve and internal vehicle access ways with height of solid wall no greater than 0.65 metre.</i>	<i>1.0 x 1.0 metre truncations to intersection of vehicle access way to Unit 1/32 and Unit 3/28 with height of solid wall within the truncation up to 0.85 metre.</i>	<i>Supported - refer to "Comments".</i>

<i>Consultation Submissions</i>	
<i>The application was not required to be advertised as the Officer Recommendation is for refusal and the application is being referred to Council for its consideration and determination.</i>	
<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>

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

COMMENTS:

Height of Front Fence

The front fence has been constructed to accommodate a 1 metre variation in natural ground level from the western side of No.32 Carr Street, down to the southern side of No. 28 Carr Street. Considering this, the pillars and solid walls have been constructed with a height of 1.8 metres up to 2 metres, with the top of the pillars level.

The height of the return wall along the communal vehicle access way has been accentuated by the reduced levels of the driveway to the rear units. This has caused a variation in the walls height along its length, up to 2.2 metres in height, from the aspect of the driveway. The reduction in height of the return wall to follow the reduced driveway level would have resulted in the private courtyards abutting the access way with a reduced fence height internally. The applicant has advised the Town that in order to maintain the privacy of the courtyards, the internal fence height has been maintained at approximately 1.8 metres.

The constructed height of the pillars and solid walls is considered to have no undue impact on the amenity of the street.

Solid Portion of Wall

The majority of solid portion of the front fence is the low part of the wall which has been constructed up to 0.9 metre, with parts of the fence solid up to 2 metres. A significant portion of the non-compliant solid wall was constructed to accommodate the heritage feature wall containing the three cast iron oven fronts, obtained from the original houses on the site (Planning Approval condition (xv) (b)).

In order to clarify the intentions of the Town's Street Walls and Fences Policy, the current front fence condition placed on approvals has been modified to clearly identify all walls within the front setback area, having to be 50 per cent permeable above 1.2 metres, including the return walls.

The front fence has also been constructed with solid return walls to every front unit for the purpose of providing a recess to accommodate gate access to the courtyard and the gas meter box for the respective units. The provision of other services such as water meters, western power meter boxes and letter boxes, and the necessity to provide these within the front setback area, has resulted in an irregular shape to parts of the walls which are solid. The return walls between the front courtyards are also solid, up to 1.8 metres high.

The extent of the solid walls are considered to be significant and contrary to the Town's Policy, therefore it is recommended that the front fence and gates be modified to comply.

50 Per Cent Permeability

The front fence has been constructed with a lower wall of 0.7 to 0.9 metre, lower than the 1.2 metres permitted. 90 millimetre battens have been fitted above the low wall and gates with 10 millimetre gaps between. The Town's Street Walls and Fences Policy requires the upper portion of fences and gates above 1.2 metres to be 50 per cent permeable, however, it also indicates that where a private courtyard is located within the front setback area, some part of the area is permitted to be screened from view.

The applicants have submitted the following information in support of the front wall and the limited transparency it provides.

"The provision of the private courtyards within the front setback area, in accordance with the development approval, is justified on several grounds:

- to make effective use and establish identity and ownership of the front setback area along Carr Street;*
- enables the relocation of the majority of vehicle access and parking to the rear of the development, addressing a key Council concern.*

Further, the intent of the Town's front fencing policy with regards to transparency "to maintain earlier visual and community contact between the development and the street, and to ensure better visual surveillance for improved property security at street boundaries" is met by:

- The provision of permeable fencing, with a lower skirt than that required by the Town, to maintain indications of activity, whilst still ensuring privacy and attenuation of visual pollution (traffic and late night pedestrian flow) to the occupants;*
- The provision of usable upper floor balconies to provide casual interaction and surveillance..."*

In addition to the above, the applicant has advised the Town that they would be willing to remove every second batten above 1.2 metres to provide more than 50 per cent permeability. However, the Town was recently notified by the applicant that on 18 October 2005, seven out of the fourteen units were broken into and completely stripped of contents. Subsequently, the purchasers of the units have requested that the front battens be left as is.

However, the subject front fence and gates are considered to have an undue impact on the streetscape and amenity of the area, and it is also considered to reduce the potential for passive surveillance and interaction between the street and dwellings.

Visual Truncations

The Towns Technical Services have undertaken an inspection of the constructed wall and assessed the non-compliance issues with regards to visual truncation and sight lines. It was concluded that considering the subject vehicle access ways do not cater for the majority of vehicle traffic, the intrusion of part of the wall within the truncation areas and the height of the low walls being greater than 0.65 metre, does not compromise the safety of pedestrians and other road users. Technical Services are willing to accept the fencing as it has been constructed.

Summary

In view of the above, it is recommended that the application be refused due to the nature of the variations involved. It is further recommended that the Council require the owners to modify the unauthorised street/front fence within 28 days, and authorise legal action should the unauthorised fence remains after this period."

10.1.10 No. 26 (Lot 37 D/P: 2554) Brentham Street, Leederville - Proposed Change of Use from Educational Establishment to Educational Establishment and Day Nursery (Out of School Care) and Associated Alterations

Ward:	South	Date:	13 December 2005
Precinct:	Leederville; P03	File Ref:	PRO2979; 5.2005.3240.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Gumtrees Out of School Care on behalf of the owner St Brigid's Convent of Mercy Perth Inc. for proposed Change of Use from Educational Establishment to Educational Establishment and Day Nursery (Out of School Care) and Associated Alterations, at No. 26 (Lot 37 D/P: 2554) Brentham Street, Leederville, and as shown on plans stamp-dated 28 October 2005, subject to the following conditions:

- (i) *the hours of operation shall be limited to 9:00am - 3:10pm Monday to Friday, inclusive for the educational establishment; and 3.10pm - 6.00pm Monday to Friday inclusive during the school term and 7.30am - 6.00pm Monday to Friday inclusive during vacation periods and on student free days for the day nursery (out of school care);*
- (ii) *a maximum of two (2) teachers and one (1) carer shall be working on-site at any one time;*
- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) *any new street/front wall, fence and gate between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a detailed landscaping plan, including a list of plants the traditional front garden of the former dwelling being retained or mature landscaping within the street setback area being provided, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted subject to clause (ii) being amended and a new clause (vii) be added as follows:

- "(ii) one administrative person, and a maximum of two (2) teachers and one (1) carer shall be working on-site at any one time;*
- (vii) a maximum of ten (10) children shall be permitted on-site at any one time."*

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Gumtrees Out of School Care on behalf of the owner St Brigid's Convent of Mercy Perth Inc. for proposed Change of Use from Educational Establishment to Educational Establishment and Day Nursery (Out of School Care) and Associated Alterations, at No. 26 (Lot 37 D/P: 2554) Brentham Street, Leederville, and as shown on plans stamp-dated 28 October 2005, subject to the following conditions:

- (i) *the hours of operation shall be limited to 9:00am - 3:10pm Monday to Friday, inclusive for the educational establishment; and 3.10pm - 6.00pm Monday to Friday inclusive during the school term and 7.30am - 6.00pm Monday to Friday inclusive during vacation periods and on student free days for the day nursery (out of school care);*

- (ii) *one administrative person, and a maximum of two (2) teachers and one (1) carer shall be working on-site at any one time;*
 - (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (iv) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (v) *any new street/front wall, fence and gate between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
 - (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a detailed landscaping plan, including a list of plants the traditional front garden of the former dwelling being retained or mature landscaping within the street setback area being provided, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and
 - (vii) *a maximum of ten (10) children shall be permitted on-site at any one time.*
-

Landowner:	St Brigid's Convent of Mercy Perth Inc.
Applicant:	Gumtrees Out of School Care
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment and Day Nursery
Use Classification:	"AA" and "AA"
Lot Area:	539 square metres
Access to Right of Way	North side, 5.03 metres wide, sealed, Council owned

BACKGROUND:

13 June 2000 The Council at its Ordinary Meeting conditionally approved proposed demolition of existing dwelling, change of use to day nursery (after school care) and associated additions and alterations at adjoining Lots 38 and 39 Brentham Street, Leederville, and proposed additions and alterations to existing school at Lot 100 Brentham Street, Leederville.

8 February 2005 The Council at its Ordinary Meeting conditionally approved proposed change of use from single house to educational establishment (Primary School) and associated alterations on Lot 37.

DETAILS:

The proposal involves a change of use from educational establishment to educational establishment and day nursery (out of school care) at the subject property.

The additional use as a day nursery (out of school care) is specifically to accommodate children currently attending the approved day nursery (after school care) on the adjacent property. Nine of the thirty-five children currently attending the adjacent day nursery (after school care) are required to use the existing educational establishment as a result of the requirements of the Community Services (outside school hours care) Regulations 2002 in terms of the minimum child to internal building floor space ratio. Under regulations 71 and 15, an internal building floor space of 3.25 square metres is required per child, therefore, the existing approved day nursery (after school care) can only accommodate 26 children.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Non Residential/Residential Development Interface Policy	Buffer sites can act as transitional filters between non-residential areas and adjoining residential areas.	No landscaping indicated on plans	Not supported - required to minimise undue impact on streetscape and addressed in Officer Recommendation.

	To aid this transition, the preservation of a traditional front garden of a former dwelling, or in new development, the introduction of mature landscaping within the street setback area is to be provided.	
Consultation Submissions		
Support	Nil	Noted
Objection (3)	<ul style="list-style-type: none"> Traffic 	Not supported - refer to "Comments".
Other Implications		
Legal/Policy		TPS 1 and associated Policies; and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car Parking Requirement (nearest whole number)	<ul style="list-style-type: none"> Educational establishment: 1.25 spaces per classroom (19 classrooms) (Lots 37, 38, 39, pt 75 and 100) ** = 24 car bays Child care centre: 1 car bay per 5 children (9 children) = 2 car bays 	26 car bays
Apply the adjustment factors		(0.85)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 		22.1 car bays
Minus car parking on-site (Lots 37, 38, 39, pt 75 and 100)		20 car bays
Minus the most recently approved on-site parking shortfall		0.4 car bay
Resultant shortfall		1.7 car bays

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

** Carparking for the subject land is based on it creating the equivalent demand for parking as two classrooms (being 2.5 carbays at 1.25 bays per classroom). The figure is based on the nature of the use of the building, the limited size of the individual music rooms, and condition/clause (ii) limiting the number of teachers and carers using the rooms.

COMMENTS:

Car Parking

The proposed change of use from educational facility to educational establishment and day nursery (out of school care) at the subject property requires an additional 2 car bays from the previous approved use. The resultant shortfall of 1.7 car bays is considered acceptable in this instance as no additional car parking for the premises is required, as the children that will be using the educational establishment are 9 of the 35 children currently attending the approved day nursery (out of school care) on the adjacent property.

Traffic

The proposal will not result in an increase in traffic as there are no additional children attending the premises, because the children using the educational establishment are 9 of the 35 children currently attending the approved day nursery (out of school care) on the adjacent property.

Hours of Operation

The hours of operation of the proposed educational establishment and day nursery (out of school care) will be limited to 9:00am - 3:10pm Monday to Friday inclusive for the educational establishment, and 3.10pm - 6.00pm Monday to Friday inclusive during the school term and 7.30am - 6.00pm Monday to Friday inclusive during vacation periods and on student free days for the day nursery (out of school care).

In light of the above, the planning application is generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.3.7 Les Lilleyman Reserve - Request for Use by Subiaco Football Club Summer Season 2005/2006

Ward:	North	Date:	15 December 2005
Precinct:	Mt Hawthorn P1	File Ref:	RES0001
Attachments:	001		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	Mike Rootsey	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the request by the Subiaco Football Club Colts for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights;*
- (ii) *NOTES that no complaints or objections were received by the Town during 2005 concerning the Club's use of Les Lilleyman Reserve for the 2005 Football Season; and*

EITHER

- (iii) *REFUSES the Club's request for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights for the reasons outlined in the report;*

OR ALTERNATIVELY

- (iv) *APPROVES the Club's request for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights subject to:*
 - (a) *Subiaco Football Club Colts (SFC) having the use of the football area marked on the Reserve on two nights, Tuesday and Thursday, between the hours of 5.00-7.00pm (as shown in Appendix 10.3.7);*
 - (b) *the use of the designated area of the Reserve being used by Subiaco Football Club Colts only;*
 - (c) *parking around the venue to be strictly policed by the Town of Vincent Rangers, with all player's vehicles being restricted to the Gill Street car park;*
 - (d) *the reserve remaining as a dog off leash area (except for the hours of training) with the exclusive dog exercise area of 6,000m² being retained for use on training nights;*
 - (e) *SFC to having use of the training rooms on training nights; and*
 - (f) *the use of Les Lilleyman Reserve by SFC for pre-season training for the period December to February being reviewed at the end of February 2006 with local residents, SFC and the Town.*

Moved Cr Torre, Seconded Cr Doran-Wu

That clauses (i), (ii) and (ii) of the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

That a new clause (iv) be added as follows:

“(iv) REQUESTS the Chief Executive Officer to hold discussions with Subiaco Football Club with the view to assisting the Club to find an alternative ground for summer training.”

AMENDMENT CARRIED (6-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Lake
Cr Farrell	Cr Maier
Cr Ker	
Cr Messina	
Cr Torre	

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.7

That the Council;

- (i) RECEIVES the report concerning the request by the Subiaco Football Club Colts for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights;*
- (ii) NOTES that no complaints or objections were received by the Town during 2005 concerning the Club's use of Les Lilleyman Reserve for the 2005 Football Season;*
- (iii) REFUSES the Club's request for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights for the reasons outlined in the report; and*
- (iv) REQUESTS the Chief Executive Officer to hold discussions with Subiaco Football Club with the view to assisting the Club to find an alternative ground for summer training.*

ADDITIONAL INFORMATION:

The following additional information is provided for this report.

The report on page 209 incorrectly stated the agenda rather than the minutes of the item for 9 November 2004 and should have read:

"That the item be DEFERRED for further information (in particular to clarify the Town's requirement to provide an alternative training ground and whether the previous Council decision would need to be changed or revoked)."

The consultation letters were sent to the distribution company with instructions to distribute to the area boarded by Edinboro, Hobart, Charles and Green Streets on 3 December 2005.

As a result of questions raised by members of the public at the meeting held on the reserve on Wednesday 7 December 2005 regarding the flyer distribution. The distribution company was contacted as to the timing of the work and whether the work had been completed. The company, in a letter dated 15 December 2005, that the distribution was commenced late and had started on 6 December and all flyers had been distributed before the 8 December 2005. Various spot checks in the distribution area were completed after the matter had been brought to their attention and those contacted had received the flyer.

The residents in attendance at the meeting of 7 December stated a number of reasons for their opposition to the extended use of the reserve by Subiaco Football Club, these included:

Reserve to be used for cricket training in the summer
Increased use of the reserve by residents in the summer
Scope of the original agreement

These reasons are summarised in the report.

The diagram attachment in the report indicates that Subiaco Football Club could use the reserve without encroaching on the public area, they include concerns regarding safety and were concerned if Subiaco Football Club were to be granted priority use.

The Town received correspondence from the Cricket Club stating that the Club had no objection to the Subiaco Football Club using the oval on the nights if they were not training. The Club also had no objection to Subiaco using the oval at the same time they were training provided they did not encroach on their training area. The matter of safety was also raised.

PURPOSE OF REPORT:

The purpose of this report is to advise of the results of the community consultation and approve the request by Subiaco Football Club for the use of Les Lilleyman Reserve for pre-season training for the period December 2005 to February 2006.

BACKGROUND:

At the ordinary meeting of the 14 September 2004 the following resolution was adopted:

That the Council;

- (i) *APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
 - (a) *Subiaco Football Club (SFC) Colts having priority use of the football oval area marked on the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm with the specified nights where possible to be identified and displayed at the reserve;*
 - (b) *the use of the designated area of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*

- (c) *the use of the designated area of the reserve by SFC seniors and for WAFL development games not being permitted;*
- (d) *parking around the reserve being strictly policed by the Town of Vincent Rangers, with all player's vehicles being restricted to the Gill Street car park and the current verge prohibition signage to be upgraded;*
- (e) *any traffic issues that may arise around the reserve being promptly investigated by the Town;*
- (f) *the reserve remaining as a dog off leash area (except for the hours of training) and an exclusive dog exercise area of 6000m² being specifically created to accommodate dogs on the training nights;*
- (g) *notes that dogs off leash will be permitted on the entire reserve at all times during non training times. The proposed floodlights to be kept on for an additional hour after training has finished, for residents use. The lights to be installed to minimise any possible impact on residents;*
- (h) *SFC having exclusive use of changerooms on training nights only;*
- (i) *SFC having exclusive use of the canteen area on training nights and this being modified, if required (at SFC's cost), for use as a gymnasium subject to a further report to Council;*
- (j) *changeroom alterations being investigated and costed and the matter to be further considered by the Council when details are available (there are no funds in the 2004/05 Budget);*
- (k) *the conditions of the use of Les Lilleyman Reserve by SFC being included as a Memorandum of Understanding (MOU) to be signed by both parties and included in the lease documentation;*
- (l) *notes that the Memorandum of Understanding covers the period from March to October inclusively and that any other use by SFC from November to February inclusive be the subject of the Councils approval;*
- (m) *notes that dogs on leash will still be permitted outside of the football oval area during football training time;*
- (n) *SFC paying \$1,000 per annum (CPI indexed) for the use of the oval and a bond of \$200 as part of the reserve hire conditions;*
- (o) *the playground at Les Lilleyman Reserve being upgraded and fenced and this work to be carried out between October-November 2004 (\$35,000 has been included in the 2004/05 budget for this project);*
- (p) *the use of Les Lilleyman Reserve by SFC being reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group to form part of this review process, and any proposed changes being approved by the Council with park users will be notified of any changes;*
- (q) *the use of any casual booking of the reserve by SFC be restricted to "once off" events;*

- (r) *the lighting of the Gill Street car park and additional seating for Les Lilleyman Reserve be listed for consideration on the 2005/06 Draft Budget;*
 - (s) *no later than the month of February each year, a notice will be displayed in a public place on the reserve identifying the three nights of the week Subiaco Colts will utilise the reserve; and*
- (ii) *ADVISES the respondents and Subiaco Football Club of the Council's decision.*

At the ordinary meeting of the 9 November 2004 the following resolution was adopted:

That the Council;

- (i) *APPROVES the request for interim use of the Les Lilleyman Reserve by the Subiaco Football Club Colts out of season training from 15 November to 24 December 2004 and from 10 January 2005 to 25 February 2005, on Mondays, Wednesdays, and Fridays from 5 pm to 7:30pm subject to:*
 - (a) *officers preparing an indicative map showing an area for residents that will be classified as "off-leash" and this to be included as part of the local community letterbox drop; and*
 - (b) *the Hellenic Cricket Club being advised of the details of this proposal; and*
- (ii) *AUTHORISES the Chief Executive Officer to finalise the interim use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club.*

At the ordinary meeting of the 23 November 2004 the following resolution was adopted:

That the Council;

- (i) *RECEIVES the report on the Town's obligation to provide alternative training grounds for Subiaco and East Perth Football Clubs; and*
- (ii) *NOTES the request for interim use of the Les Lilleyman Reserve by the Subiaco Football Club Colts for out of season training from 15 November to 24 December 2004 and from 10 January to 25 February 2005 on Monday and Wednesday from 5pm to 7.30pm has been withdrawn as it has reached a suitable ground sharing arrangement with East Perth Football Club for joint use of Beatty Park Reserve.*

DETAILS:

Subiaco Football Club has submitted a request for the use of the Les Lilleyman Reserve for pre-season training from 24 November 2005 until 28 February 2006 on Tuesday and Thursday nights from 5.00 to 7.00pm. Initially Subiaco Football Club requested Monday, Wednesday and Friday 5.00 to 7.30pm which were subsequently changed to Monday, Tuesday and Thursday 5.00 to 7.30pm and finally Tuesday and Thursday nights 5.00 to 7.00pm.

Subiaco Football Club were advised that any request for the use of the Les Lilleyman Reserve outside the period March to October were subject to Council approval under Clause (1) of the resolution of Council of 24 September 2004:

"notes that the memorandum of Understanding covers the period from March to October inclusively and that any other use by SFC from November to February inclusive be the subject of the Councils approval"

In addition they were further advised that the use of Les Lilleyman Reserve, in accordance with Clause (p) of the same resolution of Council 24 September 2004, would be reviewed each year with consultation taking place with the adjoining residents/ratepayers, the North Perth Precinct Group forming part of that review process.

"the use of Les Lilleyman Reserve by SFC being reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group to form part of this review process, and any proposed changes being approved by the Council with park users will be notified of any changes."

As a result a letter seeking comment on the review of Subiaco Football Club use of the past year and their new request was distributed on Saturday 3 December 2005 to residents in the effected areas regarding the current and additional request.

In addition a public meeting was held on the Wednesday 7 December at 6.00pm at Les Lilleyman Reserve. Twenty people were in attendance which was formed from local residents, members of the North Perth Precinct Group and representatives of Subiaco Football Club. The Executive Manager Corporate Services - Mike Rootsey, Manager Community Development - Jacinta Anthony and Recreation Officer -Rachel Clowes were also in attendance. Councillors Lake and Maier also attended.

The residents in attendance were supportive and complimentary of the management and behaviour of Subiaco Football Club during the period of March to October. However they were not supportive of the increase usage for pre-season training during the period December to February.

At the end of consultation period which was extended to the 15 December 2005, the following submissions were received.

Submissions

The following is a breakdown (by streets) of the submissions received:

AGAINST	Street Name	FOR	Street Name
4	Eton St	0	Eton St
3	Shakespeare St	3	Shakespeare St
1	Charles St	0	Charles St
9	Auckland St	3	Auckland St
2	Knutsford St	0	Knutsford St
2	Dunedin St	5	Dunedin St
3	Hobart St	2	Hobart St
1	Haynes St	1	Haynes St
1	Coldstream St	0	Coldstream St
1	Ruby St	0	Ruby St
1	Gabell Way	0	Gabell Way
1	Tuart Hill Cricket Club	0	Tuart Hill Cricket Club
1	Coogee St	0	Coogee St
3	Loch St	0	Loch St
33		14	

A summary of the submissions is as follows:

Against

- The oval should not be used by Subiaco Football Club for anymore time than the winter months that have been originally approved for training.
- Subiaco Football Club should use ovals which are close to the residents of the colts.
- The Reserve should be available to anyone at anytime not just to users who pay for it.
- University Cricket Club opposes Subiaco Football Club using the oval on Thursday nights when they are also using the oval as it is a safety concern.

In favour

- It is important to promote participation in sporting activities.
- Residents are impressed with their good behaviour.
- Having the lights on when they are training gives added security to other users.

Submissions received after the closing date

Two emails were received from Loch Street residents who were both supportive and complimentary of the management and behaviour of Subiaco Football Club in the use of Les Lilleyman Reserve during the period March to October 2005. However they strongly objected to the proposal for the extension of training times during the summer months.

A further email was received from the University Cricket Club which stated in part that the Town and Subiaco Football Club are well aware that the Club uses the Reserve on Thursday evenings from 5.00 - 7.00pm during this period. It also advised that we they no objection to the Subiaco Football Club use the Reserve on these nights, on the basis that they do not encroach on the area the Club uses for its training (mainly being the northern half of the oval, but also on some evenings we may have centre wicket practice). The Club also had a concern regarding the safety of SFC players who may encroach into their training area, and may be hit by a cricket ball.

An emailed letter was received on 15 December 2005 from the North Perth Precinct Group as follows:

“When is an agreement not an agreement?”

I cannot imagine an issue being more poorly handled than this latest saga involving this community reserve.

A couple of weeks ago the North Perth Precinct Group was informed that true to form the Subiaco Football Club was requesting use of the reserve outside the term of the agreement. This is the second time this request has been made in the 12 months that this agreement has been in place.

We have been waiting since the end of the football season (about 3 months earlier) for TOV officers to organise a meeting with us as per condition (n) of the agreement so we could review SFC use to date. No meeting had taken place.

We protested in the strongest possible terms that this latest request could even be considered as it clearly contradicts at least 3 conditions of the agreement that council had put in place in late 2004 and that SFC agreed to.

At our insistence a public meeting was organised by your officers for Wednesday 7th December and a flier advertising this meeting and explaining this latest request was to be sent to about 1500 surrounding residents.

So continues the farce and I summarise:-

- *Public meeting held at Les Lilleyman Reserve on Wednesday 7th December – 3 months after the end of the football season.*
- *Attendance was poor (only 15 people from NPPG executive attended) due to the fact that letters outlining the meeting and the latest SFC request was not delivered to residents as promised (I realise this was not the fault of your officers) – Residents received letters on Thursday 8th December – 24hrs after the public meeting.*
- *Residents now have Friday 9th December to read, digest information and mail response in order to meet the deadline for submissions which is Monday 12th December (many residents we have spoken to couldn't meet this deadline and simply did not respond).*
- *The letter outlining the conditions of the current agreement has some conditions omitted and the information relating to the new request by SFC is inaccurate and misleading.*

It states:

“The cricket clubs that use the reserve during this period have been contacted and do not use the reserve on the proposed nights and have no objections to this condition”.

If anybody had bothered to check – two cricket clubs use the reserve during the summer months – with the University CC training on Tuesdays and Thursdays. And I can tell you they do have some serious objections. They have been training on the reserve for the best part of 20 years. They were assured that their exclusive use of the reserve during the summer months would not be affected by the agreement.

- *Any responses to the flier are flawed since they are based on incorrect information.*
- *The North Perth Precinct group supported the TOV in its proposal to allow the SFC colts to use the reserve in the face of very vocal local opposition from ratepayers to the proposal. The NPPG recognised that there was a bigger picture to take into account in terms of the Leederville Oval development and believed our support was required as “good citizens” of this town. This latest proposal totally contradicts the terms that we, councillors and Town of Vincent agreed to in good faith. More so, this is also in total contradiction to the undertakings given by four councillors last August at a precinct group meeting that this would not be the “thin-edge of the wedge” as suggested by some ratepayers.*

Based on all the facts outlined above, the NPPG on behalf of residents' requests that council carry out the following:

- 1) *REJECT this latest request by SFC – it clearly contradicts a number of conditions of the current agreement which SFC was a signatory to.*
- 2) *Remove the words “any proposed changes” from condition (P) relating to reviewing the use of the reserve at the end of each season. These three words have been used by SFC as an excuse to make requests outside the agreement. This is clearly not the intended meaning of this condition. This removal would cause all stakeholders to abide to the spirit of the agreement and residents would not have to put up with continual attempts to erode their use of their much loved reserve.*
- 3) *Give residents an undertaking that all current conditions of the agreement will continue to be enforced especially “p” relating to reviewing the use of the reserve at the end of each season.”*

CEO's Comment:

The Chief Executive Officer considers that the consultation process has been carried out in a satisfactory manner, however it is acknowledged that it should have been conducted in October/November 2005.

The allegation that some residents did not receive a consultation is noted, however, this is unexplainable.

Analysis of submissions

The number of submissions (47) represents a 2.4% response rate (33 [1.73%] against and 14 [.73%] in favour.

A significant percentage (97.5%) did not make a submission.

Against

- The oval should not be used by Subiaco Football Club for anymore time than the winter months that have been originally approved for training.

CEO's Comment:

This objection uses the basis that the approval for the winter use should not be varied as the "local community" believes this was the original agreement. This view is acknowledged, however, is based on the proposition that once a decision has been made it cannot be reviewed or changed.

- Subiaco Football Club should use ovals which are close to the residents of the colts.

CEO's Comment:

This is a valid objection, however, SFC believes that its summer season use is minimal and will not cause objection or problems to the local community as has been demonstrated during the 2005 season.

- The Reserve should be available to anyone at anytime not just to users who pay for it.

CEO's Comment:

This objection cannot be supported as the Reserve will be available for other users. The two (2) hours on Tuesday and Thursday nights between 5pm and 7pm is considered a minimal use.

- The University Cricket Club opposes Subiaco Football Club using the oval on Thursday nights when they are also using the oval as it is a safety concern.

CEO's Comment:

This objection can be partly supported and it is acknowledged that there will be some risk of injury from a cricket ball, however, the SFC's use will be restricted to an area well away from the area used by the Cricket Club and the risk will be minimal. SFC have agreed that the Cricket Club will have priority rights to the Reserve on that night and will not encroach in their training area.

In favour

- It is important to promote participation in sporting activities.

CEO's Comment:

This submission is acknowledged and supported.

- Residents are impressed with their good behaviour.

CEO's Comment:

This submission is acknowledged and supported as detailed in the Council Report.

- Having the lights on when they are training gives added security to other users.

CEO's Comment:

This submission is acknowledged and supported. It should be noted that the local community has derived a benefit from the upgrade of the oval lighting which was installed as a condition of the SFC's use.

Conclusion

The Town's Administration has consulted extensively on the SFC's request and there has been a very low response rate. Notwithstanding that were 33 submissions against the application and 14 in favour, it is considered that Les Lilleyman is sufficiently large enough to accommodate all users. Furthermore, the Club's good record during the 2005 season which resulted in no objections or complaints being lodged with the Town's administration should be acknowledged. Accordingly, the application for the summer 2006 season can be supported subject to numerous conditions being imposed. Alternatively, the submissions/objections should be considered and the request therefore be refused.

Previous History of Use - 2005 Season

It should be noted that the Town did not receive any complaints during the period from March 2005 to October 2005 that the Subiaco Football Club used Les Lilleyman Reserve for training.

CONSULTATION/ADVERTISING:

A total of 1900 letters were distributed in the area bounded by Edinboro, Hobart, Charles and Green Streets, North Perth on Saturday 3 December 2005. This are the same streets that were consulted in 2004. (At the meeting on the Wednesday 7 December attendees complained of not receiving the letter and as a result a further 400 letters were hand delivered by the Recreation Officer on Thursday 8 December.)

LEGAL/POLICY:

The use of the Town of Vincent Parks and Public Reserves if governed by a Local Law.

In accordance with the Council decision of 30 October 2001, the Council has a legal obligation to make available one of the Town's reserves for SFC Colts football training.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010, Key Result Area 2 – Community Development

“k) Enhancing the lifestyle of the community through the provision of leisure opportunities.”

FINANCIAL/BUDGET IMPLICATIONS:

Subiaco Football Club are required to pay \$1,000 per annum (increased by CPI) for the use of a reserve in the Town, as required by the lease between the Club and the Town.

COMMENTS:

The SFC has used the Les Lilleyman Reserve for training purposes from March to October 2005. The Town has not received any complaints regarding the use of this Reserve during the period. The residents have been complimentary regarding the management and behaviour of the Club in the conduct during this period. The Town has a legal obligation to provide the SFC with an alternative training venue. The professionalism required to play at the level necessary to compete in the WAFL requires that pre-season training commences prior to the new year. SFC has shown in their conduct with the local community and the Town that they can meet the requirements of all parties. The extended use is a relatively short period of time and is therefore recommended, given the past performance of SFC during the previous winter months.

NOTE:

The Chief Executive Officer amended this report by including details of the email received from the North Perth Precinct Group, an analysis of the submissions received and providing the Council with two alternative recommendations.

10.1.39 LATE ITEM - Further Report - No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	19 December 2005
Precinct:	North Perth; P8	File Ref:	PRO3292; 5.2005.3112.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Delstrat Pty Ltd on behalf of the owner B & T Dilabio for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth, and as shown on plans stamp-dated 14 December 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Redfern Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the height of the building being a maximum of 6.0 metres as projected above the eaves. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *subject to first obtaining the consent of the owners of No. 66 Redfern Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 66 Redfern Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 on the western elevation and to bedroom 3 on the eastern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vi) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (viii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (ix) *the proposed pool to the rear of the site is not part of this approval; a separate Swimming Pool Licence shall be applied to and obtained from the Town prior to the installation of the pool.*

COUNCIL DECISION ITEM 10.1.39

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Cr Farrell departed the Chamber at 8.07pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.08pm.

Moved Cr Messina, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for consultation with the neighbour.

CARRIED (5-4)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Farrell
Cr Chester	Cr Ker
Cr Doran-Wu	Cr Lake
Cr Messina	Cr Maier
Cr Torre	

FURTHER REPORT:

The Council at its Ordinary Meeting held on 6 December 2005, considered the subject proposal and resolved the following

"That the Item be DEFERRED to allow the applicant to further discuss the proposal with the Town's Officers."

The applicant has since submitted amended plans to the Town. The current plans differ from the previous plans mainly in that the garage setback from the front boundary is increased from 4.5 to 6.0 metres and the eastern alfresco wall is setback 1.5 metres instead of being on the boundary. The increased setback to the garage of 6 metres has amended the rear setback, which also reduced to 9.7 metres and the balcony is setback 5.72 metres from the front boundary in accordance with the previous Officer Recommendation condition (iii) (c).

In relation to the wall heights, these are outlined below:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Maximum Building Height:	6 metres to top of external wall (above the eaves).	4.7 - 7.7 metres (Portico)	Not supported – objection from adjoining neighbour received for height variation, considered to have an undue impact on the eastern neighbour whose land is significantly lower than the subject property, and is conditioned to comply in Officer Recommendation.

The Assessment Table and condition (iii) (b) of the previous Officer Recommendation have been amended to reflect the Town's interpretation of the Residential Design Codes in terms of wall height, namely, that no average wall height is measured and the subsequent wall height is measured from directly below the subject portion of wall.

In light of the above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the amendments to the revised plans and the above building height matter.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 6 December 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Delstrat Pty Ltd on behalf of the owner B & T Dilabio for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth, and as shown on plans stamp-dated 16 August 2005 (floor plans and elevations), 16 September 2005 (site and overshadowing plans) and 4 October 2005 (first floor setbacks) subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Redfern Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the eastern alfresco wall being setback a minimum 1.5 metre from this boundary;*
 - (b) the average height of the building being a maximum of 6 metres average to the height of the building, to the top of external wall; and*

- (c) *the front setback being a minimum of 6 metres to the garage and 5.72 metres to the first floor balcony.*

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

- (iv) *subject to first obtaining the consent of the owners of No. 66 Redfern Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 66 Redfern Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 on the western elevation and to bedroom 3 on the eastern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vi) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (viii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (ix) *the proposed pool to the rear of the site is not part of this approval, a separate Swimming Pool Licence shall be applied to and obtained from the Town prior to the installation of the pool.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 9.24pm.

Cr Farrell returned to the Chamber at 9.24pm.

Cr Chester returned to the Chamber at 9.25pm.

Moved Cr Maier, Seconded Cr Torre

That the Item be DEFERRED to allow the applicant to further discuss the proposal with the Town's Officers.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

<i>Landowner:</i>	<i>B & T Dilabio</i>
<i>Applicant:</i>	<i>Delstrat Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>556 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks:</i> <i>South (front) - garage</i>	<i>6.0 metres</i>	<i>4.5 metres</i>	<i>Not supported – as the development is constructed from new and there is sufficient area to the rear of the house, a setback of 6 metres should be required, as conditioned in the Officer Recommendation.</i>
<i>- balcony</i>	<i>6 metres</i>	<i>4.22 metres</i>	<i>Not supported – as above, with the garage being setback to 6 metres, the balcony will have a setback of 5.72 metres, this variation is commonly supported by the Town's Officers. As conditioned in the Officer Recommendation.</i>

<p><i>West</i> - ground floor</p>	<p>1.5 metres</p>	<ul style="list-style-type: none"> • Nil to garage. • 1 metre to kitchen and family (no major openings). • 1.5 metres to guest bedroom. 	<p><i>Supported – minor variation with no undue impact on adjoining property.</i></p>
<p>- first floor</p>	<p>2.1 metres</p>	<ul style="list-style-type: none"> • 1.5 metres to bedrooms 1 and 2 and ensuite. • 2.1 metres to robe and window to bed 2. 	<p><i>Supported – no major openings to west wall and with no undue shade cast on the adjacent western property, the proposed variation is considered to have no undue impact on this property.</i></p>
<p><i>East</i> - ground floor</p>	<p>1.5 metres</p>	<ul style="list-style-type: none"> • Nil to alfresco. • 1.5 metres to balance of wall. 	<p><i>Not supported – objection from adjoining owner submitted for building on the eastern boundary, the alfresco wall is recommended to be setback 1.5 metres from this boundary, refer to Officer Recommendation.</i></p>
<p>- first floor</p>	<p>2.2 metres</p>	<ul style="list-style-type: none"> • 1.5 metres to bedroom 3 and retreat. • 2.1 metres to bathroom. 	<p><i>Supported - no major openings to east wall and with no undue shade cast on the adjacent eastern property, the proposed variation is considered to have no undue impact on this property.</i></p>
<p><i>Maximum Building Height:</i> <i>East</i></p>	<p>6 metres to top of external wall.</p>	<p>Average height of 6.5 metres to top of external wall.</p>	<p><i>Not supported – objection from adjoining neighbour received for height variation, conditioned to comply in Officer Recommendation.</i></p>

<i>Building on Boundary</i>	<i>Building up to one (1) boundary.</i>	<i>Built on two (2) boundaries – east and west.</i>	<i>Not supported – objection from eastern neighbour received for the building on boundary, with support from adjoining property owner to the west received. It is recommended that the western building on boundary remain, with the eastern wall being set back 1.5 metres, as conditioned in Officer Recommendation.</i>
<i>Height of Retaining Wall</i>	<i>Retaining walls not to exceed 0.5 metre in height.</i>	<i>Retaining walls up to 1.5 metres on the eastern and western boundaries.</i>	<i>Supported – refer to “Comments”</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> • <i>In support of the proposed house with the demolition of the existing house.</i> • <i>The proposed dwelling will fit perfectly into the street with its timeless style of architecture.</i> 		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Should adhere to the regulations specifically in terms of building height as the subject property is approximately 2 metres higher than the adjoining eastern property.</i> • <i>Concerned about how the eastern boundary wall will impinge the future development of the eastern property.</i> 		<i>Supported – conditioned to comply in the Officer Recommendation.</i>
			<i>Supported – conditioned to be setback in the Officer Recommendation.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

Heritage

A detailed Heritage Assessment is contained as an attachment to this report.

The subject place at No. 62 Redfern Street is an elevated single storey weatherboard and iron dwelling believed to have been constructed c1923. The place is representative of a weatherboard dwelling constructed during the Inter-War period in North Perth.

Alterations have been made to the rear of the dwelling with the enclosure of the verandah to accommodate another bedroom and the extension of a rear skillion to accommodate a bathroom and kitchen, diminishing the authenticity of the place.

The place has little aesthetic, historic, social or scientific value and does not meet the minimum requirement for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Height of Retaining Wall

The natural ground level of the subject site has a significant upward gradient from the front of the site, to 6 metres higher at the rear. Considering this, the design of a house on such a slope is difficult without cutting and filling and the need to retain the natural ground. Subsequently, the applicants propose retaining walls along the eastern and western boundaries of up to 1.5 metres.

The proposed retaining wall height variation was not included in the variation table during advertising, however details are provided on the plans. Therefore, the Town's Officers support the retaining of the site, as shown on the attached site plan.

Summary

The variations sought by the applicant (except those relating to building height and two buildings on boundary which are addressed in the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters."

10.1.29 No. 329 (Lot: 125 D/P: 11092) Walcott Street, Coolbinia - Proposed Carport Addition to Existing Grouped Dwelling

Ward:	North	Date:	13 December 2005
Precinct:	North Perth; P08	File Ref:	PRO2591 5.2005.3189.1
Attachments:	001		
Reporting Officer(s):	K Loader; J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Carport Constructions on behalf of the owner J T Dias & A C Kelly for proposed Carport Addition to Existing Grouped Dwelling, at No. 329 (Lot: 125 D/P 11092) Walcott Street, Coolbinia, and as shown on plans stamp-dated 28 September 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Residential Design Codes, in terms of open space provisions;*
- (iii) the open space provision requirement to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) the proposal does not comply with the Western Australian Planning Commission's 1.5 metre wide Other Regional Road Reservation and road widening requirement.*

COUNCIL DECISION ITEM 10.1.29

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Mayor Catania
	Cr Chester
	Cr Farrell
	Cr Ker
	Cr Lake
	Cr Maier
	Cr Messina
	Cr Torre

Reasons:

1. Already being used for carparking.
2. Similar carports in the vicinity.
3. Owner is willing to enter into a deed of agreement for removal of the carport if the road is widened.

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Farrell

That the following alternative recommendation be adopted.

“That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council APPROVES the application submitted by Carport Constructions on behalf of the owner J T Dias & A C Kelly for proposed Carport Addition to Existing Grouped Dwelling, at No. 329 (Lot: 125 D/P 11092) Walcott Street, Coolbinia, and as shown on plans stamp-dated 28 September 2005, subject to the following conditions:*
 - (a) *any new street/front wall, fence and gate between the Walcott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
 - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (c) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling; and*
- (d) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works which encroaches the Other Regional Road Reserve/ road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title; and*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a 1.5 metre road widening requirement for Walcott Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS)."

CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Doran-Wu
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Torre	

ADDITIONAL INFORMATION:

The proposed commercial development the subject of Item 10.1.24 is considered different to the proposed carport as the structures proposed within the Beaufort Street 1.5 metre wide road widening area are only seating, which are easily removed, and the Western Australian Planning Commission (WAPC) agreed to the proposed condition.

The proposed carport is not as easily removed as seating and allowing the structure will make it difficult to provide alternative parking arrangements in the future. If the road is widened, the existing bays may be deleted and the owners may have to relocate the bays and have only one bay aligned parallel to the street.

Furthermore, the WAPC was adamant that it is not willing to support the proposal on any grounds as it did not support the survey strata application due to various concerns relating to safety, access and road widening.

Landowner:	J T Dias & A C Kelly
Applicant:	Carport Constructions
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	559 square metres
Access to Right of Way	N/A to front subject dwelling

BACKGROUND:

On 8 April 2004, the Western Australian Planning Commission (WAPC) refused an application (WAPC 963-03) for a survey strata subdivision as the proposed front lot did not propose to use the right of way for access and the WAPC did not support a new, wider crossover to Walcott Street, due to safety and visibility concerns as cars can not drive out in forward gear and Walcott Street is a regional road.

On 25 May 2004, the Council at an Ordinary Meeting conditionally approved a second dwelling at the rear of the existing dwelling (No. 5.2003.1946.1) and a new, wider crossover to Walcott Street for the existing dwelling. This application was not referred to the WAPC as no development was proposed in the 1.5 metres wide road widening area.

However, a new access point (crossover) was proposed and the WAPC previously did not support the new access point for the above application (WAPC-963-03.). The crossover has now been constructed to Walcott Street.

23 August 2005, the Council at an Ordinary Meeting approved minor amendments (Application No. 5.2003.1946.1) to the approved grouped dwelling at the rear of the existing single dwelling.

DETAILS:

The proposal involves the construction of a carport with a 250 millimetres setback to Walcott Street. Walcott Street is reserved under the Metropolitan Region Scheme as an Other Regional Road (ORR).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Open Space	45 per cent	43 per cent	Not supported- the proposed carport, coupled with the existing dwelling and the approved grouped dwelling at the rear, is considered to be overdevelopment of the site.
Setbacks:			
Northern side	1.5 metres	1 metre	Supported- the minor setback variation would be considered acceptable on its own as the setback follows that of the existing dwelling and it is open in nature and does not create an undue impact on the amenity of the adjoining property, in terms of overshadowing or visual impact.

Non-Compliant Requirements				
Requirements	Required		Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Eastern side (front)	MRS Regional reserve -1.5 metres wide road widening requirement for Walcott Street.	Other Road	250 millimetres	Not supported- the proposal does not allow for a 1.5 metre wide road widening requirement and the proposal is not supported by the Department for Planning and Infrastructure. Refer to 'Comments' section.
Consultation Submissions				
Support	N/A		N/A	
Objection	N/A		N/A	
Other Implications				
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications			Nil	
Financial/Budget Implications			Nil	

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

The proposal was not advertised as refusal is recommended.

The Department for Planning and Infrastructure (DPI) do not support the proposed carport as the subject land is affected by a 1.5 metre wide road widening requirement for Walcott Street, which is reserved under the Metropolitan Region Scheme (MRS) as an Other Regional Road (ORR). The DPI advised that approval of the carport would compromise the purpose of the reservation and they did not previously support the location of the new crossover and access arrangements, as per its comments on the survey strata application.

The applicant advised that Nos. 307, 309, 359, 365, and 435 Walcott Street have carports within the 1.5 metres wide road widening area. On 23 October 2000, the Council approved an application for a carport to No. 307 Walcott Street, subject to the approval, support and conditions imposed by the Western Australian Planning Commission (WAPC). The carports at the other properties require further investigation, nevertheless, each application is assessed on its individual merits.

The land owners are well aware of the road widening requirement, as the WAPC refused the survey strata application for the reasons outlined above, and the landowners submitted a request for reconsideration to the Commission in May 2004.

The applicant is willing to cut the carport back to comply with the 1.5 metres wide road widening requirement, which may also bring the proposal into compliance with the open space requirements. However, in the event that Walcott Street is widened by 1.5 metres, the proposed carport and existing car parking bays would be rendered unusable and alternative access arrangements would need to be sought, such as one bay parallel to the street.

In light of the above reasons, refusal is recommended, as approval of the proposed carport would exacerbate the existing undesirable access arrangements which were not supported by the WAPC.

10.1.11 Nos. 362-366 (Lot 71 D/P 613, Lot 72 D/P 613) William Street, Corner Little Parry Street, Perth - Proposed Alterations and Additions to Existing Shop (Shop 3) (Application for Retrospective Approval)

Ward:	South	Date:	9 December 2005
Precinct:	Beaufort; P13	File Ref:	PRO0715; 5.2005.3129.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RAD Architecture on behalf of the owner Goh Tiong Sin Pty Ltd for Proposed Alterations and Additions to Existing Shop (Shop 3) (Application for Retrospective Approval), at Nos. 362-366 (Lot 71 D/P 613, Lot 72 D/P 613) William Street, corner Little Parry Street, Perth, and as shown on plans stamp-dated 22 August 2005, subject to the following conditions:

- (i) the floor areas shall be limited to a maximum of;*
 - (a) 94 square metres of public area for the eating house component for Shop 1;*
 - (b) 101 square metres of gross floor area for the shop component for Shop 2;*
 - (c) 151 square metres of gross floor area for the shop component for Shop 3;*
 - (d) 57 square metres of gross floor area for the shop component for Shop 4; and*
 - (e) 255 square metres of gross floor area for the warehouse component.*

An increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;

- (ii) doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (iii) all new signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the applicant/owner shall pay a cash-in-lieu contribution of \$5,642 for the equivalent value of 2.17 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*

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

COUNCIL DECISION ITEM 10.1.11

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Torre

That the Item be DEFERRED to allow for further investigation regarding the car parking bays.

CARRIED (9-0)

Landowner:	Goh Tiong Sin Pty Ltd
Applicant:	RAD Architecture
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Restaurant, Butcher, Shop, Fish Shop and Warehouse
Use Class:	Eating House, Shop, Shop, Fish Shop and Warehouse
Use Classification:	"P", "P", "P", "P" and "P"
Lot Area:	865 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to shop 3, 'Lams Fruit and Veg'. The subject alterations and additions are located at the rear of shop 3 and cover an area of 38.4 square metres. The application is for retrospective approval.

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

ASSESSMENT:

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

Consultation Submissions		
Support	Nil	Noted
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car parking requirement (nearest whole number) - Shop 1 - Eating House: 94 square metres of public area = 20.89 car parking bays. - Shop 2 - Shop: 101 square metres of gross floor area = 6.73 car parking bays. - Shop 3 - Shop: 151 square metres of gross floor area = 10.06 car parking bays. - Shop 4 - Fish Shop: 57 square metres of gross floor area = 3.8 car parking bays. - Warehouse - 255 square metres of gross floor area = 3.55 car parking bays.		45 car bays
Apply the adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop)		(0.7225) 32.51 car bays
Minus the car parking provided on-site		2 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 28.34 car bays (total 42 car bays x 0.7225 = 30.34 car bays minus 2 car bays provided on-site equals 28.34 car parking bays).		28.34 car bays
Resultant Shortfall		2.17 car bays

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

Bicycle Parking Facilities

Requirements	Required	Provided
Shop – Retail 1 space per 300 square metres gross floor area for employees (class 1 or 2) for 51 square metres of gross floor area.	0.17 space	No class 1 or 2 facilities provided.
1 space per 200 (Proposed 51) square metres gross floor area for visitors.	0.255 space	No class 3 facilities provided.

The Town's Parking and Access Policy requires the provision of Bicycle Parking Facilities for relevant commercial uses. The proposed development requires the provision of nil class 1 or 2 and nil class 3 bicycle parking bays, being 0.17 and 0.255 spaces rounded to the nearest whole number, respectively. No end of trip facilities are required pursuant to the Town's Policy relating to Parking and Access.

The Town's Officers have calculated the bicycle parking requirements on the gross floor area subject to this retrospective application for Planning Approval, as it is considered unreasonable to apply the requirements to the pre-approved floorspace area.

COMMENTS:

Cash-In-Lieu of Car Parking

The Council at its Ordinary Meeting held on 12 April 2005, resolved the following:

“(ii) *ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*”

The draft amended version of the Parking and Access Policy introduces a provision that the cash-in-lieu contribution is to be based on not only the construction costs, but also on a land component being 50 per cent of the land value of the area of a car parking bay on the subject property.

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Summary

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.6 No. 79 (Lot 336 D/P: 2099), Lynton Street, Mount Hawthorn, - Proposed Single Storey Single House

Ward:	North	Date:	12 December 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3340 5.2005.3209.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Park on behalf of the owner J and M Foguan for proposed Single Storey Single House, at No. 79 (Lot 336 D/P: 2099) Lynton Street, Mount Hawthorn, and as shown on plans stamp-dated 10 October 2005 (floor plans and elevation plan) and 12 December 2005 (site plan), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of Nos. 79 and 81 Lynton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 79 and 81 Lynton Street in a good and clean condition;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Lynton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 2 and bedroom 3 on the southern elevation, on the ground floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Farrell

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

- "(iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 2 and bedroom 3 on the southern elevation, on the ground floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the dividing fence adjacent to bedroom 2 and bedroom 3 on the southern property boundary being a minimum height of 2.2 metres and a maximum height of 2.4 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

AMENDMENT CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED CARRIED (6-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	Cr Maier
Cr Doran-Wu	Cr Messina
Cr Farrell	
Cr Ker	
Cr Torre	

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Park on behalf of the owner J and M Foguan for proposed Single Storey Single House, at No. 79 (Lot 336 D/P: 2099) Lynton Street, Mount Hawthorn, and as shown on plans stamp-dated 10 October 2005 (floor plans and elevation plan) and 12 December 2005 (site plan), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of Nos. 79 and 81 Lynton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 79 and 81 Lynton Street in a good and clean condition;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Lynton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 2 and bedroom 3 on the southern elevation, on the ground floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the dividing fence adjacent to bedroom 2 and bedroom 3 on the southern property boundary being a minimum height of 2.2 metres and a maximum height of 2.4 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	J and M Foguan
Applicant:	C Park
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	395 square metres
Access to Right of Way	N/A

BACKGROUND:

30 November 2005 Conditional approval was granted under delegated authority from the Council for demolition of existing single house at No. 79 (Lots 335 and 336) Lynton Street, Mount Hawthorn.

DETAILS:

The proposal involves the construction of a single storey single house at the subject property.

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

ASSESSMENT:

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

Setback North- Bedroom 1	1 metre	Nil (compliant with R Code requirements for boundary walls).	Supported - compliant with the building on boundary wall requirements of the Residential Design Codes (R Codes) in terms of height and length and is not considered to have an undue impact on affected neighbour.
Meals and Alfresco	1.5 metres	1 metre	Supported - variation is considered minor and do not have an undue impact on affected neighbour.
South	1.5 metres	Nil - 1.6 metres	Supported - variation is considered minor and do not have an undue impact on affected neighbour.
Building on Boundary			
North	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls. North - Bedroom 1 boundary wall. South - Garage boundary wall is 3.3 metres high.	Noted - compliant with the building on boundary wall requirements of the Residential Design Codes (R Codes) in terms of height and length and is not considered to have an undue impact on affected neighbour. Supported - variation is considered minor and does not have an undue impact on affected neighbour.
Privacy South elevation: Bedroom 3	4.5 metres	1.6 metres to southern boundary.	Not supported - addressed in Officer Recommendation.
Bedroom 2	4.5 metres	1.6 metres to southern boundary.	Not supported - addressed in Officer Recommendation.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> • No objection. 	Noted.
Objection (2)	<ul style="list-style-type: none"> • Setbacks 	Not supported - setback variation is considered minor and does not have an undue impact on affected neighbour.
	<ul style="list-style-type: none"> • Street setback 	Not supported - compliant with the street setback requirements of the Town's Street Setback Policy and is not considered to have an undue impact on the streetscape.
	<ul style="list-style-type: none"> • Privacy 	Not supported - overlooking is not to objectors' property and non-compliant privacy is addressed in Officer Recommendation.
	<ul style="list-style-type: none"> • High density (plans indicate that the owner may build on the other lot). • Out of character with neighbourhood. • Vehicular Access • Rear neighbours were not consulted 	<p>Not supported - the Town has not received any development application for development on the adjacent lot and any development application would be assessed based on its own merits.</p> <p>Not supported - proposed development is not considered to have an undue impact on the streetscape or surrounding amenity.</p> <p>Not supported - compliant with the vehicular access requirements of the R Codes.</p> <p>Not supported - rear neighbours were not required to be consulted as there is no variation proposed in terms of the rear property.</p>

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

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

COMMENTS:

In light of the above, the planning application is considered acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

The Presiding Member suggested that as there were a number of members of the public still waiting for their Items to be debated that Items 10.1.33, 10.1.36, 10.2.1 and 14.3 be held over until the public's items had been considered.

At 8.22pm Moved Cr Torre, Seconded Cr Lake

That Items 10.1.33, 10.1.36, 10.2.1 and 14.3 be held over and Items 10.1.3, 10.1.17, 10.1.18, 10.1.21 and 10.1.22 be brought forward.

CARRIED (9-0)

10.1.3 No. 576 (Lot 3, Strata Lots 1 to 24) William Street, Corner Forrest Street and Alma Road, Mount Lawley - Proposed Alterations and Additions to Existing Multiple Dwellings - Reconsideration of Setback Condition

Ward:	South	Date:	12 December 2005
Precinct:	Norfolk; P10	File Ref:	PRO2549; 5.2005.3328.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by B Brackenridge Architect on behalf of the owner Nonathy Pty Ltd, for proposed approved alterations and additions to existing multiple dwellings on No.576 (Lot 3, Strata Lots 1 to 24) William Street, corner Forrest Street and Alma Road, Mount Lawley, and as shown on the plans stamp dated 9 December 2005, subject to the following conditions:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the William Street, Alma Road and Forrest Street verges adjacent to the subject property and the 'public access park and garden', a minimum of two new mature trees adjacent to Alma Road, and the retention of the existing on-site mature Cape Lilac tree on the eastern side and the "20 metres" high tree on the north-western side of the development, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s). The retention of these two mature trees shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) prior to the first occupation of the development four (4) visitors car parking bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

- (iv) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that;*

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

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

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate adjacent to the Forrest Street boundary and Alma Road boundary and the main building, including along the eastern side boundary within these front setback areas, complying with the following:*

(a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

(b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

(c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

(d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

(e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balustrading of all balconies on all sides, except where it abuts the main building wall, being of clear glass material. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (viii) *prior to the issue of a Building Licence, designs for art work(s) on the south western wall facing William Street shall be submitted to and approved by the Town. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (ix) *the proposed pool does not form part of this Planning Approval and is subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

LOST (4-5)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Lake	Cr Doran-Wu
Cr Maier	Cr Farrell
Cr Torre	Cr Ker
	Cr Messina

Reason:

That the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.

Landowner:	Nonathy Pty Ltd
Applicant:	B Brackenridge Architect
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Multiple Dwellings
Use Class:	Mutiple Dwelling
Use Classification:	"P"
Lot Area:	2028 square metres
Access to Right of Way	N/A

BACKGROUND:

The application is identical to the proposal previously considered and 'constructively refused' by the Council at its Ordinary Meeting held on 6 December 2005, as no 'absolute majority' was achieved.

A similar proposal has been conditionally approved by the Council at its Ordinary Meeting held on 10 February 2004 and 11 May 2004.

DETAILS:

The subject planning application involves alterations and additions to the existing 24 single bedroom multiple dwellings, resulting in 12 two bedroom and 12 three bedroom multiple dwellings. The applicant has submitted the same proposal considered at the Ordinary Meeting of Council held on 6 December 2005 for the Council's reconsideration.

Approval is sought for the reconsideration and deletion of the following condition of the previous approvals:

"(xi) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:

- (a) the setback from Alma Road to the balconies being 6 metres; and
- (b) the applicant articulate the Alma Street building frontage to significantly reduce its impact on the Alma Street streetscape.

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks - Alma Road	6.0 metres	3.5 metres to balcony (6.2 metres to main building wall)	Supported- refer to 'Comments'.
All other variations not stated as the subject plans are similar to the previously approved plans and do not result in any greater variation to the development requirements from the previously approved plans.			
Consultation Submissions			
While the Town's Policy relating to Community Consultation implies only development applications which were previously advertised and subsequently approved by the Town does not require re-advertising, in this instance, the subject proposal was not considered to require advertising as it does not involve any greater variations to the development requirements from the recently advertised plans (where no objections were received) and request has been received that the application be referred to the Ordinary Meeting of Council held on 20 December 2005.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

In addressing the impact of the proposed reduced setback, in summary, the applicant is proposing a landscaped 'public access area' at the south-west corner of the subject lot, the planting of a mature native tree and the commissioning of public art to be incorporated on the blank south western wall facing William Street.

The following is also noted from the applicant's submission:

- the balconies are varied in shape, cantilevered and are of glass balustrading and therefore, reducing the perceived bulk and scale of the structures;
- the bedrooms are setback 8.7 metres and therefore, the staggering of setbacks reduces the buildings impact on the streetscape;
- the proposed location of the balcony promotes energy efficiency design; and

- while the 6.0 metre setback is achievable by relocating the balconies in front of bedroom 1, this would create a 'flat box like' façade along the William Street (as demonstrated in plans '*Laid on the Table*').

With regard to the articulation of the Alma Street frontage, it is considered that this has been achieved via the staggering of setbacks, the varying of the balconies shapes, the 'light weight' glass balustrading, the proposed 'public access park and garden' and the planting of the mature native tree.

In light of the justification provided by the applicant, the new proposed works, the improvements being made to the 1960's brick flats and no objections being received, it is considered that the applicant has demonstrated that the planning application will not unduly affect the amenity and streetscape of the area.

Further to the above, to assist in reducing the impact of the reduced setback, it has been conditioned that the balustrading of all balconies on all sides, except where it abuts the main building wall, be of clear glass material.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions, including the deletion of the subject previous condition relating to the Alma Road balconies setback and frontage articulation.

10.1.17 No. 41 (Lot 46 D/P: 2824) Scarborough Beach Road, Corner Pennant Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings

Ward:	North	Date:	14 December 2005
Precinct:	Smith's Lake; P06	File Ref:	PRO3296; 5.2005.3148.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner M Coletti for proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings, at No. 41 (Lot 46 D/P: 2824) Scarborough Beach Road, corner Pennant Street, North Perth, and as shown on plans stamp-dated 13 December 2005 (site plan and elevation plan) and 31 August 2005 (existing house floor site and floor plan), subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 43 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 43 Scarborough Brach Road in a good and clean condition;*
- (iv) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) any new street/front wall, fence and gate between the Scarborough Beach Road boundary, the Pennant Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) *the solid portion ~~adjacent to~~ along the Pennant Street boundary directly adjacent to Unit 4 from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road and Pennant Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the carports to Units 3 and 4 being setback a minimum of 1.5 metres from the eastern/Pennant Street boundary;*
 - (b) *the ground floor of Unit 4 being setback a minimum of 1.5 metres from the eastern/Pennant Street boundary; and*
 - (c) *the northern main wall (master bedroom) elevation of Units 3 and 4 on the upper floor being setback a minimum of 6 metres from Scarborough Beach Road.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (viii) *the carports to Units 1, 3 and 4 adjacent to Pennant Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where they abut the main building walls of Units 1, 3 and 4; and*
- (ix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*

(b) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*

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

(x) *prior to the first occupation of the development, the kerb requires to be re-aligned and a median island installed at the intersection of Scarborough Beach Road and Pennant Street, as shown on the approved plans stamp dated 13 December 2005, to ensure the location of the crossover for carports 3 and 4 comply with the Australian Standards. The required road works are to be constructed in accordance with the Town's specification and under the supervision of the Town's Technical Services Division with all costs associated with the required works being borne by the applicant/owner(s).*

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr

That clause (v)(f) be deleted.

AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

Moved Cr Chester, Seconded Cr Maier

That clause (v)(f) be deleted.

AMENDMENT CARRIED (7-2)

For

Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Torre

Against

Mayor Catania
Cr Messina

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.17

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner M Coletti for proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings, at No. 41 (Lot 46 D/P: 2824) Scarborough Beach Road, corner Pennant Street, North Perth, and as shown on plans stamp-dated 13 December 2005 (site plan and elevation plan) and 31 August 2005 (existing house floor site and floor plan), subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 43 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 43 Scarborough Beach Road in a good and clean condition;*
- (iv) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) any new street/front wall, fence and gate between the Scarborough Beach Road boundary, the Pennant Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road and Pennant Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the carports to Units 3 and 4 being setback a minimum of 1.5 metres from the eastern/Pennant Street boundary;*
 - (b) *the ground floor of Unit 4 being setback a minimum of 1.5 metres from the eastern/Pennant Street boundary; and*
 - (c) *the northern main wall (master bedroom) elevation of Units 3 and 4 on the upper floor being setback a minimum of 6 metres from Scarborough Beach Road.*

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

- (viii) *the carports to Units 1, 3 and 4 adjacent to Pennant Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where they abut the main building walls of Units 1, 3 and 4; and*
- (ix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
 - (b) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*

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

- (x) *prior to the first occupation of the development, the kerb requires to be re-aligned and a median island installed at the intersection of Scarborough Beach Road and Pennant Street, as shown on the approved plans stamp dated 13 December 2005, to ensure the location of the crossover for carports 3 and 4 comply with the Australian Standards. The required road works are to be constructed in accordance with the Town's specification and under the supervision of the Town's Technical Services Division with all costs associated with the required works being borne by the applicant/owner(s).*

Landowner:	M Coletti
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	465 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of four (4) single bedroom grouped dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.58 multi-bedroom grouped dwellings or 3.875 single bedroom grouped dwellings (permitted under clause 3.1.3 A3 (i) of the R Codes).	4 single bedroom grouped dwellings 3 per cent density bonus to the average site area required for single bedroom grouped dwellings (permitted under clause 3.1.3 A3 (i) of the R Codes).	Supported - the density variation is considered acceptable in this instance as the property abuts a right-of-way, is adjacent to Scarborough Beach Road, provides housing choice in close proximity to the Mount Hawthorn District Centre and the bulk and scale of the development is considered acceptable as the development is compliant with the overall site plot ratio and open space requirements of the R Codes.
Plot Ratio Whole site	0.65	0.64	Noted - no variation
Unit 1	60 square metres	74.05 square metres	Supported - proposed development is compliant with the overall site plot ratio and the bulk and scale of the proposed development is considered to not have an undue impact on the streetscape or surrounding amenity.
Unit 2	60 square metres	75.06 square metres	Supported - as above.
Unit 3	60 square metres	75.06 square metres	Supported - as above.
Unit 4	60 square metres	75.71 square metres	Supported - as above.

Setbacks: Unit 1 Ground Floor- Carport East (Pennant Street)	1.5 metres	0.75 metre	Supported - variation is considered minor and does not have an undue impact on streetscape or surrounding amenity.
Upper Floor- Balcony East (Pennant Street) -	6 metres	2.5 metres	Supported - variation is considered minor, the roof terrace is setback 3 metres from Pennant Street and is not considered to have an undue impact on streetscape.
Unit 2 Ground Floor- Carport West	1 metre	Nil	Supported - no undue impact on affected neighbour and compliant with building on boundary requirements of the R Codes.
Upper Floor- Balcony East (Pennant Street) -	6 metres	2.5 metres	Supported - variation is considered minor, the roof terrace is setback 3 metres from Pennant Street and is not considered to have an undue impact on streetscape.
Unit 3 Ground Floor- West	1.5 metres	Nil	Supported - boundary wall is not considered to have an undue impact on affected neighbour.
North (Main Dwelling)	4 metres	3.9 metres - 4.2 metres	Supported - variation is considered minor and does not have an undue impact on the streetscape.
Upper Floor- Main Dwelling North	6 metres	3.8 metres -7.9 metres	Not supported - addressed in Officer Recommendation.

(Scarborough Beach Road) - Unit 4 Ground Floor East (Pennant Street)	1.5 metres	1.2 metres	Not supported - addressed in Officer Recommendation.
Main Dwelling North (Scarborough Beach Road) -	4 metres	3.8 metres - 4.3 metres	Supported - variation is considered minor and does not have an undue impact on the streetscape.
Upper Floor- Main Dwelling North (Scarborough Beach Road)-	6 metres	4.1 metres - 8 metres	Not supported - addressed in Officer Recommendation.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Unit 2 West carport wall - compliant with boundary wall requirements of the R Codes. Unit 3 West - maximum wall height is 3.8 metres and average wall height is 3.2 metres.	Noted - no variation. Supported - boundary wall is not considered to have an undue impact on affected neighbour.
Outdoor Living area	To be located behind the street setback	Unit 4 - Located within the front setback	Supported - requirement not feasible in this instance due to depth and size of site and required front setback.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

Demolition

In light of preliminary investigations and an external site inspection conducted on 14 November 2005, a full Heritage Assessment was not considered appropriate in this instance.

The subject dwelling at No. 41 Scarborough Beach Road, North Perth is a single storey rendered brick and tile dwelling constructed during the Inter-War period. The City of Perth Building Licence cards indicate that the dwelling was constructed in 1935. The dwelling has a double gabled roof line, designed to address both Scarborough Beach Road and Pennant Street. The casement windows remain intact to the east and north of the dwelling and the external wall has a stucco finish above dado height. A chimney remains extant on the southern elevation.

The place consists of three bedrooms to the west of the dwelling, a lounge room to the east and a living area, kitchen and bathroom to the rear of the dwelling. Various alterations have been made to the dwelling, including the enclosure of the front verandah to accommodate a sleep out and the extension of the rear of the dwelling to accommodate an additional living area and new kitchen.

The place is not rare and is considered to be of little aesthetic, historic, scientific or social value. The place has little cultural heritage significance and does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Redevelopment

With regard to the redevelopment, the planning application is considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.18 No.31 (Lot 169 D/P: 2334) Eton Street, North Perth- Proposed Demolition of Existing Outbuilding and Construction of an Additional Grouped Dwelling to Existing Single House

Ward:	North	Date:	13 December 2005
Precinct:	North Perth; P8	File Ref:	PRO3209; 5.2005.3229.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by F Almassi on behalf of the owners F Almassi & B Charehjoo for proposed Demolition of Existing Outbuilding and Construction of an Additional Grouped Dwelling to Existing Single House at No. 31 (Lot 169) Eton Street, North Perth and as shown on plans stamped 20 October 2005 and 13 December 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 33 Eton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 33 Eton Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Eton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Eton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements; and*
- (vii) *the proposed subdivision plan shall be amended to reflect the amended subdivision as a result of this Planning Approval.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (6-3)

<u>For</u> Mayor Catania Cr Ker Cr Lake Cr Maier Cr Messina Cr Torre	<u>Against</u> Cr Chester Cr Doran-Wu Cr Farrell
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Landowner:	F Almassi & B Charehjo
Applicant:	F Almassi
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	675 square metres
Access to Right of Way	N/A

BACKGROUND:

- 27 February 2003 The Town under delegated authority from the Council recommended approval to the Western Australian Planning Commission (WAPC) for the proposed survey strata subdivision of the subject property.
- 2 April 2003 WAPC resolved to conditionally approve the application for the subdivision of the subject property.
- 7 October 2003 Amendment No. 10 - the rezoning of land within the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20 was gazetted.
- 26 July 2005 The Council at its Ordinary Meeting resolved to refuse an application for proposed demolition of existing outbuilding and construction of an additional grouped dwelling to existing dwelling at the subject property for the following reasons:
- "1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 2. *The proposed subdivision does not comply with the requirements of either grouped dwelling or battleaxe subdivision.*
 3. *The common property has no purpose for the front dwelling.*
 4. *The driveways are not compliant with the R Codes."*

DETAILS:

The proposal involves demolition of existing outbuilding and construction of an additional grouped dwelling to existing single house at the subject property. The subject property is in the Eton Locality and accordingly, is being referred to the Council for determination. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 20	2 dwellings R 29.6 48 per cent density bonus	Supported - subdivision of lots was conditionally approved by the Western Australian Planning Commission prior to the rezoning of the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20.

Plot Ratio	N/A	N/A	N/A
Setbacks -North	1.5 metres	Nil – 1.5 metres	Supported- minor variation, no undue impact on neighbours, no objections received by affected neighbour and portion of wall on boundary is compliant with Clause 3.2.2-Buildings on Boundary of the R Codes.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> Details on the nature of the objection has not been provided by the submission. 		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

The Town's Policy relating to Subdivisions Requiring Plate Height Development requires dwellings to be constructed to plate height prior to the clearance of a subdivision where there is a creation of a vacant freehold, survey strata or strata lot(s) with an area less than 200 square metres, or having a frontage of less than 6 metres, or having a depth less than 15 metres, or having an awkward shape. In this instance, the subject lots are not considered to meet these criteria.

The Town's Draft Policy relating to Residential Design Elements, which is currently being revised subsequent to the community consultation period, requires construction to plate height prior to the clearance of a subdivision for resultant lots that are less than 8 metres in width and/or comprise less than 300 square metres in area. It is considered that the Town is not in a position to enforce this requirement on the basis that the Policy is yet to be adopted and the subject requirement is intended to be applied to subdivision applications only.

The current plans differ from the previous plans in that the previous two driveways have been incorporated to create a shared 'common property' driveway and a storeroom has been added to the existing dwelling. The existing house on proposed Lot 1 complies with the open space requirements of the R-Codes. In light of these amendments, it is considered that the current plans have adequately addressed the previous reasons for refusal.

The planning application is therefore generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions.

10.1.21 No. 236 (Lot 8, Strata Lot 2 STR: 25885) Brisbane Street, Perth - Proposed Partial Demolition of and Two-Storey (2) Additions to Existing Single House

Ward:	North	Date:	13 December 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3352; 5.2005.3223.1
Attachments:	001		
Reporting Officer(s):	B McKean, L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner's J Colquhoun and B Mathiesen for proposed Partial Demolition of and Two-Storey (2) Additions to Existing Single House, at No. 236 (Lot 8, Strata Lot 2 STR: 25885) Brisbane Street, Perth, and as shown on plans stamp-dated 18 October 2005, subject to:

- (i) subject to first obtaining the consent of the owners of No. 236 (Part Lot 1) Brisbane Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 236 (Part Lot 1) in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) any new street/front wall, fence and gate between the Brisbane Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the main bedroom on the eastern elevation and southern elevation and to the sides of the deck on the eastern elevation, southern elevation and western elevation, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the plot ratio being a maximum of 0.65. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Cr Chester departed the Chamber at 8.45pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Farrell

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

- “(iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the main bedroom on the eastern elevation and southern elevation and to the sides of the deck on the eastern elevation, southern elevation and western elevation, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies. Screening is not required to the southern elevation of the main bedroom window and southern side of the deck, provided the applicant submits to the Town written documentary evidence that the owner and occupier of the eastern and western adjacent properties have no objection to no screening being provided to these major openings, and this written documentary evidence shall be submitted prior to the issue of a Building Licence; and*”

AMENDMENT CARRIED (8-0)

(Cr Chester was absent from the Chamber and did not vote.)

Cr Chester returned to the Chamber at 8.46pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.47pm.

Moved Cr Ker, Seconded Cr Chester

That clause (v) be deleted.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.21

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner's J Colquhoun and B Mathiesen for proposed Partial Demolition of and Two-Storey (2) Additions to Existing Single House, at No. 236 (Lot 8, Strata Lot 2 STR: 25885) Brisbane Street, Perth, and as shown on plans stamp-dated 18 October 2005, subject to:

- (i) subject to first obtaining the consent of the owners of No. 236 (Part Lot 1) Brisbane Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 236 (Part Lot 1) in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) any new street/front wall, fence and gate between the Brisbane Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the main bedroom on the eastern elevation and southern elevation and to the sides of the deck on the eastern elevation, southern elevation and western elevation, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies. Screening is not required to the southern elevation of the main bedroom window and southern side of the deck, provided the applicant submits to the Town written documentary evidence that the owner and occupier of the eastern and western adjacent properties have no objection to no screening being provided to these major openings, and this written documentary evidence shall be submitted prior to the issue of a Building Licence.*

Landowner:	J Colquhoun & B Mathiesen
Applicant:	J Colquhoun & B Mathiesen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	181 square metres
Access to Right of Way	North side, 3.1 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and two-storey (2) additions to existing single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.67	Not supported – undue impact and addressed in Officer Recommendation.

Setbacks: Upper Floor- East	1.5 metres	1.13 metres	Supported - variation is considered minor, not have an undue impact on affected neighbour and affected neighbour has not objected.
West	1.5 metres	Nil	Supported - existing parapet wall on ground floor, extension to parapet wall is not considered to have an undue impact on affected neighbour and affected neighbour has not objected.
Building on Boundary: West	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Height is 6 metres	Supported - as above.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No objection. 		Noted.
Objection (1)	<ul style="list-style-type: none"> Privacy 		Supported - undue impact and overlooking is addressed in the Officer Recommendation.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, the planning application is generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

Cr Doran-Wu returned to the Chamber at 8.48pm. Cr Lake departed the Chamber at 8.48pm.

10.1.22 No. 58 (Lots 206, 205 and 204 D/P: 32575) Grosvenor Road, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey (2) Grouped Dwelling

Ward:	South	Date:	13 December 2005
Precinct:	Norfolk; P10	File Ref:	PRO3335; 5.2005.3191.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangelo Designs on behalf of the owner G Rollerson for proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey (2) Grouped Dwelling, at No. 58 (Lot 206, 205 and 204 D/P: 32575) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 8 December 2005, subject to the following conditions:

- (i) subject to first obtaining the consent of the owners of No. 56 and No. 60 Grosvenor Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 56 and No. 60 Grosvenor Road in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) any new street/front wall, fence and gate between the Grosvenor Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Grosvenor Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the 'privacy screen' sides of the roof terrace on the northern elevation, eastern elevation and western elevation, on the first floor, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the car bays for the existing dwelling being a minimum width of 5.4 metres and a minimum depth of 5.4 metres; and*
- (b) *the pedestrian access way/service corridor from Grosvenor Road to the proposed rear dwelling being a minimum width of 1.5 metres, with a width of 1.2 metres being acceptable only adjacent to the existing dwelling.*

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

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted subject to it being numbered (i)(a) to (f) and a new clause (ii) being added as follows:

- "(ii) the Council ADVISES the applicant that the Town has received previous advice from service authorities that services will not be provided to a rear lot/dwelling with a pedestrian access way/service corridor width less than 1.5 metres, therefore the applicant should liaise with the relevant service authorities in relation to the subject pedestrian access way/service corridor being a minimum of 1.2 metres adjacent to the existing dwelling."*

Debate ensued.

CARRIED (8-0)

(Cr Lake was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.22

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangelo Designs on behalf of the owner G Rollerson for proposed Partial Demolition of and Alterations and Additions to Existing Single House and Construction of an Additional Two-Storey (2) Grouped Dwelling, at No. 58 (Lot 206, 205 and 204 D/P: 32575) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 8 December 2005, subject to the following conditions:*
- (a) *subject to first obtaining the consent of the owners of No. 56 and No. 60 Grosvenor Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 56 and No. 60 Grosvenor Road in a good and clean condition;*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (c) *any new street/front wall, fence and gate between the Grosvenor Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (d) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Grosvenor Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (e) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the 'privacy screen' sides of the roof terrace on the northern elevation, eastern elevation and western elevation, on the first floor, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the car bays for the existing dwelling being a minimum width of 5.4 metres and a minimum depth of 5.4 metres; and*
 - (2) *the pedestrian access way/service corridor from Grosvenor Road to the proposed rear dwelling being a minimum width of 1.5 metres, with a width of 1.2 metres being acceptable only adjacent to the existing dwelling.*

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

- (ii) *the Council ADVISES the applicant that the Town has received previous advice from service authorities that services will not be provided to a rear lot/dwelling with a pedestrian access way/service corridor width less than 1.5 metres, therefore the applicant should liaise with the relevant service authorities in relation to the subject pedestrian access way/service corridor being a minimum of 1.2 metres adjacent to the existing dwelling.*

ADDITIONAL INFORMATION:

The applicant has submitted clearer A4 plans for the Council's consideration which is attached at Appendix 10.1.22. These plans also include the elevations of the proposed store for the existing dwelling.

Landowner:	G Rollerson
Applicant:	Tangelo Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	526 square metres
Access to Right of Way	West side, 3 metres wide, sealed, privately owned

BACKGROUND:

5 April 2002 The Western Australian Planning Commission conditionally approved the survey strata subdivision of the subject property.

DETAILS:

The proposal involves the partial demolition of and alterations and additions to existing single house and construction of an additional two storey grouped dwelling. The pergola over the carport is not a part of this application.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.39 dwellings R40	2 dwellings R38	Noted
Plot Ratio	N/A	N/A	Noted
Setbacks: Proposed Dwelling Ground Floor- East	1.5 metres	Nil - 1.59 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has not objected.
South	1.5 metres	Nil - 1.8 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour and wall is to an internal boundary.
West	1.5 metres	Nil - 1.72 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour, and affected neighbour has not objected.
Upper Floor- North	1.2 metres	1.1 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour, and affected neighbour has not objected.
East	1.5 metres	Nil - 1.5 metres	Supported - as above.

Building on Boundary: Proposed Dwelling	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the boundary behind the front setback, to one side boundary.	Three Boundary Walls East - wall height of 6 metres - 6.5 metres South - wall height of 3.4 metres	Supported - boundary wall is considered to not have an undue impact on affected neighbour and affected neighbour has not objected. Supported - as above.
		West - wall height of 3.4 metres	Supported - boundary wall is considered to not have an undue impact on affected neighbour.
Pedestrian Access	1.5 metres	1.2 metres to 1.72 metres	Supported in part - the Town's Policy No. 3.4.6 allows <i>"the Town to consider a pedestrian access leg of less than 1.5 metres where it abuts the existing house to be retained"</i> . This has been addressed in the Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Right of way becoming private. • Privacy. • Boundary wall. • Overshadowing. 		<p>Not supported - no changes to the right of way.</p> <p>Not supported - compliant with privacy requirements of the R Codes.</p> <p>Not supported - boundary wall is considered to not have an undue impact on affected neighbour.</p> <p>Not supported - compliant with overshadowing requirements of the R Codes.</p>

	<ul style="list-style-type: none"> Existing Magnolia tree. 	Not supported - development will not affect the adjoining neighbours' Magnolia tree.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

In light of the above, the planning application is generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the above matters.

At 8.50pm. The Presiding Member called a five (5) minute adjournment.

At 8.57pm The meeting resumed with all Elected Members, Senior Officers and Minutes Secretary present. Journalist – Dan Hatch also present.

10.1.33 Proposed Northbridge Entertainment Zone and Related Noise Management Issues

Ward:	South	Date:	14 December 2005
Precinct:	All	File Ref:	ENS0031
Attachments:			
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **NOTES:**

- (a) *the documentation provided by the City of Perth and the East Perth Redevelopment Authority (EPRA) in relation to the Proposed Northbridge Entertainment Zone and Related Noise Management Issues; and*
- (b) *that the Town of Vincent has no jurisdiction in the locality of Northbridge;*

(ii) **REQUESTS the Minister for Planning and Infrastructure and Minister of Environment incorporate the following procedures and aspects prior to formally approving the Proposed Northbridge Entertainment Zone, namely that;**

- (a) *an Acoustic Engineer(s) conducts sound modelling and submits a Vincent Impact Zone and anticipated sound levels for the Council's consideration;*
- (b) *the EPRA be requested to investigate strategies to improve the provision of public transport so as to minimise external patron anti-social behaviour and subsequent noise from areas near night entertainment venues;*
- (c) *the professional comment of the Department of Environment's Noise Control Section or their Acoustic Consultant - as a peer review process - be incorporated in sound level management of the proposed impact areas;*
- (d) *a formal Complaint Handling Procedure be put in place and operated by the EPRA and/or City of Perth;*
- (e) *a public support test be determined in relation to the Impact Zone that includes preferably an overwhelming majority of local residents;*
- (f) *a date and procedure be determined to review the Sound Management Plan for the Proposed Northbridge Entertainment Zone;*
- (g) *a Communication System be put in place for night venues to keep nearby residents and businesses informed on major live entertainment events and annual semester meetings with residents in a 250metres radius to address unreasonable anti-social behaviour and excessive noise;*
- (h) *authorised officers from the City of Perth, EPRA and Town of Vincent be provided with Guidelines on how to action complaints in accordance with the established Northbridge Entertainment Zone; and*

- (i) *the research, establishment and monitoring of the Proposed Northbridge Entertainment Zone be at no cost to the Town of Vincent; and*
- (iii) *REQUESTS a status report from the East Perth Redevelopment Authority and the City of Perth to be submitted within six (6) months after implementation of the Proposed Northbridge Entertainment Zone.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Farrell

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

- “(iv) REQUEST the proposed planning policy, to address noise intrusion and omissions as resolved on 25 October 2005, be fundamentally based on the East Perth Redevelopment Authority planning policy 1.17 – Sound Attenuation, so as to provide consistency of application in approach to noise, intrusion and emission controls, and that a further report on the matter should be provided no later than March 2006.”*

Debate ensued.

Cr Farrell departed the Chamber at 9.10pm.

Cr Farrell returned to the Chamber at 9.11pm.

Cr Torre departed the Chamber at 9.11pm.

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Messina	

(Cr Torre was absent from the Chamber and did not vote.)

Moved Cr Lake, Seconded Cr Maier

That:

- (1) *clauses (ii), (ii)(b) and (d) be amended and a new clause (ii)(j) be added as follows:*

“(ii) REQUESTS the Minister for Planning and Infrastructure and Minister of Environment to recognise that there is an established residential area adjacent to the proposed Northbridge Entertainment Zone within the Town of Vincent, that, these residents have a right to expect a reasonable level of amenity with respect to the noise and other amenity issues, and incorporate the following procedures and aspects prior to formally approving the Proposed Northbridge Entertainment Zone, namely that;

.....

(b) *the EPRA be requested to investigate strategies such as improving to improve the provision of public transport so as to minimise external patron anti-social behaviour, the discarding of drinking vessels, and subsequent unreasonable external patron noise from areas near night entertainment venues;*

(d) *a formal Complaint Handling Procedure be put in place and operated by the EPRA and/or City of Perth, and details of complaints be reported to the Town of Vincent on a quarterly basis;*

.....

(i) *that any venues in Northbridge, either existing or proposed, that are likely to emit unreasonable noise should be designed so that the noise does not spill northwards into the residential area of the Town of Vincent. This can be achieved by engineering design methods such as no opening or outdoor areas with amplified music facing northwards, by screening with vegetation or structural methods, or by sound proofing to prevent noise leaving the site.*

(2) *a new clause (v) be added as follows:*

“(v) is willing to negotiate any matters of detail to meet the expectations of all parties in regard to the establishment of the Northbridge Entertainment Zone.”

Debate ensued.

Cr Torre returned to the Chamber at 9.18pm.

The Presiding Member ruled that the amendment would be dealt with in two parts.

Part (1) was put.

PART (1) LOST (4-5)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Chester
Cr Maier	Cr Doran-Wu
Cr Torre	Cr Farrell
	Cr Messina

Part (2) was put.

PART (2) LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Chester
Cr Torre	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Messina

Moved Cr Chester, Seconded Cr Maier

That a new clause (v) be added as follows:

“(v) *REQUEST the Minister for Planning and Infrastructure and the Minister of Environment recognise that there is an established residential area adjacent to the proposed Northbridge entertainment zone within the Town of Vincent and that these residents have a right to expect a reasonable level of amenity with respect to noise and other amenity issues.*”

The Presiding Member ruled that the amendment was out of order as it negates the intention of the recommendation.

Moved Cr Lake, Seconded Cr

That a new clause (v) be added as follows:

“(v) *REQUESTS the Chief Executive Officer to write to the Minister for Planning and Infrastructure pointing out that there is an established residential area adjacent to the proposed Northbridge entertainment zone within the Town of Vincent, and that in the Town of Vincent’s opinion, these residents have a right to expect a reasonable level of amenity with respect to noise and other amenity issues, and ask that this be taken into account for the planning of the Northbridge entertainment zone.*”

The Presiding Member advised that he would not accept the recommendation as it was no different to the one put forward by Cr Chester.

MOTION AS AMENDED CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

COUNCIL DECISION ITEM 10.1.33

That the Council;

- (i) **NOTES:**
- (a) *the documentation provided by the City of Perth and the East Perth Redevelopment Authority (EPRA) in relation to the Proposed Northbridge Entertainment Zone and Related Noise Management Issues; and*
 - (b) *that the Town of Vincent has no jurisdiction in the locality of Northbridge;*

- (ii) ***REQUESTS the Minister for Planning and Infrastructure and Minister of Environment incorporate the following procedures and aspects prior to formally approving the Proposed Northbridge Entertainment Zone, namely that;***
- (a) *an Acoustic Engineer(s) conducts sound modelling and submits a Vincent Impact Zone and anticipated sound levels for the Council's consideration;*
 - (b) *the EPRA be requested to investigate strategies to improve the provision of public transport so as to minimise external patron anti-social behaviour and subsequent noise from areas near night entertainment venues;*
 - (c) *the professional comment of the Department of Environment's Noise Control Section or their Acoustic Consultant - as a peer review process - be incorporated in sound level management of the proposed impact areas;*
 - (d) *a formal Complaint Handling Procedure be put in place and operated by the EPRA and/or City of Perth;*
 - (e) *a public support test be determined in relation to the Impact Zone that includes preferably an overwhelming majority of local residents;*
 - (f) *a date and procedure be determined to review the Sound Management Plan for the Proposed Northbridge Entertainment Zone;*
 - (g) *a Communication System be put in place for night venues to keep nearby residents and businesses informed on major live entertainment events and annual semester meetings with residents in a 250metres radius to address unreasonable anti-social behaviour and excessive noise;*
 - (h) *authorised officers from the City of Perth, EPRA and Town of Vincent be provided with Guidelines on how to action complaints in accordance with the established Northbridge Entertainment Zone; and*
 - (i) *the research, establishment and monitoring of the Proposed Northbridge Entertainment Zone be at no cost to the Town of Vincent;*
- (iii) ***REQUESTS a status report from the East Perth Redevelopment Authority and the City of Perth to be submitted within six (6) months after implementation of the Proposed Northbridge Entertainment Zone; and***
- (iv) ***REQUEST the proposed planning policy, to address noise intrusion and omissions as resolved on 25 October 2005, be fundamentally based on the East Perth Redevelopment Authority planning policy 1.17 – Sound Attenuation, so as to provide consistency of application in approach to noise, intrusion and emission controls, and that a further report on the matter should be provided no later than March 2006.***

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the Proposed Northbridge Entertainment Zone based on currently available information after the matter was reported in the media.

BACKGROUND:

The City of Perth Minutes of 15 November 2005 outlines as follows:

“Noise Measures

The City attempts to minimise noise issues by requiring new entertainment facilities to be designed in such a way that noise is contained within the building and the noise that does escape is at a level that would not exceed acceptable levels at neighbouring properties. Existing premises are also progressively required to upgrade their premises and the City has been successful with a number of operators in achieving significant improvements to their premises.

New residential developments in the city are also required to incorporate noise attenuation measures as determined by an Acoustic Consultant prior to the issue of a building licence.

EPRA’s approach in areas that come under their control is to require detailed acoustic building design specifications and to use an acoustic consultant to assess Development Applications. EPRA’s approach is comprehensive in that it covers building design to protect occupants from both external and internal noise within freestanding and apartment style occupancies above the minimum BCA sound transmission requirements, and they also seek to control noise from new commercial buildings such as entertainment venues. Developers are required to submit acoustic reports and meet specific policy and tailored specification noise criteria.

Whilst both the City’s and EPRA’s approaches help to soundproof residential apartments they do not overcome the requirements of the noise regulations. All the soundproofing counts for nothing if a resident chooses to open a window or a door to a balcony which allow noise to enter the apartment to a level that does not comply with the requirements of the noise regulations.

Noise Regulations

The existing Environmental Protection (Noise) Regulations 1997 sets a prescribed standard for noise. Emissions which exceed the prescribed standard can be regarded as “pollution” and unreasonable noise. The regulations take into consideration an “influencing factor” in determining the assigned level, which is applied when noisier commercial, industrial and transport route uses exist within 450m radius of the site. For example, many areas of Northbridge such as James Street have a 12-14dB(A) penalty or adjustment on the allowed regulation level compared to purely residential zones in outer suburbs. The quietest outer suburb residence would attract a regulation assigned level of 35dB LA10 after 10.00pm, whereas Northbridge has 49dB(A) typically. As recent planning schemes have removed industrial zoning, which attracted higher influencing factors, the regulation assigned level has reduced from 49dB(A) to 46dB(A) typically.

The regulations also allow for the nuisance or annoyance factor generated by different types of noise and music in particular by allowing music sources to be adjusted by 10dB(A) for tonality and modulation components, and if impulsiveness is measured then 15dB(A) applies, which is very rare. This means that any reading in the city or Northbridge coming from a music source automatically incurs a reading of either 10 or 15dB(A) on top of the actual reading.

Complaints

The City has received twenty three (23) complaints in the last 18 months related to music venues. The numbers relating to each premises and general complaint location were:-

- *six (6) complaints for The Bog, 361 Newcastle Street from 4-6 individuals in Aberdeen Street and surrounds generally to the rear of the premises;*
- *three (3) complaints for the Metro Nightclub, 146 Roe Street. from three individuals (418 Murray Street apartments, Little Shenton Street and James Street to the north);*
- *two (2) complaints for the Paramount Nightclub, 171 James Street from one individual (191 James Street apartments);*
- *three (3) complaints for the Blue to the Bone, 174 James Street from one individual (191 James Street apartments);*
- *two (2) complaints for the Deen, 84 Aberdeen Street from two individuals (Corner of Lake / Newcastle Streets in the Town of Victoria Park and one in the City of Perth on Newcastle Street to the rear;*
- *one (1) complaint for Russell Square event music from a person in Brisbane Street, Town of Vincent;*
- *one (1) complaint for music from Backpackers at 162 Aberdeen Street, unknown complainant location;*
- *one (1) complaint for the Artrage Centre at 233 James Street from a resident at 228 James Street apartments;*
- *one (1) complaint for Black Betty's, 133 Aberdeen Street from a resident in Aberdeen Street;*
- *one (1) complaint for Francines Restaurant, 206 William Street from adjoining commercial tenancy;*
- *one (1) complaint for 195 Pier Street from resident at corner of Pier/James Streets;*
- *one (1) complaint for general unknown music source from resident at 8 James Street apartments; NOTE: It is noted that five (5) of these complaints were from one (1) resident at different periods.'*

RELEVANT COMPLAINTS RECEIVED BY THE TOWN OF VINCENT HEALTH SERVICES

Noise Generator	No. of Complaints Last 12 Months	Complainant Location
'The Deen' Aberdeen Hotel	3	Newcastle Street, Perth Robinson Avenue, Perth Brookman Street, Perth
The Bog	3	Pendel Lane Residential Complex

'COMMENTS:

EPRA commenced a process of investigating options to amend the noise regulations for Northbridge when the master plan for the Northbridge Village was first adopted, however, this investigation did not continue to the extent that any formal position being put forward. The City's interests on noise extends further than the Northbridge area. In recent times, Hudson Gallery and the Old Swan Brewery have been the subject of continued noise complaints that has led in each instance to the liquor licence being withdrawn or modified. It is noted that simply changing the noise regulations will not necessarily resolve noise complaints. These complaints arise out of a resident's perception and will continue to require the City to monitor noise levels in response to complaints. Changes to legislation would need to be significant to reduce the potential for any potential prosecutions to proceed. The details of these changes need to be further investigated in conjunction with officers of the Department of Environment, EPRA and the Town of Vincent.

In the case of a concentrated entertainment precinct like Northbridge the critical issue is the location of any new residential apartment buildings in close proximity to nightclubs. The Council has approved only two residential developments in Northbridge in recent years, one in Parker Street and the other in Francis Street but neither development has proceeded to construction.

The Liquor Licensing Act 1988 also contains provisions relating to residents' complaints and these provisions have been used as the main legal avenue by residents to have noise issues addressed, through seeking the revocation or amendment to a premises liquor licence. Amendments to the Liquor Licensing Act 1988 need to be considered in parallel with any changes to the noise regulations."

CITY OF PERTH RESOLUTION

"That the Council:-

- 1. supports the Environmental Protection (Noise) Regulations 1997 being amended in a way that recognises the unique characteristics of the Northbridge entertainment precinct and the city centre in general;*
- 2. writes to the Minister for Planning and Infrastructure and the Minister for the Environment requesting their support for amendments to the Environmental Protection (Noise) Regulations 1997;*
- 3. participates in a joint working party comprising of representatives from the Department of Environment, Town of Vincent and the East Perth Redevelopment Authority to investigate the proposed amendments and to report back to the Council with the conclusions of that investigation."*

CONSULTATION/ADVERTISING:

The responsibility for consultation and advertising is the responsibility of the City of Perth and EPRA, however if the 'Northbridge Entertainment Zone' is established by Parliament, Vincent residents will be advised accordingly.

LEGAL/POLICY:

Environmental Protection (Noise) Regulations 1997.

Liquor Licensing Act 1988.

The legal aspects are being covered under the heading 'Noise Regulations' of the City of Perth Minutes of 15 November 2005.

STRATEGIC IMPLICATIONS:

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - "Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENT:

In order to protect the interests of the Town's residents it is deemed appropriate to request the Minister for Planning and Infrastructure and the Minister of Environment to incorporate the following procedures and aspects prior to formally approving the Proposed Northbridge Entertainment Zone, namely that;

- (a) an Acoustic Engineer(s) conducts sound modelling and submits a Vincent Impact Zone and anticipated sound levels for the Council's consideration;
- (b) the EPRA be requested to investigate strategies to improve the provision of public transport so as to minimise external patron anti-social behaviour and subsequent noise from areas near night entertainment venues;
- (c) the professional comment of the Department of Environment's Noise Control Section or their Acoustic Consultant - as a peer review process - be incorporated in sound level management of the proposed impact areas;
- (d) a formal Complaint Handling Procedure be put in place and operated by the EPRA and/or City of Perth;
- (e) a public support test be determined in relation to the Impact Zone that includes preferably an overwhelming majority of local residents;
- (f) a date and procedure be determined to review the Sound Management Plan for the Proposed Northbridge Entertainment Zone;
- (g) a Communication System be put in place for night venues to keep nearby residents and businesses informed on major live entertainment events and annual semester meetings with residents in a 250 metres radius to address unreasonable anti-social behaviour and excessive noise;
- (h) authorised officers from the City of Perth, EPRA and Town of Vincent be provided with Guidelines on how to action complaints in accordance with the established Northbridge Entertainment Zone; and
- (i) the research, establishment and monitoring of the Proposed Northbridge Entertainment Zone be at no cost to the Town of Vincent.

In addition, it is recommended that the Council requests a status report from the East Perth Redevelopment Authority and the City of Perth to be submitted within six (6) months after implementation of the Proposed Northbridge Entertainment Zone.

The Presiding Member advised that Crs Lake and Maier had declared a financial interest in this Item. Crs Lake and Maier departed the Chamber at 9.35pm and did not speak or vote on the matter.

10.1.36 Progress Report No.11 - Municipal Heritage Inventory Review

Ward:	Both Wards	Date:	14 December 2005
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	H Eames, T Woodhouse, N Greaves		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No.11 pertaining to the Municipal Heritage Inventory Review;*
- (ii) *APPROVES the Communications Strategy prepared by Glew Corporate Communications as shown in the Confidential Attachment 10.1.36;*
- (iii) *APPROVES the revised timeline, resources, strategic projects and initiatives schedule as shown in Attachment 10.1.36; and*
- (iv) *AUTHORISES the Chief Executive Officer to:*
 - (a) *proceed with items contained in the schedule; and*
 - (b) *identify funds in the 2005/2006 Budget to undertake the new items at an amount of \$12,500.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted subject to clause (iv)(b) being amended and a new clause (v) being added as follows:

- “(iv) (b) *identify funds in the 2005/2006 Budget to undertake the new items at an amount of ~~\$12,500~~ \$14,800; and*
- (v) *REVIEWS the complete package that is to be sent to all affected property owners at a confidential Elected Members Forum to be held at least one week prior to the package being sent to the affected owners.*”

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

- (iii) *APPROVES the revised timeline, resources, strategic projects and initiatives schedule as shown in Attachment 10.1.36 subject to; and*

- (a) further funding being provided for an A4 news sheet containing a condensed version of two or more of the heritage renovations stories being incorporated in the owners' package;
- (b) consideration of allocation of money for more and smaller meetings with affected property owners; and
- (c) further funding being allocated for advertorials in newspapers after the release of letters to affected land owners to respond to any negative press; and"

AMENDMENT CARRIED (7-0)

(Crs Lake and Maier were absent from the Chamber and did not vote.)

Journalist Dan Hatch left the meeting at 9.46pm.

MOTION AS AMENDED CARRIED (7-0)

(Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.36

That the Council;

- (i) *RECEIVES the Progress Report No.11 pertaining to the Municipal Heritage Inventory Review;*
- (ii) *APPROVES the Communications Strategy prepared by Glew Corporate Communications as shown in the Confidential Attachment 10.1.36;*
- (iii) *APPROVES the revised timeline, resources, strategic projects and initiatives schedule as shown in Attachment 10.1.36 subject to;*
 - (a) *further funding being provided for an A4 news sheet containing a condensed version of two or more of the heritage renovations stories being incorporated in the owners' package;*
 - (b) *consideration of allocation of money for more and smaller meetings with affected property owners; and*
 - (c) *further funding being allocated for advertorials in newspapers after the release of letters to affected land owners to respond to any negative press; and*
- (iv) *AUTHORISES the Chief Executive Officer to:*
 - (a) *proceed with items contained in the schedule; and*
 - (b) *identify funds in the 2005/2006 Budget to undertake the new items at an amount of \$14,800; and*
- (v) *REVIEWS the complete package that is to be sent to all affected property owners at a confidential Elected Members Forum to be held at least one week prior to the package being sent to the affected owners.*

ADDITIONAL INFORMATION:

The amendments have been made to account for the staff overtime that will be required to prepare the Certificates recommended in the Communication Strategy conducted by Glew Corporate Communications. This item and associated costs (\$2,340) are reflected by underlining and strike-through in the attached replacement pages 3 and 7 respectively for Attachment 10.1.36.

PURPOSE OF REPORT:

To provide the Council with an update on the progress of the Municipal Heritage Inventory (MHI) Review and obtain the Council's approval for the associated revised timeline, strategic projects and initiatives following receipt of the Communications Strategy.

BACKGROUND:

The Council at its Ordinary Meeting held on 25 October 2005, resolved to receive a further report pertaining to the Municipal Heritage Inventory Review following receipt of a Communication Strategy by an appointed consultant, as follows:

"(ii) REQUESTS a further report from the Chief Executive Officer pertaining to the timeline and related strategic projects following the above review by the appointed public relations consultant;"

DETAILS:

Glew Corporate Communications were appointed to prepare a Communications Strategy in relation to the MHI. The consultant presented the Strategy to an Elected Members workshop held on 29 November 2005. Positive feedback was received from Elected Members. The Strategy is confidential and is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

CONSULTATION/ADVERTISING:

This matter is not required to be advertised. The revised MHI will be subject to extensive community consultation.

LEGAL/POLICY:

There is a legal requirement for the Town to review its Municipal Heritage Inventory and the "*Publicity and Consultation Strategy*" forms part of that review.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 1.2 "*Recognise the value of heritage in providing a sense of place and identity*".

FINANCIAL IMPLICATIONS:

The current 2005/2006 Budget lists \$14,900 for the Heritage Incentive Packages and \$32,400 for the Municipal Heritage Inventory Review. At its Ordinary Meeting held on 25 October 2005, Council resolved that an additional \$39,100 be allocated in the current 2005/2006 Budget for additional items relating to this project.

New items identified as a result of the Communications Strategy have been included in the schedule at a total cost of ~~\$8,459, say \$8,500~~ \$14,799, say \$14,800. This amount includes the estimated human resources required to produce the items recommended in the Communications Strategy in the short term.

In addition, an amount of \$4000 has been included to reflect costs associated with the production of special feature articles in the local newspaper, as discussed at the Elected Members Forum held on 18 October 2005 and Elected Members Workshop held on 29 November 2005.

COMMENTS:

The revised timetable with associated items and resources has been amended to reflect the Communications Strategy.

The Officer Recommendation is to approve the Communications Strategy and consequent revised timeline, resources, projects and initiatives, and authorise the Chief Executive Officer to identify funds in the 2005/2006 Budget to undertake the new items at ~~\$8,500 and \$4,000~~ totally \$12,500 a total of \$14,800.

Crs Lake and Maier returned to the Chamber at 9.49pm. The Presiding Member advised Crs Lake and Maier that the Item had been carried with amendments.

10.2.1 Proposed William Street Streetscape Upgrade, Brisbane to Newcastle Streets, Perth - Progress Report No. 2

Ward:	South	Date:	11 December 2005
Precinct:	Beaufort P13	File Ref:	TES0473
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Progress Report No 2 on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth, as at 11 December 2005;
- (ii) **ADVISES** the East Perth Redevelopment Authority and the City of Perth that:
 - (a) *the two lane carriageway option, as shown on attached plans Nos 2374-CP-2 and 3, is the Town's preferred alignment option (subject to a favourable outcome of the requested Traffic Study as outlined in clause (ii)(b)) as this proposal will facilitate the future conversion of the road to allow for either light rail or possibly a third traffic lane with minimal disruption and no requirement for tree removals;*
 - (b) *it requests that Localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane and intersection phasing and timing (as recommended in the Sinclair Knight Mertz report), in particular along the section of William Street between Brisbane and Newcastle Streets, be undertaken by EPRA and provided to the Town with recommendations by FEBRUARY 2006 to enable the Town to finalise their design plans;*
 - (c) *the Town is committed to commencing the streetscape upgrade of William Street in the 2005/2006 financial year and that any further delay in the decision making process may result in the Town commencing the works without a final proposal being agreed to by all the parties involved;*
- (iii) **REQUESTS** that the East Perth Redevelopment Authority and City of Perth make a final decision regarding the William Street road alignment as soon as practical following the assessment of the requested Traffic Study as requested in clause (ii)(b);
- (iv) **ADVISES** Main Roads WA of its decision and:
 - (a) *requests their formal input on the proposal to reduce William Street to two lanes; and*
 - (b) *that as part of the proposal, they reduce the posted speed of William Street between Brisbane and Newcastle Streets to 'at least' 50 kph;*

- (v) *NOTES that the streetscape principles as previously adopted by the Council and as outlined on attached plan No 2330-CP-1 will be incorporated in the final plan to be presented for endorsement by the Council prior to formally consulting with the Community;*
- (vi) *RECEIVES a separate report on the Artwork component of the project as soon as this information is available; and*
- (vii) *RECEIVES a further report on the streetscape upgrade proposal by no later than March 2006 where a final plan for 'in principle' adoption will be presented, outlining revised costs, including the feedback from clauses (ii)(b) and (iii) prior to formal consultation with the community being undertaken.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted subject to a new clause (ii)(d) being added as follows:

- “(ii) (d) *the Mayor and Chief Executive Officer are to arrange a meeting with the Lord Mayor and Chief Executive Officer of the City of Perth, including the Chief Executive Officer and Chair of EPRA, at their earliest convenience, to ensure that the best urban design outcome for the whole of William Street is achieved in a timely manner, given the Town's current large financial commitment to the project.*”

CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the Progress Report No 2 on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth, as at 11 December 2005;*
- (ii) *ADVISES the East Perth Redevelopment Authority and the City of Perth that:*
 - (a) *the two lane carriageway option, as shown on attached plans Nos 2374-CP-2 and 3, is the Town's preferred alignment option (subject to a favourable outcome of the requested Traffic Study as outlined in clause (ii)(b)) as this proposal will facilitate the future conversion of the road to allow for either light rail or possibly a third traffic lane with minimal disruption and no requirement for tree removals;*
 - (b) *it requests that Localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane and intersection phasing and timing (as recommended in the Sinclair Knight Mertz report), in particular along the section of William Street between Brisbane and Newcastle Streets, be undertaken by EPRA and provided to the Town with recommendations by FEBRUARY 2006 to enable the Town to finalise their design plans;*
 - (c) *the Town is committed to commencing the streetscape upgrade of William Street in the 2005/2006 financial year and that any further delay in the decision making process may result in the Town commencing the works without a final proposal being agreed to by all the parties involved; and*

- (d) *the Mayor and Chief Executive Officer are to arrange a meeting with the Lord Mayor and Chief Executive Officer of the City of Perth, including the Chief Executive Officer and Chair of EPRA, at their earliest convenience, to ensure that the best urban design outcome for the whole of William Street is achieved in a timely manner, given the Town's current large financial commitment to the project;*
- (iii) *REQUESTS that the East Perth Redevelopment Authority and City of Perth make a final decision regarding the William Street road alignment as soon as practical following the assessment of the requested Traffic Study as requested in clause (ii)(b);*
- (iv) *ADVISES Main Roads WA of its decision and:*
- (a) *requests their formal input on the proposal to reduce William Street to two lanes; and*
- (b) *that as part of the proposal, they reduce the posted speed of William Street between Brisbane and Newcastle Streets to 'at least' 50 kph;*
- (v) *NOTES that the streetscape principles as previously adopted by the Council and as outlined on attached plan No 2330-CP-1 will be incorporated in the final plan to be presented for endorsement by the Council prior to formally consulting with the Community;*
- (vi) *RECEIVES a separate report on the Artwork component of the project as soon as this information is available; and*
- (vii) *RECEIVES a further report on the streetscape upgrade proposal by no later than March 2006 where a final plan for 'in principle' adoption will be presented, outlining revised costs, including the feedback from clauses (ii)(b) and (iii) prior to formal consultation with the community being undertaken.*

PURPOSE OF REPORT:

The purpose of this report is to provide an update of the progress to date for the William Street Streetscape upgrade proposal.

BACKGROUND:

A detailed report on the William Street Streetscape upgrade proposal was considered by the Council at its ordinary meeting held on 22 February 2005, where the Council adopted, in principle, the proposed streetscape upgrade proposal (*refer attached plan No 2330-CP-1*) and for the project to be referred to as 'William Street'.

The Council further decided to write to the East Perth Redevelopment Authority requesting they formally comment on the Town's Streetscape upgrade proposal.

A detailed progress report on the William Street Streetscape upgrade proposal was subsequently considered by the Council at its Ordinary Meeting held on 13 July 2005. The report provided updated information on the following matter:

- East Perth Redevelopment Authority (EPRA)
- City of Perth (COP)
- Discussion of possible road alignment options

- Proposed street trees
- Proposed street lighting
- The undergrounding of power
- Metro Centre Committee – Transport Planning Group
- Proposed development of Artwork
- State Funding
- Community Consultation
- Community Safety and Crime Prevention Partnership Fund - Designing Safer Communities Funding

The report concluded that there was little value in proceeding with the project until all possible options in partnership with the other stakeholders had been thoroughly investigated and workshopped.

The following decision was subsequently adopted

That the Council;

- (i) *RECEIVES the Progress Report No 1 on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth, as at 6 July 2005;*
- (ii) *DEFERS the community consultation component until the Streetscape upgrade proposal has been further refined, based on the information contained in the report, after further consideration by the Council;*
- (iii) *NOTES that;*
 - (a) *the information contained in the report regarding the collaborative approach currently being undertaken between the East Perth Redevelopment Authority and City of Perth and the Town's officers to ensure the 'best' outcome for the William Street Streetscape upgrade is achieved prior to any works being implemented;*
 - (b) *the State Government will be providing \$250,000 towards the William Street Streetscape upgrade proposal;*
 - (c) *the Town has engaged a consultant to engage the Multicultural William Street community in developing appropriate artwork for the proposal; and*
 - (d) *a further progress report will be submitted to the Council once the matters, as outlined in the report, have been progressed; and*
- (iv) *ADVISES both the East Perth Redevelopment Authority and City of Perth of its decision.*

DETAILS:

The following is a further update of the progress to date on the project.

East Perth Redevelopment Authority (EPRA)

Previous Advice *March 2005*

As previously reported, a formal response was received from EPRA on 16 March 2005 (in summary) indicating the following:

- Support for a holistic approach to the improvement of William Street between the Town, City of Perth and EPRA.
- The upgrade/s be designed and undertaken to provide flexibility for the creation of embayed parking along both sides of William Street and for traffic to move in a two-way direction at a later stage.

Further Advice

June 2005

In June 2005, EPRA advised the Town of the following:

I refer to the recent working group meetings that have been convened to examine opportunities for coordinating the William Street upgrade plans of the Town of Vincent, City of Perth and EPRA.

I also refer to the City of Perth's letter to the Town dated 15 March 2005, a copy of which was sent to EPRA, in which it was stated that tree species, street lighting and road structure along William Street from Brisbane Street to the river should be consistent, and that other streetscape elements should be coordinated as much as possible.

These matters were discussed at a meeting of the EPRA Executive Committee on 13 May 2005. Whilst the Committee generally agreed with the principle that tree species, street lighting and road structure should be consistent along William Street from Brisbane Street to the river, they requested that further opportunities be investigated with regard to the following matters:

Road Structure and Traffic Management

The Executive Committee considered the working group's proposal to reduce William Street to three lanes of one-way traffic, widen the footpaths and create embayed parking along the western side of the road. As part of this structure, the easternmost lane would also have a similar paving treatment to the embayed parking, to distinguish its use for parking outside of peak hours.

The Executive Committee requested that the possibility of reducing William Street down to two lanes of traffic should be examined by the working group in further detail. EPRA have commissioned Sinclair Knight Merz to provide some advice in order to assist this process.

Street Trees

The executive Committee noted the working group's discussions regarding tree species to date.

Street Lighting

The Executive Committee consider that the street lights along Newcastle Street in the New Northbridge project should also be used along William Street, but note the Town of Vincent policy of only selecting from Western Power's standard lighting range.

Previous discussions between Senior Executives of EPRA and Western Power have indicated a willingness on Western Power's part to introduce the Newcastle Street lights into their standard range, notwithstanding the working group's own endeavours in this regard. As such, EPRA's Senior Executive will continue to pursue these discussions with a view to implementing this lighting scheme along William Street.

Timing

The Executive Committee was advised that the members of the working group from the City of Perth have requested an early indication of timing from EPRA for the William Street upgrading works. The Committee has advised that a plan for the upgrade of William Street can be agreed with the City of Perth and the Town of Vincent now, and that the works to William Street from Newcastle to Roe Street will be carried out in the second part of 2006.

EPRA is cognisant of the Town's need to progress the improvement works for its own section of William Street and will continue to work efficiently on the above-mentioned matters relating to road structure and street lights, to enable the three authorities to agree on a final plan for William Street as soon as possible. EPRA believes that the coordination of the streetscaping along William Street will deliver significant benefits to the Community and therefore we appreciate your willingness to revisit the plans that already have been approved in principle by your Council.

August 2005

As outlined above (June 2005), the Executive Committee of EPRA wanted to examine the possibility of reducing William Street to two lanes of traffic and commissioned Sinclair Knight Merz (SKM) to provide some advice in order to assist this process.

A position paper was subsequently prepared and distributed to working group members in August 2005. The position paper examined various possible cross sections for William Street and outlined the advantages and disadvantages and the potential for future two way traffic.

The paper concluded that the two way 'centred option' was considered the best from an urban design view point subject to various further considerations including a coordinated approach being taken in William Street through the CBD and the street being designed to allow for future two way traffic with minimal physical changes being required.

The paper also indicated that current roadworks in the City centre (William Street and Wellington Street) associated with the new Metro Rail construction had restrained traffic flows and had reduced traffic flow through Northbridge, eg 25% reduction in peak traffic flow between Aberdeen and Frances Streets and a 35% reduction in peak traffic flow between James and Roe Streets.

Following assessment of the paper by officers, SKM provided the following additional information:

Traffic Implications:

The base traffic flows referred to in the report were derived from Riley Consultants report in 2000. They preceded the Graham Farmer Freeway (GFF) and of course were not affected by current roadworks (for the southern Rail Link).

There has been a reduction in traffic along both Beaufort and William Streets as a result of the GFF, with some increase in East Parade.

Buses

Bus embayments are being used less and less around the world. It is now recognised that they provide an advantage to cars and are a disadvantage to public Transport. Notwithstanding the regulations that buses pulling out have priority, not everyone gives way and this has safety implications. More importantly however, motor vehicles that are behind the bus move in front of the bus, resulting in the buses being further back in the queue and increasing delays for passengers. In some instances cars queue back beyond the bus bay, trapping the bus in the embayment. This matter needs to be modelled, but it is considered the preferred option would be to give the priority to public transport if this is feasible as determined by the modelling.

September 2005

The Town's Officers advised EPRA they agreed 'in principle' with the 'two lane' one way option for William Street, however, qualified the advice as follows:

- The Council has previously given 'in principle' approval to a concept plan (*refer plan No 2330-CP-1*) for William Street, based upon retaining the existing kerblines. The two lane option may result in cost implications to the Town.
- The Potential impact upon traffic flows/congestion. The traffic data provided in the SKM report is specific to the City of Perth's area south of Newcastle Street. The Town would like to see current and projected data for traffic using Brisbane Street (west of Beaufort Street) and William Street (between Bulwer and Brisbane Streets) prior to converging on William Street. Also current data for William Street, north of Newcastle Street is recommended.
- In respect of ultimately progressing to a two-way system (a single traffic lane in either direction) the design implications for the Town are not as significant as for the City. Changes currently being considered for local road networks north of Newcastle Street include making Monger Street and Robinson Avenue one-way, which would eliminate the need for two turning pockets.
- The Council would be reasonably sensitive to changes forced upon them and therefore the officer agreement in principle may not ultimately be supported by Council.

December 2005

With the two lane option gaining momentum, EPRA commissioned a further study and on 5 December 2005, the Town received a draft report from EPRA (*yet to be presented to the EPRA Board*) regarding "Street Design Options" for William Street. The report examines the following:

- Preferred one way option
- Two way option
- Assessment of the preferred 'Two Way' option against 'One Way' option
- Summary and Recommendations

An extract of the "summary and recommendations" is as follows:

The performance of each option under the key assessment criteria is summarised below:

- Buses
Both options will offer a similar level of service for buses (assuming a clearway is implemented in the two-way option). Without a clearway the two way option will offer a lower level of service for buses.
- Light Rail
Both options allow a light rail system to be implemented in the future with the same loss of on-street parking on the eastern side of the street.

The southbound traffic capacity of the two-way option would be reduced if a light rail were implemented as only one lane would be available at each intersection.

- Parking
It is estimated the one-way option could yield 93 bays while the two way option could yield 73 on-street parking bays.
- Pedestrians
Both options allow the footpath to be widened. Under the two-way option the footpath could be increased to 3.7m while under the one-way option the footpath could be widened to 3.95 midblock and 6.3m at intersections.
- Streetscape
Both options allow tree planting.

It is considered the one-way option provides the best outcome for pedestrians and on-street parking. Both options can be considered equal in terms of street planting and impact on buses and future light rail.

The options have not been compared on the grounds of traffic capacity as experience has shown the traffic volumes would grow/reduce to meet the roadway capacity of the individual option.

It is recommended that:

- 1) *The one-way option be adopted as the preferred option for consideration by the EPRA Board, the Western Australian Planning Commission, City of Perth and Town of Vincent. Implementation of the two lane one way option does not preclude the conversion of William Street to two way traffic flow at a later stage.*
- 2) *A programme of information and consultation be initiated with key stakeholders and the community*
- 3) *Further localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane and intersection phasing and timing be undertaken as part of detailed design.*

It must be noted that the report (*prepared by Sinclair Knight Mertz*) states that the two options have NOT been compared on grounds of traffic capacity as no traffic modelling has been undertaken to forecast the likely traffic volume for William Street under the two way scenario.

It is considered however that traffic volumes for each option would grow/reduce to meet the roadway capacity of each option. Therefore it is quite possible that William Street would carry very different volumes under each option while the intersections could perform at a similar level of service.

City of Perth (COP)

Previous Advice

March 2005

As previously reported, a formal response received from the COP on 15 March 2005 indicated the following:

- Support the establishment of a technical working group comprising representatives from the Town of Vincent, EPRA and the City of Perth to ensure that the overall design of William Street retains some level of consistency from an urban design point of view.

Recent Advice

In October 2005, the COP provided a response to EPRA with a recommendation that the two wider lanes, i.e. 3.8m wide, would be their preferred option to allow for future two way traffic.

In addition, the City advised they were currently studying the potential of all city centre streets going two-way, and that any design of William Street, either in Northbridge or in the CBD would need to have this future flexibility designed in now.

In addition, the COP advised there was need to be also looking at Beaufort Street as it was considered enhancements for one small section of the City Grid should not drive design and movement issues that, essentially, would have far greater strategic implications. The COP were holding discussions with the Department of Planning and Infrastructure, Main Roads WA and the Public Transport Authority as the main potential issues regarding the introduction of two-way streets would be:

- Public Transport movements, and
- Intersection design.

COP officers have advised they prefer to embay the buses so that a future two-way option is workable, eg Hay Street, Subiaco is currently one-way with embayed buses which can easily revert to two-way. The officers consider that the Public Transport Authority are generally supportive of this.

Officers Comments - Road alignment Options

EPRA's preferred option is for the one-way road system to remain (*to be able to be retro fitted to 'two way' in the future if required and also able to accommodate light rail!*) and for the road cross section to comprise the following:

'One-way' two (2) lane option

The 'one-way' two (2) lane option cross section proposal as outlined in the report is as follows:

- Footpaths widened by 0.75m from 3.20m to 3.95m.
- Embayed parking bays to be 2.50m wide.
- Two (2) traffic lanes to vary from between 3.40m and 3.70 wide.
- Trees to be planted in the footpath (so they do not require removal in the future to accommodate a 'third lane').

Future (possible) 'two way' two (2) lane option

The preferred 'two-way' two (2) lane option cross section proposal is as follows:

- Footpaths widened by 0.50m from 3.20m to 3.7m.
- Embayed parking bays to be 2.50m wide.
- Two (2) traffic lanes to be 3.80m wide.
- Trees to be planted in the footpath (so they do not require removal in the future to accommodate a 'third lane').

Comments / Recommendations:

The draft report from EPRA received by the Town on 5 December 2005 (*yet to be presented to the EPRA Board*) regarding "Street Design Options" for William Street indicates the 'one-way' two (2) lane option as the preferred option.

It is considered that should the 'two lane' option be adopted the 'two-way' two (2) lane cross section should be constructed, i.e. 3.70m wide footpaths with 2 x 3.80m traffic lane. This will facilitate the future conversion of the road to allow for light rail or a third lane in the future with minimal disruption and no tree removals. The Town's officers have prepared attached Drawing Nos 2374-CP-2 and 3 (based on the draft EPRA report) as the Town's preferred option.

In the Town's options, the trees are proposed to be located behind the kerb line in the footpath where no awnings currently exist. This proposal also allows for the buses to stop in the traffic lane and for the intersection of William and Newcastle Streets to have turning lanes (*in effect still remaining as a four lane roadway at this location*).

As mentioned in the draft EPRA report, it is recommended that EPRA immediately undertake further localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane, and intersection phasing and timing in the portion of William Street between Brisbane and Newcastle Streets, to enable the Town to finalise design works.

Street Trees

As previously reported, the Council approved 'in principle' the planting of Chinese Elms as part of the streetscape upgrade. Based on the suggestion by both EPRA and COP that a consistent theme for William Street be developed, working group members over several meetings discussed other possible tree species for the proposal.

A matrix for a preferred 'predominant' species was developed at a workshop held in May 2005 as follows

Species	Score 0-5	Advantages	Disadvantages	Comments
Chinese Elm	3	<ul style="list-style-type: none"> • Scale (single storey buildings) • EM support T/Vincent • Availability (small) 	<ul style="list-style-type: none"> • Managing form 	
Evergreen Oak	3	<ul style="list-style-type: none"> • Hardy • Prune to form • Scale 	<ul style="list-style-type: none"> • Availability • Slow growing • Scale 	More info from EPRA
London Plane	3	<ul style="list-style-type: none"> • COP support • Proven • Waterwise 	<ul style="list-style-type: none"> • No TOV support • Size • Litter drop (public & Pvt) 	COP to review North /South link issue Same species ?
Illawarra Flame	4	<ul style="list-style-type: none"> • Availability • Form • Colour 	<ul style="list-style-type: none"> • Water use • Maintenance 	High merit

As can be seen, the Illawarra Flame tree was determined to be the most suitable species given the location and local conditions.

The Oriental Plane Tree was also assessed with a view to retaining some form of uniformity along the entire length of William Street, given the City of Perth's preference for the use of London Plane trees. Both the London Plane and Oriental Plane trees can be easily sourced and offer an almost instant streetscape, being available in specimens up to 4 metres in height.

However, the canopy spread of both species is significant and officers of the Town cannot support their inclusion in this proposal with the limited space available for a tree of this size to mature without causing long-term problems to private property and Council infrastructure.

Whilst the Illawarra Flame tree does appear the best option at this point in time, the Town's officers are further investigating the availability and use of alternative tree species that may be suitable for this location.

It was also suggested that to mark the location of the existing Mosque, several large Palm trees on possibly both sides of William St (*near the Mosque*) should be considered to mark the location of two very significant old buildings on that street. This may now be able to be incorporated in nibs should the proposed 'two lane' option be endorsed.

Street Lighting

As previously advised, EPRA and the COP suggested using the "Newcastle Street Precinct" light (*private fitting supported/maintained by COP*).

There has been no further development with regard to this matter and should the Town proceed with the upgrade proposal prior to the matter being finalised, the Western Power supported lights will be used albeit on a lower pole (9m to 10m).

Undergrounding of Power

Western Power has been requested to provide a revised quotation for the undergrounding of power in the section of William Street between Brisbane and Newcastle Streets as the previous quotation had expired. A new quotation is expected early in the new year.

Metro Centre Committee – Transport Planning Group

As previously reported to Council, the Department for Planning and Infrastructure (DPI) and the Western Australian Planning Commission (WAPC) are examining possibilities for the central city, including the future of William Street.

No further advice / feedback has been received from this committee to date.

Proposed development of Artwork

As previously reported, to ensure appropriate artworks for the William Street Upgrade it was decided to commission art consultants to create a detailed artwork program. A brief was developed by the Community Development Manager and Arts Officer and sent to potential consultants.

The brief emphasised consultation with appropriate stakeholders regarding achievements from culturally diverse backgrounds who have contributed to the area, researching the history of the area in terms of social and cultural development, recommending relevant and appropriate imagery and locations to incorporate into the upgrade programme.

A report will be the net result of the above consultation, listing works needing to be undertaken and making any other recommendations which arose from the consultation, particularly regarding continuing consultation processes and protocols.

Artsource, an organisation with expertise and a long history of public art consultation for government and private developers, was awarded the contract in July 2005. The contract outlined a time line for the project with the final report due in October.

Thus far Artsource have identified stakeholders, researched history and carried out consultation including a public community meeting in William Street 7 November 2005. This meeting was advertised in the Voice News as well as via a letter drop, the flyer being printed in English, Vietnamese and Chinese.

Thirty stakeholders attended and enthusiastically participated in contributing towards ideas for the project. Artsouce are in the process of finalising the report.

State Funding

The Town has provided the requested information and is awaiting receipt of the proposed Financial Assistance Agreement based on a project commencement date yet to be determined.

Community Consultation

The Council, at its Ordinary meeting held on 13 July 2005, deferred the community consultation component until the Streetscape upgrade proposal has been further refined.

To date, as mentioned above, a public meeting to discuss 'art work' was held in William Street on 7 November 2005. Thirty (30) stakeholders attended and enthusiastically participated in contributing towards ideas for the project.

It is recommended that when a preferred option is approved, full consultation be undertaken.

Community Safety and Crime Prevention Partnership Fund - Designing Safer Communities Funding

The Town in 2004/2005 received \$50,000 for improved lighting and minor streetscape improvements for the intersections of streets adjoining William Street. This additional funding will be incorporated in the overall William Street upgrade.

CONSULTATION/ADVERTISING:

It is recommended that when a preferred option is approved full consultation be undertaken.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 *“Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town”*.

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/2006 budget includes \$750,000 for the William street upgrade proposal. In addition, the State Government has committed to providing an additional \$250,000 for the project, bringing the total funds available to \$1.0m.

A detailed breakdown of the 'revised' estimated cost of the project will be submitted in the further report to be presented to the Council.

COMMENTS:

As is evident, the William Street infrastructure is rundown and the area looks neglected and an opportunity exists to put this section of William Street 'on the map' as a business and entertainment hub for the area, however, it is critical that the proposal is implemented in a way that compliments and unifies William Street.

The project was placed on hold as it was considered there was little value in proceeding with the project until all possible options in partnership with other authorities had been thoroughly investigated and workshopped.

The two lane carriageway option, as shown on attached plans Nos 2374-CP-2 and 3, is the officers preferred alignment option as this proposal will facilitate the future conversion of the road to allow for either light rail or possibly a third traffic lane with minimal disruption and no requirement for tree removals.

It is considered that localised traffic modelling on traffic flows, including the impact on buses stopping in the traffic lane and intersection phasing and timing (as recommended in the Sinclair Knight Mertz report), in particular along the section of William Street between Brisbane and Newcastle Streets, be undertaken by EPRA and provided to the Town with recommendations by February 2006, to enable the Town to finalise their design plans.

It is also considered that we are now very close to achieving an outcome and it is therefore recommended that the recommendation as presented be adopted so the project can commence in the 2005/2006 financial year.

At 9.50pm **Moved Cr Farrell, Seconded Cr Torre**

That the meeting proceed “behind closed doors” to consider Confidential Item 14.3 – Submission – Local Government Reform in Western Australia – Ensuring Future Sustainability of Communities.

CARRIED (9-0)

14.3 Confidential Report: Local Government Reform in Western Australia - Ensuring Future Sustainability of Communities

Ward:	-	Date:	15 December 2005
Precinct:	-	File Ref:	ORG0008
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Department of Local Government's study entitled "Ensuring Future Sustainability of Local Governments";*
- (ii) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Local Government Advisory Board's study concerning "Local Government Structural and Electoral Reform in Western Australia";*
- (iii) *ADVISES the Local Government Advisory Board of its position; and*
- (iv) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

At 9.50pm **Moved Cr Farrell, Seconded Cr Torre**

That the meeting proceed “behind closed doors” to consider Confidential Item 14.3 – Submission – Local Government Reform in Western Australia – Ensuring Future Sustainability of Communities as in accordance with the Local Government Act 1995, Section 5.23(d), it contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

(Amended at 14 March 2006 Council Meeting)

CARRIED (9-0)

COUNCIL DECISION ITEM 14.3

Moved Cr Farrell, Seconded Cr Ker

(Amended at 14 March 2006 Council Meeting)

That the Council;

- (i) *RECEIVES the report on the Local Government Advisory Board's study of Structural and Electoral Reform in local government, as detailed in this confidential report subject to the following amendments being included;*

- (a) *Structural Reform – Question 27 – CEO’s comment being deleted and the following comment inserted:*
- ‘Yes. Even though local government is not recognised under the Constitution, compulsory voting will bring it into line on an electoral/constitutional basis with tiers of government.’;*
- (b) *Structural Reform – Question 31 – CEO’s comment being amended to include the following*
- ‘Yes. An optional preferential voting system in conjunction with compulsory voting.’;*
- (c) *any reference to “amalgamations of the Western Suburbs Councils” being deleted;*
- (d) *Structural Reform – Question 4 – amend the CEO’s Comment to read as follows:*
- ‘To deliver local governments which meet quadruple bottom line outcomes of economic, environmental, social and governance. Local governments should also be of a size to meet the criteria prescribed by the Local Government Advisory Board. In particular, local governments should cover their community of interest, their boundaries should follow significant physical and topographical features and should not divide activity centres or natural resources and they should be in a position to provide an efficient and effective delivery of local government services.’; and*
- (e) *Structural Reform – Question 5 – amend the CEO’s Comment to read as follows:*
- ‘Yes. This can be achieved by;*
- 1. reducing duplication and inefficiencies;*
 - 2. ensure that local government boundaries and sizes meet the needs of the community;*
 - 3. ensuring that local governments are of sufficient size to derive from their rate base sufficient funds for the delivery of services; and*
 - 4. facilitating regional partnerships.’;*
- (ii) *AUTHORISES the submission to the Local Government Advisory Board, as detailed in this confidential report;*
- (iii) *in accordance with Clause 2(1)(b) of Schedule 2.1 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to submit a proposal to the Local Government Advisory Board (as shown in Confidential Appendix 14.3(d));*
- (iv) *AUTHORISES the Mayor and Chief Executive Officer to meet with the Local Government Advisory Board, Minister for Local Government and Regional Development and other relevant persons to progress the Council’s proposal;*
- (v) *REQUESTS that should the government be considering larger reforms than what the Town has proposed that the Town be given the opportunity to further consider its position;*

- (vi) *EXPRESSES its extreme disappointment to the Local Government Advisory Board and the Minister for Local Government that the consultation was not in accordance with the twelve (12) week consultation period specified in the Agreement between WALGA and the State Government for matters of substantial importance for local government especially given the time of year;*
 - (vii) *AUTHORISES the Mayor and/or Chief Executive Officer to make public this report, or parts of this report, at the appropriate time; and*
 - (viii) *would actively incorporate new areas into Vincent Vision 2024 should the proposal be accepted."*
-

The Confidential Report is now public other than matters relating to boundaries. This report has been included after the heading "Comments".

PURPOSE OF REPORT:

The purpose of the report is to advise the Local Government Advisory Board of the Town's position on the various matters detailed in the study entitled "Ensuring Future Sustainability of Local Governments".

BACKGROUND:

In early October 2005, the Minister for Local Government and Regional Development, the Hon John Bowler, MLA, wrote to the Town advising that he had requested the Local Government Advisory Board to carry out a study and to invite submissions by Friday 23 December 2005.

At the Ordinary Meeting of Council held on 25 October 2005, the Council resolved as follows;

"That the Council;

- (i) *NOTES that the Minister for Local Government and Regional Development has requested a study entitled "Ensuring Future Sustainability of Local Governments" as shown in Appendix 10.4.2; and*
- (ii) *REQUESTS the Chief Executive Officer to prepare a submission for the consideration of the Council."*

On 3 November 2005, the Chief Executive Officer sent a memo to Elected Members seeking comments by 30 November 2005.

Three (3) submissions were received from Elected Members relating to the electoral part of the Study.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal and financial details.

LEGAL:

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

"2.15 Confidential business

(1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*

(i) to be treated as strictly confidential; and

(ii) not, without the authority of Council, to be disclosed to any person other than–

(a) the Members; and

(b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;

prior to the discussion of that matter at a meeting of the council held with open doors.

(2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

(i) then to be treated as strictly confidential; and

(ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

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

CONSULTATION/ADVERTISING:

Not applicable.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2005-2010 - Key Result Area 4.1 - *"Create vision and leadership for the overall benefit of the Town and its people"*.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is appropriate that the Council lodge a submission concerning the various matters, as they will have long term implications for local governments.

Confidential Report released to the public

PURPOSE OF REPORT:

The purpose of the report is to advise the Minister for Local Government and Regional Development of the Town's position on the various matters detailed in the study entitled "Ensuring Future Sustainability of Local Governments".

BACKGROUND:

On 28 October 2005, the Minister for Local Government and Regional Development, the Hon John Bowler, MLA, wrote to all local governments advising that he had requested the Local Government Advisory Board to carry out a study and to invite submissions by Friday 23 December 2005, concerning structural and electoral reform in local government.

At the Ordinary Meeting of Council held on 25 October 2005, the Council resolved as follows;

"That the Council;

- (i) NOTES that the Minister for Local Government and Regional Development has requested a study entitled "Ensuring Future Sustainability of Local Governments" as shown in Appendix 10.4.2; and*
- (ii) REQUESTS the Chief Executive Officer to prepare a submission for the consideration of the Council."*

The following are the Terms of Reference for the Local Government Advisory Board study;

Terms of Reference

1. Structural Reform

The report should address the following issues and provide recommendations on:

- The objectives and need for structural reform and an assessment of how structural reform can enhance the future economic, environmental and social sustainability of Western Australian communities.
- Identification of approaches that can be adopted by Councils in achieving structural reform, ranging from local government amalgamation through to resource sharing.
- Identification of impediments to structural reform including, but not limited to, legislation impediments and options to overcome these impediments, which should include but not be limited to legislative changes and provision of financial and non financial support by the State Government.
- The identification of local governments where amalgamations may be the most effective and efficient method of achieving future economic, environmental and social sustainability.
- The identification of local governments where the issues of future economic, social and environmental sustainability are more appropriately addressed by approaches other than amalgamations. In particular, the issue of future sustainability of rural and remote communities should be recognised, as well as the increased costs of governance and coordination of services.
- The procedures and processes (legislative or otherwise) which need to be adopted to facilitate the implementation of the above changes.
- Any other issues that the Board may consider are relevant to structural reform, ranging from amalgamations through to resource sharing.

2. Electoral Reforms

The report should address and provide recommendations on;

- Eligibility to Vote
 - Recommendations should address whether non-residents should be able to vote, or whether eligibility should be restricted to those on the State Electoral roll, and whether people based on the number of properties they own be entitled to more than one vote per ward.
- Voting
 - Recommendations should consider the case for retaining the current system of voluntary voting.
- Type of Election
 - Recommendations should address whether all local government elections should use the in-person or the postal method, or whether to allow each local government to choose the election method.
- Voting System
 - Recommendations should address whether the current system of "first past the post" voting should be maintained, or whether preferential or proportional representation should be introduced.
- Election of Mayor or President
 - Recommendations should address whether the current discretionary system of election of the Mayor or President should remain, or whether one uniform system be adopted.
- Frequency of Ordinary Elections
 - Recommendations should address whether the current four-year term is appropriate and if not, what changes should be made, or whether an all-in / all-out systems should be adopted.
- Conduct of Elections
 - Recommendations should address whether the current methods of conducting elections should be changed.

3. Consultation

During the course of preparing the report, the Local Government Advisory Board should consult with WALGA and the LGMA. In addition, the Board should invite submissions from individual local governments, as well as from the wider community.

4. Reporting Date

The Local Government Advisory Board report should be submitted to the Minister for Local Government and Regional Development no later than 10 February 2006.

The closing date for submissions is Friday, 23 December 2005. Submissions should be forwarded to:

Local Government Reform in Western Australia - Review Coordinator
Local Government Advisory Board
C/o Department of Local Government and Regional Development
GPO Box R1250
Perth WA 6844

On 3 November 2005, the Chief Executive Officer sent a memo to Elected Members seeking comments by 30 November 2005. Three (3) responses were received concerning the Electoral Reform only.

DETAILS:

The Local Government Advisory Board has requested comments, including responses to a series of questions. It is considered that there is insufficient time to carry out a detailed study of options available and responses have been provided as follows;

Structural Reform

The need for Structural Reform:

- **The objectives and need for structural reform and an assessment of how structural reform can enhance the future economic, environmental and social sustainability of Western Australian communities.**

1. Where should local government be aiming to be in 20 or 50 years time?

Chief Executive Officer's Comments:

In 20 to 50 years' time, local government will still be the government closest to the people. It is my view that local government will be delivering more services to its ratepayers and residents. Local governments should therefore be in a position to be financially viable, provide efficient and effective services and deliver quadruple bottom line outcomes: Economic, Social, Environmental and Sustainability.

2. Is there a need for structural reform of local government in Western Australia?

Chief Executive Officer's Comments:

Yes. It is acknowledged that local governments have evolved from the early century and, in many cases, have not been reviewed since. The 142 councils spend approximately \$2 billion in delivering services and there would be substantial benefits in achieving structural reform and efficiencies.

There is no logic or rationale to current boundaries, size, etc. and in many cases these have been formed on an historical basis. In the case of the Town of Vincent, the Town was created following the restructure of the City of Perth into a new central city council and three suburban local governments. The State Government at the time determined that the local government boundaries for Vincent, Cambridge and Victoria Park would be confined to the boundaries of the former City of Perth. As such, the logic for these local government boundaries was constrained and did not fully comply with the criteria as prescribed by the Local Government Advisory Board. As such, in October 2005, the Town submitted a proposal to the Local Government Advisory Board to alter its boundaries between the Town and the City of Perth and the Town and the City of Stirling.

3. Is the current structure appropriate for economic, environment, and social sustainability?

Chief Executive Officer's Comments:

Not particularly. Many local governments have a difficulty in accomplishing their responsibilities. Many are economically unsustainable in the long term due to their insufficient rate base.

4. What should the objective of structural reform be?

Chief Executive Officer's Comments: (amended)

To deliver local governments which meet quadruple bottom line outcomes of economic, environmental, social and ~~sustainability~~ governance. Local governments should also be of a size to meet the criteria prescribed by the Local Government Advisory Board. In particular, local governments should cover their community of interest, their boundaries should follow significant physical and topographical features and should not divide activity centres or natural resources and they should be in a position to provide an efficient and effective delivery of local government services.

5. Should enhancing the economic, environment and social sustainability of communities be the objective? How might this be achieved?

Chief Executive Officer's Comments: (amended)

Yes. This can be achieved by;

1. reducing duplication and inefficiencies;
2. amalgamating local governments to ensure that local government boundaries and sizes meet the needs of the community; ~~and~~
3. ensuring that local governments are of sufficient size to derive from their rate base sufficient funds for the delivery of services; and
4. facilitating regional partnerships.

6. Should there be a greater ~~correctness~~ connectedness between the structure of local government and the structures for delivering other government services?

Chief Executive Officer's Comments:

Yes. This question raises the potential for local governments to share resources or collaborate on a greater scale. A prime example is where two or more adjoining local governments may provide a security service to cover all the local government areas.

7. Is there a need for larger, stronger local government entities? With bigger populations and larger budgets to deliver more and better services?

Chief Executive Officer's Comments:

Yes. See responses for Questions 4 and 5 above. However, it should be recognised that there is a size beyond which there are no further economies and the strength of personal knowledge of and contact with local Elected Members declines.

8. Should the role of regional councils be increased?

Chief Executive Officer's Comments:

No. In many cases the role of regional councils is for a specific purpose (e.g. waste management). To introduce large regional councils delivering a range of services would only add to the duplication and confusion of roles.

9. Is resource sharing of senior staff, such as Chief Executive Officers, feasible and desirable?

Chief Executive Officer's Comments:

No. This is not practicable or even desirable in the metropolitan area or in local governments of an acceptable size. In most cases, the Chief Executive Officers and Senior Officers are fully occupied, fulfilling their statutory responsibilities, as prescribed in the Local Government Act and to ensure that the local governments are operating in an efficient and effective manner.

10. How formal and contractual do cooperative arrangements need to be?

Chief Executive Officer's Comments:

It is considered that any arrangements between local governments should detail the minimum requirements. These include time, date, duration of arrangement, cost, key performance indicators for measuring delivery of services and the like.

11. Are there any other approaches to structural reform that should be considered?

Chief Executive Officer's Comments:

This question is difficult to answer due to the short timeframe to provide a response. It is considered that the State Government should give direction as to what it proposes to be achieved from the study. The subject of local government reform and, in particular, amalgamations is a sensitive matter and has the potential to cause considerable angst and acrimony.

Constraints to Reform:

- **Identification of impediments to structural reform including but not limited to legislation impediments and options to overcome these impediments, which should include but not be limited to legislative changes and provision of financial and non-financial support by the State Government.**

12. Is the approach of "no forced amalgamations" an impediment to structural reform?

Chief Executive Officer's Comments:

Yes. Most local governments are parochial and will, in most cases, not voluntarily carry out structural reform. Furthermore, they are less likely to amalgamate or initiate boundary reforms. This is further exacerbated by the various personalities in some local governments.

13. Should the legislation be changed to make boundary changes easier, particularly when a majority of affected electors support a proposal?

Chief Executive Officer's Comments:

Yes.

14. Are financial incentives for local government structural reform required, what form should they take and what would be the benefit of providing these?

Chief Executive Officer's Comments:

Yes. Where a number of local governments amalgamate, new Administration Centres and infrastructure will be required. Local governments are more likely to co-operate, if they are not burdened with costs associated with an amalgamation.

Amalgamation of Local Governments:

15. Which specific local governments should be considering amalgamations?

Chief Executive Officer's Comments:

In view of the short time available to respond to this survey, a detailed response cannot be made. However, there are a number of obvious cases.

Metropolitan Area:

1. **Information remains confidential**
2. **Information remains confidential**

Country Area:

1. The amalgamation of the "donut" councils again appears to be obvious, e.g. the City of Geraldton and the Shire of Greenough, the Town of Northam and the Shire of Northam, the Town of Narrogin and the Shire of Narrogin.
2. The amalgamation of the City of Bunbury with its adjoining local governments will acknowledge the regional significance for this area.

16. Why these local governments?

Chief Executive Officer's Comments:

Refer to Appendices 1 and 2.

17. Are there specific local governments for which amalgamation is just not an appropriate option? Why?

Chief Executive Officer's Comments:

The City of Perth. This is the State's Capital City Council and should remain as a central business district Council with responsibility and focus for the central city.

Other Forms of Structural Reform for Local Governments:

18. Which specific local governments would benefit from some form of structural reform other than amalgamations?

Chief Executive Officer's Comments:

In essence, amalgamations may not be desirable for a variety of reasons, e.g. distance, lack of community of interest, differing ideology, etc. However, in some of these cases, a review and change of existing boundaries would be desirable and beneficial. An example of this is as follows;

Some information remains confidential

19. Why these local governments?

Chief Executive Officer's Comments:

Refer to Town's proposal shown in Appendix 14.3(d).

20. What would be the benefits?

Chief Executive Officer's Comments:

Refer to Town's proposal shown in Appendix 14.3(d).

Procedures and Processes:

- **The procedures and processes (legislative or otherwise) which need to be adopted to facilitate the implementation of the above changes.**

21. Are the current procedures and process, as provided for in the Local Government Act 1995, sufficient for the implementation of structural reform?

Chief Executive Officer's Comments:

Yes.

22. What further or alternative processes and procedures are needed?

Chief Executive Officer's Comments:

None that readily come to mind.

Other Issues:

- **Any other issues that the Board may consider are relevant to structural reform, ranging from amalgamations through to resource sharing.**

Chief Executive Officer's Comments:

The Board should give cognisance to reviewing and redrawing boundaries of local governments, as in some cases these require to be changed, however, without complete amalgamation of the local governments occurring. This is particularly the case with the Town of Vincent.

Electoral Reform

Eligibility to Vote:

- **Recommendations should address whether non-residents should be able to vote, or whether eligibility should be restricted to those on the State electoral role, and whether people based on the number of properties they own, be entitled to more than one vote per ward.**
23. Should eligibility be restricted to those on the State Electoral roll?

Chief Executive Officer's Comments:

Yes. There is a need for consistency in electoral matters between the three tiers of government. Being an Australian citizen is integral to the concept of eligibility to vote.

24. Should non-residents be able to vote, just because they own or occupy land or a business in the local government area?

Chief Executive Officer's Comments:

Yes. Non-residents who have a stake or interest in the area should be able to vote. They may have bone fide reasons for not residing in the area (e.g. overseas employment) and this should not preclude them from voting.

25. Should people be entitled to more than one vote per ward, based on the number of properties they own?

Chief Executive Officer's Comments:

No. The principle should be "one person, one vote" for each election (e.g. one vote per ward or Mayoral election). To allow more than one vote gives too much emphasis on property ownership.

Voting:

- **Recommendations should consider the case for retaining the current system of voluntary voting.**
26. Should voting remain voluntary? If yes, why?

Chief Executive Officer's Comments:

Yes. The ability of electors to vote by postal vote has made it easier.

27. Should voting at local government elections be compulsory? If yes, why?

Chief Executive Officer's Comments: (amended)

~~No. Local government does not have recognition under the constitution. If this was achieved, then voting should be compulsory.~~

Yes. Even though local government is not recognised under the Constitution, compulsory voting will bring it into line on an electoral/constitutional basis with tiers of government.

Type of Election:

- **Recommendations should address whether all local government elections should use the in-person or the postal method, or whether to allow each local government to choose the election method.**
28. Should all local government elections be conducted in the same manner, i.e. on the in-person basis, or should postal voting be universally used?

Chief Executive Officer's Comments:

Yes - a universal system of postal voting should be used. Consideration should be given to voting methods where there is a high proportion of indigenous people.

29. Should local governments continue to have choice between the two systems?

Chief Executive Officer's Comments:

No.

Voting System:

- **Recommendations should address whether the current system of "first past the post" voting should be maintained, or whether preferential or proportional representation should be introduced.**
30. Should the current system of "first past the post" voting be maintained?

Chief Executive Officer's Comments:

No.

31. Should a preferential voting system be introduced?

Chief Executive Officer's Comments: (amended)

Yes. An optional preferential voting system in conjunction with compulsory voting.

32. Should a proportional representation voting system be introduced?

Chief Executive Officer's Comments:

No.

Election of Mayor or President:

- **Recommendations should address whether the current discretionary system of election of the Mayor or President should remain, or whether on uniform system be adopted.**

33. Should there be one system for electing the Mayor or President, or should the current system remain?

Chief Executive Officer's Comments:

No. The current systems should remain, thereby giving the local community and/or each local government the choice. However, if there is to be only one method, the Mayor should be elected "at large" directly by the electors.

34. What steps could be taken to minimise the potential conflict that sometimes arises between popularly elected Mayors/Presidents and fellow councillors?

Chief Executive Officer's Comments:

The proposed panel to be formed as part of the "Local Government Official Conduct Amendment Bill 2003" should be given the power to take appropriate action in these cases.

Frequency of Ordinary Elections:

- **Recommendations should address whether the current four-year term is appropriate and, if not, what changes should be made, or whether an all-in/all-out system should be adopted.**

35. Should the term for elected members be retained at four years?

Chief Executive Officer's Comments:

Yes.

36. Should all of the terms of elected members commence and end at the same time, i.e. an all-in/all-out system?

Chief Executive Officer's Comments:

No, a staggered term of 50% of the Council being elected every two years works well.

Conduct of Elections:

- **Recommendations should address whether the current methods of conducting elections should be changed.**

37. Should council Chief Executive Offices still be empowered to conduct elections?

Chief Executive Officer's Comments:

No, using the Electoral Commissioner removes the undue pressure on a Chief Executive Officer. It also gives it independence and uses the expertise of the Electoral Commissioner.

38. Should Chief Executive Officers be empowered to conduct elections for other local governments?

Chief Executive Officer's Comments:

No. The benefits of using the Electoral Commissioner far outweigh using local government Chief Executive Officers, who in a number of cases are unfamiliar with the intricacies involved with elections.

39. Should the Electoral Commissioner conduct all elections?

Chief Executive Officer's Comments:

Yes. However, the costs should be controlled and reviewed by an independent body, otherwise a monopoly exists and there is no control or justification to costs.

40. Should other bodies and private businesses be empowered to conduct elections?

Chief Executive Officer's Comments:

No. The Electoral Commissioner has expertise in this matter. There will also be less chance of mis-use or error.

Other Matters

Boundary Proposals - Glendalough and City of Perth

At the Special Meeting of Council held on 7 September 2005, the Council resolved to lodge a proposal with the Local Government Advisory Board to;

"(a) to transfer the following part of the City of Stirling into the Town of Vincent:

- for the suburb of Glendalough - east of the Mitchell Freeway (bounded by the Mitchell Freeway, Powis Street, Brady Street and Scarborough Beach Road, Mount Hawthorn) as shown in the plans Appendices 2 and 3; and

(b) to transfer the following part of the City of Perth into the Town of Vincent:

- for the area bounded by Loftus Street, Newcastle Street, Lindsay Street, Little Parry Street, Parry Street, Lord Street, Summers Street, Swan River and the Graham Farmer Freeway..."

The Local Government Advisory Board has advised the Town that it will conduct a formal enquiry into this matter in early 2006.

There has been considerable media publicity concerning the Town's proposal from the City of Stirling and City of Perth and also the residents from the affected area of Glendalough.

The City of Stirling has commenced lobbying the Glendalough residents and has issued a newsletter. It has been indicated that they intend to continue a campaign to rebut the Town's proposal.

Boundary Proposal *Information remains confidential*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2005-2010 - Key Result Area 4.1 - "Create vision and leadership for the overall benefit of the Town and its people".

FINANCIAL/BUDGET IMPLICATIONS:

There have been no costs associated with investigating and preparing a response to this study, as all work has been carried out in-house.

COMMENTS:

The study to be carried out by the Local Government Advisory Board into structural and electoral reform in local government contains extensive Terms of Reference. There is potential for wide ranging changes to occur and it is therefore appropriate that the Council lodge a submission concerning the various matters, as they will have long term implications for local governments. *Information remains confidential*

At 10.36pm The Presiding Member advised the Elected Members that there were still a number of Items remaining for consideration. He asked the Elected Members how they wished to proceed.

Moved Cr Maier, Seconded Cr Ker

That the meeting close and resume at 6pm on Wednesday 21 December 2005.

The Presiding Member stated that he would not accept the Motion as he wants information about which Items are yet to be considered.

Debate ensued.

The Chief Executive Officer advised the Items which still needed consideration were as follows:

Items 10.1.2, 10.1.5, 10.1.7, 10.1.13, 10.1.23, 10.1.26, 10.1.30, 10.1.32, 10.1.35, 10.2.3, 10.2.4, 10.3.4, 10.3.5, 10.3.6, 10.4.2, 10.4.3 and 10.4.4.

The Presiding Member advised that Item 10.4.4 would be dealt with next.

10.4.4 Delegated Authority – 2005/2006 Council Recess Period

Ward:	-	Date:	15 December 2005
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 21 December 2005 to 16 January 2006, subject to:

- (i) *the action taken only being in accordance with the Officer's recommendation;*
- (ii) *a simple majority be accepted while Elected Members are absent;*
- (iii) *a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 17 January 2006;*
- (iv) *a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and*
- (v) *items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of two (2) days prior to approval.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Maier

That a new clause (vi) be added as follows:

“(vi) items where an Elected Member objects, then that Item goes to the next Ordinary Meeting.”

Debate ensued.

AMENDMENT LOST (4-5)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Ker	Cr Doran-Wu
Cr Lake	Cr Farrell
Cr Maier	Cr Messina
	Cr Torre

Moved Cr Maier, Seconded Cr Ker

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

“(v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town’s website for a period of ~~two (2)~~ four (4) days prior to approval.”

AMENDMENT CARRIED (9-0)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Messina	Cr Maier
Cr Torre	

COUNCIL DECISION ITEM 10.4.4

That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 21 December 2005 to 16 January 2006, subject to:

- (i) the action taken only being in accordance with the Officer’s recommendation;*
- (ii) a simple majority be accepted while Elected Members are absent;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 17 January 2006;*
- (iv) a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and*

- (v) *items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of four (4) days prior to approval.*
-

PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority for the Council recess period.

BACKGROUND:

The Council will be in recess from 21 December 2005 to 16 January 2006. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with. This procedure has operated satisfactorily in previous years.

CONSULTATION/ADVERTISING:

An advertisement has been placed in a local paper advertising the meeting dates for 2006. The dates of Council Meetings are displayed on the Notice board in the foyer and on the Town's website.

LEGAL/POLICY:

The Local Government Act 1995 states:

*"Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation)."*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

COMMENTS:

The Council is in recess from 21 December 2005 until 16 January 2006. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

In keeping with the Council's philosophy of providing a high standard of customer service, it is appropriate to continue processing ratepayer requests and development applications. Where possible, these should be determined as soon as practicable, in order to minimise any delays or inconvenience.

It is not envisaged that many items will be approved under delegated authority.

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2005/2006 recess period.

At 11.00pm The Elected Members discussed which of the planning Items remaining they did not want to be dealt with under delegated authority.

It was decided that Items 10.1.26 and 10.1.2 would be debated next.

10.1.26 No(s) 220-224 (LOT: 1 D/P: 2406, and LOT: 20 D/P: 688) Carr Place, Leederville - Proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Carparking

Ward:	South	Date:	13 December 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO3274 5.2005.3115.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by PMdR A Design Partnership on behalf of the owner D V & D & P V Eftos & Kalison Enterprises Pty Ltd for proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Carparking, at No(s) 220-224 (Lot: 1 D/P: 2406, and Lot: 20 D/P: 688) Carr Place, Leederville, and as shown on plans stamp-dated 28 October 2005, subject to the following conditions:

- (i) *any future vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (v) *subject to first obtaining the consent of the owners of Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *design features being incorporated into the walls adjacent to the ground floor car park walls facing the rear right-of-way (ROW);*
 - (b) *any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *the entire building being contained within the subject lots' boundaries, except for the front awnings; and*
 - (d) *a continuous and complementary awning(s) being provided along the entire Carr Place frontage.*

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

- (vii) *prior to the first occupation of the development, nine (9) class- one or two, and four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting and Carr Place shall maintain an active and interactive relationship with this street;*
- (xii) *prior to the first occupation of the development, twenty nine (29) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with tandem carbays 26, 28, 30, 32, 34 and 36 being sign posted and set aside specifically for staff use only;*

- (xiii) *the maximum floor space shall be limited as follows:*
- (a) *office -1513 square metres of gross floor area; and*
 - (b) *eating house (café/restaurant) -100 square metres of public area;*
- unless adequate car parking is provided for the changes in floor area use or floor space area;*
- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Carr Place;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

COUNCIL DECISION ITEM 10.1.26

Moved Cr Doran-Wu, Seconded Cr Farrell

That Item be DEFERRED to the Ordinary Meeting of Council to be held on 17 January 2006.

CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Torre	

Landowner:	D V & D & P V Eftos & Kalison Enterprises Pty Ltd
Applicant:	PMdR A Design Partnership
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Office and Eating House
Use Class:	Office Building and Eating House
Use Classification:	"P" and "P"
Lot Area:	1042 square metres
Access to Right of Way	Rear side, 4 metres (dedicated and owned by the Town) and 5 metres (part owned by others) in width and sealed.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing two (2) single storey buildings, which are being used as an office and eating house, and the construction of a three (3) storey building comprising eating house, offices and associated basement carparking. Access to the site is off Carr Place and the rear right-of-way (ROW).

The applicant has submitted the following information which is summarised as follows:

- Matters relating to Building Code of Australia can be dealt as part of a Building Licence application;
- An awning will be provided in accordance with Town's requirements;
- Only 6 tandem carbays are provided out of a total of 36 carbays, which are mainly accessed of the ROW;
- Side wall have no openings, apart from the upper level, which is setback significantly from the boundary; and
- Complies with the overshadowing requirements of the Residential Design Codes.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Awning	For the Front of Building at ground floor	Not shown	Not supported- as required for pedestrian amenity and a condition is recommended for the provision of an awning along Carr Place.
Setback-Rear/North Side	9 metres	5 metres on western side for ground floor	Supported- as the main reason for the 9 metres rear setback is to allow for court yard space for residential developments and for car parking within the District Centre.

Setback relating to Non-Residential/Residential Development Interface -East Side Ground floor First floor Second floor	1.8 metres 3.8 metres 5.5 metres	Nil Nil Nil	Supported - as the adjoining lot to the east side also has a parapet wall for most of the shared eastern boundary with the subject side.
Landscaping within District Centre zone and Policy relating to Non-Residential/Residential Development Interface.	10 per cent of land area	Not provided	Supported - on the basis that most of the newer developments along Newcastle Street and Carr Place within the precinct do not have landscaping, due to the nature and urban form of surrounding developments.
Number of Storeys	2 storeys	3 storeys and basement carpark.	Supported - as it is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings which are 3 and 4 storeys in height.
Setback based on height of building relating to Non-Residential/Residential Development Interface-Front Setback	4 metres	2 metres	Supported - as the reduced setback is considered not to unduly affect the streetscape in the area.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No comments stated. 		Noted.
Objection (1)	<ul style="list-style-type: none"> Concerned that the height of the building will provide a "crowded look" to the street. The provision of tandem car parking as there is already a "great" degree of traffic in the area. 		<p>Not supported- as the height is considered to fit in with the height and scale of building in the immediate area.</p> <p>Noted and not supported- as it is acknowledged that the proposal will contribute to an increase in the traffic in the area, which is zoned as a District Centre. The proposal also complies with the car parking requirements of the Town.</p>

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Commercial Car Parking	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross floor area (proposed 1513 square metres)= 30.26 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area (100 square metres)= 22.22 car bays Total 52.48 carbays.	52 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) ▪ 0.85 (within 800 metres of a rail station) ▪ 0.90 (within District Centre Zone) 	(0.5527) 28.74 car bays
Minus the car parking provided on-site.	36 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) (Nil - existing development to be demolished)	Nil
Resultant surplus	7.26 car bays

Bicycle Parking Facilities

Requirements	Required	Provided
Office 1 space per 200 (proposed 1513) square metres gross floor area (class 1 or 2).	7.56 spaces	Nil
1 space per 750 (proposed 1513-1000=513) square metres over 1000 square metres for visitors (class 3)	0.68 space	Nil
Restaurant (café/eating house) 1 space per 100 (proposed 100) square metres public area (class 1 or 2)	1 space	Nil
2 spaces plus 1 space per 100 (proposed 100) square metres public area (class 3)	3 spaces	Nil

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

COMMENTS:

Demolition

The subject properties at Nos. 220 and 224 are believed to have been constructed circa 1905, located on what was then called Leeder Street. A site inspection was undertaken on 18 October 2005 in which it was considered that full Heritage Assessments were not warranted for the two subject properties.

No. 220 Carr Place accommodates a rendered brick and iron dwelling adapted to office use. The property is modest with a basic floor plan of four rooms extending from a central hallway. A fireplace is extant on the two eastern rooms, which are no longer in use. Most of the original internal fittings and windows have been replaced. The facade of the place has been changed affecting the original fenestration and roof pitch.

The original dwelling at No. 224 now operates as a restaurant, since the mid 1980's. Further alterations and additions have since been made to the place, to include another restaurant to the east of the original building and an office space to the rear.

In light of the above, it is considered that the two properties have little cultural heritage significance and thus it is recommended that the proposed demolition be approved subject to standard conditions.

Non-Residential/Residential Development Interface

It is considered that the proposal has addressed the objectives of the Town's Policy relating to Non-Residential/Residential Development Interface, including the variations sought as addressed in the Assessment Table.

Building Services

Building Services advise that there are issues relating to the Building Code of Australia requirements in terms of exit location, fire rating aspects and provision of facilities relating to people with disabilities. The applicant has advised in writing that the above issues can be resolved at the Building Licence stage. A condition is proposed to ensure that the entire building is located within the lots' boundaries, as part of the building at the rear indicates the building being outside the lot boundary, which may be a drafting discrepancy.

Carparking

The Town's Technical Services have advised that the proposed tandem carparking is considered acceptable in this instance, as it represents 6 car bays of the total 36 car bays being provided. A condition has been recommended that tandem car bays 26, 28, 30, 32, 34 and 36 are specifically marked for staff car parking only.

Given the above, the proposal is considered acceptable and supported, subject to standard and appropriate conditions to address the above matters.

**10.1.2 Further Report - No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth-
Proposed Demolition of Existing Single House**

Ward:	South	Date:	8 December 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3233; 5.2005.3009.1
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C A Penheiro on behalf of the owner A Lazidis for proposed Demolition of Existing Single House, at No. 37 (Lot 11 D/P:1257) Glendower Street, Perth and as shown on plans stamp-dated 24 June 2005, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) a report by a practising structural engineer addressing the current structural condition of the common party wall and chimney and measures to be undertaken to ensure the demolition works do not adversely affect the structural adequacy of the party wall and chimney, shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever occurs first. Within 28 days after the completion of the demolition works, a report by a practising structural engineer addressing the structural condition of the common party wall and chimney, and if necessary, remedial measures to be undertaken to ensure the party wall and chimney is structurally adequate, shall be submitted to and approved by the Town. All such works and measures shall be undertaken in accordance with these structural engineer reports and all costs associated with this condition shall be borne by the applicant(s)/owner(s);*
- (iii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iv) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence. The proposed redevelopment shall describe and detail the existing party wall and chimney structure to be retained and incorporated into the new development design, and to prevent the structural loading or undermining of the existing party wall and chimney at No. 39 (Lot 10) Glendower Street;*
- (v) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*

- (vi) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vii) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*
-

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Ker

DEFERRED to the Ordinary Meeting of Council to be held on 17 January 2006.

CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

FURTHER REPORT:

At the Ordinary Meeting of Council held on 23 August 2005, the Council resolved the following in relation to this application: *"That the Item be deferred for further information."*

Subsequent to the resolution of Council, the applicant liaised with the Town's Officers and has commissioned a report from a qualified architect to clarify the matter of proposed demolition, stamp dated 29 November 2005. The architect's report is shown as an attachment.

The architect's report confirms the ability of the subject dwelling to be demolished without affecting the adjoining dwelling, subject to appropriate conditions on the Building and Demolition Licences. Any structural damage to the dwelling at No. 39 Glendower Street or any other adjacent dwelling as a result of the demolition works is a civil matter to be resolved between the parties involved.

In light of the above, it is recommended that the application be approved subject to the conditions shown, including amended condition (iv) and new condition (ii) which was not previously shown in the Officer Recommendation.

The following is a verbatim of the Minutes of the item placed before the Council at its Ordinary Meeting held on 23 August 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C A Penheiro on behalf of the owner A Lazidis for proposed Demolition of Existing Single House, at No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth, and as shown on plans stamp-dated 24 June 2005 , subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
 - (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*
-

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

- “(v) demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and”*

Debate ensued.

AMENDMENT LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Chester
Cr Maier	Cr Doran-Wu
	Cr Messina
	Cr Torre

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

That the Item be deferred for further information.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Dan Hatch departed the meeting at 8.50pm.

Landowner:	A Lazidis
Applicant:	C A Penheiro
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	468 square metres
Access to Right of Way	5.1 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>		
<i>Strategic Implications</i>	<i>Nil</i>		
<i>Financial/Budget Implications</i>	<i>Nil</i>		

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

COMMENTS:

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

Directly facing Hyde Park, the subject place is likely to have been constructed c1900 as one of the early properties to have been developed along Glendower Street, between Lake and Irene Streets, Perth. The dwelling is a semi-detached single storey brick and iron dwelling having substantially changed from the original construction, largely as a result of the extensive alterations and additions conducted in 1981. While some of the original features remain, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions."

14.1 CONFIDENTIAL REPORT - Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Carparking- State Administrative Tribunal Mediation

Ward:	South	Date:	13 December 2005
Precinct:	Forrest; P14	File Ref:	PRO0311; 5.2005.2888.1
Attachments:	-		
Reporting Officer(s):	L Mach, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report relating to No.30 (Lot 8 D/P: 51138) Bulwer Street Perth-Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Carparking- State Administrative Tribunal (SAT) Mediation(Matter No. DR 576 of 2005);*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 576 of 2005, the proposed Demolition of Existing Hostel and Construction of Twelve (12) Two-Storey with Loft Multiple Dwellings and Associated Carparking, at, No.30 (Lot 8 D/P: 51138) Bulwer Street Perth, and as shown on plans stamp-dated 1 December 2005, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the setbacks, visitor car parking and wall height requirements of the Residential Design Codes, and the Town's Policies relating to Brigatti Locality, respectively;*
 - (c) *the demolition is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*
 - (d) *the existing place has cultural heritage significance in terms of its historic, social, aesthetic and representative values;*
- (iii) *the Council FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 5 December 2005:*
 - (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the external wall height of the building being a maximum of 6.0 metres as projected above the eaves to the natural ground level;*
 - (2) *one of the car bays from the residential dwellings being allocated as an additional visitor car parking bay. This bay shall be clearly marked and signposted as such, and visible from the point of entry;*
 - (3) *the maximum permitted amount of fill and height of associated retaining walls and ground floor finish floor level shall be 500 millimetres above the existing natural ground level; and*

- (4) *the non-main building sides of all terraces on the first floor having permanent non-openable obscure glazing at a height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.*

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

- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (d) *any new street/front wall, fence and gate between the Bulwer Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (6) *the solid portion adjacent to the Bulwer Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (g) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iv) *NOMINATES Councillor to represent the Town as a witness in the full SAT hearing to be held on 15 February 2006; and*
- (v) *ADVISES Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 15 February 2006.*

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

That clause (iii)(d)(6) be deleted.

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Ker

That a new clause (iii)(h) be added as follows:

- “(iii) (h) an interpretative plaque or another appropriate form of interpretative medium that recognises the history and significance of No. 30 Bulwer Street and is visible to the public along the Bulwer Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;”*

AMENDMENT CARRIED (9-0)

The Presiding Member called for nominations as requested by clause (iv).

Cr Ker nominated. Cr Ker's nomination was accepted.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 14.1

That;

- (i) *the Council RECEIVES the report relating to No.30 (Lot 8 D/P: 51138) Bulwer Street Perth-Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Carparking- State Administrative Tribunal (SAT) Mediation(Matter No. DR 576 of 2005);*

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 576 of 2005, the proposed Demolition of Existing Hostel and Construction of Twelve (12) Two-Storey with Loft Multiple Dwellings and Associated Carparking, at, No.30 (Lot 8 D/P: 51138) Bulwer Street Perth, and as shown on plans stamp-dated 1 December 2005, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the setbacks, visitor car parking and wall height requirements of the Residential Design Codes, and the Town's Policies relating to Brigatti Locality, respectively;*
 - (c) *the demolition is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*
 - (d) *the existing place has cultural heritage significance in terms of its historic, social, aesthetic and representative values;*
- (iii) *the Council FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 5 December 2005:*
- (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the external wall height of the building being a maximum of 6.0 metres as projected above the eaves to the natural ground level;*
 - (2) *one of the car bays from the residential dwellings being allocated as an additional visitor car parking bay. This bay shall be clearly marked and signposted as such, and visible from the point of entry;*
 - (3) *the maximum permitted amount of fill and height of associated retaining walls and ground floor finish floor level shall be 500 millimetres above the existing natural ground level; and*
 - (4) *the non-main building sides of all terraces on the first floor having permanent non-openable obscure glazing at a height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (d) *any new street/front wall, fence and gate between the Bulwer Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (g) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (h) *an interpretative plaque or another appropriate form of interpretative medium that recognises the history and significance of No. 30 Bulwer Street and is visible to the public along the Bulwer Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *NOMINATES Councillor Ker to represent the Town as a witness in the full SAT hearing to be held on 15 February 2006; and*
- (v) *ADVISES Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 15 February 2006.*

Note: *The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.*

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member (s) to appear as witness on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Council's refusal of the above application.

Landowner:	Filton Pty Ltd
Applicant:	Q Meshgui
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Hostel
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	1737 square metres
Access to Right of Way	N/A

BACKGROUND:

13 August 2002	The Council at its Ordinary Meeting resolved to refuse an application for the demolition of existing building at the subject property.
9 August 2005	The Council at its Ordinary Meeting resolved to refuse an application for the demolition of existing hostel and construction of thirteen (13) two- storey with loft multiple dwellings and associated carparking.
16 September 2005	Application lodged with the State Administrative Tribunal to review the Council's decision of 9 August 2005.
28 October and 17 November 2005	State Administrative Tribunal (SAT) mediation held.
15 February 2006	Matter has been listed for full SAT hearing.

DETAILS:

As part of the mediation process, the Town provided the applicant with an indicative plan showing possible portions of the building fabric that may be considered for removal. The applicant subsequently indicated that it was not agreeable to the retention of any portion the building and has submitted amended plans for the redevelopment of the subject property for the Town's consideration. The assessment of these plans is summarised below. It is noted that the amended plans deletes one dwelling from the previous proposal.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	13.89 dwellings R 80	12 dwellings R 69.1	Noted - no variation.
Plot Ratio	1.0 - 1737 square metres	0.88- 1534 square metres	Noted - no variation.

Setbacks: First Floor - South/Front	6.0 metres	5.0 metres (terrace)	Supported - terrace is open and no undue impact on streetscape.
- East and West	7.0 metres (or 3.3 metres if screened to full height)	1.5-5.05 metres	Not supported- undue impact on neighbours.
Landscaping	Maximum 50 per cent hard surface within front setback area (that is, within the first 4 metres of the front setback)	60 per cent	Supported- no undue impact on streetscape and 54 per cent soft landscaping (46 per cent hard surface) has been provided in the first 5.5 metres of the front setback area.
Wall height	6.0 metres	Up to approximately 6.2 metres	Not supported- undue impact on neighbours.
Visitors car parking	3 car bays	2 car bays	Not supported- inadequate car parking facilities for future use of development.

CONSULTATION/ADVERTISING:

It is noted that the subject planning application was not advertised previously to adjoining neighbours, as it proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements and is being recommended for refusal.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and the Town's Policy/Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Due to the complexity and nature of the review application and the tight timeframes involved with the review process, the Town is in the process of seeking quotes and engaging a Planning Consultant and Conservation Architect to represent the Town.

COMMENTS:

The amended plans submitted are not supported by the Town's Officers on the basis that it is still considered to unduly impact on the neighbours and the surrounding area in general. Notwithstanding this, the matters relating to setbacks, visitors car parking and wall height has been conditioned in the draft conditions to comply or to assist in reducing the undue impact on these variations.

The SAT has advised that the draft conditions would be *"without prejudice"* and *"is not a concession by the decision-maker that approval of the application is appropriate."* The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include *"to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties"*.

- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

In accordance with the Policy/Procedure for State Administrative Tribunal, the following is recommended:

- The Council does not support the revised plans as submitted for the subject review matter;
- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT;
- The Council nominates an Elected Member(s) to represent the Town as a witness in the full SAT hearing; and
- The Council advises the Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 15 February 2006.

14.2 CONFIDENTIAL REPORT - Proposed Additional Two-Storey with Loft Grouped Dwelling to Existing Single House and Demolition of Existing Garage and Two (2) Outbuildings - State Administrative Tribunal Directions Hearing

Ward:	South	Date:	13 December 2005
Precinct:	North Perth; P8	File Ref:	PRO0311; 5.2005.2888.1
Attachments:	-		
Reporting Officer(s):	L Mach, T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for proposed Additional Two-Storey with Loft Grouped Dwelling to Existing Single House and Demolition of Existing Garage and Two (2) Outbuildings- State Administrative Tribunal Directions Hearing.

COUNCIL DECISION ITEM 14.2

That;

- (i) **remains confidential**
- (ii) *the Council AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal. In accordance with the Town's Policy/Procedure for State Administrative Tribunal matters, it is to be kept confidential until determined by the Council to be released for public information.

LEGAL/POLICY:

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

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) then to be treated as strictly confidential; and*
 - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At 11.06pm **Moved** Cr Farrell, **Seconded** Cr Chester

That an “open” meeting be resumed.

CARRIED (9-0)

Due to the lateness of the hour, the following Items were not considered or determined.

10.1.5, 10.1.7, 10.1.13, 10.1.23, 10.1.30, 10.1.32, 10.1.35, 10.2.3, 10.2.4, 10.3.4, 10.3.6
10.4.2, 10.4.3 and 12.1.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.1.5 No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth - Proposed Two-Storey with Loft Single House

Ward:	North	Date:	13 December 2005
Precinct:	North Perth; P8	File Ref:	PRO0491; 5.2005.3058.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Spaseski on behalf of the owner B & Z Spaseski for proposed Two-Storey with Loft Single House, at No. 4 (Lot 499 D/P: 2551) Hunter Street, North Perth, and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Hunter Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *subject to first obtaining the consent of the owners of No. 65 Mabel Street and No. 44 Ruby Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 65 Mabel Street and No. 44 Ruby Street in a good and clean condition; and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the south-west portion of the external wall on the southern elevation and north-west portion of the external wall on the northern elevation being a maximum height of 6 metres to the top of the eaves above the respective natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	B and Z Spaseski
Applicant:	B Spaseski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential 30/40
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	209 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an application for the construction of a two-storey with loft single house, contained within the second storey roof line. The proposed plans are revised from the plans viewed during the 14 day consultation period, with the modifications addressing the submissions received from the adjoining landowners during the 14 day period.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
West Elevation (front) - garage	6 metres or behind the main building line.	3 metres and setback behind the main building line.	Supported - the proposed garage setback is in keeping with existing developments along Hunter Street, specifically Nos. 5 and 6 Hunter Street.
- ground floor	4 metres	2.26 metres	Supported - the proposed front setback is in keeping with existing developments along Hunter Street, specifically Nos. 5 and 6 Hunter Street.
- first floor	6 metres	3 metres to sitting room 3.49 metres to bedrooms 1 and 3	Supported - the proposed first floor setback is in keeping with existing developments along Hunter Street, specifically No. 5 Hunter Street.
- balcony	6 metres	2.59 metres to balcony	Supported - as above.
East Elevation - ground floor	1.5 metres	Nil to kitchen and laundry	Supported - height of boundary wall is proposed at 2.5 metres above natural ground level and is compliant to the Building on Boundary provisions of the Residential Design Codes.
- South elevation	1.5 metres	Nil to garage 1.5 metres to laundry	Supported - height of wall is proposed at 2.3 - 2.7 metres above natural ground level and adjoins an existing boundary wall on the southern property. Considered to have no undue impact on the southern property.

Building on Boundary	Walls to be built up to one (1) boundary.	Wall built up to two (2) boundaries – east and south.	Supported – in order to design a suitable size house on the small 209 square metre site, the construction of two walls on boundaries is proposed and with the proposed height of the boundary walls being below 3 metres, the walls are considered to have no undue impact on the adjoining properties.
Building Height: South Elevation - (South west portion of wall)	6 metres to the top of the eaves.	6.2 metres	Not supported - undue impact on amenity of the area.
North Elevation - (North west portion of wall)	6 metres to the top of the eaves.	6.2 metres	Not supported - undue impact on amenity of the area.
Consultation Submissions			
Additional consultation was not undertaken as the revised plans deal with the concerns raised by adjoining property owners during the consultation period, with no greater variations proposed. The comments received during the consultation period are detailed below.			
Support	Nil		Noted
Objection (4)	<ul style="list-style-type: none"> Boundary wall on eastern side creates loss of amenity to adjoining property. 		Not supported - height of boundary wall is proposed at 2.5 metres above natural ground level and is compliant to the Building on Boundary provisions of the Residential Design Codes.
	<ul style="list-style-type: none"> Boundary wall on southern side provides a loss of amenity to the southern property. Objection to the proposed building on northern boundary. 		<p>Not supported - height of wall is proposed at 2.3 - 2.7 metres above natural ground level and adjoins an existing boundary wall on the southern property.</p> <p>Not supported – revised plans have removed the wall on the northern boundary and propose a ground floor setback of 1.2 metres.</p>

	<ul style="list-style-type: none"> • Insufficient clothes drying area. • Window to ensuite on eastern elevation overlooks onto adjoining property. • Setback variations to Hunter Street are out of context with area. 	<p>Not supported - minimum drying area not a requirement for a single house.</p> <p>Not supported - no privacy issues for non-habitable rooms, furthermore, proposed windows are obscured.</p> <p>Not supported - refer to comments in Non-compliant requirements table for setback variations to western/front elevation.</p>
	<ul style="list-style-type: none"> • Object to a loft as the overall height is not compliant and the scale is out of context. 	<p>Not supported - revised plans indicate a reduced overall building height to the top of the roof to 8.3 metres from natural ground level and 8.75 metres overall. The above heights comply to the provisions of the Residential Design Codes.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The variations sought by the applicant are supportable (except for those relating to building height), and do not have an undue impact on the adjoining properties or surrounding streetscape, as addressed above.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.1.7 No. 48 (Lot 234 D/P: 3002) Elizabeth Street, North Perth - Proposed Two-Storey Single House to Existing Single House

Ward:	North	Date:	13 December 2005
Precinct:	North Perth; P08	File Ref:	PRO3100; 5.2005.3038.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oracle Surveys on behalf of the owner G and A Hughan for proposed Two-Storey Single House to Existing Single House, at No. 48 (Lot 234 D/P: 3002) Elizabeth Street, North Perth, and as shown on plans stamp-dated 21 November 2005 (site plan, floor plan and elevation plan) and 12 December 2005 (overshadowing plan), subject to the following conditions:

- (i) subject to first obtaining the consent of the owners of No. 50 Elizabeth Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 50 Elizabeth Street in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Elizabeth Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the pedestrian access way/service corridor from Elizabeth Street to the proposed rear dwelling being a minimum width of 1.5 metres, with a width of 1.0 metre being acceptable only adjacent to the existing dwelling; and*
- (b) *to protect the reasonable privacy of the adjacent residents, the windows to bedroom 3 on the northern elevation, the lounge room on the eastern, southern and western elevation and bedroom 2 on the southern elevation, on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Elizabeth Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s).*

Landowner:	G & A Hughan
Applicant:	Oracle Surveys Consulting Surveyors
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	North side, 6.1metres wide, unsealed, Town owned

BACKGROUND:

8 March 2005 The Council at its Ordinary Meeting resolved to recommend refusal to the Western Australian Planning Commission (WAPC), for the proposed survey strata subdivision of the subject property for the following reasons:

"(a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality; and*

(b) *non-compliance with the Town's Policy relating to Vehicle Access to Dwellings Via a Right-of-way. (Policy No: 3.4.6), specifically to the provision of a 1.5 metres pedestrian access to the street alignment;"*

11 April 2005 The Western Australian Planning Commission (WAPC) advised they were unlikely to refuse the survey strata subdivision application, therefore, requested that the Town provide a list of appropriate conditions for the proposed survey strata subdivision.

29 April 2005 Under delegated authority from the Council, the Town recommended appropriate conditions to be applied to the proposed survey strata subdivision.

23 November 2005 The WAPC deferred its decision of the proposed survey strata subdivision until no later than 14 February 2006 to provide time to allow the applicant to obtain approval to commence development for two dwellings (one additional) from the Town.

DETAILS:

The proposal involves a two-storey single house to existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R40	2 dwellings R40	Noted.
Plot Ratio	N/A	N/A	Noted.
Pedestrian Access	1.5 metres	1 metre	Supported in part - the Town's Policy No. 3.4.6 allows " <i>the Town to consider a pedestrian access leg of less than 1.5 metres where it abuts the existing house to be retained</i> ". This has been addressed in the Officer Recommendation.

Privacy: Upper Floor - Bedroom 3	4.5 metres	4 metres to western boundary	Not supported - undue impact and addressed in Officer Recommendation.
Lounge - Eastern elevation	6 metres	3.3 metres to eastern boundary	Not supported - as above.
Southern elevation	6 metres	3 metres to southern boundary	Not supported - as above.
Western elevation	6 metres	5.4 metres to western boundary (via void)	Not supported - as above.
Bedroom 2	4.5 metres	3.1 metres to western boundary (via void)	Not supported - as above.
Consultation Submissions			
No formal advertising was required as proposed dwelling has been conditioned to fully comply with the Residential Design Codes and the Town's Policies.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

The application has been assessed under the higher R40 dual coding requirements (R30/40) on the basis that the existing dwelling is to be retained. The overlooking issues have been conditioned to comply with the Privacy requirements of the R Codes in the Officer Recommendation.

In light of the above, the planning application is considered acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.1.13 Nos. 395-397 (Lot 28 D/P: 613) William Street, Perth - Proposed Change of Use from Consulting Rooms to Shops, Offices and Warehouse and Associated Alterations and Additions

Ward:	South	Date:	12 December 2005
Precinct:	Beaufort; P13	File Ref:	PRO3301; 5.2005.3105.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony J Casella on behalf of the owner Goldenstep Pty Ltd for proposed Change of Use from Consulting Rooms to Shops, Offices and Warehouse and Associated Alterations and Additions at Nos. 395-397 (Lot 28 D/P: 613) William Street Perth, and as shown on plans stamp-dated 12 August 2005 (existing site plan and elevations) and amended plans stamp-dated 5 October 2005 (proposed ground and first floor plan), subject to the following conditions:

- (i) the floor areas shall be limited to a maximum of;*
 - (a) 23 square metres of gross floor area for the shop component for Retail 1;*
 - (b) 54 square metres of gross floor area for the shop component for Retail 2;*
 - (c) 204 square metres of gross floor area for the office component; and*
 - (d) 59 square metres of gross floor area for the warehouse component.*

An increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;

- (ii) doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (v) prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

Landowner:	Goldenstep Pty Ltd
Applicant:	Anthony J Casella
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Consulting Rooms
Use Class:	Shop, Office Building and Warehouse
Use Classification:	"P", "P" and "P"
Lot Area:	460 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed alterations and additions and change of use from consulting rooms to shop, office and warehouse.

The retail portion of the subject site will operate between 9:00am and 5:00pm Monday to Saturday and employ 1 person in each tenancy (Retail 1 and 2). The office opening hours will be Monday to Friday 9:00am to 5:00pm, will employ 3 people and be used in conjunction with Retail 1. The Warehouse will be used for storage.

The nature of the retail portion of the property is not yet confirmed but the applicant has indicated a tourist type shop and the office and storage will support the applicant's *Aquawest Boat Building* business which is located in Welshpool.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) - Retail 1- Shop: 23 square metres of public area = 1.53 car parking bays. - Retail 2 - Shop: 54 square metres of gross floor area = 3.6 car parking bays. - Office: 204 square metres of gross floor area = 4.08 car parking bays. - Warehouse - 59 square metres of gross floor area = 0.89 car parking bay.			10 car bays

Apply the adjustment factors.	(0.7225)
<ul style="list-style-type: none"> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) 	7.225 car bays
Minus the car parking provided on-site	0
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 35.51 car bays (15 consulting rooms at 3 car bays per consulting room equals 45 car bays x 0.7225 = 35.51 car parking bays).	35.51 car bays
Resultant Surplus	28.28 car bays

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

Bicycle Parking Facilities

Requirements	Required	Provided
Shop - Retail		
1 space per 300 (proposed 77) square metres gross floor area for employees (class 1 or 2).	0.257 space	No class 1 or 2 facilities provided.
1 space per 200 (proposed 77) square metres gross floor area for visitors.	0.385 space	No class 3 facilities provided on.
Office Building		
1 space per 200 (proposed 204) square metres gross floor area for employees (class 1 or 2).	1.02 spaces	No class 1 or 2 facilities provided.
1 space per 750 (proposed 204) square metres gross floor area over 1000 square metres for visitors.	N/A	No class 3 facilities provided on.

The Town's Parking and Access Policy requires the provision of Bicycle Parking Facilities for relevant commercial uses. The proposed development requires the provision of one class 1 or 2 bicycle parking bay, being 1.277 spaces rounded to the nearest whole number. No end of trip facilities are required pursuant to the Town's Policy relating to Parking and Access.

COMMENTS:

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.1.23 No.658 (Lot 3 D/P: 541) Newcastle Street, Dual Frontage to Carr Place, Leederville - Proposed Demolition of Existing Office/Warehouse and Construction of Three-Storey Building Comprising Offices and Undercroft Carparking

Ward:	South	Date:	13 December 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO3243; 5.2005.3034.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Zurzolo on behalf of the owner Lavenda Pty Ltd & A & E M Percudani for proposed Demolition of Existing Office/Warehouse and Construction of Three-Storey Building Comprising Offices and Undercroft Carparking, at No.658 (Lot 3 D/P: 541) Newcastle Street, dual frontage to Carr Place, Leederville, and as shown on demolition plans dated 30 June 2005, and plans stamp-dated 1 September 2005 (first floor and second floor plan), 1 November 2005, and side elevations (14 December 2005) subject to the following conditions:

- (i) any future vehicular entry gates adjacent to Carr Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$20,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$20,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); OR alternatively should underground power be a viable option for the proposed site, the art work contribution can be used for the purpose directly associated with the underground power, and all surplus funds remaining after the underground power project is to be used for the provision of public art;*

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *subject to first obtaining the consent of the owners of No(s). 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing . No(s). 654-656 (Lot 4) and No.660 (Lot 2) Newcastle Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *a minimum of two significant design features being incorporated into the ground floor walls facing Carr Place, to break up the visual bulk of the walls to further compliment the streetscape;*
 - (b) *any proposed security gate along the Carr Street frontage being a minimum 50 percent visually permeable when viewed from the street; and*
 - (c) *a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage of the subject site.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;
- (vii) *prior to the first occupation of the development, six (6) class- one or two bicycle and one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting Newcastle Street and the first and second floors of Carr Place shall maintain an active and interactive relationship with these streets;*
- (xii) *prior to the first occupation of the development, a minimum of fifteen (15) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with all tandem carbays south of carbays 2, 3, 4 and 5 being sign posted and set aside specifically for staff use only;*
- (xiii) *the maximum gross floor area for the office use shall be limited to 1125 square metres unless adequate car parking is provided for the changes in floor space area;*

- (xiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$2520 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xviii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

Landowner:	Lavenda Pty Ltd and A & E M Percudani
Applicant:	M Zurzolo
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office/Warehouse
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	470 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single storey office/warehouse and the construction of a three (3) storey office building.

The applicants have submitted the following information which is summarised as follows:

- The proposal will provide interaction between ground level offices and pedestrians, and upgrade the streetscape. All vehicular access is off Carr Street;
- Landscaping be relaxed similar to other developments. The "urban" nature of the street can be maintained and enhanced in other ways and avoids any potential neglect and vandalism if there is a landscaped component;
- The predominant streetscape in the area is 3 or 4 storeys and the proposed 3 storey building will maintain a consistent streetscape; and
- No doors or gates proposed to the car park, with all air-conditioning being not visible from the streets.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
No. of Storeys	2 storeys	3 storeys and basement	Supported-as it is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings which are 3 and 4 storeys in height.
Front Setback	Nil	0.7 metres to 2.5 metres	Supported -as the front setback is not considered to create an undue, adverse effect to the existing streetscape.
Landscaping	10 per cent	Nil	Supported- on the basis that most of the developments along Newcastle Street within the Precinct do not have landscaping, mainly due to the nature and urban form of surrounding developments.
Consultation Submissions			
Support (1)	Received from the owner of the subject site		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Office: 1 car bay per 50 square metres gross floor area (proposed 1125 square metres) = 22.5 car bays. To nearest whole number			23 car bays
Apply the parking adjustment factors.			(0.614)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 50 metres of one or more public car parks in excess of 50 spaces) ▪ 0.85 (within 800 metres of a rail station) 			14.12 car bays
Carparking provided on site			16 car bays
Resultant surplus			1.88 car bays

Bicycle Parking Facilities

Requirements	Required	Provided
Office		
<ul style="list-style-type: none"> 1 space per 200 (proposed 1125) square metres gross floor area (class 1 or 2). 	5.62 spaces	Eight (8) bicycle racks are indicated on site plans.
<ul style="list-style-type: none"> 1 space per 750 (proposed 1125-1000=125) square metres over 1000 square metres for visitors (class 3) 	1 space (minimum).	Nil.

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

COMMENTS:

Demolition

A preliminary investigation of the subject place at No. 658 Newcastle Street indicated that a full heritage assessment was not required in this instance, as the place is a recently constructed office/commercial premise with no heritage value.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town of Vincent Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing building, subject to standard conditions.

Underground Power

Technical Services advise that there are power lines which end at the western boundary of the above site, and as such there is opportunity for the power to be placed underground.

On the above basis, as underground power is a viable option for the proposed site, it is recommended in condition (iii) that the art work contribution for the development can be considered to be used for the purpose directly associated with the underground power, and all surplus funds remaining after the underground power project is to be used for the provision of public art.

Carparking

The Town's Technical Services have advised that the proposed tandem carparking is considered acceptable in this instance, as it represents 4 car bays of the total 16 car bays being provided. A condition has been recommended that the front tandem car bays closer to the building is specifically marked for staff car parking only.

Building Services

Building Services advise that there are issues relating to the Building Code of Australia requirements in terms of exit location and fire rating aspects. The applicant has advised in writing that the above issues can be resolved at the Building Licence stage.

Given the above, the proposal is considered acceptable and supported, subject to standard and appropriate conditions to address the above matters.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.1.30 Amendment No. 24 Planning and Building Policies - Policy Relating to Heritage Management - Interpretive Signage

Ward:	Both Wards	Date:	9 December 2005
Precinct:	All Precincts	File Ref:	PLA0159
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy relating to Heritage Management - Interpretive Signage as shown in Attachment 10.1.30, resulting from the advertised version having been reviewed and regard to no written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy relating to Heritage Management - Interpretive Signage, as shown in Attachment 10.1.30;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating Heritage Management - Interpretive Signage as shown in Attachment 10.1.30, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1; and*
- (iv) *AUTHORISES the Chief Executive Officer to review the performance of the Policy relating to Heritage Management - Interpretive Signage, six (6) months after its final adoption.*

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the Policy relating to Heritage Management - Interpretive Signage and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Special Meeting held on 24 May 2005 resolved the following:

"That the Council;

- (i) *RECEIVES this report and the draft Policy relating to Heritage Management - Interpretive Signage, as shown in Attachment 001;*
- (ii) *ADVERTISES the draft Policy relating to Heritage Management - Interpretive Signage for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia;*
- (iii) *after the expiry of the period for submissions:*
- (a) *reviews the draft Policy relating to Heritage Management - Interpretive Signage, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Heritage Management - Interpretive Signage, with or without amendment, to or not to proceed with them; and*
- (iv) *AKNOWLEDGES that the Notice of Motion at the Ordinary Meeting of Council on 7 December 2004 relating to the heritage matters associated with the 'social' and 'historic' cultural heritage significance and the application of these thresholds for these values when considering development applications has been addressed and finalised by the draft Policy relating to Heritage Management - Interpretive Signage.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to a new clause (v) being added as follows:

- "(v) *AMENDS the draft Policy relating to Heritage Management – Interpretive Signage as shown in Attachment 001, by amending clause 2) as follows; prior to clauses (i), (ii), and (iii) above, being actioned:*
- 2) *If Council resolves that a building approved for demolition has solely historic and/or social significance that is deemed by Council as not directly reflected in the building's structure, style or physical appearance the following procedures apply:*
 - i) *The applicant and/or owner of the building approved to be demolished are to be notified that a plaque or an alternative form of interpretation is to be ~~installed~~ displayed on the site of the existing building.*
 - ii) *The plaque is to meet the following specifications;*
 - a) *it is to be A4 size or thereabouts;*
 - b) *the text is not to exceed ~~50~~100 words;*
 - c) *it is to include the Town of Vincent logo; and*
 - d) *the text is to be approved by the Town's Officers prior to proceeding.*
 - iii) *The specification details of the plaque or alternative form of interpretation is to be approved by the Town of Vincent before the issuing of a Demolition Licence and/or Building Licence, whichever occurs first.*

- iv) *The plaque or alternative form of interpretation is to be installed prior to first occupancy of the new development on the site."*

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That a new clause (v)(2)(ii)(e) be inserted to read as follows:

- "(v) 2) (ii) e) to be made of durable material that will not deteriorate visually over time."*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.24

- (v) *AMENDS the draft Policy relating to Heritage Management – Interpretive Signage as shown in Attachment 001, by amending clause 2) as follows; prior to clauses (i), (ii), and (iii) above, being actioned:*
- 2) *If Council resolves that a building approved for demolition has solely historic and/or social significance that is deemed by Council as not directly reflected in the building's structure, style or physical appearance the following procedures apply:*
- i) *The applicant and/or owner of the building approved to be demolished are to be notified that a plaque or an alternative form of interpretation is to be ~~installed~~ displayed on the site of the existing building.*
- ii) *The plaque is to meet the following specifications;*
- a) *it is to be A4 size or thereabouts;*
- b) *the text is not to exceed ~~50~~ 100 words;*
- c) *it is to include the Town of Vincent logo; ~~and~~*
- d) *the text is to be approved by the Town's Officers prior to proceeding-; and*
- e) *to be made of durable material that will not deteriorate visually over time."*
- iii) *The specification details of the plaque or alternative form of interpretation is to be approved by the Town of Vincent before the issuing of a Demolition Licence and/or Building Licence, whichever occurs first.*
- iv) *The plaque or alternative form of interpretation is to be installed prior to first occupancy of the new development on the site."*

DETAILS:

The objectives of the Policy relating to Heritage Management - Interpretive Signage;

- 1) To generate awareness of the rich and diverse historic and cultural heritage within the Town of Vincent's built environment; and
- 2) To provide a procedure to recognise buildings approved to be demolished within the Town of Vincent which are considered to hold historic and/or social cultural heritage values not reflected directly in the building's structure, style, or physical appearance.

It is anticipated that the draft Policy will facilitate Elected Members in considering demolition applications. However, the Policies relating to Heritage Management - Assessment, Development Guidelines and The Heritage List (Municipal Heritage Inventory) should be considered prior to deciding whether demolition is the most suitable outcome for the subject place.

The following procedures have been outlined to streamline the process after demolition is approved:

- (i) The applicant and/or owner of the building approved to be demolished are to be notified that a plaque as an alternative form of interpretation is to be displayed on the site of the existing building.
- (ii) The plaque is to meet the following specifications;
 - (a) it is to be A4 size or thereabouts;
 - (b) the text is not to exceed 100 words;
 - (c) it is to include the Town of Vincent logo;
 - (d) the text is to be approved by the Town's Officers prior to proceeding; and
 - (e) to be made of durable material that will not deteriorate visually over time.
- (iii) The specifications details of the plaque or alternative form of interpretation is to be approved by the Town of Vincent before the issuing of a Demolition Licence and/or Building Licence, whichever comes first; and
- (iv) The plaque or alternative form of interpretation is to be installed prior to first occupancy of the new development on the site.

CONSULTATION/ADVERTISING:

Any new, rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the draft amended Policy concluded on 1 November 2005. No submissions regarding the Policy were received during the comment period.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

"1.2 Recognise the value of heritage in providing a sense of place and identity".

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, adopts and advertises the final version of the new Policy, in line with the Officer Recommendation.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.1.32 Local History Awards 2006

Ward:	Both	Date:	13 December 2005
Precinct:	All	File Ref:	
Attachments:	-		
Reporting Officer(s):	J Davidson		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Local History Awards 2006;*
- (ii) *ENDORSES the Local History Awards being based on the Awards of 2004 with sections for memoirs, research and photographs; and*
- (iii) *APPROVES the following in relation to the Local History Award 2006:*
 - (a) *the presentation night to be held on Thursday, 21 September 2006 at 5.30pm;*
 - (b) *the Awards Presentation Ceremony to be relocated from the Library to the Administration and Civic Centre Function Room, with budget provision for outside catering; and*
 - (c) *an additional \$1,000 be allocated to the Local History Awards for catering purposes and an additional \$600 be allocated for musicians at the function in the Draft 2006/2007 Budget.*

PURPOSE OF REPORT:

The purpose of the report is to outline proposed changes to the Local History Awards for 2006, in particular the relocation of the Awards ceremony to the Administration and Civic Centre Function Room.

BACKGROUND :

The Local History Awards began in 2000 and are held annually. They are open to anyone with an interest in the history of the Town, and are held to encourage community participation in contributing to the Local History Collection. They also serve to increase community awareness of the existence of the Local History Collection at the Town of Vincent Library

The Awards are a very important element in the promotion of the Local History Collection and a big celebration in the Library's calendar.

DETAILS:

The presentation night for the Awards has been held in the Library for the last six years and it has always been very successful. The numbers have ranged from 50 to 100 guests. The entries have been on display in the Library for the guests to view. However, this places a large workload on the Library staff working on the night, as they perform their normal tasks for Library patrons, as well as helping serve food and drinks.

Also, there has not previously been a specific catering budget allocated to the event, and it has been kept to a tight budget within the Local Studies project fund so that it did not compromise the collection development.

To give the Local History Awards the same recognition as other Awards conducted by the Town, it would be beneficial to hold them in the Administration and Civic Centre Function Room. The extra funds required would include:

Catering for 100 people at \$12 per head	\$1200
Catering Supervisor cost	\$70
Staff costs for function at \$25 per hour	\$150
Total catering cost	\$1420

An additional feature to complement the atmosphere would be to hire a quartet at a cost of \$400 to \$600.

LEGAL/POLICY:

There are no legal implications or Policy requirements associated with the Local History Awards 2006 Presentation Night.

STRATEGIC IMPLICATIONS:

Town Of Vincent Strategic Plan 2005-2010 - Key Result Area One: Environment & Infrastructure:

*“ 1.2. Recognise the value of heritage in providing a sense of place and identity.
Foster activities which add to the communities understanding of heritage values”.*

The Awards encourage the community to value their heritage through old photographs, research into their houses and the environment and also to record their memories of life in the Town.

Key Result Area Two – Community Development:

“ 2.2. Celebrate and acknowledge the Town’s cultural diversity.”

The submission of memoirs by residents who are migrants to Australia, or have parents who were migrants are particularly valued.

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/2006 Budget lists \$7000 for Special Projects – Local History Collection.

COMMENTS:

The proposal presented will raise the status of the Local History Awards to meet community expectations of similar events in the Town’s calendar.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.1.35 Birdwood Square Progress Report and Temporary Toilets

Ward:	South Ward	Date:	13 December 2005
Precinct:	All Precincts	File Ref:	ENS0102
Attachments:	001		
Reporting Officer(s):	M Wood, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on park issues and anti-social behaviour at Birdwood Square;
- (ii) **APPROVES** the continuation of the existing permanent toilets to remain locked, with key access provided to regular sporting user groups;
- (iii) **APPROVES** the removal of the temporary toilet on Birdwood Square and 'Alternative Toilet facilities signage';
- (iv) **CONTINUES** to monitor the park throughout the anticipated peak summer period and if problems re-occur to support the return of the temporary toilets; and
- (v) **AUTHORISES** the Chief Executive Officer to relocate the temporary toilet facility in Birdwood Square, should it be deemed necessary.

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the current status of temporary toilets located at Birdwood Square and provide an update on anti-social behaviour at Birdwood Park and surrounding areas.

BACKGROUND:



The Council, at its Ordinary Meeting held on 22 February 2005, resolved, inter alia; as follows:

“That the Council;

- (iii) **APPROVES** the following:
 - (a) rental of a temporary toilet, at an estimated cost of \$2,368, to be trialled over a four (4) month period in a variety of locations in Birdwood Square and the Brisbane Street Car Park to determine the best location for a possible replacement toilet and to determine whether anti-social behaviour decreases;

- (b) *keeping the permanent toilets located on Birdwood Square locked for the duration of the trial of the temporary toilets, but making them available to people who hire the park;*

The toilet has been located in Birdwood Square Reserve, since late February 2005 and can, along with other strategies introduced at the same time, be taken as being successful in abating many of the anti-social behaviour issues. There has been a marked reduction in complaints from both residents and businesses, since this time and this can be acknowledged as further testimony to the effectiveness of this strategy.

Whilst the need for the temporary toilets was gauged high, in initial months of placement, from reports of Rangers and Technical Services staff, the use of the toilets has declined in recent months. According to informal reports, the temporary toilet is being utilised more by late-night patrons from the nearby Brisbane Hotel.

DETAILS:

Current Status

The trial period of the temporary toilet in Birdwood Square has been assessed as being effective, in reducing the complaints about urinating and defecating in the Reserve, but the toilet is now under utilised.

There is an existing toilet/changeroom building, located within Birdwood Square and this is kept locked at all times, with an access key being provided to regular and casual users of the Reserve.

Strategies

The Town of Vincent continues to work closely with the WA Police, to proactively ensure that vacant buildings within the Town are secured. This discourages itinerants from congregating in local parks, reserves and other facilities.

- The Nyoongar Patrol continues to work proactively, on park issues and in close liaison with the Town, the Department of Community Development, the WA Police, local residents and businesses.
- The Nyoongar Patrol continues to streamline and review its service, to ensure best practice is adopted, when dealing with issues in Birdwood Square, Hyde Park, Robertson Park and a number of other areas in the Town. An "Official Launch" of the "New" Nyoongar Patrol is scheduled to take place on 20 December 2005 and this Launch is being held to identify the Town of Vincent, along with the Department of Indigenous Affairs as being the major partners in the service.
- The present strategy of temporary toilets in Birdwood Square has worked well in the past, but the need for this to continue has been re-assessed and, due to current statistics showing a marked decline in use, it is now recommended that the toilet be removed. Should information be obtained that suggests that the toilet should be re-instated in Birdwood Square, the Chief Executive Officer will arrange for this to be done.
- A strategy is currently being developed, with regard to the existing permanent toilet/changeroom structure in Birdwood Square. The feasibility of the removal of existing structure, with a new purpose built anti-vandal structure being built to replace it, or incorporating Crime Prevention Through Environmental Design (CPTED) is currently being assessed.

Meetings:

The Birdwood Square Working Group met on 21 November 2005 and, at the last meeting a number of factors were discussed that may account for the reduction in complaints, including;

- Police issuing move on notices;
- Cooler weather;
- Qualified carers are now required to escort remote patients to Perth for dialysis;
- Review and improvement of the service being provided by the Nyoongar Patrol;
- Agencies are now co-ordinating their efforts more effectively, by referring and assisting park people to find long term housing or support to return to their home communities; and
- Agencies' improved dealings, with health and treatment for drug/ substance abuses. This in turn brings about more sustainable outcomes that have seen a number of long term and 'hard core' park dwellers, who were considered as "magnets" for other people, return to home communities .

It is hoped that the combination of the current strategies will provide a long-term benefit to the Town's residents and ratepayers and that the "New" Nyoongar Patrol will continue to be effective in combating anti-social behaviour issues in the Town's Parks and Reserves.

Statistics

The statistics, provided by Nyoongar Patrol, for the period 1 October to 31 October 2005, have been attached to this report.

CONSULTATION/ADVERTISING:

There has been consultation with WA Police, Nyoongar Outreach Metropolitan Patrol Service, Birdwood Square Working Group and the Park People Working Group, in the compilation of this report. There is no need to consult further, in the matter.

LEGAL/POLICY:

There are no legal implications associated with this report.

STRATEGIC IMPLICATIONS:

Under Key Result Area Two: Community Development:

"2.2 Provide and develop a range of community programs and community safety initiatives.

- (g) Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security".*

Under Key Result Area Four: Governance and Management, the Council upholds a number of objectives including, *"to create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks"*

FINANCIAL/BUDGET IMPLICATIONS:

There are no Budget implications, associated with this report, unless the Chief Executive Officer approves the re-location of the temporary toilet, in which case the cost will be met from existing funds.

COMMENTS:

There has been a general downturn in anti-social behaviour and other problems in the parks over the past few months. Discussion at the Birdwood Square Working Group indicates support for removal of the temporary toilet, due to its minimal use. Whilst the placement of the temporary toilet has proved to be an effective short term strategy, longer term strategies need to be developed, which can be sustain current needs and expectations.

It is anticipated that issues in the parks will begin to resume once the warmer start to summer is realised.

The above report is recommended for approval.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.2.3 Proposed State Black Spot Improvement Project intersection of Anzac Road & Oxford Street, Leederville / Mount Hawthorn
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Ward:	North	Date:	2 November 2004
Precinct:	Mount Hawthorn P1 & Leederville P3	File Ref:	TES0173, TES0439 & TES0382
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and Oxford Street, Leederville / Mount Hawthorn;
- (ii) **APPROVES IN PRINCIPLE** the proposal as shown on attached Plan No 2374-CP-1;
- (iii) **CONSULTS** with the adjoining property owners (commencing in the latter part of January 2006) and seeks community feedback through the Mt Hawthorn Precinct Group, giving them 21 days in which to respond; and
- (iv) **RECEIVES** a further report on the matter should any adverse comments regarding the proposal be received.

PURPOSE OF REPORT

The purpose of this report to seek Council's approval to proceed to the public consultation phase of the planning and design process for the proposed roundabout at the intersection of Anzac Road and Oxford Street, Leederville / Mt Hawthorn.

BACKGROUND:

'Black Spots' are those locations which have a high accident recurrence rate, resulting in significant personal and property damage. Locations designated 'Black Spots' are eligible for state and federal funding with which to undertake Main Roads WA endorsed improvements.

Each year Local Governments receive an accident 'Black Spot' list from Main Roads WA for their respective area. The combined list forms the primary basis for road safety improvement funding within the state.

In established inner city areas such as the Town, Black Spots tend to be exclusively intersections while in the new outer suburbs Black Spots can also be sections or lengths of roads.

In the last few years the Town has undertaken a number of Black Spot Improvement Projects, ranging from large scale projects such as the Leederville Parade / Oxford Street roundabout to small localised projects such as the Alma Road / Fitzgerald Street half 'seagull island' currently nearing completion in North Perth and designed to prevent the right turn movement.

In March 2004 the Town was invited to submit a Black Spot funding application(s) for the 2005/06 State and National programs.

In June 2004 the Town submitted three (3) locations for consideration including the Oxford Street / Anzac Road intersection, the aforementioned Alma Road / Fitzgerald Street intersection in North Perth and the intersection of Lincoln and Wright Streets, Highgate.

In respect of the intersection of Oxford Street and Anzac Road, for the accident period, 1999 to 2003 inclusive, there were eleven (11) reported traffic accidents, with a further two (2) in 2004, resulting in its (the intersections) classification as a Black Spot.

In March 2005 MRWA advised that the Town's submissions had been successful under the State program resulting in a funding offer, based upon a 2/3 State to 1/3 Town contribution, with which to install a roundabout at a total cost of \$135,000.00.

DETAILS:

The Town currently has State Black Spot funding with which to undertake improvements at the intersection of Anzac Road and Oxford Street, Leederville / Mount Hawthorn, to reduce or eliminate right angle crashes.

The four-way intersection is currently controlled by traffic signals.

The most practical solution to reduce traffic accidents at this location is to install a roundabout. It is considered this proposal will maximise the road safety improvements without adversely impacting upon the amenity of local residents as no traffic movements will be restricted. The proposal has been endorsed in principle by Main Roads WA, and should eliminate a majority of the accidents and have a traffic calming affect on both Anzac Road and Oxford Street.

With regard to the intersection of Anzac Road and Oxford Street, the following information is provided:

<u>Location:</u>	Intersection of Anzac Road and Oxford Street, Leederville / Mt Hawthorn.
<u>Site Description:</u>	Four way signalised intersection.
<u>Justification:</u>	Proposed Black Spot Improvement.
<u>Main accident types:</u>	Right angle and right angle through.
<u>Proposed Treatment:</u>	Remove signals and install a roundabout.
<u>Accident Statistics</u>	
• Reporting period:	Five (5) years, 1999-2003 inclusive.
• Number:	Eleven (11) reported accidents.
• Cost to community:	\$261,613.
• Injuries sustained:	Yes, 1 hospitalisation & 5 medical attention required.

Traffic Data

<i>Section</i>	<i>Volume (vpd)*</i>	<i>85% Speed (kph)</i>
Anzac Rd, west of Oxford St, combined	5461	
West bound	2406	42
East bound	3055	59
Anzac Rd, east of Oxford St, combined	1507	52
Oxford St, north of Anzac Rd, combined	6859	
South bound	3153	48
North bound	3706	53
Oxford St, south of Anzac Rd, combined	9262	

<i>Section</i>	<i>Volume (vpd)*</i>	<i>85% Speed (kph)</i>
South bound	4910	49
North bound	4352	46

* Weekday averages

Classification:

- Oxford Street, District Distributor B Road.
- Anzac Road, west of Oxford Street, District Distributor B Road.
- Anzac Road, east of Oxford Street, Local Distributor Road.

Budget: \$135,000Bus Route: Transperth service No. 15, via Oxford Street.Designated Bicycle Routes: NoProposed Walk Trails: NoLocal Attractors: Britannia Reserve, Aranmore Catholic College, Oxford Hotel, links Mt Hawthorn Centre Precinct to Oxford Centre Precinct.Speed Limits: The posted speed in Anzac Road is 50kph while Oxford Street is 60kph to approximately Melrose Street & the Oxford Centre Precinct where it reduces to 50 kph.**Discussion**

In 2004, MRWA commissioned the University of Western Australia's Injury Research Centre to *Evaluate the Effectiveness of Black Spot Programs in Western Australia, 2000-2002.* *

The resultant report, released in early 2005, evaluates the effectiveness of specific road safety treatments and provides a valuable resource when planning for and designing Black Spot improvement projects.

The following is a brief summary of the reports *Conclusions and Recommendations* as released by WALGA in an Infopage bulletin to all Local Governments:

The results showed the Black Spot treatments have been effective overall, reducing all reported crash frequencies by 15% and casualty frequencies by 28%. Based upon assumed treatment life of all projects of 10 years, the estimated crash cost savings were \$50.8million for all reported crashes, of which 89% were attributable to a reduction in casualty crashes. This resulted in an overall net saving to the community of \$40.4million (\$35.1million attributed to casualty crashes) after subtracting the capital costs of installing treatments and the maintenance and operating costs. The benefit cost ration (BCR) across all treatment sites was 4.9.

Specific to the Town's proposal to construct a roundabout at the intersection of Oxford Street and Anzac Road, in lieu of the existing traffic signals, the report reached the following conclusions.

- *roundabout treatments gave a 29% reduction in all reported crashes and a 60% reduction in casualty crashes resulting in a BCR of 6.6 for all reported crashes.*

Whilst the report does not directly compare the effectiveness of roundabouts versus traffic signals, the same data for signals indicates a reduction of 21% for all reported crashes with a BCR of **-4.8%**.

However, of greater significance is that roundabouts achieve a 60% reduction in casualty crashes as opposed to a 27% reduction for traffic signals.

While it may be argued that a roundabout will not completely eliminate traffic accidents at this location (and therefore the cost not justified), the greatest benefit to the community will be in reduction in the severity of the accidents, be it both casualty terms and property damage.

CONSULTATION/ADVERTISING:

Once the matter has been considered by the Council, consultation with the adjoining businesses and/or property owners and the Mt Hawthorn Precinct Group will be undertaken.

LEGAL/POLICY:

Any resultant improvement proposal would be designed in accordance with relevant Australian and Main Roads WA Standards.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“h) Investigate and implement transport development and management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

There is an existing allocation of \$135,000 in the 2005/2006 budget for this project of which the Town's contribution is \$48,330.00.

COMMENTS:

The intersection of Anzac Road and Oxford Street is classified as a Black Spot based upon its five (5) year accident history, 1999-2003 (inclusive), and therefore qualifies for State Black Spot funding.

The most cost effective method to reduce the number and severity of accidents at this location, without restricting any of the movements through the intersection, is to install a roundabout.

It is therefore recommended that the Council approves in principle the proposal as shown on attached Plan No 2374-CP-1 and consults with the adjoining businesses and/or property owners and the Mt Hawthorn Precinct Group giving them 21 days in which to respond and receives a further report on the matter should any adverse comments regarding the proposal be received.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.2.4 Further Report - Donation of Drinking Fountain to the North Perth Primary School

Ward:	North	Date:	12 December 2005
Precinct:	Smith's Lake	File Ref:	PRO2451
Attachments:	001;		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicher	Amended by:	

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the further report in relation to the donation of a drinking fountain to the North Perth Primary School;***
- (ii) ***APPROVES *BY AN ABSOLUTE MAJORITY the donation and installation of the drinking fountain as outlined in Option 4, at a total cost of \$3,500, as shown on attachment 10.2.4; and***
- (iii) ***ADVISES the North Perth Primary School of its decision.***

(*Absolute Majority required as this Item has not previously been included on the 2005/2006 Budget.)

FURTHER REPORT

The Council, at its Ordinary Meeting held on 6 December 2005, considered the above matter and resolved: "that the Item be *DEFERRED* for further information to be provided about alternative models of drinking fountains and details about costs."

The following further information is provided as requested by the Council.

In addition to the two (2) options outlined in the previous report to the Council, an additional four (4) options have been provided (see attached). The purchase price of the drinking fountain assemblies range from \$970.00 to \$4,012.00 and the total cost to supply and install of each respective drinking fountain is outlined in the table below (refer appendix 10.2.1).

Option	Cost (supply only) \$	Installation	Total Cost \$
Option 1	970.00	\$950.00	1,920.00
Option 2	1,210.00	\$950.00	2,160.00
Option 3	1,800.00	\$950.00	2,750.00
Option 4	2,550.00	\$950.00	3,500.00
Option 5	2,279.00	\$950.00	3,229.00
Option 6	4,012.00	\$950.00	4,962.00

Of the above options, option 6 was the original option requested by the North Perth Primary School students and is currently located within the Multicultural Federation Garden. Option 5 is of the same design as option 6, however it allows for only a single bowl

Option 2 is a similar design as recommended in the previous report presented to the Council in December 2005 and is the cheapest option available.

Given the heritage significance of the local area and the school itself, option 4 has now been recommended as the preferred style and most suitable for the area.

The cost of the supply and installation of the drinking fountain will be included in the next quarterly budget review and sourced from funds to be determined.

It is anticipated that if the fountain is ordered prior to the Christmas period it will be able to be supplied and installed before school returns in late January 2006.

The following is a verbatim of the minutes of the item placed before Council at its Ordinary Meeting held on 6 December 2005.

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report in relation to the request from the North Perth Primary School for support from the Town to supply/install a drinking fountain on the school oval;*
- (ii) APPROVES a donation of \$1,850 to the North Perth Primary School for the supply/installation of a basic "pole-type" drinking fountain; and*
- (iii) ADVISES the North Perth Primary School of its decision.*

COUNCIL DECISION ITEM 10.2.1

Cr Torre returned to the Chamber at 9.31pm.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for further information to be provided about alternative models of drinking fountains and details about costs.

CARRIED (6-1)

<u><i>For</i></u>	<u><i>Against</i></u>
<i>Mayor Catania</i>	<i>Cr Doran-Wu</i>
<i>Cr Chester</i>	
<i>Cr Farrell</i>	
<i>Cr Lake</i>	
<i>Cr Maier</i>	
<i>Cr Torre</i>	

(Crs Ker and Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek approval from the Council for a donation of \$1,850.00 to the North Perth Primary School for the supply and installation of a drinking fountain on the school oval at the North Perth Primary School.

BACKGROUND:

A petition has been received on behalf of 233 students from the North Perth Primary School, requesting that the Town give consideration to installing a drinking fountain on the school's oval.

In the letter the students have advised that the school had recently obtained a grant to lay a memorial path on the oval to commemorate the 60th anniversary of the end of World War II and that it would be seen as a great benefit if the drinking fountain could be installed prior to the above commemoration and also as a benefit for the classes that go down to the school oval (some 70 metres from the school) for sport.

As the oval can also be used by the public at any time of the day, the students advised that the installation of a drinking fountain would make the school a truly community place.

DETAILS:

The students of North Perth Primary School have suggested that the Town install a drinking fountain similar to the design used in the adjacent Multicultural Federation Garden and Children's Playground.

The requested drinking fountain design is very expensive and given the significant cost of extending the water services due to the distance to the drinking fountain from the nearest water source, a cheaper version has been recommended.

Installation will require trenching of at least 70 metres down to the oval through an existing bitumen carpark. The drinking fountain will consist of a galvanised steel pole with a standard drinking fountain assembly fitted.

A small concrete apron will be laid around the base of the fountain to ensure the area around the base of the pole does not become a quagmire and potential safety hazard.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. "(a) develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the supply and installation of the drinking fountain is as follows:-

• <i>Drinking fountain assembly (Galvins plumbing products)</i>	<i>\$900.00 *</i>
• <i>Supply & installation of pipework (Oasis Plumbing)</i>	<i>\$350.00</i>
• <i>Reinstatement of carpark & surrounds (Town of Vincent)</i>	<i>\$450.00</i>
• <i>Installation of concrete apron (Town of Vincent)</i>	<i><u>\$150.00</u></i>
	<i><u>\$1,850.00</u></i>

This amount can be sourced from the Members of Council donations budget.

*Note * The purchase price of the "two bowl" fountain, similar to the one at the Multicultural Gardens, is just over \$4,000, which would bring the total cost to approximately \$5,000.00 if this type was used.*

COMMENTS:

It is therefore recommended that the Council approve the donation of \$1,850.00 to North Perth Primary School for the supply and installation of a "pole type" drinking fountain, and the works be implemented as soon as practicable.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.3.4 Timetable – Budget 2006/2007

Ward:	Both	Date:	12 December 2005
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the timetable for the 2006/2007 Budget as detailed below:

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April</i>	<i>Executive Management Team (EMT) to review Draft Budget input.</i>
<i>12 May</i>	<i>Draft budget issued to Elected Members</i>
<i>17 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public)</i>
<i>30 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>1-2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>5 June</i>	<i>Advertise for public comment</i>
<i>23 June</i>	<i>Public comment closes</i>
<i>23 June-6 July</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>7 July</i>	<i>Agenda report issued</i>
<i>11 July</i>	<i>Adoption of Annual Budget first Council meeting in July</i>

PURPOSE OF REPORT:

To provide a timetable for the preparation and adoption of the Annual Budget 2006-07.

BACKGROUND:

The Administration is about to commence preparation of the 2006/2007 Budget. It is the intention to adopt the 2006/2007 Budget at the first Council meeting in July which is held on 11 July 2006. It is therefore important that the Council approves the timetable as outlined to ensure that the Budget is adopted on the proposed date.

DETAILS:

It is important that the Draft Annual Budget links to the Town of Vincent's new Strategic Plan which will be prepared in February 2006.

The timetable proposed allows for both suitable Elected Member and community reviews. The Town of Vincent conducts its Budget deliberations at Special Council meetings which are open to the public. The public will also be invited to comment on the Draft Budget prior to adoption.

For the past two years a Budget briefing for the community has been held to advise them of the budget preparation and to allow for their input in the budget. These presentations however, have been poorly attended and therefore this year it is not intended to hold this briefing. The Budget discussions are held in Briefings/Special Council meetings to which the community are invited to attend and there are other avenues for the community to have input to the budget, such as through both Elected Members and direct request to the Administration.

The proposed Budget Timetable is outlined below:

<i>Date</i>	<i>Topic</i>
1-30 April	Executive Management Team (EMT) to review draft Budget
12 May	Draft budget issued to Elected Members
17 May	1 st Budget briefing/Special Council Meeting (open to the public)
31 May	2 nd Budget briefing/Special Council Meeting (open to the public)
1-2 June	Budget documentation finalised for public comment
3 June	Advertise for public comment
25 June	Public comment closes
25 June-5 July	Final Budget documentation and report for Council prepared
6 July	Agenda report issued
12 July	Adoption of Annual Budget first Council meeting in July

CONSULTATION/ADVERTISING:

The Draft Annual Budget is advertised for 21 days in accordance with the Community Consultation Policy.

LEGAL/POLICY:

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 – Key Result Area 4 – Governance and Management

4.1 *Create vision and leadership for the overall benefit of the Town and its people.*

(a) *Continue to develop a medium to long term Strategic Vision and Financial Plan to ensure the long term financial viability of the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted on time.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.3.5 Multicultural Bus Shelter Mural Design

Ward:	Both	Date:	5 December 2005
Precinct:	All	File Ref:	CMS 0095
Attachments:	001		
Reporting Officer(s):	Richard Gunning		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the designs for the Multicultural Bus Shelter Mural Project.

PURPOSE OF REPORT:

To present the bus shelter designs to the Council for approval.

BACKGROUND:

At the Ordinary Meeting of Council 22 February 2005 the following resolution was passed;

“That the Council APPROVES IN PRINCIPLE the Multicultural Bus Shelter Mural Project and RECEIVES a further report on the designs of the proposed murals prior to the work being undertaken.”

The Multicultural Bus Shelter Mural Project was instigated with two major objectives in mind, firstly to deter vandalism of the shelters on Brisbane Street and secondly to promote multiculturalism within the Town of Vincent. These objectives are to be achieved by adding quality artwork to the shelters that are designed in consultation with multicultural groups within the Town of Vincent.

DETAILS:

The artist selected for the project was Natalija Brunovs. The project was launched in March 2005 during Harmony Week. Although several multicultural groups expressed interest at the time of the launch, only the Association for Services to Torture and Trauma Survivors (ASeTTS) showed the commitment and enthusiasm to proceed with workshops needed to progress the project. A workshop took place to formulate the group’s visual images and ideas for the mural. Follow up workshops and consultations were also conducted. The artist then took the images created by the group, further refining and adapting them to a suitable format for dimensions of the bus shelter. Another meeting was held to see if the modified design met with the approval of the group.

CONSULTATION/ADVERTISING:

The community consultation process will abide by the guidelines set out by the Town’s community consultation policy

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The multicultural bus shelter mural project is in keeping with the Town of Vincent Strategic Plan 2005-2010.

Key result Area 2.1 Celebrate and acknowledge the Town's cultural diversity

"(a) Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The budget allocated for this project is \$5,500. The fee for the artist is to be funded from the Community Arts Program and the materials and any additional labour will come from the Safer Vincent Initiatives budget.

COMMENTS:

The designs resulting from the ASeTTS group consultation alludes to images and memories of member's place of origin (see attachment). The artwork echoes certain ethnic patterning traditions of the group and is also appropriately bold for the streetscape of Brisbane Street. The overall effect of the designs are bright and celebratory, being successful not only in their aesthetic appeal but also in involving the group in the broader community, with many of the members expressing enthusiasm for participating in the execution of the mural.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.3.6 Banner Poles - Use and Design

Ward:	Both	Date:	12 December 2005
Precinct:	All	File Ref:	CVC0030
Attachments:	001		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the purpose and use of Banner Poles in the Town of Vincent;*
- (ii) *APPROVES the four (4) designs to be produced as banners for the Banner Poles in Fitzgerald Street and other places in the Town; and*
- (iii) *APPROVES an amount of \$6000 to be listed for consideration in the Draft Budget 2006/2007 towards the further production of banners.*

PURPOSE OF REPORT:

To outline the purpose and use of Banner Poles in the Town and approve of banner designs.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 October 2005, Policy number 1.1.7 entitled 'Hiring of Banner Poles and Displaying of Promotional Banners' was reviewed. There was discussion on the purpose and use of the Banner Poles in the Town.

DETAILS:

The Town currently have banner poles at two locations. There are two banner poles on the corner of Brisbane and Beaufort Street and four banner poles on Fitzgerald Street.

The current policy states that the banner poles may be hired out to external organisations as long as the banners reflect the following:

- an event run by a non-profit organisation;
- an event run by a government organisation that is of interest to the general public; or
- a major event, including sporting events, that attracts large numbers of local, interstate and overseas visitors to the Town of Vincent and promotes the Town through local, interstate and international press and television coverage.

Priority will be given to events which:

- Increase visitation to the Town;
- Provide direct benefits to the Town and residents; and
- Reflect the culture of Vincent and Western Australia.

The schedule of fees is based on the Town of Vincent recovering the charges of its approved contractors for the two (2) banner poles at the corner of Brisbane and Beaufort Street. For commercial use, the cost of hire for two (2) poles is \$500.00 for the first week, (this includes installation). Each consecutive week incurs a hiring fee of \$100.

Community groups and non- profit organisations are charged \$350 for the first week, (this includes installation) with each consecutive week being charged \$50.

The minimum hire period for banner poles is one (1) week and a maximum of six (6) weeks per booking, with the hire period being from Monday to Monday, unless otherwise approved. All banner and flag pole bookings coordinated through the Customer Service Officer (Community Development) and bookings can be made up to one (1) year in advance, on a first come, first serve basis. Organisations or event organisers are limited to making two (2) bookings per year for the same event, unless otherwise approved.

The cost of production of the banners and flags, the provision of fasteners and any other costs will be met in full by the organiser/applicant.

The Town plans to commission a series of generic banners to utilise the banner poles at Fitzgerald Street. Designs have been enclosed to incorporate the main characteristic of the Town's community and culture.

CONSULTATION/ADVERTISING:

The availability of the banners will be advertised in the local papers and through the website. Direct marketing to various organisations and businesses will also be utilised.

STRATEGIC IMPLICATIONS:

The policy is in keeping with the Town's Strategic Plan 2005 – 2010 – Key Result Area 4.2 – *“Review policies on governance and management ...”*.

FINANCIAL/BUDGET IMPLICATIONS:

Funds will be considered each financial year towards designing and featuring various significant events in the Town. Approximate costings for a full set of banners including artwork and installation are between \$4000 - \$6000.

The funds for the banners for Fitzgerald Street are to be sourced from the Fitzgerald Street project account.

COMMENTS:

The banner poles have been predominantly used by the Town of Vincent. Organisations such as Pride WA have utilised the banners at Beaufort Street whilst the banner poles at Fitzgerald Street have yet to raise their profile in the community. The intention is to feature some striking designs maximising the potential of the banner poles and promote the poles as a promotional opportunity for businesses and community organisations alike.

**Due to the lateness of the hour,
this item was not considered or determined.**

10.4.2 Further Report: Proposed Friendship and Cultural Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy

Ward:	-	Date:	14 December 2005
Precinct:	-	File Ref:	CVC0009
Attachments:	-		
Reporting Officer(s):	N Greaves		
Checked/Endorsed by:	John Giorgi	Amended by:	-

AMENDED OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to the proposed Friendship and Cultural (~~Sister City~~) Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy;*
- (ii) *APPROVES of an exchange of letters to promote and foster cultural ties relationships between the two local governments;*
- ~~(iii) *AUTHORISES the Mayor and Chief Executive Officer to meet with representatives of the "Comunita di Delianuova Social & Sporting Club (Association) Inc" to progress the matter; and*~~
- (iii) *ADVISES the "Comunita di Delianuova Social & Sporting Club (Association) Inc" that it supports a promotion of cultural ties, however does not support the creation of a Sister City relationship between the Town of Vincent and the City of Delianuova; and*
- (iv) *REQUESTS the Chief Executive Officer to prepare a policy for Sister City Relationships.*

FURTHER REPORT:

At the Ordinary Meeting of Council held on 22 November 2005, the Council considered the following recommendation;

"That the Council;

- (i) *RECEIVES the further report relating to the proposed Friendship and Cultural (Sister City) Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy;*
- (ii) *APPROVES of an exchange of letters to promote and foster relationships between the two local governments;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to meet with representatives of the "Comunita di Delianuova Social & Sporting Club (Association) Inc" to progress the matter; and*

- (iv) *REQUESTS the Chief Executive Officer to prepare a policy for Sister City Relationships."*

Council resolved as follows;

"That the Item be DEFERRED to allow for further information to be provided regarding the benefits and costs."

Clarification with the Communita di Delianuova Social & Sporting Club has been carried out and they support the promotion of cultural ties between the two local governments and acknowledge that a full sister city relationship is not being requested.

The promotion of cultural ties between the Town of Vincent and the City of Delianuova would have minimum financial implications for the Town as it would be restricted to the exchange of letters between the Mayors of the two local governments, the receiving and hosting of civic functions for visiting dignitaries/deputations and artists and students, exchanging of artefacts and "symbolic gifts" e.g. books, prints, paintings and the like. The sending of delegations by the Town would not be a requirement for the promotion of cultural ties.

A number of local governments have been contacted to ascertain their involvement with sister cities and their budgets. As can be seen, the financial implications vary and depend upon the extent of the activity between the two local governments.

City of Fremantle

City Of Fremantle has five Sister City relationships (including Molfetta and Capo D'Orlando which are the home towns of many of their Italian population) with details available on their website at www.freofocus.com.au. These have been in place for some years and during that time the level of time and budget commitment from Council has varied considerably. At one point they had a Sister Cities Committee made up of Elected Members and community members and a part-time Sister Cities Officer. Subsequently they scaled back to the point where the current budget is approximately \$12,000. With that amount of money they can only be reactive rather than drive an active program. Fremantle no longer have a Sister Cities Committee and this area is picked up by their Arts Culture & Events Advisory Committee.

Shire of Broome

Broome has a sister city relationship with Taiji in Japan and has done so since 1985. Men from Taiji were the original pearl divers up here and descendents still live in the town. Not a lot has been done with the town for the past few years (which was reflected in the budget) but that has all changed with the new Shire President and it being Australia-Japan Year in 2006. Broome's Shinju Matsuri Festival will focus on Japan and particularly our connection with Taiji - Shinju is organised by a community committee so they have their own budgets. The Shire budget for this financial year is \$5,500 but in the past has been \$500 which only covers Sister City membership.

City of Melville

Melville have a 'friendship' arrangement with the City of Takarazuka Japan - it is fairly informal - mainly managed through an e-student exchange program with Applecross High School - Melville arrange a reception for the students - this year is the 20th anniversary and their Mayor may be coming - Melville's Mayor went over a few years ago. It's basically that - no other financial, economic exchanges - although their arts officer is looking to do something with them via Applecross High School.

They also have recently signed a MOU to develop a friendship with the Shire of Quairading, however, again this is informal at this stage and mainly involve Melville helping them out where possible and encouraging linkages.

They also have a relationship with the Sub-district of Letefoho - mainly through a community group called Melville Friends of Letefoho who raise money for the small township – Melville's Mayor and various officers visited there recently - all they are doing is helping the community group with administration and promotion and limited resources assistance to help them raise money and undertake projects

None of these projects have formal budgets attached, and the commitments at this time are fairly loose - but for Quairading and Letefoho, the organisation sees a lot of potential linkages into the future.

City of Belmont

City of Belmont has a Sister City relationship with Adachi. The cost varies from year to year, dependent on whether or not they have a citizen delegation, if they have a citizen delegation the annual budget is \$174,000 - normal years it is approx \$55,000.

As has been previously reported, it is not proposed to form a sister city relationship with the City of Delianuova, but to form a friendship and cultural relationship. This would involve the exchange of letters and possibly hosting of any dignitaries who may visit the Town.

City of Cockburn

Cockburn have Sister City relationships with three (3) cities. Budgetary implications depend on whether there is a visit.

PURPOSE OF REPORT:

The purpose of the report is to provide further information to the Council regarding a request from the "Communita di Delianuova Social & Sporting Club (Association) Inc" to form a friendship and cultural relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

At the Ordinary Meeting of Council held on 23 August 1999, the Council considered a Notice of Motion and it was resolved as follows;

"Sister City Friendships -

That;

- (i) the Mayor and Chief Executive Officer investigate up to two possible sister-city or friendship alliances for the Town of Vincent; and*
- (ii) the Town of Vincent joins the Australian Sister-City Association."*

There are no legal obligations relating to forming a "Sister City" relationship. All documentation provided between sister cities would be subject to normal civic protocol.

The Town should adopt a policy for this matter.

STRATEGIC IMPLICATIONS:

The forming of "Sister City" relationships is in keeping with the Town's Strategic Plan 2005-2010 (Amended) - Key Result Area 2.2(e) - *"Support and implement Multi-cultural Programs."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds provided on the Budget 2005/2006 for "Sister City" relationship matters. The formation of sister cities will have budget implications and therefore need to be carefully considered.

COMMENTS:

Since 2000, there have been a number of occasions whereby "Sister City" contacts have been pursued by the Town, however, apart from the City of Delianuova, none have come to fruition. The forming of "Sister City" relationships, whilst recognising cultural ties and matters of interest between the two local governments involved, do have financial implications (such as the funding of any delegations/visits and the like). Accordingly, any relationship formed should be built over a period of time and it is appropriate to continue with an exchange of letters to further foster the relationship between the two communities.

It is also appropriate to adopt a policy for Sister City Relationships.

**Due to the lateness of the hour,
this item was not considered or determined.**

**10.4.3 Minutes of the Annual General Meeting of Electors held on
12 December 2005**

Ward:	Both	Date:	14 December 2005
Precinct:	All	File Ref:	ADM0009
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) ***RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors held at 6.00pm on Monday 12 December 2005, attached at Appendix 10.4.3; and***
- (ii) ***NOTES that a further report will be submitted to the Council in early 2006 concerning the motion carried at the Meeting.***

BACKGROUND:

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 12 December 2005 at 6.00pm. It was attended by seven (7) Electors, as shown in the Attendance Register attached to the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting.

1. Moved Marie Slyth of 89 Carr Street, West Perth, Seconded Ray Stevenson of 11 Emmerson Street, North Perth

That;

- (i) Precinct Groups get a yearly financial payment to cover the cost of paper, printing of notices, postage etc with just one initial start-up sum payment rather than the existing one at the moment which is an initial payment and a follow-up next but make it a yearly payment;
- (ii) Council provide the facility, when needed by the Precinct Groups, to be able to have their Agendas, Minutes and flyers printed off;

- (iii) Council, in order to provide incentive for Precinct Groups Members to sit on Precinct Committees (which tend to get so heavily overburdened), and arrange for our Precinct Co-ordinator at Council to pull out each week the building and development applications for each precinct and forward them to each Precinct Group along with information on anything else that is likely to affect the Precinct Group. If such an arrangement were to be too burdensome for the Precinct Co-ordinator at Council, then an Assistant be employed at Council if possible to assist her or alternatively, that the Council website breakout for each individual Precinct each week's development and building applications and matters affecting each precinct so that hours are not spent by the Precinct Committee Secretary and Members going through entire Council Agendas and Minutes;
- (iv) Council discuss with Precinct Groups what regular briefings the Precinct Groups would like the Town to hold (ie negotiate something that the Precinct Group Members are prepared to support and then they may turn up); and
- (v) Council promote Precinct Meetings through its website and other publicity (ie putting a regular notice in local paper encouraging residents and ratepayers to attend Precinct Meetings).

AMENDMENT:

Moved Cr Ian Ker, of 92 Vincent Street, North Perth, Seconded Cr Sally Lake of 51 Chatsworth Road, Highgate

Add a new clause (vi) be added as follows:

- “(vi) Council consider the issue of Public Liability insurance or the appropriate insurance for Precinct Groups where they have to hire an external venue when a Council venue is not available.”

AMENDMENT CARRIED UNANIMOUS

SUBSTANTIVE MOTION CARRIED UNANIMOUSLY

CEO's Comment:

The Town's Policy No 4.1.6 relating to "Community/Precinct Groups" was recently advertised for public comment. One submission was received from the North Perth Precinct Group. This was reported to the Ordinary Meeting of Council held on 6 December 2005 (Item 10.4.5) and Council was advised that the Town's administration will investigate the request for on-going financial support. The matter raised at the Annual General Meeting of Electors will also be investigated and a further report will be submitted to the Council in early 2006.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in a local newspaper ("Voice News") and "The West Australian" Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

The Minutes are attached for the information of the Council.

LEGAL/POLICY:

The Local Government Act 1995 states;

- “5.27 (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”*
- “5.33 (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) at the first ordinary meeting after that meeting; or*
- (b) at a special meeting called for that purpose,*
- whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not known at this stage.

COMMENTS:

The matter raised at the Annual General Meeting of Electors will be investigated and a report will be submitted to the Council.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

**Due to the lateness of the hour,
this Item was not considered or determined.**

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1	WALGA Nominations – Heavy Vehicle Advisory Group, Local Government Self Insurance Schemes Board, Metropolitan Emergency Management Executive Group; Neighbourhood Watch Board, State Emergency Management Committee - Emergency Services Group, WA Walking Committee
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Ward:	-	Date:	12 December 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Heavy Vehicle Advisory Group;*
- (ii) _____ *be nominated as Shareholder Member - Local Government Self Insurance Schemes Board (One (1) Elected Member of a Scheme Member Council);*
- (iii) _____ *be nominated as Shareholder Member - Local Government Self Insurance Schemes Board (One (1) Serving Officer of a Scheme Member Council);*
- (iv) _____ *be nominated as WALGA Metropolitan Member - Metropolitan Emergency Management Executive Group;*
- (v) _____ *be nominated as WALGA Member - Neighbourhood Watch Board;*
- (vi) _____ *be nominated as WALGA Member - State Emergency Management Committee - Emergency Services Group; and*
- (vii) _____ *be nominated as WALGA Member - WA Walking Committee.*

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB THURSDAY 27 JANUARY 2006

13. URGENT BUSINESS

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 11.07pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 December 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006