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(28 MARCH 2006)**

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	(vi) WALGA Member - WAPC/WALGA Network City Peak Liaison Committee (<i>1 x Elected Member, 2 x Chief Executive Officers</i>)	
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15. CLOSURE

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 28 March 2006, 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:

Cr Helen Doran-Wu – due to family commitments

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward (from 6.10pm)
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 (from 6.10pm)
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
Dale Morrissy	Assistant Manager – Aquatic and Operations from (8.00pm)
Giovanni Torre	Journalist – Perth Voice (from 6.05pm to 7.23pm)

Approximately 31 Members of the Public

(c) Members on Leave of Absence:

Nil.

Journalist Giovanni Torre entered the meeting at 6.05pm.

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

1. Ms Judy Burrows (North Perth Precinct Group) of 70 Auckland Street, North Perth – Following Items:

10.1.13 - Disappointed that this had had to come back to Council and trusts that Council will continue to support this amendment.

10.1.12 - Stated that they do not want this site to become a high density housing area and set a precedent in the Eton Locality purely by obtaining a non-conforming use. Requested that Council support the Officer's recommendation.

- 10.1.10 - Stated that the application does not meet the R20 zoning requirements. Requested that Council support the Officer's recommendation.
2. Ms Therese Edmonds of 20 Marlborough Street, Perth – Item 10.1.11 - Stated that this is not a long term home occupation business only an interim measure and does not believe it will impact negatively on the street. Requested that Council support her application.
 3. Ms Di Shepherd of 29 Haynes Street, North Perth – Item 10.1.12 - Concerned that continuation of the non-conforming use would create a loophole for a further development. Requested that Council support the Officer's recommendation.
 4. Mr Rob Smith of 31 Haynes Street, North Perth – Item 10.1.12 - Stated that the property has been vacant for a number of years and sees it as a potential loophole for the developer to receive a bonus in the non-conforming use. Requested that Council support the Officer's recommendation.
 5. Ms Rebecca Good of 69 London Street, North Perth – Item 10.1.10 - Requested that Council reconsider the recommendation for refusal. Believes that the R20 zoning does not take into consideration the traffic volume and noise of London Street and that they have good planning reasons to apply to subdivide the properties. Stated that they want to retain the houses and restore them to their former glory and build dwellings at the rear. Believes that the subdivision will not have a detrimental affect on the existing streetscape.

Crs Chester and Torre entered the meeting at 6.10pm

6. Ms Kate Thomas of 9 Ellesmere Street, North Perth – Item 10.1.13 - Advised that they brought their property twelve months ago with the understanding that the zoning would remain at R30. Stated that they do not support the R20 zoning as they wish to subdivide the property.
7. Ms Trink Quach of 58 Hobart Street, Mt Hawthorn - 10.1.13 - Stated that they have bought property in the last year with the understanding that the zoning would be reverted back to R30. Believes that R30 zoning is not high density and that this should be allowed in an inner city suburb.
8. Ms Feeney of 17 Sydney Street, North Perth – Item 10.1.13 - Stated that they purchased their property with the intention of building at the rear and renovating the front house. Believes that the Town is going backwards if it goes ahead with this amendment as the areas are becoming more dense and there is shortage of land.
9. Mr Rasah Khan of 59 Sydenham Road, Doubleview – Item 10.1.4 - requests reconsideration of the upper floor setback as there are other houses in close proximity that have setbacks of less than 6 metres.

10. Ms Leanne Surace of 79 Auckland Street, North Perth – Item 10.1.13 - Believes the R30-40 zoning has already created significant loss of privacy and amenity for many families. Stated that there is a need for higher density in these suburbs but this has to happen in an orderly manner and in the prescribed areas. Requested that Council support the Amendment.
11. Mr Sam Passante of 7 Auckland Street, North Perth – Item 10.1.12 - Stated that he supports the retention of the existing R30-40 zoning of 6 London Street and its surrounding area. Believes the developer was fully aware that the business would be trading illegally when it commenced. Questioned what benefits would the residents receive by changing the zoning.
12. Mr Craig Rice of 114 Shakespeare Street, Mt Hawthorn – Item 10.1.8 - Stated that a precedent has already been set in the area as there are a number of double carports, parking recesses at the front or a single carport. Further stated that three people in the whole block use the right of way for a car parking facility.
13. Mr Michael Bradshaw of 140 Jersey Street, Jolimont – Item 10.1.9 - Advised that the areas of concern have been dealt with in the revised submission, in particular the garage door and gate. Stated that the proposal for 12B is similar in size to 12A, the only difference being the roof. Advised that the street tree will be retained.
14. Mr Gavin Rainbow of 22 Dunedin Street, Mt Hawthorn – Item 10.1.13 - Stated that they purchased the land with the intent to subdivide and develop the land. Advised that he had information stating that the zoning would change from R20 to R30 from 1 July 2006. Requested that Council reject the amendment.
15. Mr Cosi Schirripa of 66 Auckland Street, North Perth - Item 10.1.13 - Believes that if prospective buyers had asked the Precinct Group or the WA Planning Commission they would have realised that those dates were never set as the date in which the zoning would revert back to R30-40 but an indication that the Scheme amendment should be commenced. Stated that any subdivision/development affects anywhere between three to five neighbours.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.35pm.

(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

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Torre, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 14 March 2006 be confirmed as a true and correct record:

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in the following Items:

- 10.1.14 – Heritage Loans Scheme – Proposed Review
- 10.1.15 – Amendment No 36 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Development Guidelines
- 10.1.16 – Amendment No 37 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Adding/Deleting/Amending Places on the Municipal Heritage Inventory
- 10.1.17 – Progress Report No 12 – Municipal Heritage Inventory – Revised Timeframe and Budget for Community Consultation
- 11.1 – Notice of Motion – Councillor Simon Chester – Places of Historic Significance in the Town

The nature of his interest being that he owns a property that may be considered for listing on the Municipal Heritage Inventory. *(Mayor Catania has Minister for Local Government approval to participate in debate and vote on these matters and to preside at Council meetings where the matters are discussed.)*

8.2 Cr Ker declared a financial interest in the following Items:

- 10.1.14 – Heritage Loans Scheme – Proposed Review
- 10.1.15 – Amendment No 36 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Development Guidelines
- 10.1.16 – Amendment No 37 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Adding/Deleting/Amending Places on the Municipal Heritage Inventory
- 10.1.17 – Progress Report No 12 – Municipal Heritage Inventory – Revised Timeframe and Budget for Community Consultation
- 11.1 – Notice of Motion – Councillor Simon Chester – Places of Historic Significance in the Town

The nature of his interest being that he owns a property that is listed on the Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on these matters.)*

8.3 Cr Chester declared a financial interest in the following Items:

- 10.1.14 – Heritage Loans Scheme – Proposed Review
- 10.1.15 – Amendment No 36 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Development Guidelines
- 10.1.16 – Amendment No 37 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Adding/Deleting/Amending Places on the Municipal Heritage Inventory
- 10.1.17 – Progress Report No 12 – Municipal Heritage Inventory – Revised Timeframe and Budget for Community Consultation

The nature of his interest being that he is a co-owner of a property that may be considered for listing on the Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on these matters.)*

- 11.1 – Notice of Motion – Councillor Simon Chester – Places of Historic Significance in the Town

The nature of his interest being that he is a co-owner of a property that may be affected by the outcomes of the Item. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter.)*

Cr Torre departed the Chamber at 6.38pm.

8.4 Cr Chester declared a proximity interest in Item 10.3.3 – Beatty Park Leisure Centre Needs and Feasibility Study – Future Redevelopment. The nature of his interest being that he is a co-owner of property adjacent to Beatty Park. Cr Chester requested that he be permitted to participate in the debate on this Item but not vote.

8.5 Cr Messina declared a financial interest in Item 10.2.2 – Further Report – Proposed Streetscape Improvements Scarborough Beach Road, Mt Hawthorn. The nature of his interest being that he is a lessee of new premises in the Mezz Redevelopment. Cr Messina requested that he be permitted to participate in debate on this Item but not vote.

Cr Torre returned to the Chamber at 6.39pm.

8.6 Cr Lake declared a financial interest in the following Items:

- 10.1.14 – Heritage Loans Scheme – Proposed Review
- 10.1.15 – Amendment No 36 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Development Guidelines
- 10.1.16 – Amendment No 37 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Adding/Deleting/Amending Places on the Municipal Heritage Inventory
- 10.1.17 – Progress Report No 12 – Municipal Heritage Inventory – Revised Timeframe and Budget for Community Consultation
- 11.1 – Notice of Motion – Councillor Simon Chester – Places of Historic Significance in the Town

The nature of her interest being that she owns property listed on the Municipal Heritage Inventory. Cr Lake requested that she be permitted to remain in the Chamber during consideration of the Item but not participate in the debate or voting.

8.7 Cr Maier declared a financial interest in the following Items:

- 10.1.14 – Heritage Loans Scheme – Proposed Review
- 10.1.15 – Amendment No 36 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Development Guidelines
- 10.1.16 – Amendment No 37 to Planning and Building Policies – Amended Policy Relating to Heritage Management – Adding/Deleting/Amending Places on the Municipal Heritage Inventory
- 10.1.17 – Progress Report No 12 – Municipal Heritage Inventory – Revised Timeframe and Budget for Community Consultation
- 11.1 – Notice of Motion – Councillor Simon Chester – Places of Historic Significance in the Town

The nature of his interest being that he owns property listed on the Municipal Heritage Inventory. Cr Maier requested that he be permitted to remain in the Chamber during consideration of the Item but not participate in the debate or voting.

8.8 All Elected Members declared a financial interest in Item 10.4.3 – Proposed New Policy – Acknowledgement of Service and Purchase of a Gift Upon Retirement – Elected Members. The nature of their interest being that they may be a recipient of a gift in the future.

The Chief Executive Officer approval had been received from the Minister for Local Government for Elected Members to debate and vote on the consideration of this Item and for Mayor Catania to preside at the meeting subject to the following conditions:

- *The approval is only valid for the Ordinary Meeting of Council to be held on 28 March 2006; and*
- *The monetary value of any gift as contained in the policy does not exceed \$500.*

The Presiding Member advised that Cr Chester's request to remain in the Chamber during debate of Item 10.3.3 would be considered.

Cr Chester departed the Chamber at 6.39pm.

Moved Cr Farrell, Seconded Cr Ker

That Cr Chester be permitted to remain in the Chamber and participate in debate during consideration of Item 10.3.3 but not vote.

CARRIED (7-0)

(Cr Doran-Wu was an apology.)

Cr Chester returned to the Chamber at 6.41pm.

The Presiding Member advised that his request had been approved.

The Presiding Member advised that Cr Messina's request to remain in the Chamber during debate of Item 10.2.2 would be considered.

Cr Messina departed the Chamber at 6.41pm.

Moved Cr Lake, Seconded Cr Ker

That Cr Messina be permitted to remain in the Chamber and participate in debate during consideration of Item 10.2.2 but not vote.

CARRIED (7-0)

(Cr Doran-Wu was an apology.)

Cr Messina returned to the Chamber at 6.42pm.

The Presiding Member advised that his request had been approved.

The Presiding Member advised that Crs Lake and Maier's request to remain in the Chamber during debate of Items 10.1.14, 10.1.15, 10.1.16, 10.1.17 and 11.1 would be considered.

Crs Lake and Maier departed the Chamber at 6.42pm.

Moved Cr Torre, Seconded Cr Messina

That Crs Lake and Maier be permitted to remain in the Chamber during consideration of Items 10.1.14, 10.1.15, 10.1.16, 10.1.17 and 11.1 but not participate in the debate or voting.

LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (3-4)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania (2 votes)
Cr Ker	Cr Farrell
Cr Torre	Cr Messina

(Crs Lake and Maier were absent from the Chamber and did not vote. Cr Doran-Wu was an apology.)

Crs Lake and Maier returned to the Chamber at 6.43pm.

The Presiding Member advised that their request had been declined.

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 10.1.13, 10.1.12, 10.1.10, 10.1.11, 10.1.4, 10.1.8 and 10.1.9

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 10.2.7, 10.4.3 and 10.4.5

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	Item 10.1.20
Cr Chester	Items 10.1.1, 10.1.2, 10.1.21, 10.2.1, 10.2.5, 10.3.4 and 10.3.5
Cr Ker	Items 10.1.3 and 12.1
Cr Torre	Nil
Cr Lake	Nil
Cr Messina	Item 10.1.5
Cr Maier	Nil
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, 10.1.15, 10.1.16, 10.1.17, 11.1, 10.2.2, 10.3.3 and 10.4.3

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

Items 10.1.6, 10.1.7, 10.1.18, 10.1.19, 10.2.3, 10.2.4, 10.2.6, 10.2.8, 10.2.9, 10.2.10, 10.3.1, 10.3.2, 10.4.1, 10.4.2, 10.4.4 and 10.4.6

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

Item 14.1

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 10.1.6, 10.1.7, 10.1.18, 10.1.19, 10.2.3, 10.2.4, 10.2.6, 10.2.8, 10.2.9, 10.2.10, 10.3.1, 10.3.2, 10.4.1, 10.4.2, 10.4.4 and 10.4.6

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

Items 10.1.13, 10.1.12, 10.1.10, 10.1.11, 10.1.4, 10.1.8 and 10.1.9

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

Moved Cr Farrell, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.6, 10.1.7, 10.1.18, 10.1.19, 10.2.3, 10.2.4, 10.2.6, 10.2.8, 10.2.9, 10.2.10, 10.3.1, 10.3.2, 10.4.1, 10.4.2, 10.4.4 and 10.4.6

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

10.1.6 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:	22 March 2006
Precinct:	North Perth; P8	File Ref:	PRO3292; 5.2006.128.1
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 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 21 March 2006, 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 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) 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;*

- (iv) *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;*
- (v) *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;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) *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*
- (viii) *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 10.1.6

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Landowner:	B & T Dilabio
Applicant:	Delstrat Pty Ltd
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:	556 square metres
Access to Right of Way	N/A

BACKGROUND:

- 6 December 2005 The Council at its Ordinary Meeting resolved *"That the Item be DEFERRED to allow the applicant to further discuss the proposal with the Town's Officers."*
- 20 December 2005 The Council at its Ordinary Meeting resolved *"That the Item be DEFERRED to allow the consultation with the neighbour."*

17 January 2006 The Council at its Ordinary Meeting resolved to conditionally approve proposed demolition of existing single house and construction of two-storey single house.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a two-storey single house. The applicant requests a re-consideration by the Council of condition (iii) of the previous 17 January 2006 approval, which states as follows:

"(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;"

The plans subject to this application are identical to those previously approved, except for a decrease in the floor levels by 300 millimetres.

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:			
South (front) - balcony	6 metres	5.72 metres	Supported - this variation is commonly supported by the Town's Officers as it has no undue impact and is an open type structure.
West - ground floor	1.5 metres	<ul style="list-style-type: none"> • Nil to garage. • 1 metre to kitchen and family (no major openings). • 1.5 metres to guest bedroom. 	Supported – minor variation with no undue impact on adjoining property.
- first floor	2.1 metres	<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. 	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.
East - ground floor	1.5 metres	<ul style="list-style-type: none"> • 0.5 metre to alfresco. • 1.5 metres to balance of wall. 	Supported - neighbour has rescinded the objection and is now supporting the setback variation.

- first floor	2.2 metres	<ul style="list-style-type: none"> • 1.5 metres to bedroom 3 and retreat. • 2.1 metres to bathroom. 	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.
Maximum Building Height:	6 metres to top of external wall (above the eaves).	4.4 - 7.4 metres (Portico)	Supported - the lot has a significant slope down from rear to front and from west to east. The height has been reduced by 300 millimetres compared to the previous proposal (which was supported by the eastern neighbour) and is considered acceptable in terms of the amenity and streetscape of the area in this instance.
Height of Retaining Wall	Retaining walls not to exceed 0.5 metre in height.	Retaining walls up to 1.5 metres on the eastern and western boundaries.	Supported – refer to “Comments” in below.
Consultation Submissions			
A similar proposal has been advertised within the last 12 months, therefore, the current planning application was not advertised and the previous comments received (including the rescinding of previous objections received from the eastern neighbour) are summarised below and considered as part of this application.			
Support (1)	<ul style="list-style-type: none"> • In support of the proposed house with the demolition of the existing house. • The proposed dwelling will fit perfectly into the street with its timeless style of architecture. 		Noted 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 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. Given the above, the Town's Officers support the retaining of the site, as shown on the attached site plan.

Building Height

The applicant has dropped the overall building height by 300 millimetres to address non-compliance with the overall building height. In light of the slope of the block, the Town's Officers recommend support for the variation to building height in this instance.

Summary

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

10.1.7 No. 14A (Lot 5, Strata Lot 2 STR: 34160) Ruby Street, North Perth - Proposed Demolition of Existing Single Storey House

Ward:	North	Date:	17 March 2006
Precinct:	North Perth; P08	File Ref:	PRO2030 5.2006.61.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
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 J S Tennant for proposed Demolition of Existing Single House, at 14A (Lot 5, Strata Lot 2 STR: 34160) Ruby Street, North Perth, and as shown on plans stamp-dated 15 February 2006, 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 Planning Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (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; and*
- (vii) the significant tree, commonly known as a Southern Mahogany (Eucalyptus botryoides), located along the northern boundary of No.14A Ruby Street, North Perth shall be retained and incorporated into any future proposed development of the site.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Landowner:	J S Tennant
Applicant:	J S Tennant
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): R30/40
Existing Land Use:	Strata Lot 2: Single House
Use Class:	Strata Lot 2: Single House
Use Classification:	"P"
Lot Area:	Strata Lot 2: 389 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 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	N/A	N/A	Noted
Consultation Submissions			
Comments (2)	<ul style="list-style-type: none"> Concern that future redevelopment proposals for the site may devalue adjacent sites. Concern regarding the removal of the large Eucalyptus tree at the rear of the dwelling. 		Noted. Supported - a recommended condition of the Planning Approval ensures that the significant tree is to be retained and protected.
Support (1)	<ul style="list-style-type: none"> The building is undistinguishable. 		Noted

Objection (1)	<ul style="list-style-type: none"> Concern regarding the potential removal of the large Eucalyptus tree at the rear of the dwelling. 	Supported - a recommended condition of the Planning Approval states that the significant tree is to be retained and protected.
Other Implications		
Legal/Policy		TPS 1 and associated Policies and Residential Design Codes (R Code)
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:

A detailed Heritage Assessment is contained in the attachment to this report.

The subject dwelling located at No.14A Ruby Street, North Perth is a brick and iron dwelling in the Federation Georgian style, which is dated circa 1917. The dwelling has a double room frontage set underneath a hipped corrugated iron roof. The front entrance is centrally located and to its east there is a small pair of casement windows. There are no windows on the western portion of the façade. Internally much of the original detailing including timber floorboards, two ornate ceiling roses and windows has been retained. The kitchen and bathroom areas have been renovated to accommodate modern amenities.

The subject dwelling is located in a small section of Ruby Street, which comprises Inter-War dwellings, similar in set back. However, the place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

The Town's Parks Services Technical Officer undertook a site inspection of the subject property, to examine the place's significant plantings. The Officer advised that there is a tree of significance located within the subject property, along the northern boundary, known as a Southern Mahogany (*Eucalyptus botryoides*). The tree is listed on the Town's Interim Significant Tree Database - Possible Inventory Inclusion. The Southern Mahogany is not a common tree within the Town. This particular specimen appears to be in a healthy state of growth with no visible signs of insect or pathogen decay evident.

There is another Southern Mahogany tree located at the rear of the strata lot, No.14B Ruby Street. These two trees together form an imposing landscape and amenity feature, which is an integral part of the streetscape. The established tree located within the strata lot of No.14B has been retained and successfully incorporated within the development of this lot which enhances the aesthetic qualities of the property.

Based on the above, it is recommended that the Town advise the owners of No.14A Ruby Street that the Southern Mahogany (*Eucalyptus botryoides*), within the subject property shall be retained and incorporated in any future proposed development for the site, in accordance with the Trees of Significance Policy No 3.6.3.

10.1.18 East Perth Redevelopment Authority – Review of the East Perth Redevelopment Scheme – Draft East Perth Redevelopment Scheme No.2

Ward:	South Ward	Date:	21 March 2006
Precinct:	Oxford Centre; P04, Clever; P05, Beaufort; P13 and Banks; P15	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the letter dated 20 February 2006 and associated documentation in relation to the Draft East Perth Redevelopment Scheme No.2, as shown in Attachment 10.1.18; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed changes outlined in the documentation provided in relation to Draft East Perth Redevelopment Scheme No.2, subject to the following matters being addressed as part of the final review:*
 - (a) *consideration being given to the zoning and development of areas within the Town of Vincent which abut the East Perth Redevelopment Authority land, to ensure complementary development outcomes; and*
 - (b) *the outcomes of the Town’s Vincent Vision 2024 Community Visioning project, in particular, the Perth and Leederville 2024 Vision Reports, be taken into consideration for those areas which abut the EPRA land.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the proposed changes to the East Perth Redevelopment Scheme as a result of the recent Scheme review undertaken.

BACKGROUND:

The Town received a letter dated 20 February 2006 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Board, has recently completed a review and update of the East Perth Redevelopment Scheme (Scheme) to reflect modern planning ideologies and to ensure that it continues to be relevant to each of EPRA’s project areas.

EPRA is now seeking comments on the proposed changes to the Scheme, with the public comment period ceasing on 28 March 2006.

EPRA representatives and the consultant offered the opportunity to meet with the Town's Officers on 8 March 2006, to present an overview of the Scheme Review and the associated processes and outcomes. Due to this opportunity being provided to the Town after the closing date for the Ordinary Meeting of Council held on 14 March 2006, the Town sought an extension of the comment period from EPRA to 31 March 2006. EPRA advised that this extension of time would be permitted.

DETAILS:

The proposed modifications are outlined below:

“Overview

- *The East Perth Redevelopment Scheme is now over 10 years old and therefore a review is timely to take into account changes to the East Perth Redevelopment Authority's (EPRA) project areas and responsibilities.*
- *The 1992 Scheme was specifically written for the original East Perth Redevelopment Area, now known as the Claisebrook project area, and needs to be updated to ensure suitability and relevance to the new EPRA project areas.*

Major objectives are to:

- *Review the content of the Scheme and Planning Policies regarding the objectives and provisions for each project/precinct area;*
- *Amend the format and layout of the Scheme to reflect the separate objectives and planning provisions for each of the identified project areas; and*
- *Examine the role and relevance of the Residential Design Codes (R-Codes) in the context of EPRA's functions, with a view to ensuring that EPRA's approach to planning remains innovative and responsive to the particular needs of its project areas.*

Key Components:

Scheme Objectives

- *Some of the Scheme objectives will continue to be applicable across the board but others have been changed to account for the intrinsic difference between each project area.*
- *The Scheme objectives have been further developed so that they embrace the planning ideologies of EPRA, such as Sustainability and Transit Oriented Development (TOD).*

Normalised Areas

- *Much of the original East Perth (Claisebrook) project area has been returned to the City of Perth, a process referred to as 'Normalisation'. It is therefore necessary to amend the Scheme to recognise the relationship between land still under EPRA's control and within the Scheme Area and land which has been 'normalised' and now under the control of the City.*

Role and Relevance of the R-Codes

- *The Scheme has been amended so that the R-Codes and residential densities do not apply arbitrarily across the entire Scheme Area, as is the case under the existing Scheme.*
- *Under the new Scheme, the R-Codes will only apply to those areas where a residential density has been specifically stipulated on the Scheme Map.*
- *This amendment to the Scheme represents a significant departure from conventional planning practice.*

- *However in proposing this amendment, EPRA is confident that its other residential development control mechanisms are sufficiently robust to deliver high quality built form outcomes and a high level of amenity for its residents, with regard to the provision of useable open space, outlook, climate control etc.*

Scheme Policies

- *Some of the existing Scheme Policies relating to general planning matters, including landscaping, open spaces, residential development and urban design, are very specific to the Claisebrook project area.*
- *Consequently, the Scheme Policies have been reviewed/tailored to suit the specific requirements and objectives of all of the project areas.*

The Notion of the 'Urban Village'

- *The existing Scheme Policies frequently refer to the notion of the 'Urban Village', which was the vision for the original Claisebrook Redevelopment Area.*
- *The 'Urban Village' is not necessarily relevant for all of EPRA's project areas. It is also important that the Scheme be reviewed so it no longer conveys that all of the Redevelopment Area is intended to become a singular urban village.*

Transit Oriented Development

- *The Scheme has been reviewed in accordance with the outcomes and development scenarios envisaged in the East Perth Transit Oriented Development Study, including areas such as building heights, parking and pedestrian amenity.*

Car Parking Requirements

- *Under the existing Scheme, minimum and maximum on-site parking standards were reviewed.*
- *It is considered that maximum parking requirements should be imposed in inner city areas to ensure that land is not unduly devoted to the provision of parking, when it could be utilised for the development of more active and productive uses that make a positive contribution to the richness and vitality of an area.*
- *It is proposed that the above rationale be applicable to all of the project areas, as such, the proposed new approach to the provision of car parking is that minimum on-site parking standards will now apply and that developers can dictate their own levels of on-site parking, provided that they do not exceed the stipulated maximum standards.*

Specific Provisions and Policies for the Riverside Precincts

- *EPRA now has planning authority over six precincts including: Claisebrook Village; the New Northbridge; Riverside; East Perth Power Station; Northbridge Link; and the Perth Cultural Centre and the Scheme map has been updated to include all of these areas.*

Contribution Areas and Waterway Development Areas

- *The existing Scheme specifies land that is to be "Contributing Land" for the purpose of the assessment or otherwise of "General Costs", as well as "Waterway Development Area Land" for the purpose of the assessment or otherwise of "Waterway Development Costs".*
- *Under the new Scheme these promulgated areas have been removed and replaced by new provisions that enable the Authority to establish "Contribution Areas" and "Waterway Development Areas" within a Planning Policy as may be required from time to time.*
- *In addition, any specific references to the 'Claisebrook Inlet' as the only waterway development have been reworded and now refer generally to the provision of inlets and canals.*

Scheme Map

- EPRA now has planning authority over six precincts including: Claisebrook Village; the New Northbridge; Riverside; East Perth Power Station; Northbridge Link and the Perth Cultural Centre and Scheme map has been updated to include all these areas.

Layout and Format

- One of the most noticeable changes is to the procedural and administrative provisions of the Scheme. For example procedures for determining Development Applications, identifying heritage places and the cost and infrastructure contribution provisions have been clearly separated from the core development standards and requirements.
- The revised Scheme has a set of core development standards and requirements applicable to all of the project areas and is supplemented by the provisions specific to each of the individual precincts."

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 East Perth Redevelopment Scheme was gazetted in 1992 and has since been administered by the East Perth Redevelopment Authority (EPRA). The Scheme Review was initiated with the intent to review the existing Scheme and its relevance to modern day planning principles and practices. In addition, the review sought to re-align the Scheme provisions with the additional land areas that have come under EPRA's jurisdiction since the original East Perth Redevelopment Scheme was promulgated, to make it more applicable.

The proposed changes, which relate predominantly to widening the terms of reference relating to the EPRA area from beyond the initial Claisebrook area, and rationalising the extent of application of the Residential Design Codes, should be supported by the Council.

The EPRA engaged a consultant to undertake the Scheme Review. The consultants brief included a review of the number of precincts and determination on their necessity, the identification of any repetition within the Scheme and a review of the area of original jurisdiction to which the Scheme applied and determine the need to expand this area, to envelope the additional precincts that have been created since the Scheme's promulgation. In addition, the consultant was requested to identify any problems with the existing scheme and make recommendations on how these could be addressed.

As a result of the Scheme review, the Draft East Perth Redevelopment Scheme No.2 has been re-structured in the following manner:

- *Section 1* comprises the core provisions relating to the EPRA and the area of jurisdiction as a whole, including planning provisions, land use, development control, development standards and requirements, determinations by the Minister and the State Administrative Tribunal and powers and responsibilities regarding varying standards;

- *Section 2* refers to each of the project areas and related precincts; and
- *Section 3* consists of the Appendices, which includes all Scheme provisions that relate to procedural matters, such as making, amending and rescinding policies and guidelines, identifying heritage objects and places, procedures for determining development applications, notification procedures required by the Authority and general administration direction.

It was the consultant's purposeful intent to create a Scheme which was generic in nature, so that it could be used and applied Statewide and at other redevelopment authorities, such as the Armadale Redevelopment Authority. A significant change to a 'usual' Town Planning Scheme structure is the removal of all references to procedural matters relating to implementing the Scheme from the main 'body' of the text and placing them in an Appendix.

One of the possible options considered as part of the review, was to remove density controls entirely from the Scheme, allowing for the optimisation of density, innovative design and sustainable development. However, upon investigating this concept further, the EPRA found that removing the density provisions would counteract the current incentives attached to the density in the provision of Affordable Housing within the area (that is, that previously density has been used as a trade-off for the cost of providing affordable housing). It was, therefore, decided to retain the density provisions in the Scheme for this reason.

Another change considered was to introduce only maximum car parking requirement to developments, similar to how car parking requirements are dealt with at the City of Perth, based on Transport Oriented Development (TOD) principles. In doing this, it will allow developers to integrate TOD principles into development plans, as a trade off for innovative strategies to reduce and ultimately remove car parking demands. This would be balanced by an increased cash-in-lieu contribution requirement for any shortfall in parking, which would be directed towards funding for shower and bicycle facilities.

The proposed changes, such as those outlined above, to the existing Scheme, which will eventuate in the adoption of the Draft East Perth Redevelopment Scheme No.2, are considered to be appropriate and necessary in facilitating the progression of the East Perth Redevelopment Authority with modern times and planning ideologies.

In addition to those changes proposed, the Town recommends that EPRA take into consideration the synergy between those areas within the Town of Vincent that directly abut the EPRA land. Specifically, the relevant Precincts to take into consideration are the Beaufort, Cleaver, Banks and Oxford Centre Precincts, as these directly abut the EPRA land. The Town identifies that there is a unique opportunity to create a strong relationship between the two areas, through complimentary and harmonious development schemes and guidelines.

Furthermore, the outcomes from the Town's Vincent Vision 2024 Community Visioning Project that relate to those areas directly abutting the EPRA land, should also be taken into account. The Vision documents in particular for Leederville, West Perth and Perth are particularly relevant in terms of the visions of the community for such elements as Housing, Density and Urban Design, Character and Heritage, Traffic and Transport and Environment and Sustainability.

In light of the above, it is recommended that the Council receives the documentation relating to the proposed Draft East Perth Redevelopment Scheme No.2 and advises that the Town has no objection to the proposed document, subject to the above two matters being addressed as part of the final review.

10.1.19 No.60 (Lot 85) Raglan Road, Mount Lawley- Proposed Alterations and Additions to Existing Multiple Dwellings

Ward:	South	Date:	24 March 2006
Precinct:	Norfolk; P10	File Ref:	PRO3446; 5.2006.59.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
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 Morley Davis Architects Pty Ltd on behalf of the owner J A Keenan for proposed Alterations and Additions to Existing Multiple Dwellings, at No. 60 (Lot 85) Raglan Road Mount Lawley, and as shown on plans stamp-dated 13 February 2006, 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 Raglan 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; and*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved depicting the western-most and eastern-most sides of the balcony additions being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include 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. Alternatively, prior to the issue of a Building Licence, written consent being submitted from the owners of Nos.56 and 64 Raglan Road stating no objections to the screening on the western and eastern sides of the balcony additions being slatted.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Landowner:	J A Keenan
Applicant:	Morley Davis Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Multiple Dwellings
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	600 square metres
Access to Right of Way	3 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and central stairwell and eastern and western side screen additions to the ground floor; and balcony decks with eastern and western side screen additions to the upper floor of units three (3) and four (4). The proposed works replace existing balcony decks and screens of similar extent and height that were approved by the Perth City Council in 1987.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
<u>Setbacks</u>			
East	7.5 metres	3.2 metres	Supported- the privacy issues that arise as a result of the reduced setbacks can be ameliorated through appropriate screening as stated in the Officer Recommendation.
West	7.5 metres	1.62 metres	
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:

In light of the above the application is recommended for approval, subject to standard and appropriate conditions.

10.2.3 Charles Street Median – Proposed Tree Planting by Main Roads WA

Ward:	South	Date:	15 March 2006
Precinct:	Cleaver P5	File Ref:	TES0234
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the proposal by Main Roads WA to replace the existing trees located in the Charles Street median island between Vincent and Newcastle Streets;*
- (ii) *ENDORSES the proposal submitted by Main Roads WA to remove the existing Spotted Gums (Eucalyptus maculata) and replace them with the Jacaranda (Jacaranda mimosaeifolia); and*
- (iii) *ADVISES Main Roads WA and the Cleaver Precinct Action Group of its decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise and seek endorsement from the Council for the proposal of Main Roads WA (MRWA) to remove the existing trees in the Charles Street Median Island between Vincent and Newcastle Streets and replace with the Jacaranda species.

BACKGROUND:

A letter was received on 7 March 2006 from MRWA advising of the proposal to remove the existing Spotted Gums (Eucalyptus maculata) from the median island in Charles Street between Vincent and Newcastle Streets and replace them with an alternate species.

DETAILS:

In 1995 the Town inherited the existing landscape treatment on the Charles Street central road median consisting at the time of a row of Spotted Gums (Eucalypts maculata) surrounded by native grevilleas.

At the Ordinary Meeting of Council, held on the 24 July 1995, the Council approved the removal of the existing shrubs/groundcovers and their replacement with brick paving and the planting of additional trees. The existing shrubbery was in very poor condition and was very expensive to maintain.

MRWA resumed control over the road reserve of Charles Street and East Parade in 2000 and the maintenance of the median islands was taken over by their contractors.

Since 2002 the Town's officers have liaised and convened several meetings with MRWA officers with regard to maintenance concerns, particularly the condition of the trees along the central median in Charles Street.

In 2003, following the collapse of a mature Spotted Gum onto a vehicle stopped in traffic adjacent to Mick Michael Reserve (*fortunately no one was injured*), MRWA engaged an arboriculturist to inspect the trees and provide a report.

An extract of the letter received from MRWA on 7 March 2006 is outlined below:

"Main Roads has recently undertaken a study of the Wanneroo Road (Charles Street) median between Newcastle Street and Vincent St, West Perth, after receiving comments from the local community and in particular the Cleaver Precinct Action Group (CPAG).

The main concern raised was the trees in the median, Eucalyptus maculate, have become a danger to pedestrians and motorists and a number were looking unhealthy and in some cases have died and or missing. An Arboriculturist report on the trees was commissioned in August 2003 and a further onsite inspection was undertaken in November 2005 to reassess the trees.

The main recommendation arising from the report and the recent inspection is to remove the existing trees, as most were in a state of decline and replace the trees with a more suitable species and remove some of the more unsuitable planting locations.

The proposed planting on the median will involve the removal of most of the median trees (except two at the Newcastle St end) replace the planting soil, brick paving of the unsuitable planting areas to match the existing and the planting of thirty six (36) 45 lt trees. A table of works is attached for your information.

The species suggested for the replacement works are Jacaranda mimosifolia (suggested by the CPAG), Ulmus parvifolia and Sapium sebferum.

Main Roads asks if the Town of Vincent could please provide comment on the proposal and the Town of Vincent's preferred species selection. The work is proposed to be undertaken in winter 2006 and a response is therefore required by April 7 2006 so the final documentation can be completed."

The resultant report recommended that the majority of trees be removed and replaced as many had been structurally affected by termite activity, other insect infestations and were generally in a poor condition.

Officers' Comments

The Towns horticultural officers have assessed the proposal submitted by MRWA and support the removal of the existing trees and replacement with the Jacaranda. The Jacaranda, native to Brazil, has adapted well in the Perth metropolitan area and is ideal in terms of scale for planting within the Charles Street median.

Their contrasting size, foliage and flowers against the Chinese Tallow's planted along the Charles Street verges will provide an attractive avenue in future years.

While Jacarandas can be sourced in larger containers, past experience has indicated that the 45 litre specimens (proposed for planting) establish themselves very quickly if watered regularly for the first two (2) years. It should also be noted that the new trees will be spaced at similar intervals to the existing Spotted Gums.

CONSULTATION/ADVERTISING:

Advise MRWA and the Cleaver Precinct Action Group of the Council's decision.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – *"1.1 Protect and enhance the environment and biodiversity"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council approve the proposal to remove the existing trees within the Charles Street median between Vincent Street and Newcastle Street and replant with the Jacaranda species as suggested by the Cleaver Precinct Action Group.

10.2.4 Progress Report – Banks Reserve Foreshore Restoration Project

Ward:	South	Date:	13 March 2006
Precinct:	Banks, P15	File Ref:	RES0008
Attachments:	001		
Reporting Officer(s):	J. van den Bok, R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the Banks Reserve Foreshore Restoration Project;*
- (ii) *NOTES that:*
 - (a) *the Contaminated Site and Acid Sulphate Soil Investigation has been completed and submitted to the Swan River Trust as required, and*
 - (b) *the Minister for the Environment has approved the Town's application to undertake the foreshore restoration works stages 1A and 1B at Banks Reserve as per the plans (laid on the table) subject to various conditions as outlined in the attached response from the Swan River Trust;*
- (iii) *AUTHORISES the Chief Executive Officer to engage suitable consultants to:*
 - (a) *undertake an Acid Sulphate Soil Management Plan at Banks Reserve estimated to cost \$7,500 (GST inclusive) as determined by the Swan River Trust;*
 - (b) *comply with the advice recommended by the Swan River Trust in ensuring the proposed development does not breach any section of Part IV of the Aboriginal Heritage Act 1972 and complies with the Native Title Act 1993 estimated to cost in the vicinity of \$15,000-\$20,000;*
- (iv) *NOTES that the actions outlined in Clause (iii) above need to be implemented as part of the approval process and will need to be funded from funds currently allocated for the project;*
- (v) *LISTS for consideration an amount of \$50,000 on the 2006/07 draft budget to provide adequate funding to enable the “on-ground” works to commence and notes that the Swan River Trust will be funding up to 50% of the project once all conditions have been satisfied;*
- (vi) *RECEIVES a further progress report upon completion of the Acid Sulphate Soil Management Plan and where the conditions/recommendations of the Swan River Trust have been satisfied; and*
- (vii) *CONSULTS with the Banks Precinct Action Group and local residents following the further report to Council and prior to the commencement of Stage 1 of the project.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of Banks Reserve Foreshore Restoration Project and seek approval to undertake further works as specified by the Swan River Trust (SRT) prior to commencement of Stage 1 of the Foreshore Restoration.

BACKGROUND

Investigation of solutions for Foreshore Restoration

As previously reported to Council, funds were allocated in the 2004/05 budget to investigate, plan and implement works at Banks Reserve to restore the eroded sections of riverbank which are progressively eroding, to the extent where trees/shrubs recently planted along the edge of the bank are now at risk of collapsing into the river.

A subsequent meeting to discuss what works were required and how they would be implemented, was held at Banks Reserve with representatives from an environmental consultant Syrinx Environmental. Following the meeting and discussions, it was obvious that the Banks Reserve project was significantly more involved than first considered with many issues that needed to be considered, including determining the extent of acid sulphate soils and their possible treatment and/or removal should removal/treatment be required as part of the rehabilitation project.

Syrinx Environmental specialise in bio-engineering which is a relatively new technique being used in Australia to stabilise riverbanks and coastal areas and provides a more aesthetic approach than the more conventional engineering solutions. It involves the use of log barriers and brush matting and is very successful if undertaken after considerable technical investigation has been undertaken prior to implementation of the works.

Syrinx Environmental was subsequently engaged to prepare a report and design works that would be required at Banks Reserve to adequately protect the existing foreshore and achieve a more aesthetic outcome.

Expression of Interest for funding

In May 2004, the Town's officers submitted an expression of interest application to the SRT for riverbank funding for the project at Banks Reserve.

On 3 September 2004, the Town was advised by the SRT that the Banks Reserve project had been short listed and, to allow for a final assessment of the project, additional information was required to be submitted, including a final design and itemised budget.

Preliminary Design and Report

As part of the process to be eligible for River Bank Funding, Syrinx Environmental prepared a comprehensive report and preliminary design including specifications for the proposed restoration works.

Funding Submission and advice from SRT

The Town subsequently submitted the proposal prepared by Syrinx to the SRT for funding in February 2005, and on 22 April 2005 the SRT advised that they would provide the Town with \$64,798 for detailed site investigation.

Note: Syrinx prepared the specification and brief for the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve. They also estimated the cost for the investigation to be \$64,798 (GST inclusive).

The matter was considered by the Council at its Ordinary Meeting held on 10 May 2005 where it was decided (in part):

"That the Council;

- (ii) NOTES the grant of \$64,798 (GST inclusive) for a Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve has been received from the Swan River Trust as part of the Town's Riverbank Funding application;*
- (iii) NOTES that the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve must be carried out as a prerequisite to the final design for the proposal and final funding application being further progressed;*
- (iv) NOTES that the Town has engaged Syrinx Environmental to prepare a report and design for the rehabilitation of the existing foreshore at Banks reserve using bio-engineering solutions, as they are the only company in Western Australia with demonstrated skills and the experience to undertake bio-engineering solutions and they prepared the specification and brief for the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve;*
- (v) APPROVES the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve estimated to cost \$64,798 (GST inclusive) to be undertaken by Syrinx Environmental due to the unique nature of the services to be provided in the context of the entire project;*
- (vi) LISTS an amount of \$119,000 in the 2005/2006 draft budget to progress this project and NOTES that this amount, currently held in a reserve, was received from the developers of the Pakenham Street subdivision as cash in lieu payment for Public Open Space; and*
- (vii) RECEIVES a further report at the conclusion of the Contaminated Site and Acid Sulphate Soil Investigation once a final design has been prepared and the outcome of the Town's River Bank Funding submission is known, where the Swan River Trust will equally match the Town's funding allocation."*

DETAILS:

Contaminated Site & Acid Sulphate Soil Investigation

In accordance with clauses (iv) and (v) of the Council's decision, the above investigation was completed by Syrinx Environmental in August 2005. The objectives of the investigation were to:

- Assess the potential presence of on-site contamination arising from historical on-site activities and identify areas of potential environmental concern
- Conduct targeted soil sampling in the areas of potential environmental concern, proposed for works as part of Stage 1 development
- Conduct targeted groundwater sampling up-gradient of the proposed excavation to identify any potential impacts from off-site contamination
- Undertake a brief visual review of any neighbouring properties to highlight the potential for off-site activities to impact on the quality of the soil and groundwater at the site
- Prepare a report summarising the work performed and identify areas of potential environmental concern.

The results of the investigation indicated that the soils at the site have not been substantially affected as a result of the previous reclamation process, however, several soil samples exceeded the guideline levels for sulphide content indicating the presence of Acid Sulphate Soils.

The planned restoration of the Banks Reserve Foreshore will not disturb this material either through excavation or dewatering, however, should any future works be planned for this area, a comprehensive Acid Sulphate Soil Material Management Plan would be required to be prepared to stipulate excavation guidelines, monitoring and identification requirements.

Groundwater results show extreme levels of both Total Nitrogen and Total Phosphorus (*all remaining contaminants tested were at acceptable levels*). This is unlikely to impact on the planned restoration works but may impact on the health of the nearby Swan River.

Modified Plans

As stated above, Syrinx Environmental completed the Contaminated Soil and Acid Sulphate Soil Investigation in August 2005. Subsequently, following completion of the investigation and to avoid any contact with potentially contaminated soils, the original development plans for Stages 1 and 2 were slightly modified before resubmitting to SRT for approval. The modifications involved lessening the angle of the batters and depth of any potential earthworks. The modified plans were submitted to the SRT in October 2005 for final approval.

SRT Approval and Funding

Conditional Approval - December 2005

In December 2005 the SRT advised that it had made its report regarding the Banks Reserve development to the Minister for the Environment. The Minister had considered the Trust's report and had now made her decision to approve the application.

Numerous conditions were attached to the approval, including the submission of an Acid Sulphate Soil Management Plan and advice to contact the Department of Indigenous Affairs and the Native Title Tribunal prior to the commencement of any site works.

Meeting with SRT Officers - February 2006

A meeting was held at the Town's Administration and Civic Centre with SRT officers in February 2006 to discuss the progress of the project to date, future requirements and funding opportunities.

SRT officers advised that the next stage of the project would be the submission of an Acid Sulphate Soil Management Plan and copies of the revised working drawings, which have already been finalised.

In addition, it was strongly recommended that prior to any "on-ground" works commencing, approvals/clearances would have to be sought from the various aboriginal groups aligned to the area of the development.

Funding options

Whilst the SRT have various funding rounds which are advertised throughout the year, SRT officers advised that the Banks Reserve Project has been given priority and therefore they will assess any funding application for this particular project at any stage throughout the year.

Various funding options were discussed including the SRT funding the entire Stage 1 in the first year, providing the Town contributed an equal amount in the subsequent years to complete the project.

It was considered that the best way to fund the project was a 50% split with the SRT to complete Stage 1 in the first year. The Town, with the addition of funds in the 2006/07 budget, would be able to contribute a 50% share.

Following implementation of Stage 1, the Town could monitor and determine the outcome before pursuing further funding. If successful, further funding could be considered in future years to complete Stage 2 of the project.

Additional SRT Funding

SRT officers also advised that consideration would also be given to contributing to the cost of any further works required prior to any "on-ground" works commencing. This included the costs associated with the completion of the Acid Sulphate Soil Management Plan and any Aboriginal consultation required.

Officers' Comments

Should the above recommendation be adopted, this will leave plenty of opportunity for the completion of the Acid Sulphate Soil Management Plan, Aboriginal consultation and various other requirements as specified by the SRT. Tender documents could be prepared and advertised in September 2006.

Public consultation, including a public meeting in conjunction with the Banks Precinct Action Group and successful contractor, would be arranged to give an overview of the project to local residents. The contractor could then commence works prior to Christmas 2006, when the tides are still low.

CONSULTATION/ADVERTISING:

Upon compliance with the necessary conditions, it is proposed to consult with local residents regarding the proposal and to arrange a public meeting in association with the Banks Precinct Group, where the approved contractor will give an overview of the project with the assistance of Council staff.

LEGAL/POLICY:

In undertaking this project, the Town is required to comply with the following:-

- Swan River Trust Act 1988
- Aboriginal Heritage Act 1972
- Native Title Act 1993

In addition, the entire project (Stages 1 and 2) has been estimated to cost in the vicinity of \$600,000 and therefore, given that the value of either stage of the project is in excess of \$50,000, under Part 4 of the Local Government (Function and General) Regulations 1996 tenders must be invited.

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. *“f) Ensure the current and future efficient and effective use of the Town's Infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture.” and “g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality.”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$15,210 was carried forward from the 2004/05 budget as the final payment to Syrinx Environmental for the completion of the Contaminated Site / Acid Sulphate Soil Investigation. With the completion of the document these funds have now been expended.

In addition, an amount of \$119,000 was allocated in the 2005/06 budget (funded from a trust account from the developers of the Pakenham Street subdivision as cash in lieu payment for public open space). Funds totalling \$114,000 remain in this budget.

Stage 1 of the restoration project is estimated to cost \$254,000 excluding

- completion of the Acid Sulphate Soil Management Plan (\$7,500)
- Engaging an Anthropologist to liaise with the various aboriginal groups aligned to the area (\$20,000)

Note: The above aboriginal consultation cost would include approval to proceed with the entire project and therefore should Stage 2 be undertaken within the five year period as specified by the SRT, no additional consultation or cost would be incurred by the Town.

Therefore, the total estimated cost of Stage 1 of the restoration project, including the above, is estimated at \$291,000.

Additional funding of \$50,000 will need to be allocated in the 2006/07 budget to enable the project to proceed. The additional \$50,000 will cover part of the Town's 50% share in the project, the cost of the Acid Sulphate Soil Management Plan, Aboriginal liaison/approvals and a small contingency amount for any cost overruns. Alternatively, the SRT would fund Stage 1 of the project entirely, on the proviso that the Town commits to funding an equal amount in the following years to complete Stage 2 of the project.

Note: Whilst the SRT have advised that any approved project can be staged over a number of years, a project of this nature, from a practical and achievable perspective, can only be broken into two stages as proposed.

Summary

Stage 1	Estimated Cost of Restoration	Current funds 2005/2006	SRT Contribution 2006/2007	Additional funding required 2006/2007
Restoration Works	254,000	114,000	127,000	
Acid sulphate soil management plan.	7,500		<i>Note 1</i>	
Aboriginal liaison/approval	20,000		<i>Note 2</i>	
Contingency	9,500			
Total	\$291,000	\$114,000	\$127,000	**\$50,000
			\$291,000	

Notes 1 & 2: SRT have indicated that in addition to funding up to 50 % of the restoration works (\$127,000), they may consider funding up to 50% of any other activity required prior to commencement of on-ground works, i.e. 50% of \$7,500 (\$3,250) and 50% of \$20,000 (\$10,000). This, however, is not guaranteed and therefore the Town will have to allow for the entire amount of \$27,800.

** Allows for a contingency of \$9,500.

COMMENTS:

As outlined in previous reports regarding this project, the SRT has and will continue to provide significant financial assistance to the Town in completing and upgrading a very popular section of the river foreshore.

Therefore, it is recommended that the Town approve the further works as outlined in the report and progresses with the project.

Upon completion of Stage 1 of the project with financial assistance from the SRT (50% share), the Town can monitor the success and effectiveness of the works and make a decision on whether Stage 2 should be progressed in future years.

10.2.6 Proposed Introduction of an ACROD 2.5 Parking Bay Adjacent to Perth Natural Medical Clinic, Broome Street, Mt Lawley

Ward:	South	Date:	21 March 2006
Precinct:	Forrest (P14)	File Ref:	PKG0038
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 an ACROD 2.5 Parking Bay in Broome Street, adjacent to the Perth Natural Medical Clinic;*
- (ii) *APPROVES the introduction of one (1) ACROD 2.5 parking bay as shown on attached Plan No 2415-PP-1 at an approximate cost of \$300;*
- (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 the applicant of the Council's decision.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the introduction of an ACROD 2.5 parking bay in Broome Street, adjacent to the Perth Natural Medical Clinic.

BACKGROUND:

In accordance with the Town's Policy No. 3.9.9 "Introduction of Kerbside 'ACROD 2.5' Parking Bays in Residential Areas", ACROD bays may be installed in appropriate locations for the use of those holding a current ACROD permit. The Perth Natural Medical Centre has requested that such a bay be installed in Broome Street to cater for the large number of disabled patients they treat on a regular basis.

DETAILS:

The director of the Perth Natural Medical Clinic has written to the Town requesting action be taken to allow patients to park close to the practice. Although they have a patient parking facility at the rear of the building, the walking distance to the entrance is difficult for some patients.

It is therefore proposed that an "ACROD 2.5" parking bay be installed in Broome Street, immediately adjacent to the clinic.

CONSULTATION/ADVERTISING:

There is no requirement to consult regarding the installation of ACROD bays.

LEGAL/POLICY:

There is no legal impediment to the introduction of the ACROD bay. A two (2) week moratorium from infringement will be in place following the installation of the ACROD bay.

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."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the ACROD bay would be approximately \$300.00

COMMENTS:

The installation of an "ACROD 2.5" bay at this location is compliant with the intended outcomes of the Town's policy. It is recommended that the Council approve the introduction of the "ACROD 2.5" bay.

10.2.8 Tender No 326/06 – Provision of Indoor Plant Maintenance Services

Ward:	Both	Date:	9 March 2006
Precinct:	Various	File Ref:	TEN0341
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender from John Gourdis Landscapes as being the most acceptable to the Town for the provision of Indoor Plant Maintenance Services in accordance with the specifications as detailed in Tender No. 326/06.

COUNCIL DECISION ITEM 10.2.8

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for Provision of Indoor Plant Maintenance Services.

BACKGROUND:

On 15 February 2006 a tender was advertised for Provision of Indoor Plant Maintenance Services and for a three (3) year period. At the close of tender on Wednesday 1 March 2006 at 2.00pm, two (2) tenders were received. Present at the tender opening were Purchasing/Contracts Officer, David Paull, and Technical Officer Parks Services, Kim Godfrey.

Tenders were received from the following Contractors:-

		J. Gourdis Landscapes	United Lawns and Landscaping
General Maintenance			
Watering & Pruning etc	Per hour	\$34.00	\$44.00
Liquid fertilising	Per Application	\$15.00	\$20.00

		J. Gourdis Landscapes	United Lawns and Landscaping
Plants and Containers			
45cm Pot Plants		\$135.00	\$44.00
260mm Pot Plants		\$35.00	\$16.50

	J. Gourdis Landscapes	United Lawns and Landscaping
700mm Roman Trough Plants	\$65.00	\$44.00
1 metre Roman Trough Plants	\$90.00	\$55.00
45cm Jardiniere Cotta pots with 4 litre mona tank	\$82.00	\$79.20
260mm Vase Cotta Pots with 1 litre mona tank	\$32.00	\$40.15
700mm Roman Trough with 2 litre mona tank	\$105.00 (760mm pot)	\$104.50
1 metre Roman Trough with 10 litre mona tank	\$164.00 (960mm pot)	\$169.40
		43cm Venetian urn with 1.5litre mona \$40.15
		750 traditional cotta with 10litre mona \$180.40
		Riverstone \$1.50/kg
		Potting mix \$4.00/30l bag

TENDER EVALUATION

Selection Criteria

The following weighted criteria was used for the selection of the contractor to undertake the works as specified.

	CRITERIA	WEIGHTING
1	Adequate Resources Available to Carry Out Works Written confirmation plus written references of satisfactory service and resources	30%
2	Relevant Experience Describe your experience in completing /supplying similar Requirements	25%
3	Contract Price (Hourly Rates) Hourly Rate (including but not limited to labour, call-out, after-hours, travel time, add on rate)	20%
4	References Written references of satisfactory service	15%
5	Overall Compliance with tender specification and requirements	10%
	TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicher, Manager Parks Services, Jeremy van den Bok, Manager Community Development, Jacinta Anthony, and Accountant, Mitch Howard-Bath.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	John Gourdis Landscapes	United Lawns and Landscaping
Adequate resources to carry out works (30)	30	30
Relevant experience (25)	25	22.5
Contract price (20)	20	16.8
References (15)	15	0
Overall compliance (10)	8	8
Total	98	77.3
Ranking	1	2

The Town does not rent indoor plants and associated furniture as is the case with most offices where indoor plants are required. The Town was fortunate to purchase the majority of indoor plant furniture and original plants out of the former City of Perth Infrastructure fund as part of the Town of Vincent Administration and Civic Centre project.

Therefore, the most significant part of this contract is the hourly rate for normal maintenance of the existing indoor plants. This amounts to between 3.0 - 4.5 hours per week over fifty two (52) weeks of the year. Liquid fertilising is undertaken up to 4 times per year.

In relation to the new plants, on average only four, 45cm, 6 x 260mm plants and one roman trough are changed over per annum. New or additional pots/troughs are purchased as required, however, it is likely (with the very little space available) that very few new purchases will be approved. This is therefore not a major component of the tender.

In calculating the average annual cost for the maintenance and changeover of indoor plants, John Gourdis Landscapes have provided the submission with the best value for money for the required services.

John Gourdis Landscapes have held this contract with the Town since its inception in 1995 and has provided an excellent service. It should also be noted that costs associated with replacement pot plants provided by John Gourdis Landscapes are based on using advanced sized plant specimens.

Whilst United Lawns and Landscaping have outlined that they have the necessary experience to undertake this work, the majority of their existing contracts/works involves outdoor horticultural tasks. They have not provided written references as requested, however, some evidence of undertaking similar works was provided. Their tender is based on "average" sized plants

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Regulations and the Town's Tender Policy.

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.*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the maintenance of indoor plants are charged to the respective accommodation expenses accounts at the Town's Administration and Civic Centre, Library and Works Depot.

The annual value of this tender is approximately \$10,000.

COMMENTS:

It is recommended that the Council accepts the tender submitted by John Gourdis Landscapes as being the most acceptable for the provision of Indoor Plant Maintenance Services in accordance with the specifications as detailed in Tender No. 326/06.

10.2.9 Tender No. 332/06 – Tree Removal and Pruning within Parks and Reserves

Ward:	Both	Date:	9 March 2006
Precinct:	All	File Ref:	TEN0342
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher, M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted from Dickies Tree Service and Beaver Tree Services, being the most acceptable to the Town for the provision of Tree Removal and Pruning within Parks and Reserves in accordance with the specifications as detailed in Tender No. 332/06.

COUNCIL DECISION ITEM 10.2.9

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for annual Tree Removal and Pruning within Parks and Reserves.

BACKGROUND:

On 15 February 2006, a tender was advertised calling for Tree Removal and Pruning within Parks and Reserves for a three (3) year period. At the close of tender on 1 March 2006 at 2.00pm, five (5) tenders were received. Present at the opening were Purchasing/Contracts Officer, David Paull, and Technical Officer Parks Services, Kim Godfrey.

Tenders were received from the following Contractors:

Parks and Reserves Tree Pruning		Classic Tree Services	Specialised Tree Lopping	Trees Need Tree Surgeons	Dickies Tree Service	Beaver Tree Services
0-8 Metres in height Cost per Tree	Per Tree	\$148.50	\$148.50	\$165.00	\$132.00	\$120.00
8-15 Metres in height Cost per Tree	Per Tree	\$291.50	\$231.00	\$253.00	\$209.00	\$200.00
Over 15 Metres in height Cost per Hour	Per Hour	\$275.00	\$352.00	\$333.00	\$319.00	\$250.00*
Tree Removal		Classic Tree Services	Specialised Tree Lopping	Trees Need Tree Surgeons	Dickies Tree Service	Beaver Tree Services
0-5 Metres in height Cost per Tree	Per Tree	\$181.50	\$187.00	\$175.00	\$165.00	\$150.00
5-10 Metres in height Cost per Tree	Per Tree	\$291.50	\$319.00	\$225.00	\$286.00	\$400.00

Parks and Reserves Tree		Classic Tree Services	Specialised Tree Lopping	Trees Need Tree Surgeons	Dickies Tree Service	Beaver Tree Services
Over 10 Metres in height	Cost per Hour	\$275.00	\$396.00	\$230.00	\$363.00	\$250.00*
Per Hour						
Stump Removal Grinding						
Cost per Centimetre of Trunk Diameter		\$2.58	\$0.66	\$1.55	\$1.87	\$1.10
					1. Prices include cherry picker up to 24 metres.	Hourly rate includes 4 staff, 1 x 8tonne truck, 1 x 18" chipper, 1 x 15metre picker, 1 x landcruiser, chainsaw, signs, witches hats, etc.

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the cleaning company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Adequate Resources Available to Carry Out Works Written confirmation plus written references of satisfactory service and resources	30%
2	Relevant Experience Describe your experience in completing /supplying similar Requirements	25%
3	Contract Price (Hourly Rates) Hourly Rate (including but not limited to labour, call-out, after-hours, travel time, add on rate)	20%
4	References Written references of satisfactory service	15%
5	Overall Compliance with tender specification and requirements	10%
TOTAL		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicher, Manager Parks Services, Jeremy van den Bok, Manager Community Development – Jacinta Anthony and Accountant Mitch Howard-Bath.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Dickies Tree Service	Beaver Tree Services	Classic Tree Services	Specialised Tree Lopping	Trees Need Tree Surgeons
Adequate resources to carry out works (30)	28.5	28.5	28.5	28.5	28.5
Relevant experience (25)	23.75	23.75	23.75	23.75	23.75
Contract price (20)	18.99	18.98	18.29	17.03	20
References (15)	15	15	15	15	9
Overall compliance (10)	10	8	8	8	8
Total	96.24	94.23	93.54	92.28	89.25
Ranking	1	2	3	4	5

For example approximately 25% of the trees pruned are 0-8 metres in height, 50% 8-15 metres in height and 25% over 15 metres in height. The same percentage used for the costs submitted for the removal of trees.

Following the evaluation process, Dickies Tree Service and Beaver Tree Services represent the most acceptable tenderers to undertake the works as required by the Town. Dickies Tree Service has provided similar services for the Town over many years and has provided a reliable service with competitive rates. Beaver Tree Services have provided a comprehensive submission and have undertaken similar work for other local governments, including the Cities of Armadale and Gosnells.

Both Classic Tree Services and Specialised Tree Lopping; whilst they have the capacity to undertake the works as outlined in the tender documentation, specialise more in the pruning of street trees located under Western Power cables. Specialised Tree Lopping currently holds the street tree pruning contract with the Town.

Trees Need Tree Surgeons were contracted by the Town in 1995/96 to undertake the pruning of trees located under Western Power cables, however, over the period of the contract the service provided to the Town was not satisfactory.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity.

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the removal of trees and the pruning of trees within Parks and Reserves are charged to grounds maintenance accounts. A separate budget allocation is allowed for these works within the overall maintenance budget for each respective park or reserve.

The annual value of this tender is approximately \$50,000 - \$75,000.

COMMENTS:

It is recommended that the Council accepts the tenders submitted by Dickies Tree Service and Beaver Tree Services as being the most acceptable for the provision of Tree Removal and Pruning within Parks and Reserves in accordance with the specifications as detailed in Tender No. 332/06.

10.2.10 Tender No 333/06 - Cleaning of Reserve Buildings & Carpark Amenities

Ward:	Both	Date:	9 March 2006
Precinct:	All	File Ref:	TEN0340
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher, M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender from Jasneat Pty Ltd as being the most acceptable to the Town for the provision of Cleaning of Reserve Buildings and Carpark Amenities, at a total cost of \$73,788.00 per annum (including GST).

COUNCIL DECISION ITEM 10.2.10

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to approve the tender for Cleaning of Reserve Buildings and Carpark Amenities.

BACKGROUND:

On 15 February 2006, a tender was advertised calling for the provision of services for the Cleaning of Reserve Buildings and Carpark Amenities for a three (3) year period. At close of tender on Tuesday 7 March 2006 at 2.00pm, four (4) tenders were received. Present at the opening were Purchasing/Contracts Officer – David Paull, Manager Parks Services, Jeremy van den Bok, and one member of the public.

Tenders were received from the following Cleaning Companies:-

		Daytime Holdings Pty Ltd	Advanced National Services	Jasneat Pty Ltd	Floyd Property Services
Description	Rate Description	Amount	Amount	Amount	Amount
Total number of hours	Number	15hrs	12.5hrs	23hrs	16.6hrs
Additional Cleaning Cost	Per hour for regular and periodic cleaning services	\$30.00 Mon-Fri \$37.50 Sat \$46.80 Sun \$55.00 Public Holidays	\$26.50	\$30.80	Windows – \$2.50 per pane of glass. Floor sanding – \$30.00 per m ²
Additional Vinyl Cleaning Costs	Per sq metre of vinyl strip & seal	\$2.95	\$2.10	\$4.40	\$4.00

		Daytime Holdings Pty Ltd	Advanced National Services	Jasneat Pty Ltd	Floyd Property Services
Additional Carpet Cleaning Costs	Per sq metre of carpet cleaned	\$0.85	\$0.85	\$1.10	\$1.90
TOTAL CLEANING COST	Per annum	\$111,311.28	\$93,424.95	\$73,788.00	\$271,674.00

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the most appropriate cleaning company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Adequate Resources Available to Carry Out Works Written confirmation plus written references of satisfactory service and resources	30%
2	Relevant Experience Describe your experience in completing /supplying similar Requirements	25%
3	Contract Price Including but not limited to labour, call-out, after-hours, travel time, add on rate	20%
4	References Written references of satisfactory service	15%
5	Overall Compliance with tender specification and requirements	10%
TOTAL		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicher, Manager Parks Services, Jeremy van den Bok, Manager Community Development, Jacinta Anthony, and Accountant, Mitch Howard-Bath.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Jasneat Pty Ltd	Daytime Holdings Pty Ltd	Advanced National Services	Floyd Property Services
Adequate resources (30)	27	24	21	15
Relevant experience (25)	22.5	20	17.5	12.5
Contract price (20)	20	17.2	18.6	5.4
References (15)	15	15	15	15
Overall compliance (10)	9	9	9	5
Total	93.5	85.2	81.1	52.9
Ranking	1	2	3	4

Tenderers were requested to submit the total cost per year for daily cleaning requirements which differ from the activities undertaken on a weekly, monthly and six monthly basis. For example, the activities undertaken for the daily clean involve sweeping, mopping, vacuuming, dusting, removal of rubbish and replenishing toiletries. Monthly cleaning requirements in addition to the daily clean involve descaling of urinals and pans, removal of cobwebs and cleaning of windows.

The pricing has been assessed on the total cleaning cost per annum.

It should be noted that companies intending on submitting a tender to the Town for these works were requested to attend an inspection and information session at the Towns works depot on Wednesday 22 February 2006. The inspection of premises gives tenderers an accurate indication of the extent of the work requirements. Representatives from Jasneat Pty Ltd and Daytime Holdings were in attendance.

Jasneat Pty Ltd has held the cleaning contract with the Town for seven (7) years and has generally provided a good service. While there were some recent issues with the standard of cleaning of some of the facilities, a recent meeting with senior management resolved these issues.

The company has extensive experience in similar cleaning operations, dealing with many other local governments and has provided a very comprehensive submission.

Both Daytime Holdings Pty Ltd and Advanced Property Services have also provided comprehensive submissions, however, their costs are significantly higher than Jasneat Pty Ltd.

Floyd Property Services provided the highest costs and their submission was not as comprehensive as the other companies.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Regulations and the Town's Tender Policy.

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.*

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the Cleaning of Reserve Buildings and Carpark Amenities is sourced from the respective annual parks, reserves and carpark maintenance accounts. A specific budget is allocated for the cleaning of these premises.

A monthly invoice is received from the successful contractor and the amounts charged to the respective accounts.

The annual value of this tender is approximately \$75,000.

COMMENTS:

It is recommended that the Council accepts the tender submitted by Jasneat Pty Ltd as being the most acceptable for the provision of Cleaning of Carpark Buildings and Carpark Amenities in accordance with the specifications as detailed in Tender No. 333/06.

10.3.1 Financial Statements as at 28 February 2006

Ward:	Both	Date:	9 March 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 28 February 2006 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 28 February 2006.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 28 February 2006.

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
- Statement of Financial Activity
- Representation of Net Working Capital
- Reconciliation of Net Working Capital

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 105.90 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 102.3% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 101.07% of the budgeted amount for the rates income. In addition interim rates for the year are 14% over the budgeted expectations.

Governance (Page 2)

Governance is showing 157.62 % 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 68.58 %. This is due to the timing on the receipt of budget grants not yet received.

Health (Page 4)

Health is showing a favourable variance of 115.19 %. This is due to over 322 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 revenue is on target to the budget amount at 100.24%.

Community Amenities (Page 6)

Community Amenities is 118.26 % of the year to date budget. This is as a result of Refuse Charges for non-rated properties being higher than budget and over 457 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 101.50 % of their revenue budget. As Beatty Park Leisure Centre operating revenue are meeting the target at 102% against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 162.13 % 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 129.59 % over budget which is mainly due to more than 331 building licences issued to the end of February which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

Other Property & Services revenue is operating just below Budget Projections at 89.13%.

Operating Expenditure

Operating expenditure for the month of February is just over budget at 101.61 %.

Health (Page 4)

The expenditure is currently 120.96 % 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 attract overtime payments.

Other Property & Services (Page 13)

This program is currently 159.20 % 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 and commitment for February amount of \$2,578,948 which is 6.39 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	44,860	28%
Plant & Equipment	1,252,040	635,110	51%
Land & Building	32,651,460	132,574	1%
Infrastructure	6,318,996	2,000,790	32%
Total	40,388,796	2,813,334	7%

Capital Expenditure - Variance Comments

Comments have been made on completed work with a variance greater than 10%.

Plant and Equipment

	Budget	Actual to Date	%
Major Plant Replacement Program			
Rough cutter	9,500	16,244	171%

The rough cutter tractor implement was purchased in the year 2000 and was the basic model. The model traded was the galvanised version. However there has been a significant price increase and in hindsight the budget allocation of the Plant Replacement Program should have been reviewed.

Beatty Park Leisure Centre

	Budget	Actual to Date	%
Inflatable feature	7,200	9,800	136%

The difference in cost of item was sponsored by Schweppes.

Lane Rope Reel	1,600	1,890	118%
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The original quote was supplied by a supplier in March 2005 but they will not hold the prices as material cost are subject to significant change due to the building industry boom and other external influences

Land and Building Assets

	Budget	Actual to Date	%
Beatty Park Leisure Centre			
Upgrade of family disabled change room	9,500	11,013	116%

\$4000 grant was received last year from the Leederville Lions Club to partly finance the upgrade.

Infrastructure Assets

	Budget	Actual to Date	%
Right of Ways (ROW)			
Scarborough Beach Road-			
Faraday Street	18,000	24,203	134%
Anzac Road - Matlock Street	20,000	24,213	121%
Elna Street - Doris Street	40,000	46,949	117%

The funds allocated in the budget is estimated on a per linear metre rate. An estimate is not prepared for each individual ROW. In the construction of ROW's there can be a number of variables, e.g. adjustment for services retaining and additional drainage. While two of the ROW line items are over budget estimates, the ROW programme overall is within budget.

Parks Services

	Budget	Actual to Date	%
Fencing			
Britannia Road Reserve	20,000	22,673	113%
Ellesmere Street Reserve	7,000	10,240	146%

Original budget estimates did not allow for the extension of the new fencing to the apex of the park where Selden and Eton Streets meet. The community has previously requested that this section be fenced. The new fence was removed just after installation by contractors replacing the existing slab footpath, the bollards had then to be replaced, this contributed to the over expenditure.

	Budget	Actual to Date	%
Drainage			
Drainage Upgrade	30,000	35,686	119%

Cost of upgrade is greater than the budgeted due to increased cost of material and high on cost.

	Budget	Actual to Date	%
Car Parking			
Mary Street angle parking	30,000	37,618	125%

The presence of an existing cast iron water main required a sensitive approach to the box out and compaction which took longer. Also additional service relocation and reticulation costs were incurred. Furthermore this was a difficult site involving weekend work as local businesses were complaining about the effect on their trade.

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

The statement shows the current assets of \$19,397,658 less current liabilities of \$3,858,464 for a current position of \$15,539,194. The total non current assets amount to \$114,716,885 less non current liabilities of \$10,980,861 with the total net assets of \$119,275,219.

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 \$383,042.09 are outstanding at the end of February which is a 7 % reduction from previous month. Of the total debt \$72,002.10 (18%) 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 \$1,521,977 which represents 10.53 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 28 February 2006 the operating deficit for the Centre was \$242,137 in comparison to the budgeted year to date deficit of \$283,726 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$80,261 in comparison to the year to date budget of cash deficit of \$31,002 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 currently exceeding budget estimate, with classes at capacity continues to perform above budgeted expectation.

The Retail Shop continues to perform with higher than expected figures, the recent sale has assisted in maintaining this performance.

Health and Fitness continues to operate at above budget estimates as a result of increased membership.

Statement of Financial Activity (Page 32)

The amount raised from rates for the year to date 28 February 2006 was \$14,489,600.

Representation of Net Working Capital (Page 33)

Reconciliation of Net Working Capital (Page 34)

10.3.2 Authorisation of Expenditure for the period 1 - 28 February 2006

Ward:	Both	Date:	09 March 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 February - 28 February 2006 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 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

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- 28 February 2006.

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	\$1,005,789.75
	EFT	\$1,128,820.33
Total Municipal Account		\$2,134,610.08
Advance Account		
Automatic Cheques		
	54565-54690, 54692-54695, 54696-54698	\$366,732.43
Trust Account Cheques		0
Transfer of Creditors by EFT		
Batch 485-491, 493-495, 497-498		\$581,729.78
Transfer of PAYG Tax by EFT	February 2006	\$161,769.10
Transfer of GST by EFT	February 2006	\$0.00
Transfer of Child Support by EFT	February 2006	\$1,478.55
Transfer of Superannuation by EFT		
City of Perth	February 2006	\$28,084.32
Local Government	February 2006	\$87,035.89
Total Advance Account		\$1,226,830.07
Transfer of Payroll by EFT	February 2006	\$518,198.43
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,852.12
Lease Fees		\$2,788.09
Corporate Master Cards		\$3,867.47
Australia Post Lease Equipment		\$3,541.37
2 Way Rental		\$165.00
Loan Repayment		\$64,664.31
Rejection Fees		\$30.60
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$78,908.96
Less GST effect on Advance Account		-\$90,208.15
Total Payments		\$3,868,339.39

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:	
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 Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

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
10/03/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Members Equity Bank of L1, 111 St Georges Terrace, Perth 6000 re: Members Equity Bank Training Sessions - Pitch, Change Room 1, Change Room 3 - 14, 15 and 16 March 2006
16/03/06	Withdrawal of Caveat	2	Town of Vincent and Minter Ellison of Level 42, Central Park, 152-158 St Georges Terrace, Perth re: Nos 595 and 1-5 (Lots 53 and 54) Beaufort Street, cnr Chelmsford Road, Mt Lawley - amalgamation of lots

Date	Document	No of copies	Details
16/03/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Perth Glory Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta re: Perth Glory Training Sessions - Pitch, Change Room 1, Change Room 2 - 17, 20, 22, 23, 27, 29 and 30 March 2006
16/03/06	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: Australian Manufacturers Workers Union Conference - Glory Lounge and Gareth Naven Room - 28 March 2006
20/03/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Fire and Emergency Services of Western Australia of 480 Hay Street, Perth re: FESA Training Exercise - Stadium - 6 April 2006

10.4.2 Establishment of Tamala Park Regional Council (TPRC)

Ward:	N/A	Date:	21 March 2006
Precinct:	N/A	File Ref:	ADM0078
Attachments:	001 ; 002		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the formal establishment of the Tamala Park Regional Council (TPRC) pursuant to Section 3.61 of the Local Government Act 1995; and*
- (ii) *RECEIVES;*
 - (a) *the signed copy of the TPRC Establishment Agreement, as shown in Appendix 10.4.2; and*
 - (b) *the Minutes of the Inaugural Meeting of the Tamala Park Regional Council held on 9 March 2006, as shown in Appendix 10.4.2.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF THE REPORT:

The purpose of this report is inform the Council about the establishment of the TPRC, the receiving of the signed copy of the Establishment Agreement and the Minutes of the Inaugural TPRC meeting held on 9 March 2006.

BACKGROUND:

The Town of Vincent is a joint owner (with 6 other local governments) of Lot 118 Mindarie which is situated in the City of Wanneroo.

Lot 118 comprises 432 hectares. 151 hectares is leased to the Mindarie Regional Council which conducts a refuse landfill on the leased site. Approximately 100 hectares is in process of transfer to the State Government as part of a Bush Forever Negotiated Planning Solution and part of the residual land comprising approximately 165 hectares is zoned Urban or Urban Deferred and is ready for urban development.

The Tamala Park Regional Council has been established to manage development of the urban and urban deferred land.

The Establishment Agreement has been the subject of development over several years. The owners of Lot 118, the Department of Local Government and Regional Development and solicitors acting for the owners have all been part of the development process.

The Establishment Agreement was formally approved by all of the participant Councils in November/December 2005 and was submitted for formal approval to the Ordinary Meeting of Council held on 6 December 2005.

All of the participant Councils have elected representatives to be councillors of the Tamala Park Regional Council. Representation reflects ownership shares in Lot 118 Mindarie. The Town of Vincent is a one-twelfth owner and therefore has one (1) representative on the Council. The list of Council representatives is as follows;

Owner Council	Member	Deputy Member
Town of Cambridge	Mayor M Anderton	Cr K Barlow
City of Joondalup	Chairman of Cmr J Paterson Deputy Cmr P Clough	Cmr M Anderson
City of Perth	Cr E Evangel	Cr M Sutherland
City of Stirling	Mayor T Tyzack Cr D Boothman Cr T Clarey Cr B Stewart	Cr B Ham Cr P Rose
Town of Victoria Park	Cr D Nairn (<i>Deputy Chairman</i>)	Cr R Skinner
Town of Vincent	Mayor N Catania	Cr S Farrell
City of Wanneroo	Mayor J Kelly Cr S Salpietro (<i>Chairman</i>)	

The formal establishment of the Regional Council now provides the opportunity for the Council to represent all of the owner interests in developing part of Lot 118 Mindarie.

At the Ordinary Meeting of Council held on 6 December 2006, a progress report was presented on the proposed Establishment Agreement for the TPRC. The Council resolved as follows;

"That the Council;

- (i) *APPROVES the Establishment Agreement for the Tamala Park Regional Council as shown in Appendix 10.4.7;*
- (ii) *AUTHORISES the Mayor and Chief Executive Officer to sign and seal the Establishment Agreement when compiled in its final form;*
- (iii) *APPROVES of the Establishment Agreement being submitted to the Hon. Minister for Local Government and Regional Development requesting approval from the Hon. Minister for the establishment of the Tamala Park Regional Council and for gazettal of the approval at the earliest possible date;*
- (iv) *NOTES that settlement of Bush Forever issues with the Western Australian Planning Commission (WAPC) is well advanced and that compensation payments totalling \$16,334,000 be due for payment by the WAPC to the joint owners of Lot 118 Mindarie, the majority of which payment will be made by two (2) instalments in the 2005/06 financial year;*
- (v) *ENDORSES (in accordance with the proposed Establishment Agreement) payment of the compensation referred to in Clause (iv) above direct to the Tamala Park Regional Council, if the Council is established at the time that the payments by the WAPC are made to the owners and that in the event that the Tamala Park Regional Council is not established at the time that the WAPC payments are made, the amounts received by the Council be paid to a trust account and remitted to the Tamala Park Regional Council when the Tamala Park Regional Council is formally established."*

CONSULTATION/ADVERTISING:

There has been some public consultation about the purpose and objectives of the Regional Council through the process of advertising Business Plans which have advised future intentions with respect to Lot 118 Mindarie.

Minutes of the Meetings of the Tamala Park Regional Council will be reported to each of the participant Councils. The new Tamala Park Regional Council will be required to produce an annual report, periodic and annual financial statements and business plans for major land transactions. The Tamala Park Regional Council will also be required to produce an Annual Budget and a Future Plan. All of these documents will be available to the public.

LEGAL/POLICY:

The new Regional Council is established under the Local Government Act 1995 and will provide the legal vehicle to facilitate urban development of land jointly owned by 7 local authorities. The local authority interests in each case will be preserved through the Establishment Agreement and participation in Regional Council decision-making through nominated representatives from each of the constituent Councils.

STRATEGIC IMPLICATIONS:

Development of Lot 118 will be consistent with the Town's Strategic Plan 2005-2010 as follows;

Key Result Area 3.2 - *"Develop business strategies that provide a triple bottom line return for the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The urban development of part Lot 118 Mindarie will produce a substantial cashflow for all of the participant Councils.

The cash flow projections that have been undertaken for the whole term of the development indicate that the seed funding from compensation payments will provide all of the capital required to commence planning and urban development.

On net present day values (NPV-2005) the likely positive cash flow for each ownership share will be in the order of \$11.5 million. The matter was reported to the Ordinary Meeting of Council held on 28 February 2006 on a confidential basis as part of Item 14.1 - relating to the Loftus Centre Redevelopment.

COMMENTS:

The Tamala Park Regional Council, through urban development in accordance with the objectives set out in the Establishment Agreement, will facilitate approximately 2,600 lots to be provided within the municipal district of the City of Wanneroo in the north-west corridor of the metropolitan region. The development will provide better utilisation of existing infrastructure and enhance catchment areas for ongoing provision of public facilities and services and for economic development of the corridor.

10.4.4 Leederville Masterplan Project - Extension of Project Area and Progress Report No. 4

Ward:	South	Date:	21 March 2006
Precinct:	Oxford Centre P4/ Leederville P3	File Ref:	PLA0153
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report on the Leederville Masterplan Project - Progress Report No. 4 as at 21 March 2006, concerning the extension of the Leederville Masterplan Project Team over the area bordered by Loftus, Richmond, Oxford and Vincent Streets, Leederville.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this Progress Report No. 4 is to inform the Council on the progress of the implementation of the Leederville Masterplan as at 21 March 2006 concerning the extension of the Leederville Masterplan Project Team over the area bordered by Loftus, Richmond, Oxford and Vincent Streets, Leederville.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 February 2006 the Council considered the matter of the Loftus Centre Redevelopment and resolved (inter alia) as follows:

- "(xiii) REQUESTS the Chief Executive Officer to provide a report no later than March 2006 considering the appointed Leederville Masterplan consulting team:*
- (a) having the Leederville Masterplan project area extended over the area bordered by Loftus, Richmond, Oxford and Vincent Streets; and*
 - (b) providing advice as to the means of achieving urban design, town planning and architectural best practice over the project area."*

Leederville Masterplan Working Group

The Project Architect and Consultant Licensed Valuer made a presentation to the Working Group meeting held on 7 March 2006. This presentation outlined a number of options for the Frame Court and Avenue Carparks, presented an overview of procurement options and indicative construction costs. These details are confidential and will be reported to Council during April/May 2006. At present the Project Consultants are refining the due diligence components of this project.

The matter of the Leederville Masterplan encompassing the area bounded by Loftus, Richmond, Oxford and Vincent Streets, Leederville has been discussed with the Project Architect directly associated with this project. Some preliminary work for land use for the area has been carried out and this is shown in Appendix 10.4.4. In summary, this indicated various uses including;

- Educational - TAFE Leederville Campus, Schools of Isolated & Distance Education
- Community Child Care / Pre-School on the current Margaret Pre-School site
- Civic - Town of Vincent Administration & Civic Centre and possible Vincent Police Station
- Sporting - Leederville Oval (Medibank Stadium, Loftus Recreation Centre, Department of Sport and Recreation building)
- Entertainment Precinct - centred around the Leederville Hotel, Hip-E Club
- Food Markets - Food Precinct - centred around the Avenue Carpark site
- Restaurant Precinct - centred around Oxford Street and part of Newcastle Street
- Network City - Office Precinct - centred around the Water Corporation site
- Town Centre - centred around a proposed park, near the current Oxford Street Reserve

Central TAFE/Leederville Campus Master Planning

On 7 March 2006, Central TAFE wrote to the Town concerning Master Planning for the Leederville Campus. TAFE advised as follows;

"Further to our meeting on the 18th January 2006, I confirm that the College will be engaging a consultant to prepare a high level Master Plan for the redevelopment of our Leederville Campus.

The scope of the consultancy will include consideration of:

- *The relocation of programs from our Subiaco AMTC campus to the Leederville campus*
- *The relocation of Sport and Recreation programs from the Mt Lawley campus*
- *The refurbishment of the Leederville campus to improve delivery and support services - this will include possible co-location of Central TAFE, Student Services and Library functions*
- *Opportunities for connection with other activities within the Leederville precinct (including the consideration of the future location of Youth Headquarters activities).*

It is our intention to work with the Town of Vincent and other stake holders very closely during the Master Planning consultancy to ensure that there are strong connections between our redevelopment and the redevelopment proposals and activities that are also occurring in the Leederville precinct.

It is planned that the consultant be engaged by the end of March with a view to the report being finalised by July 2006.

In addition to providing a blue print for the redevelopment of the Leederville campus, the report will also form the basis for the preparation of a Business Plan to secure the necessary approvals and funding for the redevelopment."

TAFE have awarded their consultancy to Peter Hunt Architect.

Discussion with Leederville Masterplan Consultancy Team

On 21 March 2006, the Chief Executive Officer spoke with Mr Paul Jones, a Director of Jones Coulter Young concerning progress of the Leederville Masterplan project and advised him of the Council's decision to extend the Masterplan area and for the provision of advice to achieve urban design town planning and architectural best practice over the project area. Mr Jones was pleased to accept this consultancy. The cost for this work was not discussed in detail and it is envisaged that the project consultants will charge an hourly rate for this work in accordance with the hourly rates submitted in Tender No 326/05 - provision of Consultancy Services Leederville Masterplan.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

The Local Government Act 1995 requires tenders to be called for works and services above \$50,000.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2005-2010, Key Result Areas 3.2, 3.3 and 3.3(a), (c) and (e) as follows;

- 3.2 *"Develop business strategies that provide a positive triple bottom line return for the Town",*
- 3.3 *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town and Develop partnerships and alliances with key stakeholders",*
 - 3.3(a) *"Adopt policies and practices to promote appropriate investment";*
 - 3.3(c) *"Promote partnerships at the intrastate, interstate and international level to attract investment to the Town and enhance its place as a regional centre";*
 - 3.3(e) *"Encourage local businesses to contribute to the local community."*

FINANCIAL/BUDGET IMPLICATIONS:

The Council has approved a budget of \$135,000 for the Leederville Masterplan consultants/professional fees.

The Town's administration costs have not been allocated to this cost centre.

At its Ordinary Meeting held on 28 February 2006, the Council reviewed its budget and reallocated an amount of \$125,000 previously allocated in the 2005/2006 budget for resurfacing works and the upgrade of a portion of the Water Corporation Reserve, to the Leederville Masterplan.

COMMENTS:

The Leederville Masterplan project is progressing satisfactorily and it is envisaged that a report will be submitted to the Council in April/May 2006.

10.4.6 Information Bulletin

Ward:	-	Date:	22 March 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 28 March 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

DETAILS:

The items included in the Information Bulletin dated 28 March 2006 are as follows:

ITEM	DESCRIPTION
IB01	Stoneware Bottles: A Study of an Assemblage from Robertson Park, Western Australia (Hyde Park Precinct) PRO0692
IB02	Update – Public Library Framework Joint Advisory Committee. Infopage, WA Local Government Association
IB03	Review of the operation of the R-Codes – Planning Bulletin Number 77. Western Australian Planning Commission
IB04	Network City – Letter from Jeremy Dawkins, Chairman, WAPC
IB05	Statement of Planning Policy No. 3, Urban Growth and Settlement – WA Government Gazette No 46
IB06	Claise Brook Catchment Group – Letter of Support – Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects

10.1.13 Proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 - Relating to Land coded R20, within the Eton Locality Plan 7

Ward:	North Ward	Date:	20 March 2006
Precinct:	North Perth, P8; Mount Hawthorn, P1	File Ref:	PLA 0101
Attachments:	001 ; 002		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RESOLVES** pursuant to Town Planning Regulation Section 17 (1) to **RECEIVE** the 27 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.13;
- (ii) **RESOLVES** pursuant to Town Planning Regulation 17 (2), that Amendment No. 22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;
- (iii) **AUTHORISES** the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council's endorsement of final approval;
- (iv) **FORWARDS** the relevant executed documents to and **REQUESTS** the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 22 to the Town of Vincent Planning Scheme No.1;
- (v) **ADVISES** the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;
- (vi) **WRITES** to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No. 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and
- (vii) **RECEIVES** monthly progress reports in the Information Bulletin as to the progress of Amendment No. 22.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

This matter has been previously considered and determined at the Ordinary Meeting of Council held on 14 March 2006. Clause 3.12.4(c) of the Town's 'Community Consultation Policy' requires the Town to post to those who lodged a written submission in relation to Amendment No. 22, written notification that the matter will be considered by the Council at an Ordinary Meeting of Council held on 14 March 2006. The Town's Administration staff inadvertently failed to strictly comply with the Town's Community Consultation Policy and advise those persons who lodged submissions that the matter would be considered at the 14 March 2006 Ordinary Meeting of Council. This error was detected after the Council had considered the matter and the Chief Executive Officer has determined that the Town's consultation process must be strictly followed in such a significant matter.

For this reason, the purpose of this report is to request that the Council again consider this matter. Those persons who made submissions have now been formally notified of when the matter will be considered at an Ordinary Meeting of Council. Letters were sent to persons who lodged a submission in the week commencing 20 March 2006. This will ensure consideration of the matter by the Council is in accordance with the Town's 'Community Consultation Policy' and is transparent, accountable, fair and is not legally prejudiced by the omission of the Town's officers to notify those persons who lodged a submission.

BACKGROUND:

29 November 2001 The North Perth Precinct Group submitted a petition to the Town supporting a rezoning of the Eton Locality to Residential R20. The Group contacted 368 out of 479 (77 percent) of the residences in the Eton Locality through a door knocking exercise with 316 out of the 368 residences contacted (over 85 percent) supporting the down zoning.

18 December 2001 Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
- (ii) considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*
- (iii) pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R60", "Residential R30/40" and "Residential R30", respectively, to "Residential R20"."*

- 26 February 2002 Council at its Ordinary Meeting resolved to initiate Scheme Amendment No.11 to the TPS No.1 to rezone the “*Eton - Locality Plan 7*” as identified in the Town’s Policies relating to Residential Design Guidelines – Locality Statements from ‘*Residential R30*’ and ‘*Residential R30/40*’ to ‘*Residential R20*’.
- 12 March 2002 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.
- 26 March 2002 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 19 April 2002 WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.
- 13 May 2002 The Town sends response to WAPC.
- 11 September 2002 WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.
- 25 September 2002 The Town sends correspondence to WAPC seeking clarification on the WAPC’s advice with regard to the alternate amendment and providing a simplified submission form.
- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in ‘*The West Australian*’ newspaper.
- 2 November 2002 Amendment advertised in the ‘*Voice News*’ newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.
- 17 December 2002 The Council at its Ordinary Meeting resolved the following:
- “(i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";
 - (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council’s endorsement of final approval; and

(iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.*"

16 January 2003

The Town advised the WAPC of the above resolution.

8 April 2003

The Council at its Ordinary Meeting carried the following Notice of Motion unanimously:

"That the Council authorises the Chief Executive Officer to write urgently by close of business 10 April 2003 to the Minister for Planning and Infrastructure and the Local Member for Yokine to reinforce the Council's strong support and, in turn, request their support for Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, to reflect – Rezoning the land contained in the Eton – Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20"."

10 April 2003

The Town wrote to both the Hon. Minister for Planning and Infrastructure and the Local Member of Yokine, advising of the above resolution and expressing community support for the amendment and concerns of the Elected Members regarding the delay in processing Amendment No. 11 by the WAPC.

27 May 2003

The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.

28 May 2003

Correspondence from the Hon. Minister for Planning and Infrastructure, noted that the WAPC recommended that the amendment documents be modified to replace the R30 code with R20/30 and to replace R30/40 with R20/40, to be further advertised and considered by Council Members.

20 June 2003

Meeting held with representatives of the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and Town of Vincent Officers and Elected Members regarding Amendment No. 11 to TPS No. 1.

23 June 2003

Mayor Nick Catania wrote to the Hon Minister for Planning and Infrastructure, with respect to a partnership between the concerned parties, to approve Amendment No. 11 to down zone to R20 and the Town would proceed with the following:

"1. Identify sites and areas throughout the Town which are considered to be appropriate to accommodate higher densities, as part of the review of the Town of Vincent Town Planning Scheme No. 1.

2. *Engage in consultation with the community/stakeholders and follow due process in the review of the Town of Vincent Town Planning Scheme No.1. If found to be appropriate through proper process, designate higher densities to the appropriate sites identified in 1 above.*
3. *Develop appropriate design guidelines, policies, structure plans, detailed area plans, and the like, to deliver social and environmental dividends to the Town's community and the broader community as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
4. *Liaise and consult with the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to 1. above."*

24 June 2003

The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*

11 July 2003

The Town sent a request to the WAPC for approval to commence preparation of a new Town of Vincent Town Planning Scheme, pursuant to section 7AA of the Town Planning and Development Act (as amended).

7 August 2003

The Hon. Minister for Planning and Infrastructure resolved to generally support the Council proposal to recode the Eton Locality to R20, subject to interim arrangement, that being July 2006, to allow the Town to conduct a review on housing and density across the entire Town so a holistic response to density can be developed.

26 August 2003

The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) RESOLVES pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:*

"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.

The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:

- 1. Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
- 2. Modifying clause 20(4) of the Scheme to insert new provision as follows:*
 - a) Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
 - (i) Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
 - (ii) After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
 - b) Inserting sub-clause 20(4)(h)(i), as follows:*
 - (h) Mount Hawthorn Precinct P 1,*

- (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct."*

BE ADOPTED FOR FINAL APPROVAL;

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above;*
- (v) *FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1; and*
- (vi) *REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1."*

3 October 2003 The Hon Minister for Planning and Infrastructure formally approved Amendment No. 11 to TPS No.1.

7 October 2003 Amendment No. 11 was published in the Government Gazette on 7 October 2003.

19 February 2004 The Town received response from the Hon Minister for Planning and Infrastructure to its request for detailed reasons for the exclusion of lots from Amendment No. 11. The following was noted:

". . . The 'Regional Residential Density Guidelines for the Perth Metropolitan Region' (RRDG) is listed as the strategic policy under SPP No.8 and was used to assess the amendment.

The RRDG provides guidelines for allocating residential densities in the Perth metropolitan area. In summary, it provides that low density areas (ie. R20) should be located on land that is either remote from reticulated sewerage, has environmental or topographical conditions that make higher densities unfeasible, or where the protection of heritage dwellings or streetscape is required and that medium density (ie. R30,40) coding should be applied carefully in existing areas where criteria specified in the RRDG are evident.

Our need to contain urban sprawl is critical and given the above policy there is a presumption against down coding in inner urban areas.

In my final determination on Amendment no. 11, I considered the submissions received in some depth. In my analysis, I considered the heritage issues, and the volume and content of the submissions received, including the property interests of those making submissions. Those areas where there appeared to be little or no support for down-zoning, I gave precedence to the general policy consideration.”

- 24 September 2004 The Town sent further correspondence to the WAPC regarding the Town’s previous request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 30 June 2005 A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant on 30 June 2005.
- 5 August 2005 The Town sent correspondence to the WAPC and the Hon Minister for Planning and Infrastructure regarding request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 9 August 2005 The Town received acknowledgement from the Office of the Minister for Planning and Infrastructure regarding the above request.
- 17 August 2005 The North Perth Precinct Group wrote to the Town and expressed the following in regard to retention of the R20 code within the Eton Locality:
- “ . . . I am writing on behalf of the North Perth Precinct Group regarding the progress of the proposed residential density plan for the Town of Vincent. It is understood that this plan is prepared as part of the Town Planning Scheme Review process and will be presented in draft form to the Minister for Planning and Infrastructure in the near future.*
- Whilst we are fully aware that Council are supportive of the key objectives of the North Perth Precinct Group to retain an R20 density over most of the Eton Locality, we would appreciate the opportunity, if possible, to be involved in the proposed meeting with the Minister. We understand that the meeting with the Minister will deal with the whole Town, however it is felt that the Eton Locality as predominantly single residential resulted in it being rezoned R20. However, the North Perth Precinct Group understands the need for higher residential densities in appropriate locations, particularly in areas closer to commercial and community services. . . .”*
- 23 August 2005 The Council at it Ordinary Meeting resolved the following amongst other matters relating to *Vincent Vision 2024*:

“That the Council:

- (i) *RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project; . . .*
- (iii) *ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) *ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024; . . . “*

20 September 2005

The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
 - (a) *clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (b) *clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and*
- (iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.”*

- 4 October 2005 Honorable Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure, requesting urgent attention and expedition of processing Amendment No.22 given the time constraints resulting from the 1 July 2006 deadline. In addition, the Hon Mayor requested a meeting with the Hon Minister for Planning and Infrastructure, as stated in Item (iii) of Council's resolution of the 20 September 2006.
- 31 October 2005 An acknowledgement letter was received from the Officer of the Minister for Planning and Infrastructure on 31 October 2005, advising the Town that the Hon Minister would take into consideration the time constraints associated with the amendment at the time of final determination.
- 23 November 2005 The Hon Mayor again wrote to the Hon Minister reiterating the need for an urgent meeting with respect to the amendment. There has been no response from the Office of the Hon. Minister since this last correspondence from the Town.
- 14 March 2006 The Council at its Ordinary Meeting resolved the following:
- “That the Council:*
- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 26 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*
 - (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;*
 - (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council's endorsement of final approval;*
 - (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1;*
 - (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
 - (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*

- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.*"

DETAILS:

The purpose of Scheme Amendment No.22 is to delete reference to the following clauses within the Town of Vincent's Town Planning Scheme No.1 (TPS No.1) Scheme Text, relating predominantly to the Eton locality:

- (i) 20) 4) c) ii) *"After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct";* and
- (ii) 20) 4) h) i) *"After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct".*

Amendment No.11

The clauses proposed to be deleted as part of Scheme Amendment No.22 are directly associated with Scheme Amendment No. 11, which was promulgated on 7 October 2003. Amendment No.11 sought to down code the majority of properties within the Eton locality from a R30/R40 density to a R20 density. The premise of this down coding was based on the desire to retain the residential amenity within the area, and deter further subdivision of larger size lots, to the detriment of the character of the area and housing stock within the Eton locality.

The clauses were imposed by the Honorable Minister for Planning and Infrastructure at the time of final adoption. Justification provided by the Hon Minister at the time of imposing these clauses was based on a number of representations made by affected property owners at the time of the Scheme Amendment being considered for final adoption and the State Government policy direction with respect to urban consolidation within the Perth Metropolitan area.

Amendment No.22

The primary reason for initiating Scheme Amendment No.22 to the Town's Town Planning Scheme No. 1 (TPS No.1) is to allow for continuation of appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton locality, during the Town's Town Planning Scheme Review.

The deletion of the clauses is reflective of the community's vision derived from the Town's community visioning project (*Vincent Vision 2024*), recently completed by the Town. This highlights the desire within the community for the retention of the existing density, character streetscapes and for dwellings with heritage and local character significance being retained, particularly in this locality. In light of these outcomes it is considered that the deletion of the above noted clauses is reflective of the visions presented to the Town through the community visioning process.

Coupled with the above reason for the proposed Amendment, the Town has identified a conflict of timeframe between the review of TPS No.1 and the timing of the down-coded land to be reverted back to R30 and R30/40 on 1 July 2006. As part of the Town Planning Scheme Review, a Local Housing Strategy, which will involve the review of various matters relating to housing within the Town, including density, will be prepared. The expected date of completion of this Strategy is July 2006, which will coincide with the 1 July 2006 date stipulated in Clauses 20) 4) c) ii) and 20) 4) h) i).

The recommendations and outcomes of both the Town Planning Scheme Review and the Local Housing Strategy will ultimately influence what the appropriate densities should be for the various areas within the Town. With the absence of these recommendations prior to 1 July 2006, it would be negligent of the Town to allow the reversion of the density coding to R30 and R30/40 from R20, in case the recommendations, based on the *Vincent Vision 2024* outcomes and further research into housing density as part of the Strategy, were to maintain the R20 coding.

Given the above, it is considered that the Town has sufficient reason and evidence to delete clauses 20) 4) c) ii) and 20) 4) h) i), from TPS No.1, given the community's visions and the review of the Scheme.

CONSULTATION/ADVERTISING:

The proposed Scheme Amendment was advertised in both local newspapers (*The Guardian* and *The Voice*) and affected landowners notified, in accordance with the *Town Planning Regulations Act 1967*, Clause 15. During this period a total of 182 submissions were received. 83 per cent of the submissions received (152 submissions) supported the proposed Scheme Amendment. A total of 132 of those submissions received in support of the proposed amendment were received as pro formas. 17 per cent of submissions received (26 submissions), objected to the proposed amendment, and 3 of the total submissions received stated no comment with regard to the proposed Scheme Amendment. A Schedule of Submissions has been prepared and is an attachment to this report (refer Attachment 10.1.13).

The volume of submissions received in support of Scheme Amendment No.22 reflects that the proposal to delete clauses 20 (4)(c)(ii) and (4)(h)(i) is generally accepted and supported by the community located within the Eton locality. Those submissions received objecting to the proposed Scheme Amendment, while small in volume, expressed very strong opposition to the proposed Scheme Amendment.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

Consultation Submissions		Officer Comments Pursuant to Clause 38(5) of TPS 1
Support (152)		Noted
Proformas (132)	<ul style="list-style-type: none"> “I agree with amendment No.22 and R20 to be retained”. 	Noted.
Strategically Appropriate	<ul style="list-style-type: none"> It will give the Town of Vincent more time to achieve the overall vision “<i>to preserve the characteristic residential feeling and to place high density development strategically</i>”. 	Noted. The Town of Vincent is currently undergoing a review of the Town Planning Scheme and associated documents. It is anticipated that the new Scheme will provide further guidance with regard to residential development and densities within the Town, based on the <i>Vincent Vision 2024</i> outcomes.
Preservation of Amenity	<ul style="list-style-type: none"> Allowing more housing will be at the expense of safety, noise, traffic, loss of streetscape appeal, privacy and amenity 	Noted. This comment cannot, however, be qualified as it is not the case at present.

	<ul style="list-style-type: none"> • There will be an increase in crime through more rentals. 	Noted. This is an assertion and not based on fact.
	<ul style="list-style-type: none"> • R30/40 development abutting R20 single dwellings attracts a whole host of issues that include: <ul style="list-style-type: none"> – Overlooking and loss of privacy – Overshadowing – Extra cars – Additional on street parking – Driveways servicing multiple garages located immediately adjacent to existing dwellings – Loss of trees – Bulk and scale being inconsistent with existing dwellings – Unacceptable streetscape impact – Loss of younger families to the area – Reduction in the use of services and facilities. 	Noted. The objectives of both the Residential Design Codes and the Town's Residential Design Guidelines is to protect the amenity of adjoining properties while not disallowing further development to occur. Some requirements are generally more restrictive as the density increases.
Preservation of Aesthetic Value	<ul style="list-style-type: none"> • Urban infill significantly affects the aesthetic integrity of the neighbourhood in a negative way. • Increased strain on existing local services as a result of the increased number of houses. • The blanket density of R30/40 and R30 has resulting in ad hoc and unsuitable development, often incompatible with adjoining dwellings and results in stress and uncertainty to adjoining landowners. 	<p>Noted. Dependant on the manner in which urban infill is done, the amenity of an area/neighbourhood can be negatively affected.</p> <p>Noted. As above.</p> <p>Noted and agreed to a certain extent. Refer to 'Comments' section of report for further information.</p>
Limiting the Number of Two Storey Developments	<ul style="list-style-type: none"> • The increase in density will increase the number of two storey houses and subsequently impact on the privacy of adjoining properties. 	Noted. Smaller size lots usually result in two storey buildings, to maximise the amount of living space on site and to satisfy the Residential Design Codes requirements.

	<ul style="list-style-type: none"> • The <i>Vincent Vision</i> for Eton Locality does not exclude infill development altogether, however, requires it to be more controlled and strategically located as opposed to being ad hoc and unsuitable. • The Amendment is not inconsistent with the <i>WA State Planning Strategy</i> that strongly embraces sustainable residential growth. Also the cornerstone of the State Government’s Draft Network City that proposes outward expansion of the Perth Metropolitan Area. • TPS Review will ensure strategically located high densities to be primarily located in well serviced areas. Melbourne 2030 initiative proposed “lumpier” rather than “thicker” suburbs intensifying parts of the city whilst protecting the suburbs from wholesale transformation. This should be used as a model for the Town of Vincent. • There are more appropriate locations for medium to high densities, but it should occur in “Greenfield” locations where similar forms of housing are provided over a large area, rather than ad hoc infill development occurring on individual lots. 	<p>However, applications for two storey developments within an R20 coded area would still be acceptable, provided the development complies with the Town’s Residential Design Guidelines and Eton Locality Statement.</p> <p>Noted and confirmed.</p> <p>Noted.</p> <p>Noted. The Town Planning Scheme Review will have a strong alignment and reference to the <i>Vincent Vision 2024</i> Final Report and outcomes. Consideration will also be given to <i>Melbourne 2030</i> as suggested.</p> <p>Noted. Refer to ‘Comments’ section of report for further information and discussion.</p>
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	<ul style="list-style-type: none"> If Amendment No.22 is not supported by the Council, WAPC and Minister, <i>Vincent Vision 2024</i> process for Eton Locality and TPS Review will be undermined, as infill development will progress rapidly in Eton Locality. The TPS Review, through preparation of the Local Planning Strategy, will require extensive review of the Town's residential densities. 	<p>Noted. As part of the Town Planning Scheme Review, there will be the preparation of a Local Housing Strategy for the Town. As part of this Strategy, a review of the Town's residential densities will be undertaken. The outcome of Amendment No.22 either way will not undermine the TPS Review or Eton Locality.</p>
Objections (27)		<p>Noted</p>
<p>Planned to Subdivide and Develop to Raise Finances</p>	<ul style="list-style-type: none"> It is in the best interest to retain the R30 density coding for the area, as the intention has always been to leave the property to the children, to subdivide. Intention was to sell property to finance for the future. Without the ability to develop the property, it will not be improved and investment will be lost. The cost will be incurred by the Council. A landowner should be able to develop if they want to. 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>Justification is Not Valid</p>	<ul style="list-style-type: none"> There is no justification provided for the amendment – there exists no difference between the Eton Locality and North Perth. 	<p>Noted. Justification was provided with respect to the reason for the proposed amendment in the Scheme Amendment Report documentation made available to the public and in the Summary Report enclosed as part of the letters distributed.</p>
<p>R20 Density was only ever Temporary</p>	<ul style="list-style-type: none"> The proposed modification to Amendment No.11, to introduce a sunset clause in TPS No.1 requiring that the land zoned R20 was on the basis that it would revert back to R30/40 on 1 July 2006. The proposed R20 was in effect an interim measure to satisfy immediate public concerns about redevelopment in the area. Therefore, it was not considered for long term planning for the locality. 	<p>Noted. The proposed modification to Amendment No.11 was instigated by the Minister at the time of final adoption of the Scheme Amendment. Refer to 'Details' section of this report under Amendment No.11 for further background information.</p>

Amendment is Inequitable	<ul style="list-style-type: none"> Amendment No.22 is inequitable, as some landowners have been able to subdivide and redevelop their properties, while others who did not act on the R30/40 and R30 density earlier will be denied the opportunity to capitalise on their home and assets. 	Noted. Amendment No.22 has been initiated in order to remove confusion and inequity between landowners while the Town Planning Scheme Review is being undertaken. By removing the ability to subdivide properties, in the interim period during the Scheme review, will deter opportunist developments that may be contrary to the final adopted Town Planning Scheme, occurring.
Advice Contrary to what Amendment is Proposing	We were advised at the time of purchasing our property in writing, that there were no intentions of retracting Clauses 20 (4) (c) (ii) and (4)(h)(i).	Refer to “Comments” Section.
Did not Object to Amendment No.11 because of the Sunset Clause	We bought our property with the intention to subdivide. We did not object to the down coding in 2003 because the down coding was only for a set period being until 1 July 2006.	Noted.
Negative Financial Impact	The Amendment does not take into account the financial impact of this amendment on existing residents, and those who have bought into the area with the intention to subdivide post 1 July 2006.	Noted. The financial impact of the proposed amendment is no able to be quantified.
Legal Action seeking Compensation	<p>Legal action to recover compensations costs will be launched.</p> <p>Subdivision applications and house designs have already been prepared in anticipation of the 1 July 2006 changeover. Subdivision application has already been submitted.</p>	<p>Refer to “Comments” Section.</p> <p>Noted. Any subdivision application submitted to the WAPC prior to 1 July 2006 or the final decision being made in relation to Scheme Amendment No.22 will be considered under the current R20 coding.</p>
Contrary to State Government Policy	<ul style="list-style-type: none"> It is against State Government Policy, as the State Government is trying to make inner city a higher density zoning. Amendment No.22 is contrary to WAPC’s <i>Network City Community Planning Strategy for Perth and Peel Regions</i>. In particular, Priority Strategy 3, which requires 60% of new dwellings to be accommodated 	<p>Noted. This is not the case. The State Government Policy does not preclude lower density development within close proximity to the Perth CBD.</p> <p>Noted. Amendment No.22 is not contrary to <i>Network City</i>. Priority Strategy 3 refers to all existing urban areas within the Perth Metropolitan Area, not just inner urban areas, such as the Town of Vincent. As part of the Scheme Review, five town</p>

	<p>in existing urban areas. Further Section 8 of <i>Planning for a Liveable City</i> indicates increased housing diversity and residential densities.</p> <ul style="list-style-type: none"> The guiding principles for housing density and urban design in <i>Vincent Vision 2024</i> for North Perth and Mount Hawthorn are inconsistent with the principles of <i>Network City</i> to accommodate new dwellings in existing urban areas (refer to Guiding Principles 3 and 4). 	<p>centres have been identified, which will include provision of additional residential dwellings.</p> <p>Noted. <i>Vincent Vision 2024</i> purposefully embraced the principles of <i>Network City</i>, as part of the Community Visioning process that will ultimately feed into Town Planning Scheme Review. Upon undertaking the Scheme Review, further correlation and reference to State Government Planning Policies will be made and included as part of the Scheme document.</p>
<p>Vincent Vision 2024 is not Consistent with State Government Policy</p>	<ul style="list-style-type: none"> <i>Vincent Vision 2024</i> does not address State Planning Policy and therefore should not be relied on as the definitive planning tool for decision making. 	<p>Refer to comments above.</p>
	<ul style="list-style-type: none"> <i>Vincent Vision 2024</i> should encourage and support diverse lifestyles. 	<p>Noted.</p>
<p>Contrary to Eton Locality Statement Plan</p>	<ul style="list-style-type: none"> Eton Locality Plan Policy Statement encourages infill development in the form of splitting wider frontage lots down the middle. 	<p>Noted. Included as part of the Scheme Review, the Residential Locality Policies will also be reviewed. This Policy Statement may not be applicable at the time of adoption of the final Town Planning Scheme.</p>
<p>Higher Density Allows for Quality and Innovative Design</p>	<ul style="list-style-type: none"> Higher density means higher quality residential development, which addresses both the streetscape and adjoining development. The higher R30/40 density does not necessarily mean the demolition of character dwellings. Surrounding localities with some higher densities give a good mix to the area. 	<p>Noted.</p> <p>Noted. The intention behind the R30/40 density was to provide an incentive to landowners and developers to retain existing character dwellings by enabling them to reduce the minimum lot area requirement to accommodate the retention.</p> <p>Noted.</p>

	<ul style="list-style-type: none"> Heritage and local character will not be protected by retaining the existing zoning. Older style dwellings should be kept, but subdivision and development on rear of lots should be permitted. Higher density gives people more choice. 	<p>Noted. The Town's Residential Design Guidelines Policies facilitate this protection, not the density.</p> <p>Noted.</p> <p>Noted.</p>
Low Density is Inappropriate for Area so Close to Perth CBD	<ul style="list-style-type: none"> Mount Hawthorn is only 4kms to the Central Post Office. The R30 density is not too dense in any other city. No where else has an R20 density been applied within 5kms of the CBD. 	<p>Noted.</p> <p>Noted.</p>
Restrict Development only to Duplex Development	<ul style="list-style-type: none"> Smaller lots should be permitted to be developed but restrict to duplex development only and set building requirements through restrictive covenants. 	<p>Noted.</p>
Planning Policies should Facilitate the Protection of Amenity of Adjoining Properties	<ul style="list-style-type: none"> Council should be able to retreat from their role of controlling and managing urban change by opting for the status quo approach, which minimises conflict scenarios. 	<p>Noted and agreed. The retention of R20 coding would further ensure the protection of amenity, by limiting development.</p>
Ratepayer Funds should not be used for this Project	<ul style="list-style-type: none"> Object to the Town of Vincent using ratepayer funds to revisit this issue on request of a minority self interest group. 	<p>Noted. As part of the <i>Town Planning Regulations Act 1967</i>, the Town is obliged to consider any applications made to the Town in regard to rezoning or matters of community importance. The matter is considered to be both of community and strategic importance and for this reason the Scheme Amendment has been initiated.</p>
Request for Exemptions	<ul style="list-style-type: none"> Property owners at No.40 Sydney Street, and No. 48 Sydney Street, seek exemption from the amendment, as the majority of that section of street has been or is being developed with duplex and triplex developments. 	<p>Noted. The majority of properties located on the eastern side of Sydney Street, bound by Haynes Street to the south and Hobart Street to the north, are already developed at a higher density than the R20 density proposed as part of this Amendment. Applying an R30/40 density to this portion of Sydney Street is</p>

	<ul style="list-style-type: none"> Shakespeare Street and Dunedin Street should be deleted from Eton Locality, as Eton is in North Perth, not Mount Hawthorn. 	<p>considered to have some merit, and will be further considered as part of the formal Town Planning Scheme Review.</p> <p>Noted. Same as above, these areas will be considered as part of the Town's Town Planning Scheme Review.</p>
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STRATEGIC IMPLICATIONS:

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

"1.3 Develop, implement and promote sustainable urban design . . .

(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision."

FINANCIAL/BUDGET IMPLICATIONS

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Background

Since the promulgation of the Town Planning Scheme No.1 (TPS No.1) on 4 December 1998, issues relating to the "split/dual" density codes have arisen. Issues were raised in relation to whether or not the split coding actually achieves its intention, which is to encourage the existing dwelling, to be retained by providing an incentive of a smaller lot size requirement than if the dwelling was to be demolished. These issues relating to areas of "split/dual" density codes arose in certain areas of the North Perth Precinct area where the density code was R30/40. The criteria for the higher density code, being R40, was originally outlined in clause 20(4)(c)(i) of the TPS No.1 as follows:

"(c) North Perth Precinct P8,

(i) Dual Coding: Within the area coded R30/40, development will only be permitted to R40 standards, where the existing house is retained and where criteria specified in the precinct document is satisfied."

The criteria outlined in Clause 3) iv) of the Town's Policy relating to 'Eton – Locality Plan 7' previously stated as follows:

"iv) Density

In areas of split coding, where an established dwelling which contributes to the identifiable character of the Eton Locality is to be retained and/or restored, infill development to the rear of the lot may be permitted at the standards consistent with a higher density code subject to the development meeting the following criteria:

- a) no unreasonable significant adverse impact on adjacent residences in terms of privacy and amenity;*
- b) no unreasonable loss of healthy, mature trees; and*

- c) *the design complementing the design and character of the existing dwelling on the lot and the streetscape in general.*”

Public concern was raised over the ambiguity in interpretation of these provisions and the subsequent loss of amenity that was resulting from character dwellings being demolished to make way for higher density development, which was of an increased bulk and scale. In relation to the Eton Locality, this confusion in interpretation and the impact infill development was having on adjoining properties within the Eton Locality, were the primary instigators behind the initiation and final adoption of Scheme Amendment No.11, which saw the down coding of an areas within the Eton Locality from R30 and R30/40 to R20.

As has been mentioned previously in this report, the Honorable Minister for Planning and Infrastructure’s decision in relation to Scheme Amendment No.11 was to adopt Amendment No. 11 on the condition that the Scheme Text and Maps be modified to include what is referred to as a sunset clause for the affected areas that stated the following:

“20 (c) *North Perth Precinct P8*

-
(ii) *After 1 July 2006, development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*

(h) *Mount Hawthorn Precinct P1*

- (ii) *After 1 July 2006, development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.*”

The imposition of these clauses by the Honorable Minister were not supported by the Town’s Officers, however, the Scheme Text and Maps were modified to include these clauses, to enable the Scheme Amendment to be finally adopted.

Eton Locality

This area has, generally, one dwelling per lot, however, some infill development has occurred in the area, due to subdivision approvals granted under the previous density coding and prior to the final adoption and subsequent down coding of the area to R20. A number of such properties that have already been subdivided exist along the southern portion of Sydney Street, between Haynes Street and Scarborough Beach Road.

Usually the Town does not support spot rezoning, as it is contrary to the orderly and proper planning of the Town. Furthermore, the Town is presently undertaking a review of the Town Planning Scheme, which will include a review of the Scheme Text, Maps and all associated Policies relating to planning. In light of the review taking place, it is considered more appropriate to maintain the current density of R20 for the interim period while the Scheme Review is finalised.

At this stage, it would be premature to support any change in density to the current R20 density, until the outcomes of this strategically important document, are finalised and can be taken into account. In addition, it is evident from the consultation and advertising to the local and affected residents within the area that the most desired view is to retain the current density of R20.

Alternative Options for Residents Wishing to Subdivide

A number of the submissions received objecting to the proposal to retain the R20 coding raised the concern that the removal of the option to subdivide properties at R30/40 density would deny the option of subdividing and developing properties, as was the original intention when the properties in the area were purchased.

Clause 20 of the TPS No.1 provides for an increase in density, up to a maximum of 50 percent, at the discretion of the Council in certain instances. Clause 27 of the TPS No. 1 provides for variations to Scheme provisions for heritage places. Clause 40 of the TPS No. 1 also allows the Council to approve an application that does not comply with a standard or requirement.

These clauses still provide some, although not all, property owners within the Eton Locality subject of this Scheme Amendment, with the option to apply to subdivide properties up to an additional 50 percent of the prescribed density, on the basis of the proposed development complying with one of the sub-clauses outlined in Clause 20 (2). Notably, historically, this clause has been reluctantly applied by the Council.

Claims for Compensation

A number of the objections received stated that if the amendment was to be adopted and R20 retained, legal action will be taken to seek compensation from the Town for 'Injurious Affection'. In addition, some of the objectors noted in submissions that properties were purchased in the area on the premise that the properties were subdivisible post-July 2006 and that the Town advised that there were no changes in zoning proposed, at the time of enquiries.

Legal advice has been sought with respect to both of these matters from the Town's solicitors. In summary, the following advice was provided:

Injurious Affection

Section 12(2) of the Town Planning and Development Act (TPDA) states:

"12. Compensation not recoverable in certain cases

.....

(2) Land or property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme which, with a view to securing the amenity, health or convenience of the area included in the scheme, or any part thereof, prescribed the space about, or limit the number of, or prescribe the height, location, purpose, dimensions, or general character of buildings, or any sanitary conditions in connection with buildings....."

The intention of Scheme Amendment No.22 is to preserve the amenity of the Eton Locality by restricting the number of dwellings within the Locality, by maintaining the R20 density coding. Section 12 (2), clearly states that in this context, whereby '*a town planning scheme...with a view of securing the amenity....limit[s] the number ofbuildings*' is excluded from any claims for compensation and is, therefore, not deemed to be injurious affection.

Furthermore, Section 12 (2a) (b) of the TPDA regards any land affected by any provision of a Scheme, which deals with matters listed in Clause 10 of the First Schedule to the TPDA, as not amounting to injurious affection. Clause 10 relates to the 'classification or zoning', which is the subject matter of Amendment No.22 that is the down coding of zoning. This confirms further, that the argument for compensation would not be payable.

Representations

The second matter addressed in the legal advice received from the Town's solicitors was in respect to ratepayers who suggest that they specifically purchased in the Eton Locality for one of the two following reasons:

- (i) the wording of the existing Scheme (containing the sunset clause of July 2006 on the R20 zoning); or
- (ii) representations made by the Town about the continuation of the current Scheme wording (that is, that the sunset clause would be implemented).

Those ratepayers, who solely relied on the wording of the existing Scheme when making a purchase, would not have sufficient grounds to warrant a claim for compensation under the TPDA (Injurious Affection) nor at Common Law.

Those ratepayers who relied on correspondence provided by the Town about the continuation of the current Scheme wording *may* be able to make a claim at Common Law based on the *Trade Practices Act* or *Misrepresentation* (negligence). However, the merits of the claims would require further information being provided to the Town's solicitors for further investigation.

If a claim was made under the circumstances suggested above, it would need to be referred to the Town's Insurer pursuant of the Town's insurance arrangements. The Town's Insurer (subject to indemnity issues) would manage and pay such a claim in any event.

In summary, even if the Town has breached the TPDA or unintentionally misrepresented the situation to prospective purchasers, it is not appropriate to take into account these sorts of matters when dealing with planning matters. It cannot be argued that these legal matters go towards proper and orderly planning. Although regarded as potentially serious in isolation, the threat of litigation is not a proper matter to have regard to in proceeding (or not) with this Amendment.

In light of the above, it is recommended that the Council adopt for final approval, without modification, Amendment No.22 to Town Planning Scheme No.1, in accordance with the Officer Recommendation.

10.1.12 No. 6 (Lot 22) London Street, North Perth - Retention of Non Conforming Use as Showroom/Open Air Display-Possible Rezoning

Ward:	North	Date:	20 March 2006
Precinct:	North Perth, P8	File Ref:	PRO3010; 5.2005.3273.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **DOES NOT SUPPORT** the spot rezoning of No. 6 (Lot 22) London Street, North Perth to accommodate the use of showroom and open air display area, 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 Town is currently undertaking a review of the Town's Town Planning Scheme No. 1, and any further rezoning consideration of the subject property should be considered as part of that review;*
 - (c) *the Town and the Western Australian Planning Commission does not support spot rezoning;*
 - (d) *there is opportunity to locate the use at other appropriately zoned commercial sites, which are recommended in the findings of the Town's Economic Development Strategy;*
 - (e) *the non-conforming use has expired, and any future use should be in conformity with the uses permissible under the current Residential zoning applying to the subject site;*
 - (f) *the non-compliance with the Town's Policy relating to Non-Residential/Residential Development Interface, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses;*
 - (g) *the rezoning will create an undesirable precedent in the area; and*
 - (h) *consideration of the objections received during the advertising of the continuation to the non-conforming planning application refused by the Council at its Ordinary Meeting held on 28 February 2006; and*
- (ii) **ADVISES** the owner and occupier of No. 6 (Lot 22) London Street, North Perth that the zoning of the subject site and the entire Town of Vincent will be considered as part of the current review of the Town's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Landowner:	Nicotra Developments Pty Ltd
Applicant:	ACB Consulting Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Non-conforming showroom/open air display (current status subject to determination as per this Agenda report)
Use Class:	Showrooms and Open Air Display
Use Classification:	"X"
Lot Area:	2023 square metres
Access to Right of Way	Not applicable

BACKGROUND:

The subject site is occupied by a single-storey showroom and outbuilding (former Midland Brick Display Centre). Current vehicular access to the subject site is via Haynes Street.

- 17 October 2003 Property transferred to current owner as stated on certificate of title for the subject property.
- 23 August 2005 Letter received from Midland Brick states that the company ceased staffing the above site in September 2000, with the signage and displays maintained after September 2000 to gain exposure and sales enquiries. From October 2000 to August 2003, the premises were leased to a "Nuts and Bolts" company.
- 23 August 2005 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing showroom and outbuilding, but to refuse the proposed construction of three-storey mixed use development comprising eight (8) multiple dwellings, eating house, offices, shops and associated basement car parking proposed on the subject property.
- 24 October 2005 The Town served Written Directions (Notices) to both the owner and operator of the showroom/open air display business at the above site to immediately stop and not recommence the use of the site for the purpose of a showroom and open air display.

- 8 September 2005
and 26 October 2005 The Town had written to the owner of the subject site and owner's consultant requesting the submission of additional information and evidence to support the current use of the site as a showroom and open air display which is operating as a non-conforming use at the above site, including when the current use commenced operation on-site and copies of electricity invoices.
- 7 November 2005 The Town requested the owners and occupiers to submit a statutory declaration detailing all supporting information and documentation to substantiate that the non-conforming showroom/open air display area use on the property has not been discontinued for a period of six (6) consecutive months.
- 7 December 2005 Directions Hearing at the State Administrative Tribunal (SAT) as a result of the applicant (operator) of the business at the above site having lodged a review application (Ref: DR626 of 2005) with the SAT. As part of the SAT proceedings, the applicant has now lodged a new planning application with the Town for the continued use of the subject site as a non-conforming use and to allow further evidence to be submitted by the applicant.
- 14 February 2006 The Town has received a planning application for 12 multiple dwellings on the above site.
- 8 March 2006 Further Direction Hearing scheduled at SAT.
- 28 February 2006 The Council at its Ordinary Meeting considered the matter and resolved;
- "That;*
- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council DOES NOT ACKNOWLEDGE showroom and open air display area as a non-conforming use on No.6 (Lot 22) London Street, North Perth;*
- (ii) *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 ACB Consulting Pty Ltd on behalf of the owner Nicotra Developments Pty Ltd for retention of non-conforming use as showroom/open air display, at No.6 (Lot 22) London Street, North Perth, and as shown on revised plans stamp-dated 6 January 2006, 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 proposed use is classified as showroom and open air display, which is an "X" use under the Residential zone of the property, and therefore the use is not permitted by the Town's Town Planning Scheme No. 1;*

- (c) *the non-compliance with the Town's Policy relating to Non-Residential/Residential Development Interface, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses; and*
- (d) *consideration of the objections received;*
- (iii) *the Council DELETES the Non-Conforming Use (NCU) No. 31, stated as a showroom/open air display (Midland Brick) at No.6 (Lot 22) London Street, North Perth from the Town of Vincent Non-Conforming Use Register, Appendix No.11 - Stage 1 as the non-conforming use ceased in March 2002; and*
- (iv) *the Council REQUESTS the Chief Executive Officer to further investigate the matter with the view to allowing the existing business to continue including a possible rezoning of the land and that a report be provided to the Council by the end of March 2006."*

DETAILS:

In accordance with the Clause (iv) of the Council's decision at its Ordinary Meeting held on 28 February 2006, the Town's Executive Manager Environmental Services and Manager Planning, Building and Heritage Services have had a meeting with the applicant, Mr. Terry Bush from ACB Consulting Pty Ltd and the lessee of the on-site business on 13 March 2006 in relation to the current unauthorised use on-site (that is, showroom and open air display area), and the option to rezone the land to accommodate the above use on-site. The applicant has stated that he will provide the Town with additional information to further justify the current existence of non-conforming use rights over the subject property. Pending the contents of this additional information, the Town's Officers may seek legal advice on the subject non-conforming use matter. At the time of writing this report (23 March 2006), the additional information has not been provided.

COMMENTS:

The land is currently zoned Residential R30/40 under the Town of Vincent Town Planning Scheme No.1, falls within the North Perth Precinct Scheme Map 8, and is within the Eton Locality Plan 7.

The continuation of the non-conforming use rights is currently being reviewed at the State Administrative Tribunal (SAT). If SAT determines that the above uses currently operating on the subject site has non-conforming use rights, then the use is allowed to continue and will be subject to the non-conforming use standards and requirements of Town of Vincent Town Planning Scheme No.1.

However, if the SAT does not approve the non-conforming use at the above site, the option is for the rezoning (Scheme Amendment) of the above site to a zoning other than a Residential zone to accommodate the above operating uses.

A "spot rezoning" may be defined as any amendment to the Town Planning Scheme that incorporates the rezoning of a lot or lots independently for a specific purpose, as distinct from a comprehensive or major amendment which may incorporate the rezoning of an entire locality, neighbourhood or street block. Accordingly, the proposed amendment is considered to be a spot rezoning. Spot rezoning is considered representative of ad-hoc planning, whereby it is not subject to broader analysis of the Town and the community's strategic vision for the Town.

The Town has commenced the review of Town Planning Scheme No.1 following the consultation component of Vincent Vision 2024, a community visioning project to guide the review. The Scheme review involves a comprehensive and integrated review of all of the Town's densities and zonings and as such, it is the Town's practice not to support any spot rezoning given the risk of prejudicing this process.

The Town's Officers are of the view that a spot rezoning of the subject site from Residential R30/40 to another zone is not supportable given the risk of prejudicing this process including 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 Town is currently undertaking a review of the Town's Town Planning Scheme No. 1, and any further rezoning consideration of the subject property should be considered as part of that review;
- (c) the Town and the Western Australian Planning Commission does not support spot rezoning;
- (d) there is opportunity to locate the use at other appropriately zoned commercial sites, which are recommended in the findings of the Town's Economic Development Strategy;
- (e) the non-conforming use has expired, and any future use should be in conformity with the uses permissible under the current Residential zoning applying to the subject site;
- (f) the non-compliance with the Town's Policy relating to Non-Residential/Residential Development Interface, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses;
- (g) the rezoning would create an undesirable precedent in the area; and
- (h) consideration of the objections received during the advertising of the continuation to the non-conforming planning application refused by the Council at its Ordinary Meeting held on 28 February 2006.

It is recommended that the Council does not support a rezoning of the above site for the above mentioned reasons.

10.1.10 Nos. 69 and 71 (Lots 304 and 305 D/P: 2334) London Street, Mount Hawthorn- Proposed Survey Strata Subdivision

Ward:	North	Date:	21 March 2006
Precinct:	Mount Hawthorn; 01	File Ref:	73-06; 7.2006.10.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
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 Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by Property People Surveying on behalf of the owners D F Licastro & R J Good for the proposed Survey Strata Subdivision, of Nos. 69 and 71 (Lots 304 and 305 D/P: 2334) London Street, Mount Hawthorn, and as shown on plans stamp-dated 30 January 2006, for the following reasons:

- (i) the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the minimum and average site area requirements pertaining to the R20 coding of the Residential Design Codes, and the Town's Policy relating to the Eton Precinct, respectively.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.20pm.
Cr Messina returned to the Chamber at 7.21pm.

Journalist Giovanni Torre left the meeting at 7.23pm.

Moved Cr Farrell, Seconded Cr Torre

That the Item LIE ON THE TABLE to allow for further consultation with the applicant to ensure that the development conforms with the Town Planning Scheme and in particular the 50% bonus.

CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For	Against
Mayor Catania (2 votes)	Cr Chester
Cr Farrell	Cr Ker
Cr Messina	Cr Lake
Cr Torre	Cr Maier

(Cr Doran-Wu was an apology.)

Landowner:	D F Licastro & R J Good
Applicant:	Property People Surveying
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House on Each Lot
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	Total: 1316 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 subdivision of Lots 304 and 305 into four (4) lots. The size of the proposed 4 lots ranges from 288 to 314 square metres. The applicant intends to retain and refurbish the two existing single storey dwellings on proposed front Lots 1 and 4. Two, two storey dwellings are intended for proposed Lots 2 and 3, located at the rear of proposed Lots 1 and 4.

The applicant's submission, which includes indicative sketch plans of the above proposed development, 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 R20	4 dwellings R30.4 52% density bonus	Not supported- proposed development does not comply with the average and minimum site area per dwelling requirements of the R20 density code, and the proposal involves a density bonus greater than 50 per cent under clause 20 of TPS 1.
Minimum Lot/Site Area	440 square metres	288 square metres	Not supported- proposed minimum lot/site area is significantly less than the requirement for the R20 code.

Average Lot/Site Area	500 square metres	329 square metres	Not supported- proposed average lot/site area is significantly less than the requirement for the R20 code.
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
The proposed subdivision did not require any community consultation.			
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:

Prior to the promulgation of Amendment No. 11 to TPS No. 1, the subject properties were zoned Residential R30. The proposed subdivision generally complies with the density requirements of the previous R30 coding with the application of clause 20 of TPS No. 1. The residential density along other major roads in the Town is generally R60.

Notwithstanding the above, in light of the density variations and the fact that the predominant land use is single residential within the immediate vicinity of the proposed subdivision, the proposed subdivision is considered to have a detrimental effect on the existing streetscape and is, therefore, recommended for refusal.

10.1.11 No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth - Proposed Home Occupation - Video Camera and Home Editing Tuition

Ward:	South	Date:	17 March 2005
Precinct:	Banks; P15	File Ref:	PRO1262; 5.2005.3295.1
Attachments:	001		
Reporting Officer(s):	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 T Edmonds on behalf of the owner Free Serbian Orthodox Church & School Congregation for proposed Home Occupation - Video Camera and Home Editing Tuition, at No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth and as shown on plans stamp-dated 24 November 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; and*
- (ii) the non-compliance with the Town's Town Planning Scheme No. 1 as the proposed home occupation results in the requirement for a greater number of parking facilities than normally reserved for a single dwelling.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Torre

That the Item be DEFERRED to allow for further community consultation.

CARRIED (6-2)

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

(Cr Doran-Wu was an apology.)

Landowner:	Free Serbian Orthodox Church & School Congregation
Applicant:	T Edmonds
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"AA"
Lot Area:	491 square metres
Access to Right of Way	North-eastern side, 4 metres wide, sealed, privately owned

BACKGROUND:

On 23 August 1999, the Council resolved to conditionally approve the demolition of an existing single dwelling and the development of three (3), two-storey grouped dwellings.

DETAILS:

The applicant proposes to operate a home occupation from the subject land (ground floor living room) to teach clients how to use domestic video cameras and editing software.

The proposed hours are Monday 9.30am to 12.30pm, Wednesday 9.30am to 12.30pm and 7pm to 10pm, and Saturdays 9.30am to 4.30pm. A maximum of four (4) clients at any one time and no employees are proposed.

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
Car Parking Bays for Proposal	6 on-site bays- 2 bays for the residential component of the dwelling and 4 car parking bays for clients.	2 on-site car parking bays and 1 to 2 on-street car parking bays (permits).	Not supported- see notes in 'Comments' section below.
Consultation Submissions			
The proposal was not advertised as refusal is recommended based on inadequate car parking bays for the proposal.			
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 will result in the requirement for a greater number of car parking facilities than normally reserved for a single dwelling, which is contrary to the requirements of the Town's Town Planning Scheme No. 1 in relation to the definition of Home Occupations. Additionally, the Town's Manager Ranger Services and Community Safety advised that the applicant is entitled to one or possibly two on-street parking permits for visitors, however, the intent of these permits are not for businesses purposes.

In light of the above, the proposal is not considered acceptable based on inadequate on-site car parking provisions and refusal is recommended.

10.1.4 No. 94 (Lot 34- D/P: 48647) Flinders Street, Mount Hawthorn- Proposed Two Storey Single House

Ward:	North	Date:	22 March 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3447; 5.2006.27.1
Attachments:	001		
Reporting Officer(s):	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 Westcourt Ltd on behalf of the owner Bridgetime Investments Pty Ltd for proposed Two Storey Single House, at No. 94 (Lot: 34 D/P: 48647) Flinders Street, Mount Hawthorn and as shown on the amended plans stamp-dated 17 March 2006, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 96 (Lot 39) Flinders Street and No. 92 (Lot 33) Flinders 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. 96 (Lot 39) Flinders Street and No. 92 (Lot 33) Flinders Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Flinders 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; and*

(iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (a) *the upper floor, including the WIR, being setback a minimum of 6 metres from the front boundary; and*
- (b) *any new retaining walls and fill not exceeding 500 millimetres in height from the natural ground level.*

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Landowner:	Bridgetime Investments Pty Ltd
Applicant:	Westcourt Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	271 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two storey 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	N/A	N/A	Noted
Retaining and Fill	500 millimetres	Retaining and fill along the front boundary up to 1.04 metres high.	Not supported- the retaining and fill within the front setback area is not supported as it will create an undue impact on the amenity of the

			street, as the front garden will sit up to 1.04 metres higher than the level of the footpath and this is not considered necessary as the garden can gradually slope down to the street without the need for retaining, or the applicants can reduce the finished floor level of the proposed dwelling.
Buildings on Boundaries	One boundary wall is permitted per property, 2/3 the length of the common boundary, with an average height of 3 metres and a maximum height of 3.5 metres.	Two boundary walls are proposed. Southern side averages 3.1 metres in height.	Supported- the applicant has significantly reduced the height of both of the boundary walls almost into compliance with the requirements of the Residential Design Codes, and one of the boundary walls on the northern side abuts a pedestrian access way to adjoining Lot 39. Given the above, the boundary walls are not considered to create an undue impact on the amenity of the adjoining properties.
Setbacks:			
Upper floor-southern side	1.8 metres	1.65 metres to 2.1 metres	Supported- given the minor variation, the proposal is not considered to create an undue impact on the amenity of the neighbouring property.
Upper floor-front elevation	6 metres	3.6 metres to WIR.	Not supported- the upper floor setback variation does not comply with the Town's Ellesmere Locality Policy, and the variation is considered to create an undue impact on the amenity of the streetscape. Given this, the variation is therefore not supported.

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 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 proposal is considered acceptable, subject to standard and appropriate conditions to ensure that the upper floor setbacks, and the proposed retaining and fill, are amended in accordance with the requirements of the Residential Design Codes and the Town's Policies.

10.1.8 No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	16 March 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3086; 5.2006.110.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman John Giorgi

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 owner CW Rice for proposed Carport Addition to Existing Single House, at No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 22 December 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; and*
- (ii) the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Doran-Wu was an apology.)

Landowner:	CW and HM Rice
Applicant:	C Rice
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:	453 square metres
Access to Right of Way	East side, 4.6 metres wide, sealed, Town owned

BACKGROUND:

On 14 June 2005, the Council approved the partial demolition of and alterations and two-storey additions to the existing single house and refused the proposed addition of a double carport from Shakespeare Street due to its non-compliance with the Town's Vehicular Access and Street Setback Policies.

On 14 February 2006, the Council resolved to refuse an identical application (5.2005.3353.1) for a proposed carport addition. Prior to the meeting the applicant/owner submitted a letter to the Town requesting deferral of the item from the meeting as the applicant/owner was going to the Eastern States and would not be able to attend the meeting. This letter was tabled at the Ordinary Meeting of Council and circulated to Elected Members. The applicant has alleged that it was not adequately considered by the Council. In light of this, the applicant has submitted a new application for consideration. The Minutes of the meeting reveal that the Item was approved "*en-bloc*" (ie recommended for refusal).

DETAILS:

The proposal involves the addition of a double carport to the existing single house. The carport is proposed to be located within the front setback area.

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 to northern side	1.5 metres	1.36 metres	Supported – minor setback variation sits in line with the existing building line and does not have an undue impact on the amenity of the area.
Vehicular Access:	Access to on-site car parking, where available, solely from a right of way (ROW).	Access from Shakespeare Street (not ROW) to proposed carport.	Not supported – non-compliant with Town's Vehicular Access and Street Setback Policies, as there is sufficient room for two car parking bays at the rear with access from the ROW.
Consultation Submissions			
The proposal was not advertised as refusal is recommended.			
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 variation to the Town's Vehicular Access and Street Setback Policies is not supported, as it is considered that there is sufficient room for a new carport or garage at the rear of the property, or for one covered bay in the existing garage/ workshop and one open bay next to the garage, with access from a Town-owned sealed right of way. Compliance with the provisions of the Town's Policies will be a positive contribution to the adjoining streetscape along Shakespeare Street and the locality in general.

In light of the above, the proposal for a carport addition to the existing single house is not supported and, therefore, refusal is again recommended.

**10.1.9 No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn-
Proposed Two Storey Single House**

Ward:	North	Date:	21 March 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3024; 5.2006.112.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman John Giorgi

CEO & EMEDS 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 Michael Bradshaw Architect on behalf of the owner C L Stewart for proposed Two Storey Single House, at No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn and as shown on plans stamp-dated 14 March 2006, 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 Kalgoorlie 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*
- (iii) first obtaining the consent of the owners of No. 12A Kalgoorlie 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. 12A Kalgoorlie Street in a good and clean condition.*

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 Michael Bradshaw Architect on behalf of the owner C L Stewart for proposed Two Storey Single House, at No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn and as shown on plans stamp dated 14 March 2006, 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 Design for Climate requirements of the Residential Design Codes;*~~
- ~~*(iii) — the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*~~
- ~~*(iv) — consideration of the previous objections received.*~~

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Doran-Wu was an apology.)

Landowner:	C L Stewart
Applicant:	Michael Bradshaw Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	313 square metres
Access to Right of Way	N/A

BACKGROUND:

17 January 2006

The Council at its Ordinary Meeting held on 17 January 2006 considered an application for a proposed two storey single house and resolved that "*the item be Deferred at the request of the applicant*".

28 February 2006 The Council at its Ordinary Meeting held on 28 February 2006 resolved to refuse the application.

DETAILS:

The proposal involves the construction of a two storey single house with a two storey boundary (parapet) wall on the southern boundary abutting a proposed two storey single house at No. 12A Kalgoorlie Street. The planning application for the proposed two storey single house at No. 12A Kalgoorlie Street was the subject of a separate application, approved by the Council on 28 February 2006. It is noted that the two properties at No.12A and No. 12B Kalgoorlie Street are under different ownership. A number of Elected Members have subsequently met with the applicant. The applicant has requested this matter be further considered by the Council.

The current application has replaced the metal tiltadoor to the garage with a wrought iron tiltadoor and the solid timber gate with a wrought iron gate.

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: Northern Elevation - Ground floor	1.5 metres	Nil to entry	Supported - no undue impact considering existing setback of southern neighbour being nil.
- First floor	2.4 metres	Nil to robe and ensuite, 2 metres to bedroom 2 and 1.95 metres to terrace.	Supported - no undue impact considering existing setback of northern neighbour being nil.
Southern Elevation - Ground floor	1.5 metres	Nil to garage, laundry, dining and kitchen.	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.
- First floor	2.1 metres	Nil to bedroom 1, stairs and bedroom 2	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.

<p>Privacy:</p> <p>Southern Elevation</p> <p>- Terrace (rear)</p> <p>7.5 metres</p> <p>Northern Elevation</p> <p>- Terrace (front)</p> <p>7.5 metres</p>	<p>1.5 metres to southern boundary</p> <p>2 metres to northern boundary</p>	<p>Supported - considered by adjoining neighbour to have no undue impact.</p> <p>Supported - overlooks parapet wall and front setback area and considered to have no undue impact.</p>
<p>Overshadowing:</p> <p>- Southern property</p> <p>Shadow cast at midday, 21st June onto adjoining property shall not exceed 35 per cent of the site area.</p>	<p>59 per cent (185 square metres) of the southern property.</p>	<p>Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), spacing and subsequent overshadowing over southern boundary considered to have an unnecessary undue impact on adjoining neighbour (even when considering that their support was received) and ecologically sustainable principles .</p>
Previous Consultation Submissions		
<p>Support (1)</p>	<ul style="list-style-type: none"> Written consent given by southern adjoining neighbour for all variations. 	<p>Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, - see Officer Comments above.</p>
<p>Objection (3)</p>	<ul style="list-style-type: none"> Garage very dominant to streetscape. 	<p>Not supported - garage is setback 6 metres in accordance with the Town's Street Setbacks Policy.</p>

	<ul style="list-style-type: none"> • Overlooking from terrace. 	Not Supported - see Officer Comments above.
	<ul style="list-style-type: none"> • Effect on streetscape and character of the area. 	Not supported - proposal is considered to be appropriate contemporary development in the area.

* 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 proposed development, by reason of its scale, massing, and design of its component structures would result in an overdevelopment of the site. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal.

CEO & EMEDS' COMMENTS:

The Town's Chief Executive Officer and Executive Manager Environmental and Development Services are aware that personal extenuating circumstances relate to this application, however, these are not planning grounds for consideration. The adjoining land owner at No 12A Kalgoorlie Street has not objected to the variations including the overshadowing. The application therefore does have merit and is recommended for approval by the Chief Executive Officer and Executive Manager Environmental and Development Services.

10.1.1 Further Report - No. 131 (Lot 101 D/P: 82816) Scarborough Beach Road, Mount Hawthorn - Municipal Heritage Inventory - Application for Amendment to Management Category

Ward:	North	Date:	20 March 2006
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO3416
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council APPROVES the amendment to the Management Category of the place at No. 131 (Lot 101 D/P: 82816) Scarborough Beach Road, Mount Hawthorn from Category B - Conservation Recommended to Category D - Recording Required, on the Municipal Heritage Inventory, subject to the following:

- (i) in the event of the subject place being approved for demolition, a plaque or an alternative form of interpretation that recognises the historic, social and scientific values of the place at No. 131 Scarborough Beach Road, be incorporated into any future redevelopment of the site, and details shall be submitted to and approved by the Town at the development approval stage.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

**CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania (2 votes)	Cr Chester
Cr Maier	Cr Farrell
Cr Messina	Cr Ker
Cr Torre	Cr Lake

(Cr Doran-Wu was an apology.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 14 March 2006 resolved that the Item be DEFERRED until the Municipal Heritage Inventory (MHI) is determined. This further report is being presented to the Council as there was some discussion regarding the status of the Management Categories, for places listed on the original MHI, at the Ordinary Meeting of Council held on 14 March 2006. The matter is being presented for consideration in accordance with Heritage Management Policy No. 3.6.5.

The original MHI, which was compiled by Hocking Planning and Architecture in 1995 referred to "Management Categories" as "Management Recommendations". In the past "Management Recommendations" provided a descriptive narrative of the place's heritage status as opposed to a single management category, guided by adopted policies, which is the case currently. In 1995, the place at No.131 Scarborough Beach Road was included on the then Draft MHI with a management recommendation, which stated:

"Retain and Conserve if possible; endeavour to conserve the significance of the place through the provision of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition."

The place at No.131 Scarborough Beach Road was endorsed by the Council for inclusion onto the MHI in 1997 as part of an update of the Inventory, which is required under clause 45 (1) of the Heritage of Western Australia Act 1990.

The above narrative description of the original Management Recommendation is considered to correlate to the current "Management Category B". The difficulties of not maintaining place record forms and Management Categories in the past is illustrated in this matter.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 14 March 2006:

"OFFICER RECOMMENDATION:

That;

the Council APPROVES the amendment to the Management Category of the place at No. 131 (Lot 101 D/P: 82816) Scarborough Beach Road, Mount Hawthorn from Category B - Conservation Recommended to Category D - Recording Required, on the Municipal Heritage Inventory, subject to the following:

- (i) in the event of the subject place being approved for demolition, a plaque or an alternative form of interpretation that recognises the historic, social and scientific values of the place at No. 131 Scarborough Beach Road, be incorporated into any future redevelopment of the site, and details shall be submitted to and approved by the Town at the development approval stage.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That the Item be DEFERRED until the Municipal Heritage Inventory is determined

CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

PURPOSE OF REPORT:

To amend the Management Category listing of the place at No.131 Scarborough Beach Road, Mount Hawthorn from Category B - Conservation Recommended to Category D - Recording Required, on the Municipal Heritage Inventory, in accordance with the Town's Heritage Management Policy No.3.6.5.

<i>Landowner:</i>	<i>A M & J E & M E Sangster</i>
<i>Applicant:</i>	<i>J E Sangster</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Office Building</i>
<i>Use Class:</i>	<i>Office Building</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>737 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 5 metres wide, sealed, Town owned</i>

BACKGROUND:

1995 The place at No.131 Scarborough Beach Road was nominated for inclusion onto the Town's Municipal Heritage Inventory (MHI). At this time, the owners of the place objected to this proposal and the place was not included onto the Inventory.

22 December 1997 In 1997, the owners of the subject property resolved to support the nomination of the subject place onto the MHI. The inclusion of the place at No.131 Scarborough Beach Road onto the MHI was considered and approved by the Council at its Ordinary Meeting held on 22 December 1997.

23 November 2005 The Town's Heritage Officer received a letter and an Application for Deletion Form from the owner of the subject property requesting that the place be deleted from the MHI, on the basis that the extensive alteration and additions undertaken to the place have eroded its cultural heritage significance. The owners also suggested that the significance of the place is no longer reflected directly in the buildings structure or physical appearance.

The Town's Heritage Officers advised the owner that there may be an opportunity, under the Town's Heritage Management Policy No.3.6.5, to amend the Management Category of the subject place from Category B - Conservation Recommended to Category D - Recording Required.

27 February 2006 The Town received an Application for Amendment to Management Category Form from the owner of the subject place.

DETAILS:

In response to the initial request from the owner to delete the place at No.131 Scarborough Beach Road, from the MHI, a detailed Heritage Assessment was undertaken, by the Town's Officers to review the place's current status of significance.

In accordance with the Heritage Management Policy No.3.6.2, a place will be considered to be significant to the locality and worthy of inclusion into the Town's MHI if one or more of the criteria are found to have at least some significance under the headings Aesthetic, Historic, Scientific/Research or Social Values. The Heritage Assessment found the place to be of significance for the following reasons:

The place has some historic value for its association with architect Harold Boas, who is a renowned architect, town planner and Jewish community leader in Western Australia.

The place has little to some historic value for its association with several doctors who practised in the Mount Hawthorn area, in particular Dr Harold Nash, who had the place constructed in 1935, Dr Hames Hannibal Young and Dr Malcolm Ross Milne, who became second in charge of the Anaesthetic Department at Royal Perth Hospital.

The place has little to some social value as servicing the Mount Hawthorn community as a prominent doctor's surgery from 1935 to 1969.

As seen above, the Heritage Assessment has found the place to be of some historic significance, which meets the threshold for entry onto the MHI according to Heritage Management - Assessment Policy No.3.6.2. However, the Assessment revealed that the subject place has had significant alterations and additions over the years to accommodate changes of use. The alterations include: the removal of the original front verandah and the construction of two storey replacement; the original garage has been enclosed and is now used as a room; the original floor plan has been obscured by the removal of the majority of the internal walls; the internal fixtures and fitting have been removed. These alterations have distorted and obscured the significance of the place and have adversely affected its authenticity.

The subject property is considered to have some historic cultural heritage values, which is not reflected directly in the building's structure or physical appearance. The Heritage Management - Interpretative Signage Policy No.3.6.4 provides 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. In accordance with this Policy, if a building is approved to be demolished the applicant and/ or owner of the building are to be notified that a plaque or an alternative form of interpretation is to be displayed on the site of the existing building.

COMMENTS:

A detailed Heritage Assessment for the place at No.131 Scarborough Beach Road, Mount Hawthorn and a copy of the Application for Amendment to Management Category Form are contained in an attachment to this report.

In light of the above, it is recommended that the Council amend the Management Category listing of the subject place on the MHI from Category B - Conservation Recommended to Category D - Recording Required, in accordance with the Officer Recommendation, and that in the event of a development application for demolition being received by the Town, the requirements of the Heritage Management - Interpretative Signage Policy No.3.6.4 be applied."

Mayor Catania departed the Chamber at 7.54pm. Deputy Mayor – Cr Farrell assumed the Chair.

10.1.2 No. 28 (Lot: 103 D/P: 71014) Melrose Street, Leederville- Proposed Reconsideration of Condition (ix) of Previous Planning Approval for Proposed Demolition of Existing Single Storey Dwelling and Construction of Three (3) Two Storey Grouped Dwellings

Ward:	North	Date:	21 March 2006
Precinct:	Leederville; P03	File Ref:	PRO1646; 5.2006.31.1
Attachments:	001		
Reporting Officer(s):	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 the applicant and owner A M Bruechert for proposed Reconsideration of Condition (ix) of previous Planning Approval for Proposed Demolition of Existing Single Storey Dwelling and Construction of Three (3) Two Storey Grouped Dwellings, at No. 28 (Lot: 103 D/P: 71014) Melrose Street, Leederville, and as shown on plans stamp-dated 25 January 2006, subject to:

- (i) *condition (ix) of Planning Approval 00/33/1541 granted at the Ordinary Meeting of Council held on 25 March 2003 and issued on 2 April 2003 being deleted and replaced with the following condition:*

“a detailed landscaping plan, including a schedule of plant species, the mature tree screening dense foliage shown on the approved plans being of appropriate screening species and a minimum of five (5) metres high when planted, and the landscaping and reticulation of the Melrose 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). The above mature tree screening dense foliage is not required if prior to the first occupation of the development the two (2) windows to the master suite on the eastern elevation of units is screened with a permanent obscure material and be non-openable to a minimum 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 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 a major opening as defined in the Residential Design Codes 2002.

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

“(i) condition (ix) of Planning Approval 00/33/1541 granted at the Ordinary Meeting of Council held on 25 March 2003 and issued on 2 April 2003 being deleted and replaced with the following condition:

(a) a detailed landscaping plan, including a schedule of plant species, ~~the mature tree screening dense foliage shown on the approved plans being of appropriate screening species and a minimum of five (5) metres high when planted,~~ and the landscaping and reticulation of the Melrose 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). ~~The above mature tree screening dense foliage is not required if; and~~

(b) prior to the first occupation of the development the two (2) windows to the master suite on the eastern elevation of units is screened with a permanent obscure material and be non-openable to a minimum 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 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 a major opening as defined in the Residential Design Codes 2002.”

Debate ensued.

AMENDMENT CARRIED (6-1)

For
Cr Chester
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Torre

Against
Cr Messina

(Cr Doran-Wu was an apology. Mayor Catania was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu was an apology. Mayor Catania was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.2

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 applicant and owner A M Bruechert for proposed Reconsideration of Condition (ix) of previous Planning Approval for Proposed Demolition of Existing Single Storey Dwelling and Construction of Three (3) Two Storey Grouped Dwellings, at No. 28 (Lot: 103 D/P: 71014) Melrose Street, Leederville, and as shown on plans stamp-dated 25 January 2006, subject to:

- (i) condition (ix) of Planning Approval 00/33/1541 granted at the Ordinary Meeting of Council held on 25 March 2003 and issued on 2 April 2003 being deleted and replaced with the following condition:*
 - (a) a detailed landscaping plan, including a schedule of plant species, and the landscaping and reticulation of the Melrose 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*
 - (b) prior to the first occupation of the development the two (2) windows to the master suite on the eastern elevation of units is screened with a permanent obscure material and be non-openable to a minimum 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 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 a major opening as defined in the Residential Design Codes 2002.*

Landowner:	A M Bruechert
Applicant:	A M Bruechert
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	577 square metres
Access to Right of Way	N/A

BACKGROUND:

On 25 March 2003, the Council resolved to approve an application for the proposed demolition of the existing single storey dwelling and construction of three (3) two storey grouped dwellings, subject to standard and appropriate conditions.

DETAILS:

The applicant/ owner has requested a reconsideration of condition (ix) of the previous Development Application (00/33/1541) as the applicant/ owner proposes to screen the awning windows to the master suite with obscure glazing instead of preventing overlooking with a line of trees along the eastern side boundary.

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	0.648	Noted.
All other non-compliant matters were addressed in Item 10.1.18 to Ordinary Meeting of Council held on 25 March 2003.			
Consultation Submissions			
Advertising was not considered necessary as the proposed screening to the master suite windows ensures compliance with the Residential Design Codes privacy requirements.			
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 proposed amendment of condition (ix) of the previous approval relating to screening of the master ensuite windows with mature trees is considered acceptable, subject to a standard screening condition to ensure that the windows are obscure and fixed to 1.6 metres above the finished floor level, and that the awning part of the window can only be opened up to a maximum of 20 degrees.

The Presiding Member requested that Item 10.1.20 be brought forward as there was a member of the public awaiting consideration of this Item.

Moved Cr Chester, Seconded Cr Ker

That Item 10.1.20 be brought forward.

CARRIED (7-0)

(Cr Doran-Wu was an apology. Mayor Catania was absent from the Chamber and did not vote.)

10.1.20 No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Additions and Alterations to Existing Hotel, Bottle Shop and Alterations to Car Parking Area and Crossovers

Ward:	South	Date:	22 March 2006
Precinct:	Oxford Centre; P 4	File Ref:	PRO0630; 5.2005.3318.1
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 Taylor Robinson Architects Pty Ltd on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed Additions and Alterations to Existing Hotel and Bottle Shop and Alterations to Car Parking Area and Crossovers, at No. 742(Lot 30) Newcastle Street, Leederville, and as shown on plans stamp-dated 5 December 2005, 9 December 2005 17 January 2006, 15 March 2006 and 21 March 2006, subject to the following conditions:

- (i) a detailed management plan that addresses the control of noise, traffic, car parking, litter and antisocial behaviour (to reasonable levels) associated with the existing, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the western balcony Area 6 on the upper floor being screened on the western side with a solid wall to a height of 1.8 metres from the finished balcony floor level; and*
 - (b) significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls.*

The revised plans shall not result in any greater variation to the requirements of the Town Planning Scheme No.1 and the Town's Policies;

- (iii) *the development and any openings to the balconies 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 and report are to be at the applicant's/owner(s)' costs;*
- (vi) *the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter 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 incurred for removal of the approved works when the Other Regional Road Reservation along Vincent Street is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ix) *doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets;*
- (x) *a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xi) *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;*

- (xii) *The hours of operation for the balcony Area 5 shall be limited to as follows:*
- Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*
- The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per attachment dated 21/3/06 for the proposed ground floor and upper floor trading hours which currently are subject to an ongoing Extended Trading Permit as follows:*
- Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm; inclusive.*
- However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;*
- (xiii) *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;*
- (xiv) *a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, 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);*
- (xv) *prior to the first occupation of the development, eight (8) class- one or two, and eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) *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);*
- (xvii) *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;*
- (xviii) *visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*

- (xix) *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;*
- (xx) *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 Vincent and Newcastle Streets;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xxii) *the maximum floor space shall be limited as follows:*
- (a) *hotel - 1,671 square metres of public floor area; and*
 - (b) *bottle shop - 250 square metres of gross floor area.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That this Item be DEFERRED to allow an Elected Members' Forum to be held.

CARRIED (7-0)

(Cr Doran-Wu was an apology. Mayor Catania was absent from the Chamber and did not vote.)

Landowner:	Argyle Holdings Pty Ltd, Tegra Pty Ltd & others
Applicant:	Taylor Robinson Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): District Centre and Other Regional Road.
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	5367 square metres
Access to Right of Way	South of car park side, 3 metres wide, sealed, Town owned

BACKGROUND:

23 August 1999 The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).

- 12 December 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.
- 28 May 2002 The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.
- 25 June 2002 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.
- 7 October 2003 The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.
- 22 June 2004 The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table" which involved increasing the car parking requirements for hotel from 1 car bay per 4.5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.
- 10 August 2004 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.
- 14 December 2005 The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.

DETAILS:

The applicant seeks approval for additions and alterations to existing hotel and bottle shop and alterations to car parking area and crossovers, involving the removal of the stage area, internal refurbishments, redesign of the rear car park, new upper floor deck area (balconies), and facade east of the transformer onsite along the Newcastle Street.

The applicant has submitted the following information (attached) in support of the proposal, which is summarised as follows:

- The “new infill” along Newcastle Street is not considered as a building, but rather as an enclosure. The owners will be looking at developing the eastern area with a more intensified development in the medium to longer term.
- The existing box awning is deemed non-original and is proposed to be replaced with a light weight equivalent. As the eastern section is considered not a built form, the requirement of an awning is structurally and aesthetically impractical.
- The current proposal will provide a greater variety of food, similar to the Brisbane Hotel, to attract a more “mature” patron base and increased outside areas (alfresco) to relate to both Newcastle and Vincent 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	Noted
No of Storey (Building)	2 storeys	Existing two-storey building being retained and additional ground floor area.	Supported-as the additional internal area associated with the hotel is not considered as a building, but rather as an enclosure along Newcastle Street. The applicant has indicated that in the medium to longer term a more intensified would be considered for the eastern side of the hotel.
Awning	For new extensions	Not provided	Supported-the structure is an open area and considered as enclosure, and as such would not cause undue impact on the streetscape.
Drive-Through Bottle Shop	<ul style="list-style-type: none"> • Additions within lot boundaries • 40 per cent clear glazing along Vincent Street frontage 	<ul style="list-style-type: none"> • Partly within the area reserved for future road widening along Vincent Street. • Less than 40 per cent clear glazing 	<ul style="list-style-type: none"> • Supported- See "Comments" section • Supported-as the applicant is proposing glass along the Vincent Street frontage, and has stated that various types of quality graphic images (example attached) will be installed behind the reflective glass due to the nature of the business and the associated security concerns.
Consultation Submissions			
Support (5)	<ul style="list-style-type: none"> ▪ No additional comments we stated in the submission forms received 		Noted

Objection (1)	<ul style="list-style-type: none"> ▪ Objection to the balcony to the western side of the hotel, as the “fact” being user of this balcony (area 6) are likely to throw cans, bottles and rubbish onto the roof of No.128 Oxford Street. This type of problem has been previously experienced, as such the adjoining land owners do not want this problem to increase further. 	Supported-as such a condition has been recommended that a 1.8 metre wall is built along the western boundary to balcony (area 6).
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

Car Parking

Requirements	Required No. of Car bays
Retail: 1 car bays per 15 square metres of gross floor area (proposed 250 square metres). Hotel: 1 space per 3.8 (1671) square metres of public floor area.	16.67 car bays 439.74 car bays
Note: 1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.	
Total car parking required before adjustment factor (nearest whole number)	456 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with car bays). ▪ 0.90 (District Centre). ▪ 0.95 (bicycle facilities). 	(0.49419) 225.35 car bays
Minus 101 car bays provided on site and 366 car bays shortfall as stated in the "Comments" section.	467 car bays
Resultant surplus	241.65 car bays

Bicycle Parking

Requirements	Required	Provided
Retail (Bottle Shop) 1 space per 300 (proposed 250) square metres gross floor area (class 1 or 2). 1 space per 200 (proposed 150) square metres gross floor area open to public (class 3).	0.83 space. 0.75 space.	Location indicated on site plan (numbers not provided).
Hotel 1 space per 25 (proposed 120) square metres of bar floor area and 1 per 100 (proposed 650) square metres of lounge and beer garden (class 1 or 2). 1 space per 25 (proposed 120) square metres of bar floor area and 1 per 100 (proposed 650) square metres of lounge and beer garden (class 3).	14.58 spaces. 14.58 spaces.	As above. As above.

* 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.

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 15 class 1 or 2 and 15 class 3 bicycle parking bays rounded to the nearest whole number. For this particular proposal, the bicycle parking facilities required for class one or two and class three are considered excessive and it is recommended that these be reduced to 8 class 1 or 2 and 8 class three bicycle facilities. On the above basis, end of trip facilities are also considered not required in this instance. Should a demand arise for additional bicycle facilities, these should then be installed by the hotel owners. As such, an appropriate condition should be applied accordingly.

COMMENTS:

Heritage

Leederville Hotel was entered into the Town's Municipal Heritage Inventory in 1995. The interior is considered to have low to moderate authenticity due to incremental changes. The external facade is considered to have a greater level of authenticity. Fenestration and details, though obscured by unsympathetic paint layers, has remained largely intact. The orientation and original appeal of the hotel, being a prominent open corner presence, has also been diminished with the infill of adjacent buildings and services.

The proposed works include some internal demolition works. These are not considered to affect the significant fabric. The proposed demolition of the associated drive-through bottle shop is also considered acceptable.

The proposal for alterations to the facade fenestration to facilitate a new opening is considered to be a substantial improvement on previous proposals for bi-folding doors extending the length of the facade. The proposal for the new opening takes advantage of an already existing window which has been previously adapted to a door opening. The arched hood moulding characteristic of the windows and doors of Leederville Hotel are shown as being retained above the proposed new opening as indicators of the original form. No further alterations to the fenestration and associated fabric should be undertaken without prior approval of the Town, including the sash and casement frames of the remaining windows.

The proposed works are therefore considered acceptable subject to standard conditions including quality archival photographs and drawings.

Department for Planning and Infrastructure (DPI)

The DPI has advised in letter dated 13 January 2006 that the relocation of the crossovers are supported, and that revised plans should be considered for the proposed bottle shop to be located in accordance with the setbacks indicated on the DPI plan Ref:No.1.3355/2, or alternatively the landowners entering into a deed of agreement with the Western Australian Planning Commission (WAPC), for the structure within the Other Regional Road Reservation to be removed when required at the landowners cost and not to seek compensation from the WAPC or the Town for any loss, damage or expense to the structure.

The applicants have submitted revised plans with the bottle shop to be partly contained within the subject lot and the road reserve affecting the subject site, which is supported, subject to the above mentioned legal agreement.

Parking

The most recent Planning Approval was granted at the Ordinary Meeting of Council held on 25 June 2002 for proposed additions and alterations and associated car parking to existing hotel. Car parking at that time was assessed as follows:

Requirements	Required	Proposed
Car parking	395 car bays*	85 car bays

**In accordance with the former Minister for Planning determination dated 22 September 1996, the existing historic car parking shortfall is 366 bays and has been taken into account in determining the car parking requirements for the proposed development.*

Following is a verbatim copy of the Officer comments from the report to the Ordinary Meeting of Council on 25 June 2002 (Item 10.1.10):

"Parking

In 1996, the (former) Minister for Planning considered an appeal against the Council's refusal of proposed alterations and additions to the existing hotel. In a letter dated 22 September 1996 the Minister determined that the hotel has a historic car parking shortfall of 366 bays, and consequently upheld the appeal and approved that proposal."

The current proposal requires the total provision of 456 car bays to be provided, based on the current Parking and Access Policy 3.7.1. The total number of car bays and provided on-site is 101 car bays resulting in a car parking shortfall of 355 car bays (without the application of the adjustment factors), which is less than the previously established historic parking shortfall of 366 bays.

It is also advised that the Town has received a recent complaint regarding the general condition of the car park, including numerous potholes, inadequate drainage, and litter, bottles and other objects being discarded in the car park, allegedly with no attempt being under taken by the Leederville Hotel management to address the above issues.

Health and Building

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. The current number of patrons permitted is as follows:

- 240 persons on the ground floor internal bar;
 - 275 persons upstairs bar/function room; and
 - 1600 persons in the beer garden (approved by the Executive Director Public Health, on 28 February 2001 as a result of an appeal lodged by the Leederville Hotel).
- TOTAL: 2115 Persons

The current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing public building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation.

Facilities for people with disabilities and access to all public areas to be in accordance with the BCA requirements, which can be addressed at the Building Licence stage.

Balcony

It is recommended that the balcony to the western side is supported for the reasons stated in the Assessment Table.

The hours of operation for the balcony Area 5 should be limited to as follows:

- Monday-Saturday: 11am to midnight; and
- Sunday: 11am to 10pm.

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours which currently are subject to an ongoing Extended Trading Permit as follows:

Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm.

It is recommended that balcony Areas 6 and 7 are permitted to trade in conjunction with the internal premises hours due to the amended Health (Smoking in Enclosed Public Places) Regulations 1999 which will completely ban all smoking internally as of 1 July 2006. If Areas 6 and 7 are required to close earlier than the adjoining internal space, patrons will have to leave the premises to smoke (that is on the Council footpath), which may result in potential anti-social issues and an obstruction of the footpath.

The ongoing extended trading hours are approved until 11 March 2006. The owners have lodged a renewal of the extended trading hours with Liquor Licensing and the Town for consideration.

However, should justifiable complaints be received, the hours of operation may be further considered and limited appropriately.

Technical Services

The Town's Technical Services have advised that the car park and the part siting of the bottle shop is acceptable. The applicant/owners will also have to liaise with the relevant authorities in relation to the relocation of the existing bus shelter along the Vincent Street frontage, which will hinder the proposed relocated crossover onto Vincent Street.

Summary

The proposal is considered to further positively upgrade the Oxford Street Precinct and is supported, subject to standard and appropriate conditions.

Mayor Catania returned to the Chamber at 8.00pm and assumed the Chair.

10.1.3 No. 35 (Lot 2 D/P: 3256) Burt Street, Mount Lawley - Proposed Demolition of Garage and Construction of Garage and Ancillary Accommodation Addition to Existing Single House

Ward:	South	Date:	17 March 2006
Precinct:	Norfolk; P10	File Ref:	PRO3357; 5.2005.3228.1
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 Ford on behalf of the owner M Cornes & F Spencer for proposed Demolition of Garage and Construction of Garage and Ancillary Accommodation Addition to Existing Single House, at No. 35 (Lot 2 D/P: 3256) Burt Street, Mount Lawley, as shown on overshadowing plan stamp dated 20 October 2005, floor plan stamp dated 7 February 2006, and site plan stamp-dated 27 February 2006, and elevations and 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) first obtaining the consent of the owners of No. 33 Burt 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. 33 Burt Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Burt 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) *the structure shall only be occupied by a member or members of the family of the occupier of the main dwelling, and the ancillary accommodation addition shall not be used or rented out as a separate dwelling to the main building;*
- (v) *the structure shall not be occupied by any more than two (2) occupiers at any one time; and*
- (vi) *a statutory declaration, signed by the owner of the property and by the person or persons for whom the ancillary accommodation structure is to be constructed, stating that the ancillary accommodation structure is for use by that person or persons and will be used for no other purposes or by other persons, shall be provided and renewed annually.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Cr Farrell departed the Chamber at 8.03pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.05pm.

Moved Cr Ker, Seconded Cr Farrell

That clauses (iv) and (vi) be deleted and a new clause (iv) be added as follows:

“(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 ensure the ancillary accommodation structure:

- (a) will only be occupied by a member or members of the family of the occupier of the main dwelling;*
- (b) will not be used or rented out as a separate dwelling to the main building; and*
- (c) the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and will be used for no other purposes or by other persons.*

All costs associated with this condition shall be borne by the applicant/owners(s).”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.1.3

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 Ford on behalf of the owner M Cornes & F Spencer for proposed Demolition of Garage and Construction of Garage and Ancillary Accommodation Addition to Existing Single House, at No. 35 (Lot 2 D/P: 3256) Burt Street, Mount Lawley, as shown on overshadowing plan stamp dated 20 October 2005, floor plan stamp dated 7 February 2006, and site plan stamp-dated 27 February 2006, and elevations and 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) first obtaining the consent of the owners of No. 33 Burt 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. 33 Burt Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Burt 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, 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 ensure the ancillary accommodation structure:*
 - (a) will only be occupied by a member or members of the family of the occupier of the main dwelling;*

(b) *will not be used or rented out as a separate dwelling to the main building; and*

(c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and will be used for no other purposes or by other persons.*

All costs associated with this condition shall be borne by the applicant/owners(s); and

(v) *the structure shall not be occupied by any more than two (2) occupiers at any one time.*

Landowner:	M Cornes & F Spencer
Applicant:	M Ford
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:	567 square metres
Access to Right of Way	South side, 5.02 metres wide, unsealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of garage and construction of garage and ancillary accommodation addition 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	Where the ancillary accommodation structure is proposed to be built above a garage, carport and/or the like structures; the total area of the connecting structure (measured over the enclosing walls), is not to exceed 35 square metres.	Ground Floor - 16.8 square metres Upper Floor - 11.8 square metres Covered Walkway - 22.24 square metres Total = 50.84 square metres	Supported - <ul style="list-style-type: none"> The covered walkway constitutes 22.25 square metres (44 per cent) of the total 50.84 square metres. The ancillary accommodation constitutes 28.6 square metres (56 per cent) of the 50.84 square metres. The covered walkway is 22.25 square metres due to the ancillary accommodation being

			<p>located at the rear of a long narrow lot.</p> <ul style="list-style-type: none"> Proposed location allows for a maximum useable backyard and ancillary accommodation interacts with the right of way. Bulk and scale of the structure is not considered to have an undue impact on adjoining neighbours and adjoining neighbours have stated no objection.
Setbacks: Ancillary Accommodation- West	1.5 metres	Nil	Supported - boundary wall is compliant in terms of height and length, is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.
Covered Walkway- East	1 metre	Nil	Supported - covered walkway is compliant with building on boundary requirements of the R Codes in terms of height and length, is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.
Building 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	Supported - both boundary walls are compliant with the R Codes in terms of height and length, are not considered to have an undue impact of affected neighbours and affected neighbours have stated no objection.

Privacy: Ancillary Accommodation- Balcony East	7.5 metres	2.4 metres to eastern boundary	Supported - overlooking allows for casual surveillance and affected neighbour has signed stating so objection.
West	7.5 metres	6.2 metres to western boundary	Supported - as above.
North	7.5 metres	3 metres to eastern boundary	Supported - as above.
Consultation Submissions			
Support (3)	• Do not object to the proposal.		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 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 proposal is considered supportable, subject to standard and appropriate conditions.

10.1.5 Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville - Proposed Two-Storey Office and Commercial Hall Addition to Existing Shop and Eating House

Ward:	South	Date:	22 March 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO1104; 5.2006.108.1
Attachments:	001		
Reporting Officer(s):	R Rasiah, 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 Silver Thomas Hanley Architects on behalf of the owner Kfm Superannuation Pty Ltd for proposed Two-Storey Office and Commercial Hall Addition to Existing Shop and Eating House, at Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville, and as shown on plans stamp-dated 13 March 2006, 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) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$13,754 for the equivalent value of 5.29 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 or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (v) the maximum floor space for the uses shall be limited as follows:*
 - eating house - 205 square metres of public floor area;*
 - shops - 104 square metres of gross floor area; and*
 - office - 316 square metres of gross floor area; or office - 200 square metres of gross floor area and commercial hall - 116 square metres (and maximum of 50 seats);*

unless adequate car parking is provided for the changes in floor area use or floor space area;

- (vi) *prior to the first occupation of the development, one (1) additional class 1 or 2 and one (1) additional class 3 bicycle parking facilities shall be provided at a location within close proximity to the entrance of the site. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vii) *doors, windows and adjacent floor areas fronting Leederville Parade and Oxford Street shall maintain an active and interactive relationship with this street;*
- (viii) *the automatic sliding gate to the car park shall be visually permeable, with a minimum 50 per cent transparency; and*
- (ix) *the first floor shall not be used as an eating house or shop use.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

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

(Cr Doran-Wu was an apology.)

Landowner:	Kfm Superannuation Pty Ltd
Applicant:	Silver Thomas Hanley Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop and Eating House
Use Class:	Shop, Eating House, Office Building and Commercial Hall
Use Classification:	"P", "P", "P" and "P"
Lot Area:	991 square metres
Access to Right of Way	N/A

BACKGROUND:

- 10 February 2004 The Council conditionally approved the application submitted by T Kailis on behalf of Emgekay Investments Pty Ltd, for proposed alterations and additions to existing shop and eating house at Nos. 99-101 (Lot 101) Oxford Street, corner Leederville Parade, Leederville.
- 26 July 2005 The Council conditionally approved the application for proposed Two-Storey Office Addition to Existing Shop and Eating House at Nos. 99-101 (Lot 101) Oxford Street, corner Leederville Parade, Leederville.

21 February 2006 The Council at its Special Meeting conditionally approved proposed two-storey office addition to existing shop and eating house at the subject property. Condition (ix) of the subject approval states as follows:

"the first floor conference room as shown on the plans stamped dated 3 February 2006 shall only be used for office purposes, and shall not be used as an eating house or shop use."

DETAILS:

The proposal involves a second storey addition to the existing fish shop and eating house to accommodate administrative offices, conference room kitchen, store, balcony and toilets. The proposed addition is to be located over the existing car park and service yard to the rear of the property.

The current proposal is similar to the proposal that was approved at the Ordinary Meeting of Council held on 21 February 2006. However, the applicant seeks to occasionally use 116 square metres of this upper floor office addition as a conference room (commercial hall) which will also be available for external public use.

The following is a verbatim of the applicant's submission:

"Further to our resubmission for the Cafe renovations at 101 Oxford Street I confirm that the additions will, along with its internal Kailis company and external public use, provide urgently needed Administrative office space for the existing operations. With our business trading 7 days these offices and toilet amenities form a critical part of the additions.

The conferencing area of the additions, aside being for our own use, will be available as a pre-booked venue for use by external groups when we are not using it ourselves. We anticipate that such external non Kailis use may be 3-4 times per week with seating for such use averaging 40-50 persons. Unlike our current Cafe client base, it is not for casual 'off the street' use on the day.

With the multiple needs and use of the additions hopefully clarified, we ask that Council give due consideration to minimising any car park in lieu payment that may apply."

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 rear - western side	9 metres	Nil	Supported - is not considered to create any undue effect on the adjoining property, as per existing building previously approved by the Council.
Consultation Submissions			
No consultation was undertaken as the revised proposal relates to a minor change of use in the upper floor area, and the matter is being referred to the Council for determination.			

Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car Parking		
Car parking requirement (nearest whole number): Existing retail - 1 car bay per 15 square metres gross floor area (104 square metres); Existing eating house - 1 car bay per 4.5 square metres of public floor area (205 square metres); Proposed office - 1 car bay per 50 square metres of gross floor area excluding 'conference room'(200 square metres); and Proposed commercial hall (reception centre) in 'conference room' - 1 car bay per 4 seats provided (50 seats provided) (116 square metres).	69 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) • 0.80 (within 400 metres of a rail station) • 0.90 (proposed development is within a District Centre) • 0.90 (proposed development provides "end of trip" facilities) 	(0.441) 30.43 car bays	
Minus the car parking provided on-site	5 car bays	
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 52 car bays (original approval) x 0.441 = 22.93 car bays minus 5 car bays provided on-site.	17.93 car bays	
Resultant Shortfall	7.5 car bays	
Bicycle Parking		
Requirements	Required	Provided
Shop: 1 space per 300 square metres (current floor area 104 square metres) public area for employees (class 1 or 2) 1 space per 200 square metres for visitors (class 3)	1 space 1 space	1 space Nil
Restaurant: 1 space per 100 square metres (current floor area 205 square metres) public area for employees (class 1 or 2) 2 spaces plus 1 per 100 square metres for visitors (class 3)	2 spaces 4 spaces	2 spaces 4 spaces
Office: 1 space per 200 square metres (proposed floor area 316 square metres) for employees (class 1 or 2) 1 space per 750 square metres over 1000 square metres (class 3)	2 spaces N/A	1 space N/A

* 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.

Note - There is no explicit car parking requirement for Commercial Hall, therefore, the most appropriate car parking requirement is for 'Reception Centre' which requires 1 car bay per four (4) seats provided.

COMMENTS:

The site falls within the Oxford Centre Precinct which encourages commercial buildings with an active and permeable interface.

The proposed development provides a two-storey addition to the existing single storey building, as required in the Town's Oxford Centre Policy. The two-storey addition is located over the existing car park and service yard along Leederville Parade. The building facade is more interactive with Leederville Parade with a balcony and floor to ceiling glazing proposed to the western and southern elevations, which further contributes to the visual appearance of the building.

The applicant has advised previously that the construction will be light weight using a structural steelwork frame, concrete slab on bondeck, steel studwork and dry lined cladding materials.

Car Parking

The existing 5 car bays on-site remain however, are proposed to be covered and secured by an automatic sliding gate. The total floor space for the extensions will result in a car parking shortfall of 7.5 car bays, after the application of adjustment factors.

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 the 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.

In terms of the cash-in-lieu, it is to be noted that the owners have paid cash-in-lieu associated with the previous Planning Approval granted by the Council at its Ordinary Meeting held on 26 July 2005, as follows:

Item	Required Number of Car Bays	Amount Paid	Amount to be Paid
Current car shortfall for this application.	7.5 car bays	-	-
Car parking shortfall approved by the Council at its Ordinary Meeting held on 26 July 2005.	2.21 car bays	\$5,525 based on \$2500 per car bay (2004/2005 Budget)	-
Shortfall	5.29 car bays	-	\$13,754 based on \$2600 per car bay(2005/2006 Budget)

On the above basis, a cash-in-lieu contribution is supported for the proposed car parking shortfall.

Bicycle Parking

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development, in addition to the existing uses, requires the provision of five (5) class 1 or 2 and five (5) class 3 bicycle parking facilities. The applicants have provided the four (4) class 1 or 2 spaces and four (4) class 3 spaces off the service yard area. The additional requirements are conditioned in the Officer Recommendation.

Summary

The proposal is supported, as it is considered not to cause undue impact on the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

Mayor Catania advised that himself, Crs Chester, Ker, Lake and Maier had declared a financial interest in Items 10.1.14, 10.1.15, 10.1.16, 10.1.17 and 11.1. That he, Crs Chester and Ker had Ministerial approval to participate in debate and vote. In addition, he had Ministerial approval to preside at meetings. Crs Lake and Maier departed the Chamber at 8.16pm.

10.1.14 Heritage Loans Scheme - Proposed Review Options

Ward:	Both Wards	Date:	20 March 2006
Precinct:	All Precincts	File Ref:	PLA0115
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel R Boardman	Amended by:	-

OFFICER RECOMMENDATIONS:

That the Council;

- (i) *RECEIVES the Western Australian Local Government Association's Infopage dated 10 March 2006 and associated documentation in relation to the Heritage Loans Scheme Review, as shown in Attachment 10.1.14;*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council has NO OBJECTION to the proposed changes outlined in the documentation provided in relation to the Heritage Loans Scheme; and*
- (iii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council ENDORSES the name change of the "Heritage Loans Scheme" to the "Heritage Loan Subsidy Scheme".*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to consider the Option Paper, which was prepared by the Western Australian Local Government Association (WALGA) to investigate options for the future direction and growth of the Heritage Loans Scheme.

BACKGROUND:

The Heritage Loan Scheme was launched in July 2003 to provide low interest loans for heritage conservation works for places which are listed on Local Government Municipal Heritage Inventories. Specifically, enabling owners of places within participating Local Governments to apply for low interest loans at a rate, which is 3% lower than standard rates with the StateWest Credit Society.

The Scheme is administered by WALGA with assistance from the Heritage Council of Western Australia (HCWA). Recently the Governing Board of the Heritage Loans Scheme reviewed the basis of the Scheme due to the expiration of the Memorandum of Understanding between WALGA, HCWA and the StateWest Credit Society. An Options Paper was developed to investigate the future direction and growth of the Scheme, which was subsequently ratified by the Governing Board.

Number of Previous Applications

The Town of Vincent has been a member of the Scheme since its conception in 2003 and since this time nine applications have been submitted for funds under this Scheme from residents of the Town of Vincent. Offers totalling \$117, 000 have been made to successful applicants within the Town. However, only one of the four successful applicants have accepted and completed the works to date. Information regarding the nine applications is documented in the below table:

Funding Round	Place Name	Address	Proposed Works	Outcome
1	Paddington Ale House	No.141 Scarborough Beach Road, Mount Hawthorn	Alterations to open up façade for al- fresco dining.	Not successful
1	Oxford Hotel	No.368 Oxford Street, Leederville	Renovation and conservation of first floor area.	Not successful
1	Greek Orthodox Church of Evangelism	No.59 Carr Street (cnr Charles Street), West Perth	Copper dome to be repaired, re-point columns. Windows to be replaced.	Successful - Offer declined
1	Corner Shop	No.56 Edinboro Street, Mount Hawthorn	Restore awnings and windows. Repainting.	Successful - Offer declined
1	Single House	No.82 Vincent Street, Mount Lawley	Repointing. Repairing verandah. Replacing windows.	Successful - Offer accepted and work completed
2	Purtells Buildings	No.380 Newcastle Street, West Perth	Replacement of verandah, roof and woodwork.	Not successful
2	Waters Brook	No.83 Joel Terrace, Mount Lawley	Construction of additions.	Not successful
3	Semi-detached Pair	No.120 Brisbane Street, Perth	Painting	Not successful
4	Bulwer Park Residential Apartments	No.1-8/ 196 Bulwer Street, Perth	Re-wiring. Repair Verandah. Re-pointing. Roof Repair.	Successful - Offer not yet accepted.

DETAILS:

The letter dated 10 March 2006 from WALGA and associated documentation in relation to the Heritage Loans Scheme Review, is shown in Attachment 10.1.14.

The revised proposal, as outlined in the Option Paper, entails changes to the administration, including financial administration of the Scheme in order to increase the 'take up' of the loans scheme by applicants and presents options for alternative names of the Scheme to make the intent of the Scheme clear.

The current process of the Heritage Loans Scheme involves all applications being assessed by the Heritage Loans Scheme's Governing Body on the basis of the selection criteria. The applications are considered twice a year. Applications are referred to the relevant Local Government for comment and confirmation that the project is eligible under the Scheme. For successful applicants, qualification for a concessional loan rate is documented in a letter of introduction to StateWest Credit Society. Successful applicants are subject to StateWest Credit Society's normal assessment program and those meeting StateWest's eligibility criteria will be offered a concessional loan.

The revised proposal increases the consideration of applications by the Scheme's Governing Body to four times a year as opposed to the current two yearly review. A successful applicant will be notified by way of a formal offer and then will be able to seek a loan arrangement that suits them best at a financial institution of the applicant's choice.

The interest subsidy would be set at a fixed figure (for example, 4 percent) and would apply over a 5 year maximum to whichever loan the applicant obtained. The current subsidy is provided at a variable rate of interest, which is currently set at 3 percent below the StateWest standard rates. It is considered that this proposal will encourage successful applicants to 'take up' the subsidy offer as the applicant will be able to seek out competitive low rates at the applicant's preferred institution as opposed to being inhibited by the use of one financial institution.

The Governing Board have expressed concern that the Heritage Loan Scheme may not be the most appropriate name for the Scheme as the Scheme is not a loan, but rather a loan subsidy and the current name may suggest otherwise. The Option Paper presents four alternative name options for consideration: Heritage Loan Subsidy Scheme, Heritage Support Scheme, Heritage Subsidy Scheme and Heritage Interest Subsidy Scheme.

It is considered that an appropriate alternative name choice for the Heritage Loans Scheme would be the *Heritage Loan Subsidy Scheme* as it encompasses the intent of the Scheme whilst not deviating from the original commonly known name.

COMMENTS:

In light of the above, it is recommended that the Council endorse the revised proposal for the Heritage Loans Scheme as outlined by WALGA in the Option Paper in accordance with the Officer Recommendation.

10.1.15 Amendment No. 36 to Planning and Building Policies- Amended Policy Relating to Heritage Management - Development Guidelines

Ward:	Both Wards	Date:	21 March 2006
Precinct:	All Precincts	File Ref:	PLA 0161
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Amended Policy No. 3.6.1 relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.15;*
- (ii) *ADOPTS the Amended Policy No. 3.6.1 relating to Heritage Management - Development Guidelines in the interim until the formal adoption of the Amended Policy;*
- (iii) *ADVERTISES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines 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*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines, having regard to any written submissions; and*
 - (b) *DETERMINES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines with or without amendment, to or not to proceed with them.*

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Chester

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

- "(ii) *ADOPTS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows:*
 - (a) *clause 3 (i) be amended to read as follows:*

"i) A Conservation Essential

This category applies to places with the highest possible heritage significance within the Town of Vincent. Places that are on the State Register of Heritage Places will always fall into this category. There are also places that meet this category that are of very high significance to the Town of Vincent but would not necessarily be suitable for inclusion on the State Register.

If a place falls into this category the following procedures apply:

- *A Conservation Plan and/or Heritage Impact Statement is to be prepared in the event of a planning application to guide the decision making on the future conservation and development of the place.*
- *The Conservation Plan and/or the Heritage Impact Statement is to be prepared by a suitable professional with demonstrated qualifications and experience in the field of heritage conservation management.*
- *The Conservation Plan is to be prepared independently at the owner/applicant's expense. Financial assistance maybe available to contribute to this expense under the Town's Heritage Grants Policy.*
- *The Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.*
- *The development proposal should be assessed with close regard for the Conservation Plan/Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Conservation Plan/Heritage Impact Statement.*
- *The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.*
- *If the place is listed on the State Register of Heritage Places comments are to be sought from the Heritage Council of Western Australia before a decision is made on an application for development."; and*

(b) clause 3 (ii) be amended to read as follows:

"ii) B Conservation Recommended

This category applies to places of clearly established cultural heritage significance to the Town of Vincent. In the event of planning application a Heritage Assessment and/or a Heritage Impact Statement is necessary so that it is very clear what sort of adaptation or redevelopment can take place without compromising the cultural significance of the place. The Heritage Assessment will identify the degree of change or adaptation that is possible and this will vary from place to place, depending on the nature of significance.

If a place falls into this category the following procedures apply:

- *A Heritage Assessment and/or Heritage Impact Statement is to be prepared in the event of a planning application, in which there is clear identification of zones and elements of significance, to determine the opportunities and constraints that are to apply to alteration, adaptation and/or demolition proposals.*
- *The Heritage Assessment and/or Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.*
- *The development proposal should be assessed with close regard for the Heritage Assessment and/or Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Heritage Assessment and/or Heritage Impact Statement.*
- *The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.*
- *In the event that a planning application proposes the demolition of two or more heritage places the Town of Vincent may request that the Heritage Assessments and/or Heritage Impact Statements are to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia."*

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

Moved Cr Chester, **Seconded** Cr Ker

That clause a new clause (ii)(c) be added as follows:

"(ii) (c) clause 4 (i) be amended to read as follows:

"4) In the event of a development application involving demolition or partial demolition of a heritage listed place the following guidelines are to be applied;

- i) Total demolition of a place in Management Category A and Management Category B will normally be refused by Council except in extraordinary circumstances and where it can be proven that the building is demonstrably unsound. ~~due to fire damage or severe structural problems.~~ The Town of Vincent can at its discretion apply the Policy relating to Heritage Management - Interpretive Signage if deemed appropriate. "*

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.15

That the Council;

- (i) *RECEIVES the Amended Policy No. 3.6.1 relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.15;*
- (ii) *ADOPTS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows;*
 - (a) *clause 3 (i) be amended to read as follows:*

"i) A Conservation Essential

This category applies to places with the highest possible heritage significance within the Town of Vincent. Places that are on the State Register of Heritage Places will always fall into this category. There are also places that meet this category that are of very high significance to the Town of Vincent but would not necessarily be suitable for inclusion on the State Register.

If a place falls into this category the following procedures apply:

- *A Conservation Plan and/or Heritage Impact Statement is to be prepared in the event of a planning application to guide the decision making on the future conservation and development of the place.*
- *The Conservation Plan and/or the Heritage Impact Statement is to be prepared by a suitable professional with demonstrated qualifications and experience in the field of heritage conservation management.*
- *The Conservation Plan is to be prepared independently at the owner/applicant's expense. Financial assistance maybe available to contribute to this expense under the Town's Heritage Grants Policy.*
- *The Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.*

- *The development proposal should be assessed with close regard for the Conservation Plan/Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Conservation Plan/Heritage Impact Statement.*
- *The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.*
- *If the place is listed on the State Register of Heritage Places comments are to be sought from the Heritage Council of Western Australia before a decision is made on an application for development.";*

(b) clause 3 (ii) be amended to read as follows:

"ii) B Conservation Recommended

This category applies to places of clearly established cultural heritage significance to the Town of Vincent. In the event of planning application a Heritage Assessment and/or a Heritage Impact Statement is necessary so that it is very clear what sort of adaptation or redevelopment can take place without compromising the cultural significance of the place. The Heritage Assessment will identify the degree of change or adaptation that is possible and this will vary from place to place, depending on the nature of significance.

If a place falls into this category the following procedures apply:

- *A Heritage Assessment and/or Heritage Impact Statement is to be prepared in the event of a planning application, in which there is clear identification of zones and elements of significance, to determine the opportunities and constraints that are to apply to alteration, adaptation and/or demolition proposals.*
- *The Heritage Assessment and/or Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.*
- *The development proposal should be assessed with close regard for the Heritage Assessment and/or Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Heritage Assessment and/or Heritage Impact Statement.*
- *The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.*

- *In the event that a planning application proposes the demolition of two or more heritage places the Town of Vincent may request that the Heritage Assessments and/or Heritage Impact Statements are to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia."*

(c) *clause 4 (i) be amended to read as follows:*

"4) In the event of a development application involving demolition or partial demolition of a heritage listed place the following guidelines are to be applied;

i) Total demolition of a place in Management Category A and Management Category B will normally be refused by Council except in extraordinary circumstances and where it can be proven that the building is demonstrably unsound. ~~due to fire damage or severe structural problems.~~ The Town of Vincent can at its discretion apply the Policy relating to Heritage Management - Interpretive Signage if deemed appropriate. "

(iii) *ADVERTISES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines 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*

(iv) *after the expiry of the period for submissions:*

- (a) *REVIEWS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines, having regard to any written submissions; and*
- (b) *DETERMINES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines with or without amendment, to or not to proceed with them.*

PURPOSE OF REPORT:

The purpose of this report is to introduce and outline the contents of the Amended Policy relating to Heritage Management - Development Guidelines.

BACKGROUND:

On 23 August 2005, the Council adopted the Draft Policy to Heritage Management - Development Guidelines in conjunction with Heritage Management - Assessment, and Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) to be applied in the interim up to formal adoption on 17 January 2006.

The Policies were developed in part to provide a framework for the proposed release of the Municipal Heritage Inventory, as well as to offer clear procedural guidelines for heritage management at the Town of Vincent.

At the Ordinary Meeting of Council held on 14 March 2006, the Council resolved to adopt a revised Model for the management of the Municipal Heritage Inventory and its relationship to the Town's Town Planning Scheme No. 1 (TPS No.1). Essentially, this new Model provides that all places that have been categorised as Management Category A and Management Category B are to be included on the Municipal Heritage Inventory and, as such, on the Heritage List, in effect providing those places protection under the TPS No.1.

In response to the 14 March 2006 Council resolution, the proposed amendments to Policy No. 3.6.1 have been prepared to better reflect the management and intent of the new Model. Essentially all those places that were categorised as Management Categories C, D and E no longer form part of the Municipal Heritage Inventory and, as such, the Heritage List, and therefore are offered no protection under TPS No. 1. As a result, the proposed amendments omit all reference to Management Categories C, D and E from the existing Policy No. 3.6.1 Heritage Management - Development Guidelines.

A further proposed amendment to Policy No. 3.6.1 has been to create a 'performance criteria/acceptable development' table similar to that found in the Residential Design Codes of Western Australia, Part Three: Design Elements 2002, and to the existing Town of Vincent Policies relating to Residential Design Guidelines. It is considered that this will provide greater clarity in the acceptable development for owners of heritage listed places within the Town of Vincent.

DETAILS:

The key objectives of the Policy relating to Heritage Management - Development Guidelines:

- 1) To recognise the Municipal Heritage Inventory (MHI) as the database of essential information regarding cultural heritage values, the recommended degree of protection and conservation management of the listed places;
- 2) To ensure that the Council is familiar with the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regards to the impact of proposed developments on heritage places and their environs;
- 3) To conserve and enhance those places which contribute to the heritage of the Town in recognition of the distinctive contribution they make to the character of the Town of Vincent;
- 4) To ensure that the evolution of the Town of Vincent provides the means for a sustainable and innovative process towards integrating the old and the new; and
- 5) To complement Town of Vincent Policies relating to Residential Design Elements.

With the proposed amendments to Policy No. 3.6.1, the key objectives remain the same. Within the Policy itself, the key proposed changes are the omission of reference to Management Categories C, D and E and the inclusion of a performance criteria/acceptable development table to guide appropriate development to Heritage Listed places.

CONSULTATION/ADVERTISING:

Any new or 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.

LEGAL/POLICY:

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 allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the amended Policy, in line with the Officer Recommendation.

10.1.16 Amendment No. 37 to Planning and Building Policies - Amend Policy Relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI)

Ward:	Both Wards	Date:	21 March 2006
Precinct:	All Precincts	File Ref:	PLA 0161
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Amended Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.16;*
- (ii) *ADOPTS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), to be applied in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows:*
 - (a) clause 3 (ii) be amended to read as follows:
 - "ii) Before resolving to adopt the recommendations of the Town of Vincent Officers to include place/s on the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (iv) Council will:";
 - (b) clause 3 (iii) be amended to read as follows:
 - "iii) Before resolving to delete or amend places from the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (v) Council will:"; and
 - (c) clause 3 (iv) be amended to read as follows:
 - "iv) Before resolving to commence consultation in the event if a review of the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (vi) Council will adopt a communication strategy prior to commencing advertising to direct the consultation process."
- (iii) *ADVERTISES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) 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*

- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), having regard to any written submissions; and*
 - (b) *DETERMINES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), with or without amendment, to or not to proceed with them.*

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 Ker

That the recommendation be adopted.

CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) *RECEIVES the Amended Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.16;*
- (ii) *ADOPTS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), to be applied in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows:*
 - (a) *clause 3 (ii) be amended to read as follows:*
 - "ii) *Before resolving to adopt the recommendations of the Town of Vincent Officers to include place/s on the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (iv) Council will:";*
 - (b) *clause 3 (iii) be amended to read as follows:*
 - "iii) *Before resolving to delete or amend places from the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (v) Council will:"; and*
 - (c) *clause 3 (iv) be amended to read as follows:*
 - "iv) *Before resolving to commence consultation in the event if a review of the Municipal Heritage Inventory outlined in Clause 2 ~~(iv)~~ (vi) Council will adopt a communication strategy prior to commencing advertising to direct the consultation process."*

- (iii) ***ADVERTISES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) 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*
- (iv) ***after the expiry of the period for submissions:***
- (a) ***REVIEWS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), having regard to any written submissions; and***
 - (b) ***DETERMINES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), with or without amendment, to or not to proceed with them.***

PURPOSE OF REPORT:

The purpose of this report is to introduce and outline the contents of the Amended Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI).

BACKGROUND:

On 23 August 2005, the Council adopted the Draft Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) in conjunction with Heritage Management - Assessment, and Heritage Management - Development Guidelines to be applied in the interim up to formal adoption on 17 January 2006.

The Policies were developed in part to provide a framework for the proposed release of the Municipal Heritage Inventory as well as to offer clear procedural guidelines for heritage management at the Town of Vincent.

Policy No. 3.6.5 was developed specifically for providing procedural guidelines for adding/deleting/amending places on the Municipal Heritage Inventory.

In light of a recent review of this Policy it has come to the attention of the Town's Officers that there is a conflict in timing of procedures outlined in Clause 2 and Clause 3 of Policy No. 3.6.5. This becomes most apparent in the event of a heritage assessment being prepared in conjunction with a development proposal of a non-listed place potentially of cultural heritage significance. As a result the proposed amendments are designed to address this by outlining a consultation procedure for each scenario.

DETAILS:

The key objectives of the Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI):

- 1) To provide a clear procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory;
- 2) To ensure places that are added, deleted or amended, on the Town's Municipal Heritage Inventory, follow due process; and
- 3) To ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory, are based on consideration of the cultural heritage significance of the place.

With the proposed amendments to the Policy, the key objectives remain the same. The key changes that have been made to the text are to include procedures for advertising specific to each scenario that adds/deletes/amends places on the MHI.

CONSULTATION/ADVERTISING:

Any new or 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.

LEGAL/POLICY:

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 allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the amended Policy, in line with the Officer Recommendation.

**10.1.17 Progress Report No.12 - Municipal Heritage Inventory Review- Revised
Timeframe and Budget for Community Consultation**

Ward:	Both Wards	Date:	21 March 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES this Progress Report No. 12 relating to the Municipal Heritage Inventory Review;*
- (ii) APPROVES the revised timeframe, resources, strategic projects and initiatives dated 28 March 2005, as shown in Attachment 10.1.17; and*
- (iii) subject to Clause (ii) above being approved, AUTHORIZES the Chief Executive Officer to:*
 - (a) identify additional source of funds in the 2005/2006 Budget for the amount of \$14,240 as shown in Table A of this report;*
- (iv) LISTS the remaining amount of \$21,800 as shown in Table A of this report for consideration in the Draft 2006/2007 Budget; and*
- (v) CONTINUES preparations for community consultation in accordance with Appendix 10.1.17.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to the following:

1. *clause (v) being amended to read as follows:*

"(v) CONTINUES preparations for the community consultation in accordance with Appendix 10.1.17 and the Communication Strategy and Issues/Crisis Response Strategy prepared by Glew Corporate Communications dated 29 November 2005 and 12 December 2005 respectively, shown in Confidential Appendix 10.1.17(a);"and

2. *a new clause (vi) being added as follows:*

"(vi) ADOPTS the Communication Strategy and Issues/Crisis Response Strategy prepared by Glew Corporate Communications dated 29 November 2005 and 12 December 2005 respectively, as the principle way forward for the positive and successful implementation of the revised Municipal Heritage Inventory."

CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) RECEIVES this Progress Report No. 12 relating to the Municipal Heritage Inventory Review;*
- (ii) APPROVES the revised timeframe, resources, strategic projects and initiatives dated 28 March 2005, as shown in Attachment 10.1.17; and*
- (iii) subject to Clause (ii) above being approved, AUTHORISES the Chief Executive Officer to:*
 - (a) identify additional source of funds in the 2005/2006 Budget for the amount of \$14,240 as shown in Table A of this report;*
- (iv) LISTS the remaining amount of \$21,800 as shown in Table A of this report for consideration in the Draft 2006/2007 Budget; and*
- (v) CONTINUES preparations for the community consultation in accordance with Appendix 10.1.17 and the Communication Strategy and Issues/Crisis Response Strategy prepared by Glew Corporate Communications dated 29 November 2005 and 12 December 2005 respectively, shown in Confidential Appendix 10.1.17(a); and*
- (vi) ADOPTS the Communication Strategy and Issues/Crisis Response Strategy prepared by Glew Corporate Communications dated 29 November 2005 and 12 December 2005 respectively, as the principle way forward for the positive and successful implementation of the revised Municipal Heritage Inventory.*

ADDITIONAL INFORMATION:

A Communication Strategy was commissioned by Glew Corporate Communication in November 2005. The Communication Strategy was previously approved by the Council at the Ordinary Meeting held on 20 December 2005 (Item 10.1.36) and at this time was shown as a Confidential Attachment. The document is again shown as a Confidential Appendix to this report.

Attachment 10.1.17 to this report, showing revised timeframe, resources, strategic projects and initiatives, correlates with the previous timeframe approved by the Council at the Ordinary Meeting held on 20 December 2005. In this respect, key aspects of the Glew Corporate Communications Strategy is reflected and accounted for in the Table in terms of budget and resource requirements. Other aspects of the Strategy, which do not require specific budget allocation but rather can be undertaken in-house, are not shown in the Appendix Table as there are no additional resources required for them.

Glew Corporate Communications also provided the Council with an 'Issue/Crisis Response Strategy'. The Issues/Crisis Response Strategy contains seven key recommendations, all of which rely on a co-ordinated and co-operative understanding of procedures and protocols relating to the Municipal Heritage Inventory (MHI) between the Town's Elected Members and Officers. These seven key recommendations do not require specific budget recommendations but rather in-house resourcing, which has been addressed in the Appendix to this report.

The vast majority of the recommendations of the Glew Corporate Communication Strategy has been prepared or previously undertaken by the Town. Those recommendations, which need to be repeated as a result of delays and which require funding to do so, are shown in the Appendix Table to this report.

In addition, at the Ordinary Meeting of Council held on 20 December 2005, the Council amended the Officer Recommendation to include the following clauses:

- "(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;"*

In regard to clause (iii)(a) above, the additional funding requested in this report will provide for the undertaking of this task.

In regard to clause (iii)(b) above, the consideration of allocating more money for additional smaller meetings was given serious attention by the Officers. In light of the on-going work to the draft MHI; the existing workshops; morning tea and opportunity for one-on-one meetings between consulted owners and Officers, it is not considered necessary or appropriate to allocate further funds for more meetings with owners than already exists.

In regard to clause (iii)(c) above, this report recommends the additional undertaking of further advertorials with due respect to the intentions of this resolution.

In general terms, the majority of the Communication Strategy has been prepared. The Town has not created 'pocket-cards' for Elected Members as the commercial cost in producing these was considered excessive, however, as an alternative, the Officers may produce a similar product in-house which serves the same purpose in terms of 'quick-reference' guides to the MHI terminology and key concepts. This remains the only specific item not undertaken. Other more generic actions, such as liaison with appropriate owners, is an on-going process and is considered to rely heavily on a sustained and consistent approach to heritage by Council in terms of positive attitude, policy and initiatives. This is something that will be built up over time as the MHI is revised and its support structures strengthened (such as regular newsletters, website and incentives).

The Communication Strategy provides a positive and pragmatic approach to both the short term goal of completing the review of the MHI, as well as some long-term strategies to improve the Town's relationship with ratepayers who are directly involved with the MHI, which is considered an important aspect of protecting and promoting the value of the cultural heritage assets of the Town. The Town's Officers fully support its overall intent. It is recommended that the Council support the Officer Recommendation as a critical step towards finalising the review of the MHI and progressing other related Council initiatives.

PURPOSE OF REPORT:

The purpose of this report is to adopt a revised timeframe and budget for the progression of the Draft Municipal Heritage Inventory (Draft MHI) to community consultation phase.

BACKGROUND:

It is a requirement of all local governments in Western Australia to adopt and maintain a Municipal Heritage Inventory (MHI) under the Heritage of Western Australia Act (1990). The Town of Vincent first adopted its MHI in 1995.

At the Ordinary Meeting held on 20 December 2005, the Council resolved to approve a communications strategy for the public consultation of the Draft MHI as well as a detailed table of actions, events, resources, strategic projects and initiatives to support the consultation. This resolution stated community consultation would commence on 13 February 2006.

At a Special Meeting of Council held on 1 February 2006, the Council further considered the Draft MHI and consequently, community consultation did not commence in February 2006 as planned.

Following an Elected Members Workshop on 20 February 2006, the Council has considered an alternative model of the MHI, which was adopted by the Council at the Ordinary Meeting held on 14 March 2006. This model keeps the MHI as the Heritage List under the provisions of the Town Planning Scheme No.1 (TPS No.1), however, it states that places included in the MHI will only be those places considered to be Management Categories A and B - that is, places considered a priority for conservation and protection under the provisions of the TPS No.1.

Consequentially, some aspects of adopted Policies relating the Heritage Management need to be amended. This matter is dealt with in separate reports in this Agenda. Further, as a delay has occurred with regard to the previously adopted timeline and communication strategy adopted in December 2005, this also requires revision and is the purpose of this report.

DETAILS:

The previous communication strategy adopted by the Council had been significantly completed in anticipation of commencing community consultation. As a result, some items which were undertaken as part of this strategy will require repeating in light of delays which have occurred as Council considered and adopted an alternative model of the MHI.

The majority of additional costs identified in this report relate to salaries associated with temporary Heritage Officers. Given previous justifications and approvals by the Council for these staff members, it is considered appropriate that these contracts be renewed to accommodate the anticipated remaining duration of the Draft MHI project. It is also considered that this is necessary in light of additional projects and commitments for the new financial year when it was earlier thought that the Draft MHI would be completed.

The timeframe detailed in Appendix 10.1.17 is critically dependant on the availability of the contracted facilitator to accommodate the Town's preferred dates for commencement of community consultation and associated workshops.

The content of the table shown in Appendix 10.1.17 is consistent with previous resolutions of the Council, with the exception of two new items as identified at the bottom of the table.

Most of the information produced as part of the Information Resource Kit over the past 12 months, including webpage content, Policies and procedures and information brochures have been general enough in their wording so as not to require substantial alteration or reprinting as a result of the Council adopting an alternative model of the MHI. The exception of this is Policy 3.6.1 Heritage Management - Development Guidelines which requires amendments. Other materials specific to the Draft MHI communication strategy will require reprinting or in-house amendments (such as the letters to owners).

CONSULTATION/ADVERTISING:

No consultation/advertising is required in relation to this matter.

Specific owner consultation as well as broader community workshops will occur as part of the consultation of the Draft MHI.

LEGAL/POLICY:

Section 45 of the Heritage of Western Australia Act (1990) states that each local government shall compile and maintain a Municipal Inventory of Heritage Places and that this inventory is updated annually and reviewed every four years after compilation. A copy of the inventory is also to be given to the Heritage Council of Western Australia.

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/BUDGET IMPLICATIONS:

A number of tasks have already been undertaken in relation to preparation for community consultation of the Draft MHI. Despite further delays for the release of the Draft MHI, the majority of the tasks undertaken remain valid and useful; however, a few key significant costs have been incurred as a result of the delays. This largely relates to the contracting of temporary Officers and the reprinting of date-specific and consultation material.

These items, as part of the Council's previous commitments, have again been requested as part of this report and total an amount of \$36,040. An additional \$5,500 has been included in this amount to account for Elected Member requests for further advertising and consultation material which is in addition to that previously approved and undertaken by the Town. The combined total of these new costs is \$36,040. Salaries make up 78.6 percent of this combined amount.

TABLE A		
Required 2005/2006	\$14,240	This amount is estimated based on the earliest commencement date for community consultation: early June 2006. This means some funding is required in the current financial year. The amount here allows for temporary Officer salary payments for the month of June 2006 (\$6,540) and completion of Items 2,3,4,11,16 and 17 shown in the Appendix prior to starting consultation (\$7,700).

Required 2006/2007	\$21,800	This amount is the remaining needed for temporary Officer salary payments which will occur in the new 2006/2007 financial year based on the timeframe shown in the Appendix.
Total	\$36,040	This is the total new amount requested as detailed in the Appendix.

COMMENTS:

It is considered imperative that the consultation of the Draft MHI commence as soon as possible. The Town has delivered new Policies, new assistance funding, information resources and initiatives to support the conservation of locally significant places as well as the owners of those places. Without clarification and upgrade of the existing, MHI these initiatives are not being used to their full intent or benefit.

It is considered appropriate that the Council proceed with the consultation preparations of the Draft MHI and associated revised timeframe and budget, in accordance with the Officer Recommendation above.

Mayor Catania advised that as Crs Lake and Maier had declared a financial interest in Item 11.1 and that this Item should be brought forward while they are absent from the Chamber.

Moved Cr Farrell, Seconded Cr Ker

That Item 11.1 be brought forward.

CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

11.1 Notice of Motion - Councillor Simon Chester - Places of Historic Significance in the Town

That;

(i) *the Council AUTHORISES the Chief Executive Officer to prepare a report no later than May 2006 that considers allocating an appropriate amount of money to the 2006/2007 Budget for the research of places of historic significance in the Town and that information be used to;*

(a) *add information to the Town of Vincent Municipal Heritage Inventory;*

(b) *make amendments to the Town of Vincent Municipal Heritage Inventory; and*

(ii) *the report should consider;*

(a) *the respective roles of the Town's Local Studies Officers and the Planning, Building and Heritage Services Section in facilitating the collection of information on places of historic significance in the Town; and*

(b) *an appropriate means of engaging community members with local history expertise, particularly in the Vincent area, to contribute information to the research project.*

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Farrell

That the motion be adopted.

Debate ensued.

CARRIED (6-0)

(Cr Doran-Wu was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

Cr Lake and Maier returned to the Chamber at 8.37pm. Cr Messina departed the Chamber at 8.37pm.

10.1.21 LATE REPORT - Nos.14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P: 2503 and 104 D/P: 2503), Woodstock Street, Corner Flinders Street, Mount Hawthorn - Proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises

Ward:	North	Date:	24 March 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3321; 5.2005.3175.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel , R Boardman,	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the decision of the Western Australian Planning Commission (WAPC) dated 22 March 2006 to conditionally approve Proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn; and*
- (ii) *ADVISES all those who made submissions of the above decision of the Western Australian Planning Commission.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

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

“(iii) WRITES to the Office of Mental Health and the Minister for Health expressing the Council’s strong desire and expectation that those matters not included in the WAPC conditions but previously agreed to by the Department of Health (Office of Mental Health) be honoured.”

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology. Cr Messina was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu was an apology. Cr Messina was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.21

That the Council;

- (i) *RECEIVES this report and the decision of the Western Australian Planning Commission (WAPC) dated 22 March 2006 to conditionally approve Proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn; and*
- (ii) *ADVISES all those who made submissions of the above decision of the Western Australian Planning Commission.*
- (iii) *WRITES to the Office of Mental Health and the Minister for Health expressing the Council's strong desire and expectation that those matters not included in the WAPC conditions but previously agreed to by the Department of Health (Office of Mental Health) be honoured.*

PURPOSE OF REPORT:

To advise the Council of the Western Australian Planning Commission (WAPC) decision on proposed change of use from hospital to institutional building and associated additions and alterations to existing premises "Hawthorn House".

Landowner:	Crown
Applicant:	North Metropolitan Area Health Service
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Hospital
Use Class:	Institutional Building
Use Classification:	"SA"
Lot Area:	2823 square metres
Access to Right of Way	East side, 4.3 metres wide, unsealed, privately owned

BACKGROUND:

The above proposal has been the subject of several reports to the Ordinary and Special Meetings of Council since 22 November 2005, and was most recently considered at the Special Meeting of Council held on 8 March 2006, where the Council recommended the proposal be approved subject to amended conditions to those applied at the Ordinary Meeting of Council held on 22 November 2005.

DETAILS:

In letter dated 22 March 2006, the WAPC had resolved to conditionally approve the above proposal, as per the attached approval, and requires the development to be substantially commenced within a period of 2 years.

CONSULTATION/ADVERTISING:

No further consultation/advertising required. Those members of the community who made a submission to the Town should now be advised of the WAPC decision.

LEGAL/POLICY:

The Metropolitan Region Scheme and the Town's Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The conditions of the Council at its Special Meeting held on 8 March 2006 (*italics*), when compared to the WAPC's conditions of approval are as follows:

- (i) *this approval for Institutional Building is for a period of 3 years only which is to be formalised by way of a legal agreement between the Department of Health (DOH) and the Town, at the cost of the DOH and to the satisfaction of the Town's Chief Executive Officer.*

CEO's Comments:

WAPC's condition 1 states that approval is valid for three (3) years only from commencement of use, with no requirement for a legal agreement.

- (ii) *prior to the first occupation, a Community Advisory Committee, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints with the following terms of reference:*

"HAWTHORN HOUSE COMMUNITY ADVISORY COMMITTEE

PURPOSE

To provide an on-going forum for the local community, elected representatives, consumers, carers and health professionals to work collaboratively to resolve the issues raised by the community at the public forum and provide input and advice in the development of strategies to enhance the integration of Hawthorn House and ensure its smooth operation with regard to any impact on the local community.

ROLE OF THE COMMUNITY ADVISORY COMMITTEE

The Committee will:

- Work collaboratively to resolve outstanding issues relating to the establishment of Hawthorn House ensuring the best outcome for all;
- Develop positive relationships between the local community, the Town of Vincent, consumers, carers, health care providers at Hawthorn House and other key stakeholders;
- Communicate regularly with key community groups, including consumers, carers, community bodies and other key stakeholders;

- Review community complaints and develop community involvement policies such as volunteering protocols;
- *Provide advice and input into the evaluation of the facility's operations as they impact on the local community;*
- *Consider, review and recommend Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House; and*
- *Consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area.*

The Committee will acknowledge that clinical decision-making is the responsibility of the mental health professionals associated with Hawthorn House and are outside this Committee's scope.

COMPOSITION

It is proposed that representatives be sought from the following groups –

- Independent Chairperson	1
- Department of Health, North Metropolitan Area Health Service	1
- Town of Vincent (Elected Member and Officer)	2
- Consumers	2
- Carers	1
- Community Members	4*
- Clinical Nurse Manager HH (upon appointment)	1
- Community Liaison Officer, WA Police	1

* *Of the four community representatives, a representative will be appointed from each of the Residents' Advocacy Group, Mt Hawthorn Precinct Group and Friends of Hawthorn House, should they choose to nominate.*

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

Expressions of interest will be called for the positions of consumer and community representatives, including advertising in local and State newspapers. This will include a request for relevant information and standing on the Hawthorn House project.

The Chair at the request of the committee, may invite others to attend meetings to attend in relation to a specific agenda item(s) to provide presentations or advice on relevant matters.

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

SELECTION OF REPRESENTATIVES

Representatives will be selected from nominations by a selection panel including the Independent Chair.

TENURE AND MEETING ARRANGEMENTS

Members are appointed initially for 12 months with the option of renewal on the proviso they retain their current representative position.

The committee to meet monthly for the first six (6) months of operation and thereafter the meeting frequency be reviewed.

Decision-making will be by consensus. Unresolved issues will be noted as such and strongly held minority views will be recorded.

COMMITMENT OF GOVERNMENT

To support the committee through the provision of administrative support services and to provide timely feedback on the adoption of recommendations of the committee. Where decisions made are in conflict with the recommendations of the committee, the Office of Mental Health undertakes to inform the committee of this and the reasons for the alternate decisions.

GROUP CONVENTIONS

At its first meeting, the Community Advisory Committee will agree upon the following:

- *Agreement on terms of reference*
- *Tabling of outstanding issues*
- *Acceptable values and behaviours at meetings*
- *Meeting procedures*
- *Agreed meeting schedule*
- *Process for media comment*

SECRETARIAT

The Community Advisory Committee will be supported by a dedicated secretariat, provided by the Department of Health.

The secretariat, under the direction of the Chair, will be responsible for preparing and distributing agendas, making a record of each meeting, undertaking research and other follow-up matters arising from meetings.

AGENDA

Unless of a very urgent nature, proposed Agenda items and associated papers are to be submitted to the Committee secretariat at least five working days before the meeting is to be held. An Agenda and associated papers are to be circulated to members no less than three working days before the meeting is to be held.

REPORTING

The Minutes/Action Sheets of each meeting will be confirmed at the following meeting.

Once confirmed, they will be circulated as official minutes to the members. An electronic copy of the Minutes/Action Sheets will also be forwarded to Dr A Hodge, Clinical Director, Adult Mental Health Program, North Metropolitan Area Mental Health Service.

RECORDS

The secretariat prepares a Record of each meeting.

The secretariat shall keep separate files of at least the following:

- *Agendas and minutes/action statements of meetings*
- *Correspondence, papers tabled at meetings and papers circulated other than with agendas.*

The files are the property of the Area Mental Health Service and must be preserved in accordance with the State Records Act 2000 and the Freedom of Information Act 1992. The Health Services (Quality Improvement) Act 1994 may also apply to the documents.

UNRESOLVED ISSUES

The Independent Chair will arbitrate on any unresolved issues relating to the fulfilment of the requirements of these Terms of Reference.

CONFIDENTIALITY

All members will be expected to advise colleagues of deliberations and their outcomes in an effective manner as possible.

There will occasionally be items of a sensitive nature that must be kept confidential within the meeting. These items will be identified in the course of a meeting and noted as such in the minutes.

ACCOUNTABILITY

The Community Advisory Committee will make recommendations directly to the Area Director, North Area Mental Health Service, Dr Ann Hodge, who will report progress to the Project Control Group (PCG) of the Mental Health Strategy 2004-2007".

CEO's Comments:

WAPC's condition 2 states that prior to first occupation, a Community Advisory Committee comprising residents and representatives from the Health Department and the Town of Vincent, be formed to address community concerns or complaints.

- (iii) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility.*

CEO's Comments:

WAPC did not impose the above condition.

- (iv) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained.*

CEO's Comments:

WAPC condition 3 is for an operational management plan to be prepared and implemented prior to first occupation, which is to include smoke free zones and curfews.

- (v) *the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew.*

CEO's Comments:

WAPC condition 3 is for an operational management plan to be prepared and implemented prior to first occupation, which is to include smoke free zones and curfews.

- (vi) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works.*

CEO's Comments:

WAPC's condition 4 is similar to the Town's condition (vi) above.

- (vii) *any new street/front wall, fence and gate between the Woodstock Street and Flinders 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.*

CEO's Comments:

WAPC's condition 5 is similar to the Town's condition (vii) above.

- (viii) *a maximum of fourteen (14) staff members and sixteen (16) patients are permitted to be at the premises at any one time.*

CEO's Comments:

WAPC did not impose the above condition.

- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders 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).*

CEO's Comments:

WAPC's condition 6 is similar to the Town's condition (ix) above.

- (x) *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.*

CEO's Comments:

WAPC's condition 7 is similar to the Town's condition (x) above.

- (xi) *prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community of mental health issues and the scope of the facility and for the information to be provided to ensure cultural and linguistic diversity needs are met including languages other than English (particularly Italian and Macedonian) and also in other formats to be universally accessible (hearing and sight impaired).*

CEO's Comments:

WAPC did not impose the above condition.

- (xii) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility.*

CEO's Comments:

WAPC's condition 8 is similar to the Town's condition (xii) above.

- (xiii) *there being a minimum of four (4) staff members on site at all times.*

CEO's Comments:

WAPC did not impose the above condition.

- (xiv) *a maximum of two (2) residents per room at any one time.*

CEO's Comments:

WAPC did not impose the above condition.

CHIEF EXECUTIVE OFFICER'S COMMENTS:

Now that the WAPC has approved the application, the Department of Health can progress the matter. Whilst it is pleasing that the majority of the Town's recommended conditions were accepted by the WAPC (including the approval for a period of three years), it is disappointing that those conditions relating to patient or staff levels were not imposed.

10.2.1 State Underground Power Program – Round Three (3) Major Residential Projects – Progress Report No 7

Ward:	Both	Date:	17 March 2006
Precinct:	Banks P15, Forrest P14, & Mt Lawley Centre P11	File Ref:	TES0313
Attachments:	001		
Reporting Officer(s):	R Lotznicher, M Rootsey, S Moodley		
Checked/Endorsed by:	-	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 7;*
- (ii) *APPROVES the revised Underground Power Survey Form, as shown in Appendix 10.2.1;*
- (iii) *AUTHORISES the Chief Executive Officer to urgently conduct a survey of ratepayers in the Highgate East State Underground Power Project area allowing them twenty-one (21) days in which to respond to the survey;*
- (iv) *ADVISES Western Power by no later than 31 March 2006 that the Town is committed to continuing with the Detailed Proposal Stage of the Highgate East State Underground Power Project; and*
- (v) *NOTES that;*
 - (a) *the attached confidential DRAFT Underground Power Costing Model (issued separately to Elected Members) will be readjusted/refined and presented in a further report to the Council once fixed prices have been determined following the Western Power Tender process currently scheduled for May/June 2006;*
 - (b) *should the project proceed, at least \$2,885,700 in loan funding will need to be listed for consideration in the 2006/2007 draft budget; and*
 - (c) *a further report will be submitted to the Council at the conclusion of the ratepayer survey outlining in detail the results of the survey.*

Cr Messina returned to the Chamber at 8.42pm.

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.43pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

“(ii) APPROVES:

- (a) the option of allowing pensioners to defer full payment until the property is transferred and that the final payment will include interest on the amount; and***
- (b) the revised Underground Power Survey Form and Brochure, as shown in Appendix 10.2.1 be amended to include the wording of clause (ii)(a) in the Form and Brochure;***

Cr Torre returned to the Chamber at 8.48pm.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) RECEIVES the further report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 7;***
- (ii) APPROVES:***
 - (a) the option of allowing pensioners to defer full payment until the property is transferred and that the final payment will include interest on the amount; and***
 - (b) the revised Underground Power Survey Form and Brochure, as shown in Appendix 10.2.1 be amended to include the wording of clause (ii)(a) in the Form and Brochure;***
- (iii) AUTHORIZES the Chief Executive Officer to urgently conduct a survey of ratepayers in the Highgate East State Underground Power Project area allowing them twenty-one (21) days in which to respond to the survey;***
- (iv) ADVISES Western Power by no later than 31 March 2006 that the Town is committed to continuing with the Detailed Proposal Stage of the Highgate East State Underground Power Project; and***
- (v) NOTES that;***
 - (a) the attached confidential DRAFT Underground Power Costing Model (issued separately to Elected Members) will be readjusted/refined and presented in a further report to the Council once fixed prices have been determined following the Western Power Tender process currently scheduled for May/June 2006;***

- (b) should the project proceed, at least \$2,885,700 in loan funding will need to be listed for consideration in the 2006/2007 draft budget; and*
 - (c) a further report will be submitted to the Council at the conclusion of the ratepayer survey outlining in detail the results of the survey.*
-

PURPOSE OF THE REPORT:

An urgent decision of the Council is required to approve of the survey form and to conduct a survey so that the matter can be progressed, as required by Western Power.

BACKGROUND:

This item was listed on the Agenda to be considered by the Council at its Ordinary Meeting held on 14 February 2006, however, *"due to the lateness of the hour the Item was not considered or determined."* The following is a verbatim of the minutes of the item placed before Council at its Ordinary Meeting held on 14 February 2006.

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 7;*
- (ii) ADOPTS the revised attached Underground Power Survey Form as shown in Appendix 10.2.1;*
- (iii) CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond;*
- (iv) NOTES that should the proposal proceed, at least \$2,985,250 in loan funding will need to be listed for consideration in the 2006/2007 draft budget; and*
- (v) RECEIVES a further report at the conclusion of the ratepayer survey outlining in detail the results of the survey and a recommended financial model.*

PURPOSE OF REPORT:

To update the Council on progress on the Detailed Submission Stage of the State Underground Project (SUPP) and seek endorsement of the Community Survey Brochure.

BACKGROUND:

At its Ordinary Meeting of 26 October 2004, the Council received a detailed report on the proposed Highgate East SUPP. The report outlined information presented to the Council Forum held on 5 October 2004, where Elected Members were given an overview of progress to date and were advised of the process still to be undertaken as part of the SUPP.

The Council subsequently made the following decision (in part):

- (ii) *NOTES the preferred funding options for the Highgate East State Underground Power Program project as detailed in the report and notes a further detailed report will be submitted, outlining estimated costs, the proposed financial model, and funding proposal once Western Power have completed a detailed project design;*
- (iii) *APPROVES the attached Underground Power Survey Form;*
- (iv) *CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond;*
- (v) *RECEIVES a detailed report at the conclusion of the ratepayer survey outlining in detail the results of the survey; and*
- (vi) *further NOTES that to ensure the project cost, per lot, is maintained at a reasonable level, after taking into account the various discounts that are applicable as part of the project, contributory funding may need to be listed for consideration in the 2005/2006 draft budget."*

At its Ordinary Meeting held on 24 May 2005, the Council was advised of the revised Office of Energy timetable, which saw the project timetable change by at least eight (8) months.

At its Ordinary Meeting held on 11 October 2005, the Council was advised that extensive work had been undertaken by both the Town and Western Power in finalising the SUPP area boundaries, determining transformer and substation locations, determining the number and designation of households, businesses etc in the project area, developing a draft charging model, finalising the street light design and the underground power design.

The Council was advised that a further report would be prepared once Western Power had provided a final estimated cost of the project prior to the ratepayer survey being conducted.

DETAILS

Timetable

In May 2005 officers received an email from the Public Liaison Officer from the State Underground Power Program, advising of the revised timetable for the project:

<i>Task</i>	<i>Estimated Date</i>	<i>Status</i>
<i>Boundary issues</i>	<i>July 2005</i>	<i>Completed – January 2006</i>
<i>Equipment Location Sign off</i>	<i>July 2005</i>	<i>Completed – December 2005</i>
<i>Project Design Completed</i>	<i>October 2005</i>	<i>Completed - February 2006</i>
<i>Provision of Cost estimate</i>	<i>November 2005</i>	<i>Completed – January 2006</i>
<i>Community Survey</i>	<i>January 2006</i>	<i>Not Commenced – Feb 2006</i>
<i>Draft Agreement</i>	<i>February 2006</i>	<i>Not Commenced – Mar 2006</i>
<i>Tenders called</i>	<i>February 2006</i>	<i>Not Commenced - Mar 2006</i>
<i>Agreement Signed</i>	<i>April 2006</i>	<i>Not Commenced</i>
<i>Project Commencement</i>	<i>June/July 2006</i>	<i>Not Commenced</i>

Note: *The first cash call is not likely to be until August 2006*

Neighbouring Local Governments

As previously reported in November 2004, the Executive Manager Technical Services wrote to the Cities of Stirling and Bayswater. The project area has now been extended to incorporate part of these two neighbouring Local Governments (refer plan on the back of the attached brochure outlining the project area).

Estimated Cost of Project / Draft Financial Model

The Fixed Charge method is the preferred funding option for the following reasons:

- *Recommended by SUPP Guidelines.*
- *Provides greater flexibility for charges*
- *More equitable*
- *Easier to explain to ratepayers*
- *Administratively easier to manage.*

A draft financial model has been developed and the following information is provided as a guide:

<i>Item</i>	<i>Cost \$</i>
<i>'Estimated' total cost of project*</i>	<i>5,750,000.00</i>
<i>'Estimated' (subsidised 50%) Cost of project</i>	<i>2,875,000.00</i>
<i>'Estimated' additional cost for lighting, powder coating and contingency.</i>	<i>110,250.00</i>
<i>Subtotal</i>	<i>2,985,250.00</i>
<i>No of Lots in project area</i>	<i>817</i>
<i>Subsidised 'estimated' cost per lot (flat rate)**</i>	<i>3,518.97</i>
<i>Add additional cost per lot (lighting, powder coating, contingency)</i>	<i>134.95</i>
<i>Total 'Estimated' cost per lot (flat rate)</i>	<i>3,653.92</i>

*Note** *Received from Western Power and includes both the Network and Service charge.*

*Note*** *This is a straight division calculation. It does not take into account commercial, discounts, types of dwellings, etc. The estimated "cost per lot" for some lots would reduce when the following are included into the funding model, however, the cost would also increase when discounts are applied.*

- *630 Strata units*
- *223 Non Strata Units*
- *78 Commercial (using maximum KVA loading method)*
- *21 Industrial/Hotel - as above*

Charges could vary from as little as \$750 for a single flat to well over \$3,000 for a commercial property, however, as this figure could increase when the final costing model is determined, the costs published in the brochure and explanatory notes are as follows:

Fixed Charge method Residential Properties

There are two (2) separate components of the project costs as follows:

- *Network Charge (road reserve)*
- *Service Connection Charge (private property)*

Network Charge

This includes the cost of installing the new underground power network located in public streets, which will be owned and operated by Western Power. It includes all the high and low voltage distribution facilities including mains cables, transformers, switch gear, street lighting etc. This charge also includes a component to cover the dismantlement and removal of the old overhead network.

The estimated cost payable by property owners will be between \$2,500 and \$3,200 (includes 50% State subsidy).

Service Connection Charge

This is a standard charge of installing a new underground power service on the property, from the property boundary to the meter box location. This service will be owned and operated by the property owner. Once installed, Western Power has no ongoing responsibility for the owner's services.

The estimated cost payable by property owners will be \$500 for a typical residential property (includes 50% State subsidy).

Total Estimated Cost

Therefore the total subsidised average cost i.e. "Network Charge" plus "Service Connection Charge" is estimated to be between \$3,000 and \$3,700.

Scale of Charges

Options are currently being developed for establishing a scale of charges for the following categories of properties.

- *Single Residential Property*
- *Multi unit Premises*
- *Flats*
- *Vacant Lot (single residential)*
- *Commercial*

Following the survey and once all the above have been accurately quantified, the recommended charges will be reported to the Council.

Discount in Charges (that may apply):

Transmission Lines

A discount in the network charges will be considered for those properties in streets with transmission lines. These lines are not part of the project and will remain overhead in their current locations.

Properties with a Transformer or Switchgear adjacent

Some properties have a switchgear unit or transformer unit located on the street verge outside their properties. Depending upon the circumstances, a discount in the network charge may be considered.

Properties with Transformers located on site

A small number of properties may have an existing transformer located on the property from which underground low voltage mains and services are already installed. These items can normally be readily integrated into the new system, and reduce costs by providing capacity to supply load in the new underground networks.

Residential Properties owned by Registered Pensioners

A discount in the network charges to assist with payment may be considered.

Existing Underground Services to the Property

A discount in the Service Charge may be applicable to properties which have an existing service pillar installed.

Existing Underground Area

A discount in the network Charge may be applicable to properties in streets which already have underground power

Fixed Charge Method Commercial Properties

This charging method is also referred to the Kilo Volt Amperes (KVA) method. KVA is a measurement used by Western Power and comprises Kilo Watts (by which most appliances are measured) and a "power loss" factor.

The power loss factor includes the power used to make the entire power network functional not just the actual power required to operate an appliance.

This charging method determines a fixed charge based on the actual average power usage of the property and includes the following.

- *Network cost relating to the power demand of the property*
- *Service cost component to relate to the type and size of the connection.*

Updated Brochure

The attached brochure has been updated to reflect the revised project area and the estimated costs that will be applicable should the project proceed. The layout and descriptions have also been updated.

Community Survey

The Detailed Proposal stage requires that there is clear evidence that the community in the SUPP area supports the proposal.

Therefore, as part of the process, ALL ratepayers in the SUPP area will be individually mailed a questionnaire, which will include a reply paid comments sheet, and given 21 days in which to provide a response.

A market research company has been engaged to conduct / report on results. The results of the survey will be considered by the Council at the conclusion of the twenty one (21) day consultation period and the Office of Energy will be advised of the Council's decision.

CONSULTATION/ADVERTISING:

Extensive consultation with affected ratepayers in the project area will need to be carried out as part of the Detailed Proposal stage of the SUPP process.

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. "j) Develop a strategy for the staged implementation of underground power throughout the Town."

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent Funding requirement

The Town will require funds at the commencement of the SUPP. The Town will need to borrow all the funds required of approx \$2,985,250 and recoup these funds (plus interest) from ratepayers in Highgate East SUPP area.

Payment Options

The following payment options may be considered:

- Annual instalment options will be provided over a ten (10) year period.*
- The instalment option will include an interest component*

Funding arrangements will need to be in place prior to the finalisation of the 2006/2007 budget to cover the projected cost of the project.

COMMENTS:

The Council will receive a further report at the conclusion of the ratepayer survey and this report will also include the final financial model and funding proposal.

At its Ordinary Meeting held on 26 October 2004, the Council was advised as follows:

"The Highgate East Project Area comprises approximately 800 lots estimated to cost approximately \$4,700 per lot. The Total Estimated cost of the project would be \$3,760,000 with the State to fund 50% of the estimated cost or \$1,880,000, and the Town to contribute the other 50% or \$1,880,000 (\$2,350 per lot)."

As can be seen, the estimated cost per lot is now (approximately) \$3,625 (over a 50% increase) on the 2004 figures. Also, the total cost the Town would need to borrow is now approximately \$2,985,250 (from \$1,880,000).

The Detailed Proposal stage requires that there is clear evidence that the community in the SUPP area supports the proposal.

It is therefore recommended that the Council conducts a survey of property owners in the Highgate East State Underground Power Project area, giving ratepayers 21 days in which to respond and receives a further report at the conclusion of the ratepayer survey outlining in detail the results of the survey and a recommended financial model.

FURTHER INFORMATION:

Several Elected Members asked various questions regarding the proposal prior to the Ordinary Meeting of 14 February 2006. The questions and the relevant responses have been detailed in the further report as follows.

COMMENTS BY ELECTED MEMBERS AND OFFICERS

Elected Member's Comments:

I am concerned that the flyer is not clear enough and that we need to make some decisions before it goes out. I have some issues with: Service connection charge – If a property already has an “internal underground connection” we are proposing to apply ‘a concession’. I can’t see why we should be charging them the service connection component at all.

Officers' Comments:

An existing underground 'service' connection' comprises either:

- An underground feed from a 'service pole' on the property to the dwelling or
- An underground feed from a 'dome' on the property to the dwelling.

A 'dome' connection would normally cost around \$700. As part of the SUPP this cost will be \$500 (due to bulk works in the SUPP). The three scenarios will be as follows:

- If a property has an 'existing' underground feed from a 'dome' on the property to the dwelling there will be NO service charge.
- If a property has an 'existing' underground feed from a 'service pole' on the property to the dwelling a discounted service charge will apply.
- If a property does not have an 'existing' underground feed from either a 'service pole or dome' on the property to the dwelling a \$500 service charge will apply.

Elected Member's Comments:

Commercial properties – while I know other LGAs have charged based on the consumption, I'm not sure that this is equitable. The charge should reflect the cost of installation.

Officers' Comments:

It would be very difficult to identify the various different size commercial properties and the charging method used. This would be open to too many arguments. The charges are being calculated on consumption estimates.

Elected Member's Comments:

Pensioners – it says that we will be endeavouring to offer pensioner discounts. A more palatable alternative would be to offer pensioners the option of deferring payment until the property is sold.

Officers' Comments:

It has been estimated that pensioners make up about 15% of the SUPP area. The Town would need to allocate approximately \$400,000 up-front for this to occur.

The brochure has been amended and now states "a discount in the network charge will be applicable to pensioners".

Elected Member's Comments:

Levy of charges – the brochure says that upon completion of the project, any savings may be refunded or used to upgrade the area. No mention is made of what will happen if there is a cost blow out

Officers' Comments:

WPC will sign a fixed price contract with their sub-contractors. Unless there is a change in the scope of works, the price should not increase. The only cost that could vary is the final cost of materials. This is ordered at the time of implementation and actual prices cannot be pre-determined, however, they include an allowance of 10% contingency to cover price rises.

All previous projects had only used around 5% of their contingency except one of the City of Stirling areas where the full 10% was used.

Note: WPC allow for 10% on the full contract sum which would account for over 10% for the material component.

The brochure has been amended and now states "*any cost savings will be used to upgrade the existing infrastructure in the area*".

Elected Member's Comments:

I'm concerned that the report lists 6 different situations where discounts MAY apply. The Community Survey for some situations says discounts, concessions or refunds MAY apply. Prior to going out to the community we should decide whether discounts WILL apply in various situations so we are able to make a definitive statement in the Community Survey, even if the amount of the discount/concession cannot be exactly stated at present.

Officer's Comments:

There will be a discount in the following cases (*amount to be determined*):

- Transmission lines
- Properties with Transformers on site
- Pensioners
- Existing underground to property
- Existing underground in area - No service connection charge, however, there will be a nominal charge as the surrounding network will be upgraded.
- There may be a discount for properties with transformers or switch gear adjacent.

The brochure has been amended as follows:

- Transmission lines: *a discount in the network charge will be applicable*
- Pensioners: *discount in the network charge will be applicable*
- Existing underground power: *a nominal charge will be applicable*

Elected Member's Comments:

Nowhere in the brochure or the report does it explain whether houses that already have underground power will be required to contribute anything (ie the Plunkett Estate). Is this because these households will not receive a survey therefore are not affected? Please clarify.

Officers' Comments:

All 'ratepayers' in the SUPP area will receive a survey form. As mentioned above, there will be no service connection charge, however, there will be a nominal charge as the surrounding network will be upgraded.

Elected Member's Comments:

A community information session should be held at Forrest Park during the first week of the 21 day consultation period. The date/time/venue should be included in the community survey so everyone is aware of it and it's not necessary to do additional publicity.

Officers' Comments:

This is Not Supported. The brochure comprises the community information/public consultation process in accordance with the Office of Energy requirements for the detailed proposal stage. A phone number will be available for residents who want more information. The consultation stage is to gauge support for the project (or otherwise) and is the process that has been used by all other Local Governments to date where successful projects have been completed. The brochure will be posted to over 1320 'ratepayers only'. A public meeting is not required as part of the process as the matter relates to ratepayers only not residents.

Elected Member's Comments:

The report states the following payment options [plural] may be considered – and then only mentions one option of payment by instalment over ten years. Please confirm that people will be given a choice between paying in full with no interest charged or paying by instalment over a number of years with interest charged.

Officers' Comments:

Payment Options in the report omitted to mention a 'one off' payment option, however, this is included in the questionnaire (brochure) as one of the two options.

Elected Member's Comments:

Please clarify if there are any types of properties which are exempt from contributing (ie churches, government owned property)

Officers' Comments:

All properties in the SUPP area will be required to contribute.

Elected Member's Comments:

I still support a small proportion of the funds being raised from general rates as an indication of the broad community support for underground and recognising that no more of the Town will get underground power until the first area goes ahead. Please advise what the financial implications are if 20% of the Town's contribution (10% of the total) is raised from general rates.

Officers Comments:

Not Supported. Substantial impact on the Town's 2006/2007 budget. At 20% contribution the impact would be \$0.6m (refer Financial Implications section - further report).

UPDATED BROCHURE

The consultation brochure has been updated to correct the identified grammatical errors. It has also been reworded as requested by several Elected Members. In addition, as mentioned above:

The brochure has been amended as follows:

- Transmission lines: a discount in the network charge will be applicable
- Pensioners: discount in the network charge will be applicable
- Existing underground power: a nominal charge will be applicable
- Any cost savings will be used to upgrade the existing infrastructure in the area
- Comments sheet change to identify whether someone is a pensioner

The amended brochure is attached.

GENERAL OFFICERS' COMMENTS

Calculating the final costs is a timely and complex matter and it would be premature to 'fix' prices at this stage. The survey is really about:

- *"do you want it and are you prepared to contribute"!*

As much information as possible will be provided without placing the Town in a 'corner', however, no firm figures can be given at this stage. A brief overview of the process (still to occur) is outlined below:

- The Town's electrical consultant is still meeting with officers to determine how the commercial property contributions will be calculated. This will soon be finalised.
- The Town's rates section is currently checking and splitting the ratepayers' database to be able to calculate the various scenarios for discounts and concessions.
- Once this has been completed, officers will be able to determine how the balance can be split between the remaining residents. This will be carried out by reducing/increasing the charges and looking at discounts and concessions to find a fair balance for all the ratepayers.
- The final costing table should be ready by the end of April 2006.
- All going well, WPC plan to go out to tender some time towards the end of April 2006 and hopefully should have fixed prices by May/June 2006. Once the final tender price has been obtained the figures will need to be readjusted and the residents would be advised of the actual charges in a second newsletter (*i.e. if the Council decides to proceed etc after the initial consultation*).
- The project should (*again all going well*) commence in July 2006.

RECENT LETTERS RECEIVED FROM WESTERN POWER

Western Power letter 28 February 2006

The following letter regarding the State Underground Power Program Highgate East Project was recently received from Western Power:

"Further to recent discussions between your Craig Wilson and our John Zanello regarding the preliminary budget estimate for the above project, we are awaiting urgent confirmation from your Council of its intention to continue the Detailed Proposal Phase (see Table 1 i.e. Activity 6).

This will enable us to call tenders (Activity 8) and provide a Final Budget Estimate for approval by all parties.

Activity	Table 1: Round 3 Detail Proposal Phase Activities
1	Advice to ratepayers/residents
2	Resolution of boundary issues with neighbouring Councils if applicable
3	Transformer, switchgear sign off
4	Project design completed

Activity	<i>Table 1: Round 3 Detail Proposal Phase Activities</i>
5	<i>Preliminary Budget Estimate prepared</i>
6	<i>Detailed community support survey completed and reported</i>
7	<i>Draft Agreement prepared and approved in principle</i>
8	<i>Tenders called for Project Labour - Final Budget Estimate</i>
9	<i>Agreement signed by all parties and financing/cash process finalised</i>
10	<i>Project Start</i>

Any prolonged delay to the required confirmation has serious implications to the overall SUPP Program and may escalate the cost of the Highgate Project if it is rescheduled later.

To prevent this, we seek your confirmation by 31 March 2006 to continue the Detail Proposal Phase.

*I thank you in anticipation of your Council's continued assistance in completing these important milestones **essential** to maintaining the current Program schedule."*

It is imperative that the Town provides Western Power with confirmation by no later than 31 March 2006 that it wishes to continue with the Detailed Proposal Stage of the project.

Letter from Office of Energy 8 March 2006

The following letter regarding the Underground Power Program - Evaluation of Round Four (4) Major Residential Projects, was received from the Office of Energy on 8 March 2006.

"I refer to the proposals for the Underground Power Program submitted by the Town of Vincent in November 2005, in response to the Guidelines for Round Four Major Residential Projects released on 31 August 2005.

The evaluation of all of the local government proposals has been completed. I regret to inform you that the following proposals have been unsuccessful for selection in Round Four:

- Perth/Highgate
- Perth/Mt Lawley
- Leederville/North Perth
- North Perth/Mt Lawley
- North Perth/Mt Hawthorn South
- Mt Hawthorn East/North Perth
- Mt Hawthorn West
- Mt Hawthorn North
- Highgate/Mt Lawley 2B
- Perth 2C
- Mt Lawley 2D
- West Perth 2E
- North Perth 2F
- North Perth 2G
- North Perth 2H
- Leederville 2I
- Mt Hawthorn 2J
- Mt Hawthorn 2K
- Mt Hawthorn 2L

The Office of Energy received a record response from local governments across the State interested in participating in the Program, with 89 proposals submitted by 21 local governments. This resulted in a fiercely competitive selection process for only a limited number of projects.

In line with the Guidelines for Round Four, all proposals were ranked in terms of their relative priority in terms of network reliability and performance - those proposals that proved to be uncompetitive at this stage were not considered further. Proposals that did meet the reliability requirements were then assessed in terms project feasibility, with those proposals that were highly competitive and feasible being selected to progress to the Detailed Proposals Stage for Round Four.

Therefore the Town has NOT been invited to proceed with the Detailed Proposal Stage for Round 4 of the SUPP.

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent Funding requirement

As previously reported to Council, the Town will require funds at the commencement of the SUPP. The Town will need to borrow all the funds required of approximately \$2,885,700 and recoup these funds (*plus interest*) from ratepayers in Highgate East SUPP area.

Payment Options

As previously reported to Council, the following payment options may be considered:

- A single upfront payment
- Annual instalment options will be provided over a ten (10) year period

Note: The instalment option will include an interest component

Funding arrangements will need to be in place prior to the finalisation of the 2006/2007 budget to cover the projected cost of the project.

Financial Model

The financial model has been prepared on the basis of the full recovery of the Town's portion of the costs from the ratepayers in the SUPP area. The project implementation phase will be over a 12 month period. Western Power will make 'cash calls' on the Town over this period.

The affected ratepayers will be billed at the commencement of the construction period. As stated, it is estimated that approximately \$2,885,700 will need to be borrowed over a ten (10) year period with repayments at approximately \$300,000 per annum.

The following table (*provided as a guide only at this stage*) contains the revised 'draft' financial model. (*refer attachments for further details*)

Item	Cost \$ (GST excl)
'Estimated' total cost of project*	5,752,400
'Estimated' 50% subsidised cost of project (including cost for metal halide lighting)	2,885,700
'Estimated' Contingency (reinstatement works, powder coating and additional lighting not included in the project scope)	119,400
Subtotal	3,005,100
No of Lots in project area (including 13 Stirling and 15 Bayswater)	845
Subsidised 'estimate' cost per Lot (flat rate)**	3,415
Plus additional cost per lot (powder coating, contingency, etc)	141
Total 'Estimated' cost per lot (flat rate)	3,556

Note* Received from Western Power and includes both the Network and Service charge.

Note** This is a straight division calculation. It does not take into account commercial, discounts, types of dwellings, etc. The estimated "cost per lot" for some lots would reduce when the following are included into the funding model, however, the cost would also increase when discounts are applied.

- 586 Single Residential
- 665 Strata units
- 210 Non Strata Units
- 79 Commercial (using maximum KVA loading method)
- 27 Industrial/Hotel - as above
- 40 Vacant

Note: There are 131 pensioners in the SUPP area.

Possible Council Contribution

If the Town was to make a contribution to the SUPP from its municipal funds, the financial impact on the Town's budget, in accordance with a percentage contribution, would be as follows:

- 10% - \$288,570*
- 20% - \$577,140*

Note*: These figures are based on an estimated SUPP cost of \$2,885,700.

The Council may however wish to consider allocating funds to the Underground Power Reserve for future underground power projects.

COMMENTS:

As mentioned earlier in this further report, it is considered essential that the Town provides Western Power with confirmation that it wishes to continue with the Detailed Proposal Stage of the project no later than 31 March 2006.

While there are confidential financial details included in this report, the main purpose of the report is to request the Council to approve the revised underground power survey form and for the Town to urgently conduct a survey of ratepayers in the Highgate East State Underground Power Project area so this project can proceed in accordance with Western Power requirements.

Cr Ker departed the Chamber at 9.05pm.

Mayor Catania advised that Cr Messina had declared a financial interest in this Item. Council approved for Cr Messina to remain in the Chamber and participate in debate but not vote on the matter.

10.2.2 Further Report - Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn

Ward:	North Perth	Date:	21 March 2006
Precinct:	Mt Hawthorn Centre P.2	File Ref:	TES0077
Attachments:	001		
Reporting Officer(s):	R Lotznicher, J van den Bok, C Wilson		
Checked/Endorsed by:	-	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *NOTES the streetscape enhancement proposals as shown on attached concept plans Nos. 2152-CP-1 and 2152-CP-2 (original proposal), 2152-CP-1C, 2152-CP-2C and 2152-CP-2A (alternative proposals A and B) estimated to cost between \$360,000 and \$493,500;*
- (iii) *NOTES that funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape Upgrade and additional funds may need to be allocated or reallocated to this project once a preferred option has been adopted by the Council;*
- (iv) *NOTES the additional information provided in the report regarding the removal of the 'embayed' bus stop on Scarborough Beach Road;*
- (v) *REQUESTS the applicant to submit the proposal to remove the 'embayed' bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information has been received;*
- (vi) *ADVERTISES the three (3) proposals for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions, and as a part of the consultation process, holds a public meeting and invites all relevant stakeholders, businesses and community groups; and*
- (vii) *RECEIVES a further report on the 'overall' proposal including the Streetscape Improvement options and the possible removal of bus embayment, following the conclusion of the formal consultation period as outlined in clause (iii).*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Ker returned to the Chamber at 9.11pm.

Moved Cr Chester, Seconded Cr Maier

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

“(viii) REQUESTS that the final design be reviewed by a qualified Urban Designer, prior to being advertised for public comment.”

Debate ensued.

Cr Messina departed the Chamber at 9.22pm.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 9.23pm.

Moved Cr Lake, Seconded Cr

That clause (ii) be deleted and new clause (ii) added as follows:

“(ii) REQUESTS that an Urban Designer reviews the proposal and prepares one proposal to go out for community comment.”

The Presiding Member did not accept this amendment as it negates clause (vi).

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

That;

1. *clause (ii) be deleted and a new clause (ii) added as follows:*

“(ii) APPROVES the appointment of an Urban Designer to provide input in the development of a Concept Plan in liaison with the Town’s Officers and refers the Concept Plan to Council for approval prior to consulting with the community;”; and

2. *clause (vi) be deleted and the remaining clauses renumbered.*

Debate ensued.

Cr Messina departed the Chamber at 9.26pm.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 9.27pm.

Moved Cr Chester, Seconded Cr Ker

That a new clauses (viii) and (ix) be added as follows:

“(viii) ENSURES that the final design option does not to exceed \$500,000 and that this includes the proposed safety improvement works for Scarborough Beach Road between Kilarney and Federation Streets;

(ix) REQUESTS that the main focus of the streetscape upgrade be within the commercial precinct between The Boulevard and Fairfield Street.”

Debate ensued.

Cr Messina departed the Chamber at 9.31pm.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology. Cr Messina was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu was an apology. Cr Messina was absent from the Chamber and did not vote.)

The Chief Executive Officer advised that as there had been substantial amendments to the recommendation, the Local Government Act requires the Council to specify reasons for this.

Reasons:

1. It is considered preferable that ratepayers be asked to comment on one option rather than three options.
2. The budget for the proposed works needs to be specified, to give guidance to the Town's administration.

Cr Messina returned to the Chamber at 9.32pm.

COUNCIL DECISION ITEM 10.2.2

That the Council;

(i) RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;

(ii) APPROVES the appointment of an Urban Designer to provide input in the development of a Concept Plan in liaison with the Town's Officers and refers the Concept Plan to Council for approval prior to consulting with the community;

(iii) NOTES that funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape Upgrade and additional funds may need to be allocated or reallocated to this project once a preferred option has been adopted by the Council;

(iv) NOTES the additional information provided in the report regarding the removal of the 'embayed' bus stop on Scarborough Beach Road;

-
- (v) *REQUESTS the applicant to submit the proposal to remove the 'embayed' bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information has been received;*
- (vi) *RECEIVES a further report on the 'overall' proposal including the Streetscape Improvement options and the possible removal of bus embayment, following the conclusion of the formal consultation period as outlined in clause (iii);*
- (vii) *REQUESTS that the final design be reviewed by a qualified Urban Designer, prior to being advertised for public comment;*
- (viii) *ENSURES that the final design option does not to exceed \$500,000 and that this includes the proposed safety improvement works for Scarborough Beach Road between Kilarney and Federation Streets; and*
- (ix) *REQUESTS that the main focus of the streetscape upgrade be within the commercial precinct between The Boulevard and Fairfield Street.*
-

PURPOSE OF REPORT:

The purpose of this report is to revisit the Mount Hawthorn Precinct upgrade proposal and present two alternative options for the Council's consideration and provide additional information regarding a request by the developers of the Mt Hawthorn Plaza Shopping Centre (*the 'Mezz'*) to modify the existing bus stop on Scarborough Beach Road adjacent to the Shopping Centre.

BACKGROUND:

At its Ordinary meeting held on 25 October 2003, the Council received a report on Proposed Streetscape Improvements along Scarborough Beach Road, Mount Hawthorn, along the commercial shopping strip, where the following decision was made:

"That the Council;

- (i) *receives the report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *adopts, in principle, the streetscape enhancement proposal as shown on concept plans Nos. 2152-CP-1 and 2152-CP-2, estimated to cost \$348,500;*
- (iii) *advertises the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions, and holds a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups; and*
- (iv) *receives a further report on the proposal following the conclusion of the consultation period."*

At the time in 2003 the proposal did not proceed further, however, several measures were implemented in the shopping strip to improve amenity and safety as follows.

- Widening of Scarborough Beach Road at strategic locations to accommodate a painted central median to assist pedestrians crossing

- Installation of low profile speed humps through the shopping strip.
- Reducing the speed limit in Scarborough Beach Road through the Mt Hawthorn Centre
- Introduction of a 40 kph school speed zone on Scarborough Beach Road
- Erecting Pedestrian Safety Fencing at intersections
- Extending the median island at Matlock Street to improve safety (black spot funded)

DETAILS:

Existing Funding

As previously reported to Council in December 1999, the Council adopted a long term Shopping Centre and Commercial Precinct Streetscape Upgrade Program. Although not specifically listed in the program, the Council allocated funds in the 1999/2000 budget for Business Precinct Upgrades to be funded by the proceeds from the sale of the old bottleyard. It was verbally discussed and noted during the budget process that these funds were to be used, in part, for improvements to the Mount Hawthorn shopping precinct (Scarborough Beach Road).

Comments

Funds totalling \$327,000 are allocated in the 2006/2007 budget for Mt Hawthorn Precinct.

Original Proposal (*refer Plan Nos. 2152-CP-1 and 2152-CP-2*)

The following scope of works was included in the previous proposal.

- Extension of Mainline reticulation for trees/gardens
- Removal/addition/replacement of verge trees
- Garden beds protected by safety fencing
- Replacement of street lights with decorative lighting
- Decorative public litter bins
- Additional bicycle parking rails
- Street Art Work
- Brick paving reinstatements
- Additional Pattern Paved Concrete infill with cream header course
- Banner poles
- Line Marking
- Resurfacing of Embayed parking with red asphalt
- Resurfacing of traffic lanes and reinstatement of speed humps
- Traffic control / contingency

A brief description of some of the proposals is outlined below:

Street Trees

It was previously proposed to retain the majority of existing trees (Spotted gum *Eucalyptus maculata* and White Ironbark *Eucalyptus leucoxylon*) and only remove specimens that were either in poor condition or were not native to Australia. It was also proposed that additional spotted gums be planted in the area between Fairfield and Coogee Streets and that additional white iron barks be planted where existing exotic species are removed between Coogee Street and The Boulevard.

Planter Beds

It was proposed to create planter beds where appropriate and use predominantly native plants due to the existing streetscape having an existing established "Australian native" theme and to extend the mainline reticulation along Scarborough Beach Road from the Axford Park reserve to reticulate all the proposed landscaping from the existing bore.

Artworks

It was proposed that a series of site-specific tiles would be embedded into the footpath using cement and resin with materials relevant to the site, such as photographs, objects and texts used to create an image which captures the features of the area, blending the history with the present and future developments.

Lighting fitting upgrade

It was proposed to replace the existing fittings with light poles from the Western Power decorative range (refer attached diagrams).

Community Art Banner Poles for the central median between Fairfield and Matlock Streets

Additional solid islands were proposed to accommodate banner poles.

Estimated Cost

The updated estimated cost of this proposal is \$360,000:

Alternative Options

At a recent meeting between the Town and the developers of the Mount Hawthorn Shopping Centre, the successful implementation of recent streetscape improvement works in both Angove Street and Fitzgerald Street was discussed.

At the meeting it was suggested that an alternative proposal could be prepared based (somewhat) on the streetscape themes implemented in the above two projects.

As mentioned above, it was previously proposed to retain the majority of existing native trees and plant additional native trees along the Scarborough Beach Road strip.

Both the Angove and Fitzgerald Streets upgrade comprised an exotic theme, so two options have been considered as follows:

Option A (*Refer Plans Nos 2152-CP-1C, 2152-CP-2C & 2152-CP-2A*)

This option comprises all the items that were included in the original proposal excluding the *replacement of street lights with decorative lighting*. The following new items have been included:

- Centrally Planted Trees (Including flush kerbing & Bollards)
- Double Outreach decorative lighting - Centre of Road
- Decorative road treatment at the Flinders Street & Scarborough Beach Road Intersection

Street Trees

This proposal retains the 'native theme' of the original proposal with 'spotted gums' proposed to be planted along the centre of the road surrounded by flush kerbing and bollards.

It also retains the majority of existing healthy verge trees (Spotted gum *Eucalyptus maculate*) and proposes to remove all remaining specimens. The remaining specimens consist of the exotic Norfolk Island Hibiscus (*Lagunaria patersoni*), White Ironbark (*Eucalyptus leucoxlyn rosea*) and several other eastern states native species of differing shapes and forms.

To create an order of movement along the street, it is now recommended that only one species of tree be used and additional trees be planted along the length of the street, where possible, in an effort to maintain regular spacings.

Planter Beds

As in the original proposal, native shrub/groundcover species would be used in any planting beds created along the length of the street as per the attached plan.

Lighting fitting upgrade

It was proposed to replace the existing fittings with light poles from the Western Power decorative range (refer attached diagrams).

Double outreach decorative lighting - Centre of Road

This proposal includes removal of the existing street lights (located on the road verge) and the installation of new double outreach decorative lighting along the centre of the road. These would be located in 'new' strategically placed small islands.

Decorative road treatment at the Flinders Street & Scarborough Beach Road Intersection

This proposal includes the excavation and removal of a layer of existing road pavement on the four legs of the intersection and infilling with textured patterned paved concrete to create more of a focal point at this location. The area within the patterned paved concrete will be overlaid with gravel pave (red) asphalt. This has been designed to minimise impact on the existing below ground traffic sign 'activation loops'

Estimated Cost

The estimated cost of this proposal is \$472,000

Option B (*Refer Plans Nos 2152-CP-1C, 2152-CP-2C & 2152-CP-2A*)

This option comprises all the items that were included in Option A, however, excludes the item *removal/ addition / replacement of some verge trees* and includes the following additional new item.

- Removal and replacement of 'all' existing trees and replace with alternative species.

Street Trees

This proposed planting theme is similar to that of the Fitzgerald Street and Angove planting theme and comprises the following.

Bradford Pear <i>Pyrus calleryana</i>	Centre of road planting
Chinese Tallow <i>Sapium sebiferum</i>	Verges

The Bradford Pear has established itself very quickly at the corners of Woodville and Angove Street and being of upright habit will be an ideal shape and form for the proposed narrow median island. Again it should be noted that the very narrow median and continual passing traffic does not create the ideal environment for trees to thrive and the success of any tree planting in such a narrow median is questionable.

The proposed verge tree is the Chinese Tallow. This species was selected as the Town replaced many of the original Norfolk Island Hibiscus species between Charles and Oxford Streets with the Chinese Tallow prior to 2000. The Chinese Tallow was to be the new species introduced to replace the Norfolk Island hibiscus along the entire length of Scarborough Beach Road.

Planter Beds

As with the plan for the previous proposal, shrub/groundcover species would be used in any planting beds created along the length of the street and an exotic species used.

Estimated Cost

The estimated cost of this proposal is \$493,500.

Proposed Modification of the bus stop adjacent to the Mount Hawthorn Plaza Shopping Centre (*Further previous report as attached*)

At its Ordinary Meeting held on 28 February 2006, the Council considered a request by the developers of the Mt Hawthorn Plaza Shopping Centre (*the 'Mezz'*) to modify the existing bus stop on Scarborough Beach Road adjacent to the Shopping Centre, to enable the footpath to be widened to provide improved pedestrian amenity and create more useable space.

At the meeting the Council decided:

That the Item be DEFERRED for a more detailed assessment to be made of the traffic implications and a report be provided to Council at its second meeting in March 2006.

Background

As previously reported to the Council, the location in question currently comprises a through traffic lane and an extended embayed bus zone and two (2) ¼ P parking bays. The existing footpath is approximately 3.0m wide expanding to about 5.2m wide at either end, adjacent the intersections. The developer anticipates that pedestrian traffic will increase significantly with the completed redevelopment and that some of the tenancies will be cafés and/or restaurants seeking to incorporate alfresco dining under the new awnings.

Proposed Bus Embayment Modifications

The developer has submitted a proposal to remove the embayed bus zone and shelter, widen the footpath to approximately 5.0m and install a kerbside bus stop, with a decorative bench seat and tactile paving. The two (2) ¼ P parking spaces at the Fairfield Street end would be retained.

Traffic Study

In support of the application, the developer engaged Riley Consulting Traffic and Transportation Consultants to assess the impact of the proposed changes.

Additional Information (As requested by the Council)

Riley Consulting Traffic and Transportation Consultants have provided the following additional information and comments in support of their submission:

"Traffic modelling of the proposal to replace the embayed bus zone with kerbside bus stop indicates that typically about 3 vehicles may be delayed behind a bus using the stop during the busiest peak period.

The average bus stopping time was recorded to be about 10 seconds, although one or two buses appeared to use the stop as a timed stop (when ahead of schedule) and it is suggested that Transperth be requested to use other stops for this purpose.

It is considered that the likelihood of stopped buses affecting traffic turning left from Flinders Street is minimal. As indicated, buses travel along Scarborough Beach Road and would impact traffic on the major road. If we assume that the bus passes through the traffic signals at the end of the green period with 3 cars following, then we can derive that the 3 cars will be held behind the bus when stopped and let us assume that the stop is 15 seconds. The green to traffic to allow the 3 cars to pass through the intersection would be about 3 to 5 seconds and the intergreen period before traffic could cross the Flinders Street stop line would be 7 seconds (assuming that the pedestrian stage was not called). In total of the 15 seconds bus stopping time, (say 3 + 7) 10 seconds would be dead time to traffic on Flinders Street. Allowing 2 seconds lag time for traffic to start once the signals turn green, it can be seen that the bus would start moving from the stop within about 3 seconds of a car turning into Scarborough Beach Road.

In summary of the calculation above it is likely that only the traffic on Scarborough Beach Road would be affected as the traffic signals would hold traffic on Flinders Street until such time that the bus had moved on, so traffic turning left from Flinders Street is very unlikely to be affected.

Also, during the period of the site inspection the volume of traffic turning left from Flinders Street was very low and on many green periods only 1 or 2 vehicles made this movement.

It should also be borne in mind that traffic turning left from Flinders Street can use Fairfield Street (and I expect that most traffic already does as Fairfield avoids the delays experienced at the lights)."

Officer's Comments

The traffic consultant has made numerous traffic assumptions with regard to this proposal, which may or may not be the case in practice. One option would be to trial the proposal using water filled barriers or similar and actually measure and observe the impact. It is recommended that the applicant submit the proposal to remove the 'embayed' bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information has been received. This will then be included in the consultation and a further report will be presented to Council with appropriate recommendations.

CONSULTATION/ADVERTISING:

The proposal will be advertised for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation". Written submissions will be invited, and a public meeting will be held with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

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*” and “*Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape Upgrade. Additional funds may need to be allocated or reallocated to this project once a preferred option has been adopted by the Council. The following table provides a breakdown of estimated costs for each of the upgrade options:

Item	Original Option Revised Estimated Cost	Alternative Option A Estimated Cost	Alternative Option B Estimated Cost
<u>Verges</u>	\$	\$	\$
• Extension of Mainline reticulation for trees/gardens	60,000	n/a	n/a
• Construction of domestic bore and associated works	n/a	55,000	55,000
• Removal/addition/replacement of 'some' verge trees	8,500	8,500	n/a
• Removal / replacement of 'all' verge trees with alternative species	n/a	n/a	30,000
• Garden beds protected by safety fencing	70,000	70,000	70,000
• Replacement of street lights with decorative lighting	40,000	n/a	n/a
• Decorative public Litter Bins	8,000	8,000	8,000
• Additional bicycle parking rails	1,500	1,500	1,500
• Street Art Work	8,500	8,500	8,500
• Brick paving reinstatements	10,000	10,000	10,000
• Bench Seats	n/a	7,000	7,000
<u>Central Median</u>			
• Additional Pattern Paved Concrete infill with cream header course	12,000	12,000	12,000
• Banner poles	23,000	23,000	23,000
• Centrally planted trees (including flush kerbing/bollards)	n/a	45,000	45,000
• Double outreach decorative lighting	n/a	55,000	55,000
<u>Road</u>			
• Line Marking	4,000	4,000	4,000
• Resurfacing of Embayed parking with black asphalt	34,500	34,500	34,500
• Resurfacing of traffic lanes with red asphalt	55,000	55,000	55,000
• Decorative road treatment at Flinders / Scarborough Bch Rd	n/a	50,000	50,000
<u>Miscellaneous</u>			
• Traffic control / contingency	25,000	25,000	25,000
TOTAL ESTIMATED COST	\$360,000	\$472,000	\$493,500

With regard to the proposed modification of the bus stop adjacent to the Mount Hawthorn Plaza Shopping Centre, there are no financial implications to the Town as the proposed works/changes would be fully funded by the developer, Hawaiian Developments.

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

It is therefore recommended that the Council receives the report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mt Hawthorn, and adopts the recommendation to formally progress this matter

10.2.5 Proposed Introduction of Angle Parking, Time Restrictions and a Temporary "Residents Only" Parking Restriction in Wasley Street and Time Restrictions in Norfolk Street

Ward:	South	Date:	16 March 2006
Precinct:	Norfolk (P10)	File Ref:	PKG0160/PKG0161
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 restricted parking in portions of Wasley and Norfolk Streets, North Perth, as shown in attached plan 2392-PP-1B;*
- (ii) *APPROVES the introduction of the following 'on road' parking restrictions:*
 - (a) *extension of the one (1) hour time restriction on the southern side of Wasley Street, between the existing parking restriction zone (east of Fitzgerald Street) to the western boundary of the nursing home;*
 - (b) *temporary "Residents Only" Parking Zone on the northern side of Wasley Street between the existing parking restriction zone (east of Fitzgerald Street) to Norfolk Street to remain in place during the construction period at St Michael's Aged Care Centre;*
 - (c) *one hour (1) time restriction in portions of Norfolk Street between Forrest and Wasley Streets;*
- (iii) *APPROVES the installation of fifteen (15) temporary angled parking bays on the southern side of Wasley Street at an estimated cost of \$10,000, to be funded by the owners of the St Michael's Aged Care Centre and constructed by the Town, to a kerbed, sealed and drained standard as shown of attached plan 2417-CP-1;*
- (iv) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (v) *ADVISES all adjacent residents and businesses of its decision.*

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That;

1. *clause (ii)(a) be amended to read as follows:*

“(ii) (a) extension of the one (1) hour time restriction on the southern side of Wasley Street, between the existing parking restriction zone (east of Fitzgerald Street) to ~~the western boundary of the nursing home Norfolk Street;~~” and

2. *clause (iii) be deleted.*

Debate ensued.

AMENDMENT LOST (2-6)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Farrell
Cr Ker
Cr Messina
Cr Torre

(Cr Doran-Wu was an apology.)

Moved Cr Chester, Seconded Cr Messina

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

“(v) ADVISES all adjacent residents and businesses of its decision and informs residents that the proposed temporary angled parking bays on the south side of Wasley Street will be removed at the conclusion of the redevelopment of the St Michael's Aged Care Centre and replaced with indented parallel parking, at the developer's expense.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.2.5

That the Council;

*(i) **RECEIVES** the report on the proposed restricted parking in portions of Wasley and Norfolk Streets, North Perth, as shown in attached plan 2392-PP-1B;*

- (ii) ***APPROVES the introduction of the following 'on road' parking restrictions:***
- (a) *extension of the one (1) hour time restriction on the southern side of Wasley Street, between the existing parking restriction zone (east of Fitzgerald Street) to the western boundary of the nursing home;*
 - (b) *temporary "Residents Only" Parking Zone on the northern side of Wasley Street between the existing parking restriction zone (east of Fitzgerald Street) to Norfolk Street to remain in place during the construction period at St Michael's Aged Care Centre;*
 - (c) *one hour (1) time restriction in portions of Norfolk Street between Forrest and Wasley Streets;*
- (iii) ***APPROVES the installation of fifteen (15) temporary angled parking bays on the southern side of Wasley Street at an estimated cost of \$10,000, to be funded by the owners of the St Michael's Aged Care Centre and constructed by the Town, to a kerbed, sealed and drained standard as shown of attached plan 2417-CP-1;***
- (iv) ***PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and***
- (v) ***ADVISES all adjacent residents and businesses of its decision and informs residents that the proposed temporary angled parking bays on the south side of Wasley Street will be removed at the conclusion of the redevelopment of the St Michael's Aged Care Centre and replaced with indented parallel parking, at the developer's expense.***
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the results of the recent community consultation with residents in Wasley and Norfolk Streets and request the approval of various recommendations to improve the amenity for residents in these two streets.

BACKGROUND:

Wasley Street, between Fitzgerald and Norfolk Streets, while predominately residential, also provides a significant street frontage for St Michael's Aged Care Centre (St Michael's).

St Michael's has embarked on a staged redevelopment of its existing aged care facility to provide additional and upgraded accommodation. Along with a number of other concerns, residents of Wasley and Norfolk Streets, in the vicinity of St Michael's, have expressed concerns that the redevelopment will have an adverse impact on their parking amenity and generate safety issues, particularly during the construction phase. They have requested that these concerns be addressed.

DETAILS:

With the redevelopment of St Michael's site in 2004/2005, and the prospect of further redevelopment stages, a need to minimise the impact of the current and expected increased demand on parking, particularly during the construction phases of the redevelopment, is required.

Following several public meetings and various representations made to the Town regarding parking matters in Wasley Street in the vicinity of the St Michael's, a proposal was prepared to provide restricted 'on road' parking in the vicinity of the Centre.

While substantial under-croft parking will ultimately be provided as part of the overall redevelopment, a net loss in parking will result in the short term. The construction period for the redevelopment is expected to be over, at least, two years, and therefore residents have requested that the Town provide solutions to the projected increase in parking demand.

In addition, some residents have raised concerns regarding congestion / parking and an attempt has been made to address these issues in the short and longer term in liaison with the owners of St Michael's and the community.

Initial 'On Road' Parking Proposal

A consultation letter was distributed to residents on 9 December 2005, outlining proposed parking restrictions for Wasley Street between Fitzgerald and Norfolk Streets, and Norfolk Street from Forrest to Wasley Streets - see attached Plan 2392-PP-1.

The proposal comprised a two (2) hour restriction on the north side of Wasley Street, east of the existing one (1) hour restriction, a two (2) hour restriction in the residential component of the south side of Wasley Street (with no restriction being applied adjacent to St Michael's so that visitors and staff could be accommodated). A two (2) hour restriction was also proposed for Norfolk Street, excepting the existing "No Stopping" zones, and again, adjacent to St Michael's to accommodate their needs.

Fifty two (52) consultation letters were distributed, drawing eleven (11) responses. Only Seven (7) of the respondents were generally in favour of the proposal as presented.

Additionally, during the response period, twenty (20) identical photocopied letters were received opposing the proposal and suggesting alternative measures. Some residents returned both the Town's survey form and the "alternatives" letter.

Amended 'On Road' Parking Proposal

As a result of the consultation, and the Town's subsequent discussion with representatives from the St Michael's Action Group (a group of residents who refer to themselves as "SMAG") and the Management of St Michael's, a number of solutions were considered and a proposal developed.

It was suggested that the initial proposal for a two (2) hour restriction on the north side of Wasley Street be amended to be a temporary "*Residents Only*" restriction for the duration of the St Michael's construction period. It was also suggested that the one (1) hour restriction on the south side of Wasley Street should be extended east as far as St Michael's, from where parking would be unrestricted. The proposed two (2) hour restriction on the east side of Norfolk Street would be reduced to one (1) hour and the proposed one (1) hour restriction on the west side of Norfolk Street would remain.

On 15 February 2006, letters were distributed to residents in Wasley and Norfolk Streets outlining the amended proposal and the conditions of a "Residents Only" restriction. It was also explained that additional measures were being discussed with St Michael's, however, final agreements had not yet been reached.

The Town received only one (1) written response to this letter, which was countersigned by twenty two (22) residents from sixteen (16) households in Wasley Street between Fitzgerald and William Streets. The main points of this letter were as follows:

Response:

The latest proposals do not, in any way, address the problem of nursing home staff and visitors parking in Wasley Street between Norfolk Street and William Street or parking in Norfolk Street between Wasley Street and Burt Street"

Officer's Comments

The restrictions as proposed for Wasley Street are part of a number of measures which are intended to address a projected increase in parking demand. Once construction has commenced and the actual outcomes can be measured, restrictions may be reviewed and extended if necessary. Currently there is no discernable parking problem in Wasley Street between Norfolk Street and William Street.

Response:

A single lane of moving traffic will remain in place in Wasley Street which is unacceptable to residents.

Officer's Comments

Wasley Street is eight (8) metres wide. More than 70% of the Town's roads are 8.0m in width or less. Parking is permitted on both sides of the vast majority of these streets, and although this may result in traffic being limited to a single lane, at times, co-operation between motorists enables safe and reasonable passage. This also acts as a traffic calming measure to keep speeds down.

In an inner city environment, immediately adjacent to Fitzgerald Street, (*a Class "A" District Distributor road*), and the North Perth Centre Precinct, there is understandably a greater demand for parking than one may expect in some of the quieter streets within the Town. Limiting parking to one side of the street is neither necessary nor practical in any part of Wasley Street.

Response:

There are insufficient parking restrictions in Norfolk Street which is also unacceptable to residents whose vehicle access to their property is from Norfolk Street.

Officer's Comments

The restrictions proposed for Norfolk Street are considered reasonable. "No Stopping" demarcation and stencilling will be refreshed adjacent to crossovers to ensure that parked vehicles do not obstruct access to residents' off-street parking. Residents will be entitled to exemption permits for their visitors in accordance with the Town's policy.

Response:

Residents also believe that the proposed Resident's Permits are too restrictive. In particular some of the older residents of Wasley and Norfolk Streets need facilities for their children and grandchildren to be able to visit them and be able to park their vehicles in an orderly fashion.

Officer's Comments

The terms of the Town's "Resident's Only" restriction were clearly set out in the letter to residents. Residents who are unable to provide off street parking on site are eligible to apply for exemption permits up to a maximum of two (2). All residents of single dwellings are eligible to apply for two (2) visitors exemption permits [Units will be eligible for one (1) visitor's exemption permit.]

The majority of residential properties in Wasley Street have sufficient frontage to accommodate two parked vehicles. Although Residential and Visitor Exemption Permits do not entitle residents to reserved space outside their own property, clearly, working on this principle for the purpose of calculation, the issue of any more than two (2) permits per household may potentially be to the detriment of other residents within the restriction zone. Visitors who are unable to access exemption permits are not prohibited from seeking parking on the other side of Wasley Street in the time restricted zones or in the unrestricted zone adjacent to St Michael's.

In the letter received in response to the Town's initial proposal, the following comment was made about resident and visitor permits:

Response:

The current proposal to allocate limited permits to residents is too restrictive. Residents in other areas of the TOV are given more liberal access to permits than what is proposed in this instance by the TOV.

Officer's Comments

This is incorrect as the issue of such permits is governed by the Town's Local Law Relating to Parking Facilities and, as such, is administered consistently throughout the Town.

Other issues raised in the letter from residents

The letter raised the matter of measures to be implemented by St Michael's, or by the Town funded by St Michael's, as part of any future development approval. In particular, it concentrated on two proposals which were discussed at the previous meeting with residents:

- Angle parking in Wasley Street adjacent to St Michael's and
- St Michael's possible acquisition of a property in Wasley Street which could accommodate significant parking during the construction period

Residents were disappointed that details of these proposals were not made available along with the parking restriction proposals. It was, however, stated in the Town's consultation letter that;

"other measures to improve parking, which are yet to be formally discussed with the Nursing Home, are also being considered to improve parking and safety in this section of Wasley Street."

Although St Michael's had agreed in broad principle to the angle parking proposal at the time, design and costing was still in progress. Similarly, St Michael's had not completed negotiation with the owner of the property subject to the lease proposal. Notwithstanding this, St Michael's is required to provide acceptable solutions to parking problems before a development application will be approved, however, it appears residents had mistakenly concluded that the Town was not intending to pursue satisfaction of these conditions. The proposal presented for comment was addressing "on-street" parking restrictions only and residents will be kept informed of additional measures when they have been finalised.

Angled Parking Wasley Street

Since the conclusion of the consultation, design and costing of the proposed angle parking has been completed and St Michael's have agreed to its implementation as soon as possible. The Town's Technical Services Officers have costed the works at \$10,000. The proposal is shown on attached Plan 2417-CP-1.

Additional off road parking - No 64 Wasley Street

St Michael's have also recently advised the Town that they have concluded their negotiations for lease of 64 Wasley Street and have submitted a planning application. The proposal will develop the site to provide twenty seven (27) parking bays which will be available for staff between 7.00am and 7.00pm daily. Outside of those hours, it is proposed that all staff parking will be accommodated on-site.

CONSULTATION/ADVERTISING:

Details of the consultation with residents and the owners of St Michael's have been provided above.

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:

It is considered the combination of the proposed angle parking and off site parking, together with the restricted kerbside parking (as proposed) will ensure the concerns of residents are addressed. The situation will be monitored throughout the period of the redevelopment and additional measures will be considered should the need arise. It is recommended that the Council approve the construction of the angle parking in Wasley Street as illustrated by Plan 2417-CP-1. It is also recommended that the Council approve the implementation of the time restricted parking and the temporary "Residents Only" zone as illustrated by Plan 2392-PP-1B.

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

Ward:	Both	Date:	20 March 2006
Precinct:	Forrest P14	File Ref:	TES0061
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	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) *APPROVES IN PRINCIPLE the following measures estimated to cost \$35,000 to improve the amenity for residents along Lincoln Street between Lord and Smith Streets as shown on attached Plan No 2384-CP-1 including;*
 - (a) *installation of paved nibs at the intersection of Lincoln and Wright Streets, Lincoln and Smith Streets, and at appropriate locations between the intersections to create an embayed parking lane;*
 - (b) *installation of a raised entry statement at the intersection of Lord and Lincoln Streets incorporating low level landscaping;*
 - (c) *painting of demarcation lines with 'No Stopping' either side of every crossover in the section of Lincoln Street between Lord and Smith Streets and painting a continuous white line 'parallel' to the kerb on both sides of Lincoln Street; and*
 - (d) *the planting of additional verge trees to augment the streetscape and to act as a passive traffic calming measure;*
- (iii) *CONSULTS with residents in Lincoln Street between Lord and Smith Streets regarding the 'parking and traffic' proposals as outlined in clause (ii) above, giving them 21 days in which to provide a response;*
- (iv) *APPROVES IN PRINCIPLE the following measures in Smith Street between Bulwer and Harold Streets estimated to cost \$10,000 as shown on attached Plan No 2416-LM-1 which includes;*
 - (a) *the painting of demarcation lines with 'No Stopping' either side of every crossover in the section of Smith Street between Bulwer and Harold Streets, linking the existing roundabouts at each intersection and painting a continuous white line 'parallel' to the kerb on both sides of Smith Street as shown on attached Plan No 2416-LM-1; and*
 - (b) *the planting of additional verge trees to augment the streetscape and to act as a passive traffic calming measure.*

- (v) *CONSULTS with residents in Smith Street between Bulwer and Harold Streets regarding the 'parking and traffic' proposals as outlined in clause (iv) above, giving them 21 day in which to provide a response;*
 - (vi) *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$10,000 from the Smith Street budget to Lincoln Street budget as recommended in the main body of the report; and*
 - (vii) *RECEIVES a further report at the conclusion of the Community Consultation as outlined in clauses (iii) and (v) above.*
-

COUNCIL DECISION ITEM 10.2.7

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Doran-Wu was an apology.)

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 9 March 2006, where Lincoln and Smith Streets, Highgate, were discussed, and to make appropriate recommendations to address some of the issues raised at the meeting.

BACKGROUND:

At its Ordinary Meeting of 20 December 2005, the Council considered a further report on traffic management issues in Lincoln and Smith Streets, Highgate, where it was decided (in part):

That the Council;

- (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.*

In accordance with clause (iii) of the above Council decision, the item was listed for consideration at the LATM Advisory Group's first meeting of 2006 which was held on 9 March 2006.

DETAILS:

A summary of the traffic data for both Lincoln and Smith Streets is outlined below:

Lincoln Street

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

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• <i>Beaufort – Smith</i>	<i>864</i>	<i>40</i>
• <i>Smith - Wright</i>	<i>1,298</i>	<i>59</i>
• <i>Lord - Wright</i>	<i>1,182</i>	<i>54</i>

Classification: Access Road.

Comments: Lincoln Street is an access road surrounded by higher order District Distributor Roads i.e. Lord, Bulwer and Beaufort Streets, and bisected by Smith Street which is a Local Distributor Road. The section of Lincoln Street between Lord and Smith Streets recorded an 85 % speed exceeding the 50kph speed limit and includes an accident history at the Wright/Lincoln intersection. The matter has been raised by local residents on several occasions in the last few years, most recently last September.

The above data supports the residents' assertions that a significant percentage of the traffic using Lincoln Street is doing so to avoid the signalised intersection at Bulwer and Lord Streets. For the section west of Smith Street the traffic volume drops appreciably but more significantly the 85% speed drops to 40kph. For this reason Lincoln Street, Smith Street to Beaufort Street was excluded from the discussion.

Smith Street

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

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• <i>Bulwer - Lincoln</i>	<i>2,607</i>	<i>50</i>
• <i>Lincoln - Broome</i>	<i>2,785</i>	<i>52</i>
• <i>Broome - Harold</i>	<i>2,201</i>	<i>52</i>

Classification: Local Distributor Road

Comments: Smith Street is a Local Distributor Road surrounded by higher order roads. The request to traffic calm the street stems from perceived excessive speed by non residents. The data above does not support this assertion and therefore other, more cost effective, measures should be considered.

LATM Advisory Group meeting held on 9 March 2006

Two (2) community representatives attended the above meeting.

In light of the recommendations of the previous LATM Advisory Group meeting of 15 August 2005, two (2) concept plans were tabled for discussion.

It was emphasised to those present that the concept plans were intended to address the traffic issues only and were unlikely to have a significant impact upon wider social issues such as 'kerb crawlers'. The Group was advised that the Safer Vincent Coordinator was unable to attend the meeting nor was a representative from the WA Police Service, and that these issues would be better addressed at an appropriate forum.

Smith Street

The community representative from Smith Street, who originally raised the matter and attended both LATM meetings, was specifically interested in the section between Broome and Harold Streets. However, the Group was of the opinion that rather than consider the section in isolation, it would be more appropriate to consider the full length of Smith Street between Bulwer and Harold Streets, as the issues raised were common to all. Further, as discussion evolved, it became apparent that many of the residents' concerns could be addressed through relatively inexpensive measures such as enhanced and new line marking.

Smith Street is a Local Distributor Road punctuated by a series of four (4) roundabouts and, in light of the traffic data, it was concluded that it did not warrant additional traffic calming devices. It was agreed that line-marking could be used to define the parking lane and to narrow the road pavement thereby changing the driver's perception of the road environment, and leading to a reduction in speed. The proposed treatment is similar to that successfully introduced in York and Hobart Streets, North Perth.

As an outcome of the LATM Advisory Group meeting, the attached drawing No. 2416-LM-1, was prepared for Council's consideration.

If the suggested measures are approved in principle by Council, it is proposed that a copy of the above drawing, comment sheet and replied paid envelope, be distributed to the residents of Smith Street, between Bulwer and Harold Streets, for a period of 21 days seeking comment.

Lincoln Street

The significant difference between Lincoln and Smith Streets is that, other than the existing roundabout at the intersection of the two roads, there are no other traffic calming measures in Lincoln Street. As a consequence, it was considered that line-marking alone would not resolve the speeding issue. Therefore, unlike Smith Street, the concept was expanded to include nibs at the intersections with Smith and Wright Streets and a raised entry statement, incorporating low level landscaping, at Lord Street.

Further, the intersection of Wright and Lincoln Streets is eligible for State Black Spot funding. The Main Roads WA endorsed improvement proposal involves the installation of a splitter or median island on all four (4) legs of the intersection. The intention is to reinforce the stop control in Wright Street and better regulate traffic movements through the intersection. However, as a result of the LATM Advisory Group's discussions, it was agreed to request a variation to the scope of works so that median islands in Lincoln Street can be replaced with nibs to define the embayed parking lane and reduce the potential loss of on-road parking spaces. As the main focus of the Black Spot improvement is to reinforce the stop control in Wright Street, the suggested change should be acceptable to Main Roads WA.

In respect of the section between Smith and Beaufort Streets, both the traffic volume (-33%) and 85% speed (-19 kph) drops significantly and, as a result, was not considered for inclusion in any resultant traffic calming scheme.

As an outcome of the LATM Advisory Group meeting, the attached drawing No. 2384-C-1, was prepared for Council's consideration.

If the suggested measures are approved in principle by Council, it proposed that a copy of the above drawing, comment sheet and replied paid envelope, be distributed to the residents of Smith Street, between Bulwer and Harold Streets, for a period of 21 days, seeking comment.

CONSULTATION/ADVERTISING:

The residents of Lincoln Street, Lord to Smith Streets, and Smith Street, Bulwer to Harold Streets, will be consulted regarding the proposals in accordance with the Town's public consultation policy.

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.

Approved budget

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

Reviewed budget

The budget for the Lincoln / Wright State Black Spot project is set by a formula that calculates the BCR (Benefit Cost Ratio) and therefore cannot be varied. However, as result of the LATM Advisory Group's discussions, the scope of works on both Lincoln and Smith Streets has effectively been reversed. Therefore, it recommended that the budget be adjusted as per the table below.

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

The proposed scope of works for the combined projects can be accommodated within the above suggested re-allocations with nil impact upon the Town's budget as a result of the proposed change.

COMMENTS:

The Town receives many requests for Traffic Management. 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, whereas other matters are referred to the WA Police for enforcement of the legal speed limit.

However, in respect of Lincoln and Smith Streets there is a community expectation that appropriate measures will be taken to address both the real and perceived problems and therefore it is recommended that the proposals be adopted.

Mayor Catania welcomed Dale Morrissy – Assistant Manager Aquatic Operations Beatty Park Leisure Centre.

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Council approved for Cr Chester to remain in the Chamber and participate in debate but not vote on the matter.

10.3.3 Beatty Park Leisure Centre Needs and Feasibility Study - Future Redevelopment

Ward:	-	Date:	20 March 2006
Precinct:	-	File Ref:	ADM0014
Attachments:	-		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" as shown in Confidential Appendix 10.3.3, distributed separately to Elected Members;*
- (ii) *APPROVES IN PRINCIPLE for the redevelopment of Beatty Park Leisure Centre taking into consideration the options and comments outlined in the study detailed in clause (i), noting that no decision is made about the redevelopment concepts and further investigations of all other options and financial analysis will be required;*
- (iii) *NOTES;*
 - (a) *that the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" is to remain confidential until approved for release to the public by the Council, as it contains "commercially sensitive" information;*
 - (b) *the redevelopment options detailed in the consultant's feasibility study and these and other options require further investigation;*
 - (c) *the proposed redevelopment is scheduled to commence in the 2008/09 financial year (however this is subject to further review);*
- (iv) *AUTHORISES the Chief Executive Officer to;*
 - (a) *further investigate sources of funds and financial models for the redevelopment project;*
 - (b) *review the options, concept design and project brief taking cognisance of the Town's financial capacity for this redevelopment project; and*
 - (c) *call a tender for Architectural Services and quotations for other consultants to progress the redevelopment of Beatty Park Leisure Centre;*

- (v) *LISTS for the consideration an amount of \$500,000 in the Draft Budgets for 2006/07, 2007/08 and 2008/09 to be placed in the Beatty Park Leisure Centre Reserve to part fund the future development of the Beatty Park Leisure Centre; and*
- (vi) *REQUESTS that the Chief Executive Officer to provide regular progress reports on this matter.*
-

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Cr Chester departed the Chamber at 9.50pm.

Debate ensued.

Cr Chester returned to the Chamber at 9.51pm.

Moved Cr Ker, Seconded Cr Lake

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

- “(i) RECEIVES the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" as shown in Confidential Appendix 10.3.3, distributed separately to Elected Members and NOTES that the financial information is to be reviewed and corrected where necessary;”*

Debate ensued.

AMENDMENT CARRIED (8-0)

Moved Cr Ker, Seconded Cr Lake

That a new clause (iii) be added as follows and the remaining clauses renumbered:

- “(iii) CONSIDERS that any redevelopment of Beatty Park Leisure Centre should consider and report on information provided by prospective operators that were considered during the EOI process for Beatty Park Leisure Centre;”*

The Mayor asked Cr Chester to leave the Chamber as he did not have Council approval to vote. Cr Chester departed the Chamber at 10.00pm.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology.)

Cr Chester returned to the Chamber at 10.01pm.

Debate ensued.

Cr Chester departed the Chamber at 10.04pm.

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu was an apology.)

Cr Chester returned to the Chamber at 10.05pm. Cr Messina departed the Chamber at 10.05pm

COUNCIL DECISION ITEM 10.3.3

That the Council;

- (i) *RECEIVES the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" as shown in Confidential Appendix 10.3.3, distributed separately to Elected Members and NOTES that the financial information is to be reviewed and corrected where necessary;*
- (ii) *APPROVES IN PRINCIPLE for the redevelopment of Beatty Park Leisure Centre taking into consideration the options and comments outlined in the study detailed in clause (i), noting that no decision is made about the redevelopment concepts and further investigations of all other options and financial analysis will be required;*
- (iii) *CONSIDERS that any redevelopment of Beatty Park Leisure Centre should consider and report on information provided by prospective operators that were considered during the EOI process for Beatty Park Leisure Centre;*
- (iv) *NOTES;*
 - (a) *that the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" is to remain confidential until approved for release to the public by the Council, as it contains "commercially sensitive" information;*
 - (b) *the redevelopment options detailed in the consultant's feasibility study and these and other options require further investigation;*
 - (c) *the proposed redevelopment is scheduled to commence in the 2008/09 financial year (however this is subject to further review);*
- (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *further investigate sources of funds and financial models for the redevelopment project;*
 - (b) *review the options, concept design and project brief taking cognisance of the Town's financial capacity for this redevelopment project; and*
 - (c) *call a tender for Architectural Services and quotations for other consultants to progress the redevelopment of Beatty Park Leisure Centre;*
- (vi) *LISTS for the consideration an amount of \$500,000 in the Draft Budgets for 2006/07, 2007/08 and 2008/09 to be placed in the Beatty Park Leisure Centre Reserve to part fund the future development of the Beatty Park Leisure Centre; and*
- (vii) *REQUESTS that the Chief Executive Officer to provide regular progress reports on this matter.*

ADDITIONAL INFORMATION:

Additional confidential financial information was tabled and received. This relates to indicative costings and possible funding sources.

This information is to remain confidential pursuant to the Local Government Act 1995 1995, Section 5.23(e)(ii)

“a matter that if disclosed, would reveal –

(ii) information that has a commercial value to a person.”

PURPOSE OF REPORT:

To present to Council the Beatty Park Leisure Centre Feasibility Study as the second stage of the Beatty Park Needs Assessment and Feasibility Study and authorise the Chief Executive Officer to call tenders and quotations for consultants to progress this matter.

BACKGROUND:

The Beatty Park Leisure Centre was originally built in 1962 for the British and Commonwealth Games. A major extension was undertaken in 1993 where an indoor section including a covered pool and associated areas such as a café, offices, saunas and spas were added.

A number of refurbishments projects have taken place since 1994.

These are as follows:

- Refurbishment of stadium building changing rooms and toilets – 1999.
- Resurfacing of the indoor pool which included the addition of the indoor water playground – 2001.
- Refurbishment of sauna, spa and steam room – 2003.

The increasing maintenance costs which were contributing to the deteriorating financial performance required a number of actions to be undertaken relating to the future of the centre, these are as follows:

A structural review was carried out at the Beatty Park Leisure Centre by GHD Pty Ltd in January 2004 to inspect the condition of the Beatty Park Leisure Centre buildings and also to provide comment on the compliance of the centre to the Building Code of Australia (BCA) and relevant Australian structural standards in respect to public safety.

This report highlighted remedial work that is needed to be carried out at the facility. This was categorised in to type according to the urgency of the work required. Some work has been performed in recent financial years.

ABV Leisure Consultancy was appointed by the Town of Vincent to conduct a Need Analysis and Feasibility Study for the Future Redevelopment of Beatty Park Leisure Centre. The Needs Analysis Report findings were presented for consideration in October 2004.

The findings derived from the research, analysis and consultation revealed the following:

- There is a high level of satisfaction amongst the users and the general community with the Beatty Park Leisure Centre.
- The Heritage Council of WA registration of Beatty Park Leisure Centre as a place of State significance on the State list of heritage places.
- The current poor state of repair of sections of the facility.
- The age and uncertain lifespan of much of the plant and building.
- The degree and (unknown) cost of remediation work required on the facility.
- Strong support for upgrade of facility to modern standards of leisure facility provision.
- Increasing public expectations and standards of leisure facility provision.
- Strong support of the upgrading of the change rooms.
- Recent increased and planned future competition from modern leisure facilities sharing catchment areas.
- Recent opportunities to decrease use of greenhouse gas emissions and operational expenditure through new geo thermal heating technology applications.

The Need Analysis recommended that a due diligence report on the plant and buildings be undertaken as result the following reports were prepared.

The Town appointed Stevenson & Associates to review and comment on the design and condition of the air and water systems at Beatty Park Leisure Centre. Their report was submitted in July 2005.

It concluded that both the Indoor and Outdoor Water Treatment System were old and general in poor condition and it was recommended that these be replaced with the new plant.

Kellog Brown and Root were engaged to undertake a conditional audit of the mechanical services including domestic hot water, electrical and fire services.

The report noted that the majority of the electrical equipment and cabling in the areas dated back to the 1960's original construction and has reached the end of its functional life and would need to be replaced as part of any future development.

The majority of the mechanical equipment is of satisfactory condition and within economic life.

The fire services appear to be maintained in accordance with the requirements of the Australian Standards.

DETAILS:

The Feasibility Study is the second stage of the Beatty Park Leisure Centre Needs Assessment and Feasibility Study.

The report was presented by Darren Monument the principal of ABV Leisure Consultancy to a Council Forum on the February 2006

In summary the report included the following:

Development options

Option 1 – Redevelop BPLC at a cost of \$15 million.

Option 2 – Make good BPLC at a cost of \$3.5 million

Option 1 is considered to be beyond the Town's current financial capacity and further options should be considered.

Option 1 - Development was based on a design brief from the project reference group which encompassed the following to satisfy the expressed demands:

- (a) Remedial building and plant works.
- (b) Upgrade of existing key features to contemporary standards of modern leisure facilities.
- (c) Remodel existing components of the facility for improved functionality and efficiency.
- (d) Options to increase attendances and improve financial performance.

Option 2 - This represented the works recommended to be completed in the due diligence reports.

Projected Operating Results

The report includes the detailed assumptions supporting the projected estimates.

2004/05 – Net Operational Deficit – \$-452,184.

Projected following redevelopment – Net Operational Surplus – \$195,180.

Management

The report provides a background to the current trends in the leisure industry.

Outlines the major operators in this field.

Considers the pros and cons of in house and outsource management.

Outlines the various combinations which may be considered for Beatty Park Leisure Centre.

The report made a number of recommendations which have been listed below with the officer's comments below each recommendation.

RECOMMENDATIONS

1. *That the Town of Vincent receive the Beatty Park Leisure Centre Feasibility Study report as the second stage of the Beatty Park Leisure Centre Needs Assessment and Feasibility Study*

Officer's comments:

The report is received and reported to Council. It is recommended that the detailed report remains confidential as it contains financial and management information in regard to the centre which is of a commercially sensitive nature.

2. *That based on the research and findings of the Needs Assessment Study, the development option that would best meet the long term need of the community and users it to redevelop the Beatty Park Leisure Centre as described as option 1 within this report.*

Officer's comments:

The concept for the option 1 was developed by the consultant on the basis of user requirements, without any financial restrictions. The design brief for the redeveloped needs to be revisited to consider the Town's financial capacity. Option 1 is only one of many redevelopment proposals which could be investigated.

3. *That, if the Town of Vincent determine the recommended development option is not feasible for financial reasons, then a staged approach to the redevelopment is considered. This staged approach should prioritise developments in order of need considering safety maximum user impact and potential contribution to financial return.*

Officer's comments:

The Town is needs to finalise a concept design before consideration is given to a staged approach and certainly consideration has to be given to the impact on the day to day operations of the centre if a stage approach is undertaken. This will be the subject of further investigation by the Town's administration.

4. *That the Town of Vincent consider further consultation with the community to highlight the preferred design option and gauge the level of satisfaction with that design option prior to development.*

Officer's comments:

Following the acceptance by the Council of an approved concept design, the Town would undertake extensive community and user consultation at the appropriate time to ensure a general satisfaction of the design option.

5. *It is recommended that a general 5% price increase for all fees and charge at BPLC be considered in a substantially redeveloped facility.*

Officer's comments:

The fees and charges for the Centre are considered during the annual budget process. The recommended increase will be considered at the appropriate time.

6. *It is recommended that BPLC market test the outsourcing of its café operations via a management tender process.*

Officer's comments:

Supported. A report on this matter was presented to the Council at the Ordinary meeting of 4 October 2005 in a confidential item seeking approval of the outsourcing of the café at the Beatty Park Leisure Centre.

The matter was deferred and now it is likely to be finalised once the outcome of the process on the management of the centre is determined.

7. *It is recommended that the Town of Vincent consider the implementation of an Asset Management Plan for a redeveloped BPLC to ensure its long term sustainability as a leading multi- purpose leisure centre.*

Officer's comments:

Supported. The Town is currently in the process of implementing a new Asset management system and Beatty Park Leisure Centre will be included.

As a major asset of the Town the centre should have a detailed plan developed.

8. *It is recommended that the Town of Vincent address the issues associated with heritage listing impact on a redeveloped BPLC at the detailed design stage of any redevelopment and that the process of involving the Heritage Council be ongoing throughout the design stage.*

Officer's comments:

The Town has prepared a Draft conservation plan for the Centre in accordance with the requirements of the State Heritage listing. The Town is acutely aware of its obligations under the heritage importance of the site and will liaise with the Heritage Council to ensure that any future redesign of the centre complies with Heritage requirements.

9. *It is recommended that the Town of Vincent market test the management of BPLC once it has determined the extent of any proposed redevelopment.*
- 9a. *Further the market testing should include the management of Loftus Recreation Centre with options for prospective tenderers to package the two centres or manage them individually.*

Officer's comments:

At the Ordinary Meeting of Council held on 28 February 2006, the Council considered the Loftus Centre Redevelopment. It approved the calling of an Expression of Interest (EOI).

An EOI is currently being advertised for the Operational Management of the Beatty Park Leisure Centre and closes on 4 April 2006.

At the same time a Tender for the Operational Management for the Loftus Centre is being advertised. Tenderers are being requested to submit a package for the two centres or manage them individually.

This action is being undertaken at this time as it is considered that the redevelopment of the Beatty Park Centre is likely to be undertaken in 2/3 years. Whereas any delays in the advertising of the tender for the Loftus Recreation Centre will result in increased construction costs.

Option 1

The recommended option 1 in the Feasibility Study is currently cost prohibitive for the Town. The Town's administration envisages that the timeline for any proposed development would be in a 2/3 year time frame. It is important that the design brief is reviewed to better reflect the expected financial capacity.

It is important to recognise the consideration in the Net Present Value calculation that over the twenty year period that the cost of the redevelopment and the cost of the make good option are the nearly the same. This is because of the positive impact the redevelopment has on the financial operating performance.

It is important that a design concept is finalised to allow the required the community consultation and heritage matters to be completed. To this end it is recommended that architects be appointed to develop an appropriate concept design.

Investigation of Funding Sources

At the same time, it is important that the administration investigate the available sources of funding for this project. This project will potentially be one of the most expensive the Town has undertaken and therefore all avenues including all forms of government and private industry funding should be pursued.

To build up it's own funds for this project it is recommended that the Town consider listing an amount of \$500,000 in the 2006/07 Draft Annual budget to be transferred to the Beatty Park Reserve and the same amount be listed in the 2007/08 and 2008/09 budgets so that the Town will have a reasonable amount of funds available to contribute to the project.

Management Options

The report has outlined a number of considerations for the management options of the centre.

The Town has currently called for an Expression of Interest for the Operational Management of the Beatty Park Centre and at the same time a Tender for the Operational Management of the Loftus Recreation Centre. The evaluation of both these processes may also have impact on the future management of the centre.

It should be noted that the current Centre Manager, Deb Vanallen, submitted her resignation on Friday 20 March 2006, effective from 6 May 2006. The Assistant Manager – Aquatics and Operations will be acting Centre Manager.

Indicative Timeline

The proposed redevelopment of the Beatty Park Leisure Centre will be one of the most significant redevelopments undertaken by the Town and it is essential that the financial impact does not severely compromise the Town's financial position or its operations.

Furthermore, extensive investigations will need to be carried out concerning funding sources, financial models, concept designs and implementation. Therefore, an indicative broad timeline would be as follows:

Date	Item
March - June 2006	Calling of tenders/quotations
July 2006 - June 2007	Investigation of options
July 2007 - June 2008	Refinement of options, funding etc
July 2008 - June 2009	Construction

CONSULTATION/ADVERTISING:

Not required at this stage.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 3 - Economic Development

"3.2 *Develop business strategies that provide a positive triple bottom line return for the Town.*

(e) Complete the Feasibility Plan, investigate funding options and investigate and implement the refurbishment and redevelopment of the Beatty Park Leisure Centre."

FINANCIAL/BUDGET IMPLICATIONS:

The cost of Feasibility Study is \$13,000 which included the architect's costs.

An amount of \$65,000 has been allocated in the 2005/06 budget for further costs associated with the Feasibility Study. It was envisaged at the time of the budget preparation that these funds would be used for the further development of potential designs by architects.

To enable the Town to have some funds available to contribute towards any future redevelopment of the centre, the amount of \$500,000 be allocated for the next three financial years to be transferred to the Beatty Park Reserve.

The Beatty Park Reserve Fund currently contains an amount of \$88,178.

An adequate lead-up time for the redevelopment will allow for funds to be placed in the Reserve Fund, which will enable the project to be progressed.

It should be noted that the Town will be receiving significant income from its share of the Tamala Park Land and these funds are indicatively due from 2008 onwards (this matter was reported on a confidential basis to the Ordinary Meeting of Council held on 28 February 2006 - Item 14.1 - relating to the redevelopment of the Loftus Centre).

COMMENTS:

The Beatty Park Leisure Centre is recognised as an icon in the leisure industry. Its location still makes it a popular facility. It is recognised that the original Part of the facility was build 40 years ago. The Needs and Feasibility Study has confirmed that the Centre provides good service and has a loyal clientele and that a refurbishment/redevelopment of some kind is required. It is important that this process now commences, so that some form of development can commence in approximately three (3) years.

Any development will be a substantial cost and will require investigating a number of sources of funding. This is a medium term project, however in order for it to progress, it is important that the recommendations are supported.

10.3.4 Hyde Park Stage Upgrade - Progress Report

Ward:	South	Date:	20 March 2006
Precinct:	Hyde Park-P12	File Ref:	RES0016
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) *APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.4 subject to the required additional funding being allocated to the project;*
- (iii) *ADVERTISES the design for community comment (including receiving comments from the Heritage Council of Western Australia) for a period of twenty one (21) days;*
- (iv) *LISTS a further amount of \$90,000 for consideration on the 2006/07 Draft Budget to fund the work; and*
- (v) *REQUESTS the Chief Executive Officer to actively pursue external funding sources for the project.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Cr Farrell departed the Chamber at 10.06pm.

Debate ensued.

Cr Farrell returned to the Chamber at 10.07pm.

Cr Messina returned to the Chamber at 10.08pm.

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED to allow for further information to be provided such as additional elevations, an alternative roofline, site plan and outline of previous stage, typography and an option without a roof.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

To present to Council an update on the proposed design for the Hyde Park Stage and request approval in principle for the concept plans.

BACKGROUND:

At the Ordinary Council meeting of 15 March 2005 the following was adopted:

“That the Council;

- (i) RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) RECEIVES a further report on the Hyde Park Stage with an amended design and revised cost estimates; and*
- (iii) AUTHORISES the Chief Executive Officer to investigate external sources of funding for this project.”*

At the Ordinary Meeting of Council on 8 June 2004 the following resolution was adopted:

“That the Council;

- (i) RECEIVES the report on the community consultation on the design concepts for the Hyde Park Stage upgrade;*
- (ii) AUTHORISES the Chief Executive Officer to engage an appropriately qualified professional to prepare a detailed design on the stage upgrade based on the design concepts prepared and utilising the criteria listed; and*
- (iii) RECEIVES a further report on the design for the Hyde Park stage upgrade.”*

Furthermore, at the Ordinary Meeting of Council on 23 March 2004 the following resolution was adopted:

“That the Council;

- (i) RECEIVES the concept designs as selected by the Hyde Park Working Group;*
- (ii) ADVERTISES the concept designs for community comments for six (6) weeks; consulting on but not limited to:*
 - (a) suitability for community needs;*
 - (b) extent of facilities proposed; and*
 - (c) general design;*
- (iii) ARRANGES a Community Briefing for interested parties on the Hyde Park Stage Concepts; and*
- (iv) ALLOCATES an amount of \$50,000 for the upgrade of Hyde Park Stage for consideration in the Draft 2004/05 Budget.”*

DETAILS:

Further to the previous meeting in March 2005 the Executive Manager Corporate Services met with the architects to outline the concerns raised at the previous meeting. It was requested that the design be reviewed to reflect the Council decision to be less obtrusive and to be more visual permeable design, with lower capital and operating costs. The architects have provided two further options. Option A includes changerooms and a storeroom. Option B does not include changerooms or storage facilities. The revised budget is significantly down on the previous and is now in the region of \$300,000, this should be nearly the allowance for increased building costs in the current buoyant market and B, the second option is around \$200,000 - \$250,000 still significantly more than the budget amount. The Executive Manager Corporate Services advised the Architects that both of these options were still too expensive.

The Architects have reviewed Option B and have submitted a revised estimate of \$127,000 (ext GST).

Hyde Park Budget	
<i>Description</i>	<i>Total</i>
Earthworks	7,945.59
Structural Steel	28,922.99
Concrete	13,138.37
Brickwork	27,555.60
Roof Plumbing	22,038.57
Electrical	4,131.84
Tiling	13,772.86
Painting	1,377.28
Hardware	443.10
Hire Equipment	1,790.47
Labour	3,305.49
Special Items - ss handrail	1,377.28
Estimate Total	\$125,799.44

The estimate provided doesn't allow for a contingency, fees to the relevant authorities or professional fees for design and drawings. The cost of this option is still significantly over the allocated budget amount. The North Perth Rotary Club have some funds available for this project. It is understood that this figure is approximately \$15,000. However the Rotary Club would require a design with changerooms and storage rooms which has been costed to be even more expensive.

The new stage will require approval from the Heritage Council as Hyde Park is listed on the State Heritage List, therefore approval will be required before any work can be undertaken.

The delay in these matters have been due to the architects availability and issues surrounding requirements of the Rotary Club.

External sources of funds have been sought, in particular with Lotterywest and Heathways. Both parties showed interest but would not make commitments until the project design has been approved.

Once the design is approved it is the opinion of the administration that external funding may be easier to be obtained.

CONSULTATION/ADVERTISING:

This concept has not been advertised.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan - Amended 2005-2010
Key Result Area 1 - Environment and Infrastructure

“1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

(h) Continue to design and implement infrastructure improvements for public open space.”

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$50,000 has been allocated for this project in the 2004/05 budget and carried forward to the 2005/06 budget. In the event that the Council approves in principle of the design, additional funds of \$90,000 will be required.

COMMENTS:

This design is still above the current budget allocation, however the design is of good quality that will provide the park with an aesthetically pleasing stage that is compatible with the environment.

10.3.5 YMCA Proposal for the Modification of the HQ Youth Facility

Ward:	South Ward	Date:	20 March 2006
Precinct:	Oxford Centre Precinct P4	File Ref:	ADM0014
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the submission from the YMCA for the modification proposal for the HQ Youth Facility;*
- (ii) *ADVISES the YMCA of its decision concerning the HQ Youth Facility in May/June 2006 after it has further considered the matter;*
- (iii) *REQUESTS that the Chief Executive Officer provide a further report on this proposal and to include the following:*
 - (a) *further details of the insurance implications of opening up the skate park to public access;*
 - (b) *consideration of the Youth Facility in the Leederville Masterplan; and*
 - (c) *recommendation in regard to the Town's position on this proposal;*
- (iv) *CONSIDERS listing an amount of \$20,000 in the Draft 2006/07 Budget for the required works to be funded by the Town to implement the YMCA proposal; and*
- (v) *NOTES that a further report is to be submitted to the first meeting in May 2006.*

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Chester

That new clauses (vi) and (vii) be added as follows:

- “(vi) PROVIDES this report to the Leederville Masterplan Consultants for their information; and*
- (vii) APPRAISES the YMCA of the opportunities presented by the Leederville Masterplan and seeks their input.”*

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.3.5

That the Council;

- (i) RECEIVES the report on the submission from the YMCA for the modification proposal for the HQ Youth Facility;*
 - (ii) ADVISES the YMCA of its decision concerning the HQ Youth Facility in May/June 2006 after it has further considered the matter;*
 - (iii) REQUESTS that the Chief Executive Officer provide a further report on this proposal and to include the following:*
 - (a) further details of the insurance implications of opening up the skate park to public access;*
 - (b) consideration of the Youth Facility in the Leederville Masterplan; and*
 - (c) recommendation in regard to the Town's position on this proposal;*
 - (iv) CONSIDERS listing an amount of \$20,000 in the Draft 2006/07 Budget for the required works to be funded by the Town to implement the YMCA proposal;*
 - (v) NOTES that a further report is to be submitted to the first meeting in May 2006;*
 - (vi) PROVIDES this report to the Leederville Masterplan Consultants for their information; and*
 - (vii) APPRAISES the YMCA of the opportunities presented by the Leederville Masterplan and seeks their input.*
-

PURPOSE OF REPORT:

To present to Council the submission from the YMCA for modifications to the HQ Youth Facility.

BACKGROUND:

YMCA was invited to take over the lease of HQ and its management following the Headquarters Youth Recreation Cultural & Arts Association Inc decision to relinquish the lease and management of the facility. At the Ordinary Meeting of Council held on 23 November 2004, the Council approved of transferring the lease to YMCA.

In the period since the YMCA have taken over it the YMCA Perth have contributed \$100,000 to the operations of the centre. The Town has in accordance with its budget commitment contributed \$45,000. The YMCA has sourced other funding through Healthways, the Department of Community Development and the Department of Employment and Training.

The YMCA have identified three major issues that need to be addressed at the HQ facility in 2006, these are as follows:

1. Future Sustainability

The YMCA has advised that this facility is not sustainable in its current form.

2. The Culture of the HQ Facility

The culture of the facility is one which attracts skateboarders often to the exclusion of other young people, particularly girls. The culture of the facility needs to be changed so as to make it more attractive to a larger cross section of young people from the Town of Vincent area, whilst at the same time not excluding skateboarders.

3. Unauthorised “tagging”

While the centre remains in its present state covered in tagging and unauthorised graphic art, it is not possible to curb continued tagging that takes place.

All of the above issues are interrelated. A financially viable facility cannot be achieved without a change in culture and cultural change cannot be achieved unless there is financial viability.

DETAILS:

The YMCA has proposed a number of initiatives that it is estimated to allow the facility to break even and lead to a sustainable future. The initiatives require a commitment not only from the YMCA but also the Town of Vincent and other potential funding partners.

The initiatives are:

New Programs

The introduction of new programs will allow for wages and other cost savings to occur which will support the change in culture.

Capital Works

The separation of the skate park from the facility and major painting and repair works.

Encouraging youth ownership of the facility.

The development of a youth drop in space and youth committee and working closer with the YMCA

The details of these proposals are outlined below:

New Programs

1. Youth Pathways Program

YMCA Perth was successful in obtaining funding from the Department of Education Science and Training (DEST) to operate this program for three years. The funding allocation is \$225,000 per annum and the program will be based at HQ. This program provides ongoing assistance and support to young people aged 13 to 19 who are at risk of not completing their secondary school studies or who are at risk of not making the transition to a job or to further education. The program focuses on young people who are at risk because of barriers such as low self esteem, domestic issues, drug and alcohol related issues etc. The service will cater for young people in the Perth district.

This program has clear advantages for HQ in that there will be savings in salaries and economies of scale in relation to administration expenses. HQ will also charge the program a rental fee for accommodating the program.

2. Lynks Counselling Service

This counselling program for thirteen to nineteen year olds is to be accommodated at HQ as soon as possible. This program is focused on young people who are at risk of homelessness and also those young people who are facing relationship and other domestic and social issues. Currently the service is situated in East Perth and its move to HQ will make it more accessible to Town of Vincent young people.

Again, incorporating the service within HQ will allow for sharing of administration costs and staff. The service will also pay a rental fee to HQ.

Capital Works

3. Separation of the skate park from the rest of the facility

This proposal calls for a fence to be erected between the skate park and the rest of the facility. The perimeter fence surrounding the skate park could then be removed if Council so desired. This would make the skate park open to the public and would be a free facility.

Most skate parks in the metropolitan area are free and open to the public. They are generally well attended by young people. YMCA would continue to conduct skating events at the park.

By separating the skate park from the rest of the facility, YMCA Perth would relinquish its duty of care in relation to the park. This will enable YMCA Perth to substantially reduce its wages costs in relation to the facility as it will not be required to fund the employment of two youth workers during the opening hours of the park. This initiative will also allow the rest of the centre to take on culture which is more in keeping with a broad cross section of young people, rather than an exclusively skateboard culture.

4. External Painting and repair work to the heritage listed building

This building has been defaced over a long period of time by graffiti. It also has a number of graph art murals. It is proposed to paint the whole of the building and the external brick fence, repair and renovate the public toilets, resurface the courtyard area and improve the ambience of the outside areas. This will dramatically change the culture of the area and we expect reduced tagging and other forms of vandalism. This work is estimated to cost \$13,000.

5. Internal Painting and repair work to the heritage listed building

This building has had little repair work or cleaning done to it over a long period of time. The floors need to be sanded and sealed, carpeted in places, air-conditioning installed, security installed, window treatments, repairs to ceilings and first floor and a security door installed. Lotterywest have indicated that they will fund the YMCA to undertake this work to the extent of around \$250,000.

6. Enhancements to the gig room

This room is currently used for school bands and for new young bands to practice in front of a live audience. Over the past six months the number of gigs has increased substantially. The facility is being rented on a more frequent basis.

It is proposed to resurface the gig room, installing a wooden floor so that its use can be extended to a range of dance types. Recording equipment is also required to allow bands to record their music. Again Lotterywest have indicated that they will fund the YMCA to undertake these works.

7. New furniture and equipment

With the improvements to the facility and the change in direction, it is important that staff are accommodated with reasonable furniture and equipment. Much of the furniture is very old and it is proposed to replace this once the renovations have been completed. Lotterywest have indicated that they will fund this purchase.

The following matters need to be considered from the Town's prospective in regard to this matter:

Insurance

The removal of the fencing from the skate park will expose the Town to an increase in insurance claims. The Town has contacted our insurers and they have advised that although there would be no immediate impact on insurance premiums an increase in vandalism and personal accidents may result in increased claims in the future. The insurers would require a Risk Management Plan be prepared for the skate park if it were to be standalone.

Lease

The current lease is from 2 December 2001 to 1 December 2006. The lease has a five (5) year option period. Under the current arrangements, it is highly unlikely that the YMCA will exercise its option.

Under the conditions of the lease the responsibility for maintenance including internal and external painting is the responsibility of the lessee. However YMCA has requested that the Town undertake the cost of the external painting.

Costs

It is estimated that the work requested to be completed by the Town would be approximately \$20,000, being \$7,000 for the fencing and \$13,000 for the external painting.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The YMCA took over the lease in a deed arrangement; this lease expires in December 2006.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area - Community Development

“2.2 Provide and develop a range of community programs and community safety initiatives

(d) Support and implement the Youth Development Program”

FINANCIAL/BUDGET IMPLICATIONS:

The Town allocated \$40,000 in this year’s budget as its contribution towards the operations at the HQ Youth facility. This amount is to be reviewed each financial year as part of the budget deliberations, with the strategy that this amount be reduced over the period of the lease.

The estimate cost of the work which is proposed in the YMCA proposal is estimated to be \$20,000.

COMMENTS:

The proposal as submitted is based on sound evidence and may maintain the sustainability of the facility.

Skate parks in a number of other authorities are not enclosed such as the one at HQ. There is more equipment at the HQ Skate Park and the equipment is generally larger than in the other skate parks which are not enclosed. The Town’s insurers have been consulted on the implications for the Town’s insurance premium if the fencing were to be removed. The town will have a greater exposure to public liability.

The other strategic issue is the impact of the Leederville Masterplan on the HQ facility.

It would not appear to prudent financially for the YMCA to have significant investment from other agencies put into this facility if in the long term there may be some doubt as to whether the facility will remain at that site.

The Minister for Local Government has given permission for all Elected Members to debate and vote on the consideration of this Item and for Mayor Catania to preside at the meeting.

10.4.3 Proposed New Policy – Acknowledgement of Service and Purchase of a Gift Upon Retirement – Elected Members

Ward:		Date:	21 March 2006
Precinct:		File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to adopt new Policy No 4.2.8 – Acknowledgement of Service and Purchase of a Gift Upon Retirement – Elected Members; and**
- (ii) **AUTHORISES the Chief Executive Officer to:**
 - (a) *advertise the proposed new policy for a period of twenty-one days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the proposed policy in the Council’s Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Doran-Wu was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval to adopt a new policy relating to Elected Members.

BACKGROUND:

The Town’s Policy Manual contains various policies which provide guidance to the Town’s Administration for day to day management issues and also to Elected Members for decision making.

This matter was considered at the Special Meeting of Council held on 21 February 2006, where all Elected Members declared a financial interest. The matter was deferred until the approval of the Minister for Local Government was obtained to consider the new policy.

DETAILS:

This is a new policy recommended for adoption to formalise the Town's current practice to recognise the service of retiring Elected Members.

It should be noted that the approval of the Minister for Local Government for Elected Members to consider and determine this policy and for the Mayor to preside at these meetings has been granted for the Ordinary Meeting of Council to be held on 28 March 2006.

Following discussions with the Department of Local Government, they have advised that the former Minister for Local Government - Mr Bowler, had issued a directive that the maximum amount for a gift for a retiring member is not to exceed \$500.

The Town's proposed policy reflects this amount. The previous clause which increased the amount by the Consumer Price Index has now been deleted to comply with the requirements of the Minister.

CONSULTATION/ADVERTISING:

The proposed policy will be advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 - Key Result Area 4 - Governance and Management

4.3(a) Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of gifts will be considered as part of the budget process. As the amounts involved are minimal, it can be accommodated with the budget item "*Elected Members Expenses*".

COMMENTS:

It is recommended that the Council approve the proposed new policy as detailed in this report.

10.4.5 Proposed Vincent Police Station, 244a Vincent Street, Leederville - Proposed Feasibility Study and Progress Report No. 1

Ward:	South	Date:	21 March 2006
Precinct:	Oxford Centre, P4	File Ref:	PRO3503
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 1 as at 17 March 2006, relating to the proposed discussions with the Western Australian Police Service concerning the Vincent Police Station;*
- (ii) *AUTHORISES the Chief Executive Officer to obtain quotations from suitably qualified Architects and Consultants to further examine the possibility of locating the proposed Vincent Police Station at 244A Vincent Street, Leederville; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate funds of \$10,000 from "Parking Revenue" to "Vincent Police Station Feasibility Study".*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- (iii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate funds of \$10,000 from "~~Parking Revenue~~ Leederville Masterplan" to "Vincent Police Station Feasibility Study".*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology.)

MOTION AS AMENDED
CARRIED BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) ***RECEIVES the Progress Report No. 1 as at 17 March 2006, relating to the proposed discussions with the Western Australian Police Service concerning the Vincent Police Station;***
- (ii) ***AUTHORISES the Chief Executive Officer to obtain quotations from suitably qualified Architects and Consultants to further examine the possibility of locating the proposed Vincent Police Station at 244A Vincent Street, Leederville; and***
- (iii) ***APPROVES BY AN ABSOLUTE MAJORITY to reallocate funds of \$10,000 from "Leederville Masterplan" to "Vincent Police Station Feasibility Study".***

ADDITIONAL INFORMATION:

Additional confidential financial information was tabled and received. This relates to indicative costings and possible funding sources.

This information is to remain confidential pursuant to the Local Government Act 1995 1995, Section 5.23(e)(ii)

"a matter that if disclosed, would reveal –

- (ii) *information that has a commercial value to a person."*

PURPOSE OF REPORT:

To inform the Council on the progress of this project, as at 21 March 2006 and seek the Council's approval to reallocate funds to enable a Feasibility Study to be carried out.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 February 2006, the Council considered the Loftus Centre redevelopment matter and resolved inter alia as follows;

That the Council; ...

- (vi) ***AUTHORISES the Chief Executive Officer to enter into discussions with the Western Australian Police, Ministry of Education, Leederville Child Care Centre, Department of Community Services and other relevant persons to explore possible partnerships as follows;***
 - (a) *building the new Leederville Police Station on the current Child Care Centre site and negotiating the conditions;*
 - (b) *relocating and rebuilding a new Child Care Centre adjacent to the Margaret Pre-school site; and*
 - (c) *construction of, or refurbishment and enlarging of the existing Margaret Pre-School on its current site;*

subject to a further report being submitted to the Council for approval; ..."

Discussions with WA Police

A number of meetings have been held with the Police concerning the future of Leederville Police Station. It appears that the Oxford Street site does not fully meet the needs for the future Leederville Police Station.

On Wednesday 15 March 2006, the Chief Executive Officer and Executive Manager Environmental & Development Services met with the Executive Director and Director of Land and Asset Management of the WA Police to discuss the matter.

The WA Police were very positive about the proposal and requested the Town to further examine the project so that a financial model could be prepared. The Police undertook to provide a "Scope of Works" to the Town. In order to prepare a financial model, a significant amount of the work will be carried out "*in-house*" by the Town's administration. However, it will be necessary to engage an Architect and other Consultants (e.g. Quantity Surveyor, Valuer) to prepare concept plans (based on the Police "Scope of Works"), obtain more precise costings and to obtain indicative lease costs/conditions.

Whilst the payment of the feasibility has not be discussed with WA Police, the cost of this Feasibility Study would be re-couped from the Police. The discussions revealed that the Vincent Police Station has the potential to accommodate a larger number of other Police and Detectives who operate in the Central Metropolitan District.

WA Police have indicated that an amount of \$5.11 million has been provided for the Vincent Police Station in the 2004/05 State Budget.

The Chief Executive Officer has indicated that full replacement of the current Leederville Child Care Centre (LCCC) building (or at least \$1 million) is a minimum condition, other conditions will need to be prepared (eg cash contribution, rents, leases). The WA Police requested that these costings be considered as part of the overall project.

Indicative Timeline

Should an agreement be reached between the Town and the WA Police, it will necessitate relocating the LCCC to a new building on land near the Margaret Pre-school. An indicative timeline would be:

• March - April 2006	Negotiations
• May-June 2006	Approvals/Council decision
• July 2006 - July 2007	Construction of new LCCC
• July 2007 - July 2008	Construction of the Vincent Police Station

This indicative timeline is acceptable to the Police.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act requires an Absolute Majority decision to reallocate funds to enable this Feasibility Study to be carried out.

ADVERTISING/COMMUNITY CONSULTATION:

Not required at this stage, however once the Council approves of the concept plans, the Town's normal consultation process will be carried out.

FINANCIAL/BUDGET IMPLICATIONS:

As this project has only eventuated in January 2006, no funds were provided in the 2005/06 Budget. The exact cost for this Feasibility Study is unknown. It is proposed to engage the Architect/consultants on an hourly basis.

Indicative costs could be in the range of:

Architect	\$4,000
Quantity Surveyor	\$3,000
Licensed Valuer	\$2,000
Miscellaneous eg surveyor, other consultants	\$1,000

It is therefore recommended that an amount of \$10,000 be reallocated for this project.

It should be noted that the costs for this feasibility would be recouped from the WA Police Service.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2 – *“Develop business strategies that provide a positive triple bottom line return for the Town”* including 3.2(a) – *“Review leases and commercial contracts to ensure the best return for the Town”*.

COMMENT:

The construction of the Vincent Police Station, with the potential for regional focus, on the subject land, is in keeping with the Leederville Masterplan objectives.

To allow the matter to be further progressed, the Council's approval is recommended.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.2 Notice of Motion - Councillor Simon Chester – State Administrative Appeals Tribunal Decision Relating to 36 Paddington Street, North Perth

That the Council, in the matter regarding Hughan v Town of Vincent – Reasons for Decision – State Administrative Tribunal – Matter No. DR 536 of 2005 and the appeal concerning the development application for No. 36 (Lot 500) Paddington Street, North Perth – Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House, AUTHORISES the Chief Executive Officer to urgently write to the President of the State Administrative Appeals Tribunal to seek clarification on the SAT's decision and express concern that the State Administrative Tribunal has remained silent in its consideration of the proposed subdivision and its non compliance with the requirements of either grouped or battle axe subdivision and state that the Town is in receipt of a legal opinion that substantiates the Town's view and a Ministerial letter that states the Town is within its rights to refuse such a non complying subdivision.

Moved Cr Chester, Seconded Cr Torre

That the motion be adopted subject to it being numbered clause (i) and a new clause (ii) being added as follows:

“(ii) expediently take the appropriate steps so as to write to McLeods Barristers and Solicitors regarding their letter to Mr Surace dated 10 January 2006 to clarify their opinion (and particularly Section 5 of their letter) regarding the legal status of group dwelling subdivisions that are configured as battle-axed subdivisions where the common property does not provide vehicular access to all lots with particular reference to the SAT approved development at No 36 Paddington Street, North Perth.”

Debate ensued.

The Presiding Member ruled that the motion would be considered in two parts.

Clause (i) was put.

CLAUSE (i) CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Clause (ii) was put.

CLAUSE (ii) CARRIED (7-1)

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

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 11.2

That the Council;

- (i) in the matter regarding Hughan v Town of Vincent – Reasons for Decision – State Administrative Tribunal – Matter No. DR 536 of 2005 and the appeal concerning the development application for No. 36 (Lot 500) Paddington Street, North Perth – Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House, AUTHORISES the Chief Executive Officer to urgently write to the President of the State Administrative Appeals Tribunal to seek clarification on the SAT’s decision and express concern that the State Administrative Tribunal has remained silent in its consideration of the proposed subdivision and its non compliance with the requirements of either grouped or battle axe subdivision and state that the Town is in receipt of a legal opinion that substantiates the Town’s view and a Ministerial letter that states the Town is within its rights to refuse such a non complying subdivision; and*

 - (ii) expediently take the appropriate steps so as to write to McLeods Barristers and Solicitors regarding their letter to Mr Surace dated 10 January 2006 to clarify their opinion (and particularly Section 5 of their letter) regarding the legal status of group dwelling subdivisions that are configured as battle-axed subdivisions where the common property does not provide vehicular access to all lots with particular reference to the SAT approved development at No 36 Paddington Street, North Perth.*
-

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – WA Local Government Grants Commission, Local Government Advisory Board, Needle and Syringe Strategy Working Party, WAPC/WALGA Network City Peak Liaison Committee, Economic Regulation Authority Consumer Consultative Committee

Ward:	-	Date:	22 March 2006
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Metropolitan Commissioner - Local Government Grants Commission (Approval by Minister) (Panel of 3 names per position);*
- (ii) _____ *be nominated as WALGA Metropolitan Deputy Commissioner - Local Government Grants Commission (Approval by Minister) (Panel of 3 names per position);*
- (iii) _____ *be nominated as WALGA Metropolitan Member - Local Government Advisory Board (Approval by Minister) (Panel of 3 names for each position);*
- (iv) _____ *be nominated as WALGA Metropolitan Deputy Member - Local Government Advisory Board (Approval by Minister) (Panel of 3 names for each position);*
- (v) _____ *and* _____ *be nominated as WALGA Member - Needle and Syringe Disposal Strategy Working Party (Serving Officers (2));*
- (vi) _____ *and* _____ *be nominated as WALGA Member - WAPC/WALGA Network City Peak Liaison Committee (1 x Elected Member, 2 x Chief Executive Officers) (Metropolitan and Peel Region Only); and*
- (vii) _____ *be nominated as WALGA Member - Economic Regulation Authority Consumer Consultative Committee (Member (1)).*

Moved Cr Ker, Seconded Cr Farrell

That nominations be received.

The Presiding Member called for nominations.

Moved Cr Ker, Seconded Cr Maier

That Crs Ker and Lake be nominated as WALGA Member - WAPC/WALGA Network City Peak Liaison Committee.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Moved Cr Farrell, Seconded Cr Torre

That Mayor Nick Catania be nominated as WALGA Metropolitan Commissioner - Local Government Grants Commission.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

Moved Cr Farrell, Seconded Cr Torre

That the Manager Health Services – Deon Brits be nominated as be nominated as WALGA Member - Needle and Syringe Disposal Strategy Working Party.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 12.1

That;

- (i) *Mayor Nick Catania be nominated as WALGA Metropolitan Commissioner - Local Government Grants Commission (Approval by Minister) (Panel of 3 names per position);*
- (ii) *nil nominations be made for WALGA Metropolitan Deputy Commissioner - Local Government Grants Commission (Approval by Minister) (Panel of 3 names per position);*
- (iii) *nil nominations be made for WALGA Metropolitan Member - Local Government Advisory Board (Approval by Minister) (Panel of 3 names for each position);*
- (iv) *nil nominations be made for WALGA Metropolitan Deputy Member - Local Government Advisory Board (Approval by Minister) (Panel of 3 names for each position);*
- (v) *the Manager Health Services, Deon Brits be nominated as WALGA Member - Needle and Syringe Disposal Strategy Working Party (Serving Officers (2));*
- (vi) *Cr Ian Ker and Cr Sally Lake be nominated as WALGA Member - WAPC/WALGA Network City Peak Liaison Committee (1 x Elected Member, 2 x Chief Executive Officers) (Metropolitan and Peel Region Only); and*
- (vii) *nil nominations be made for WALGA Member - Economic Regulation Authority Consumer Consultative Committee (Member (1)).*

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 5 MAY 2006

14. CONFIDENTIAL ITEMS (*Behind Closed Doors*)

14.1 CONFIDENTIAL REPORT – Review of Planning Processes, Delegations and Associated Policies in Relation to Planning Applications and Approvals

Ward:	Both Wards	Date:	22 March 2006
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	-		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the meeting proceed “behind closed doors” to consider Item 14.2 Progress Report – Review of Planning Processes, Delegations and Associated Policies in Relation to Planning Applications and Approvals in accordance with of the Local Government Act 1995, Section 5.23 as it contains matters affecting an employee or employees of the Town of Vincent.

At 10.19pm The Presiding Member advised that given the lateness of the hour and the range of issues to be canvassed, consideration should be given to deferring this matter to an Elected Members’ Forum.

COUNCIL DECISION ITEM 14.1

Moved Cr Torre, Seconded Cr Ker

That the Item be DEFERRED to be considered at an Elected Members’ Forum.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to a review being undertaken of the Town's Planning Processes, Delegations and Associated Policies in relation to Planning Applications and Approvals, including associated matters affecting an employee or employees of the Town (eg the salary and remuneration of employees).

LEGAL/POLICY:

The Local Government Act 1995, Section 5.23 prescribes matters which may be considered in meetings which are closed to the public.

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 relevant Executive Managers.

13. URGENT BUSINESS

Nil.

15. CLOSURE

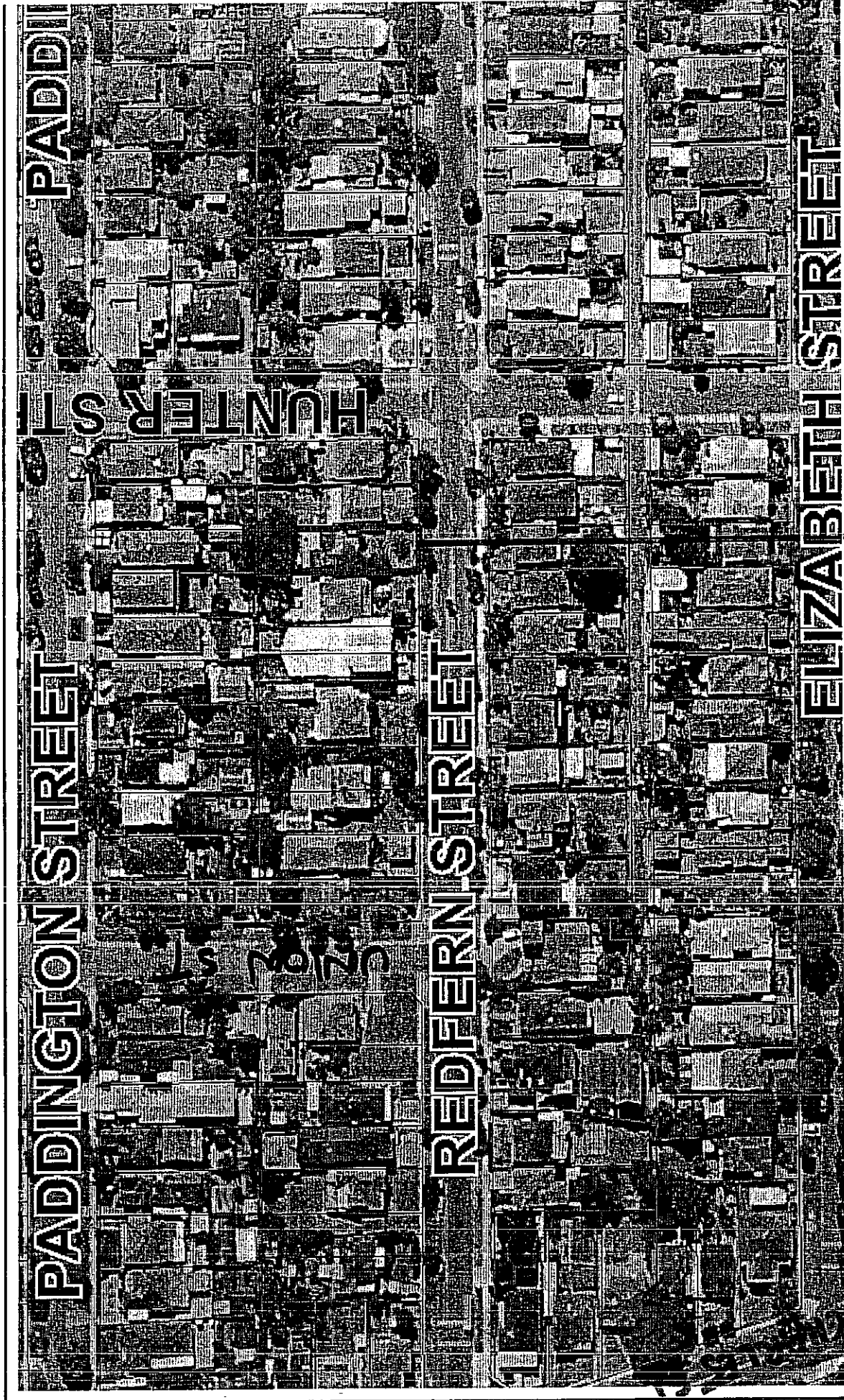
The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.20pm with the following persons present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	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
Dale Morrissy	Assistant Manager – Aquatic and Operations

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 28 March 2006.

Signed: Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006



Mon 19 December, 2005

All dimensions and areas are indici
must be verified with DOLA.

SUBWAY SITE

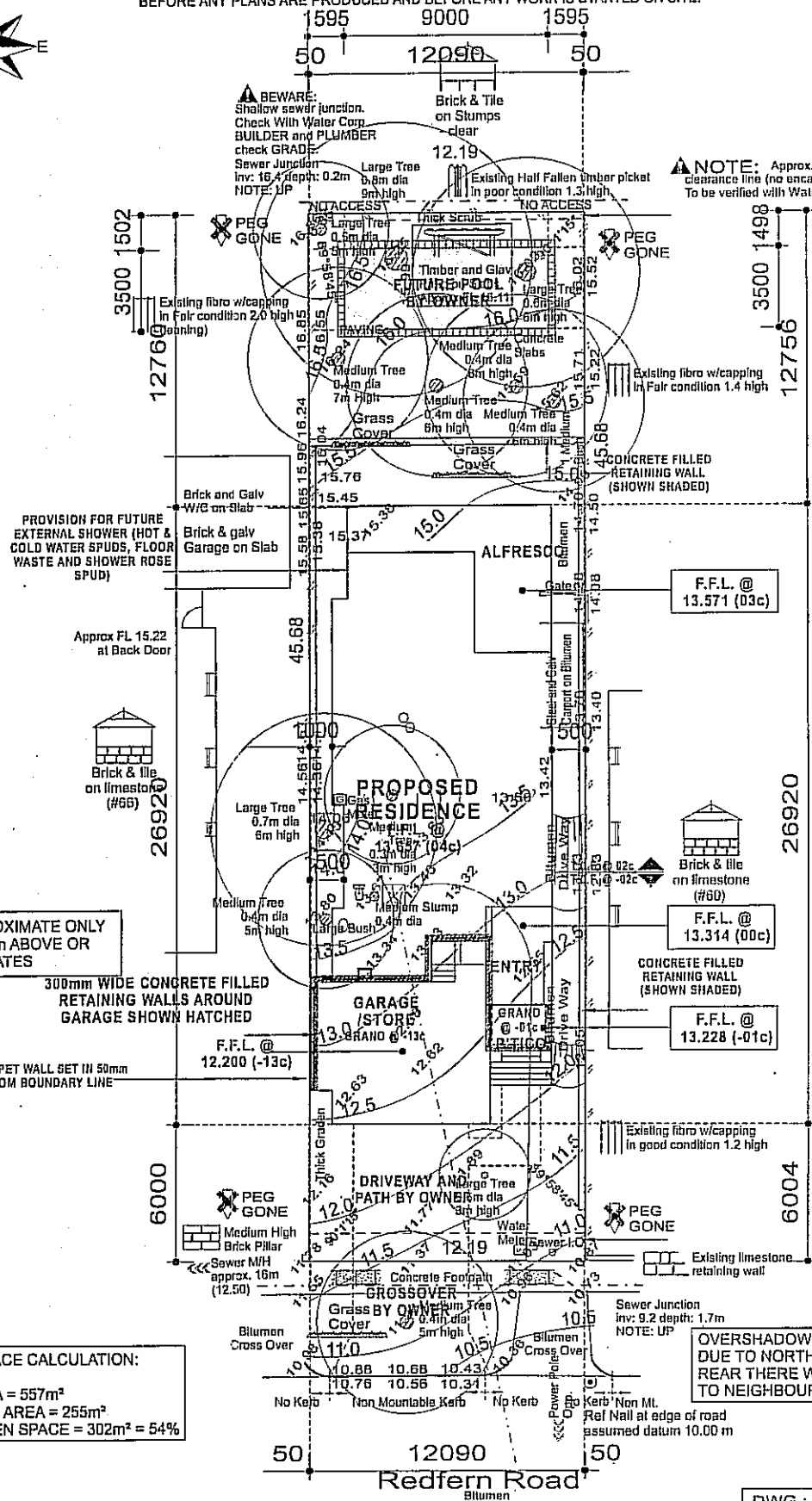
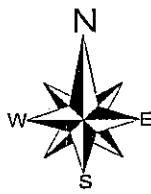
NOTE : EASTING AND NORTHING COORDINATES MAY VARY FROM CHEMATIC PRESENTATION / CHECK MINIMUM CLEARANCES, BEARING IN MIND THE LOCATION OF BOUNDARY PEGS OR FENCES. CHECK TITLE FOR EASEMENTS / COVENANTS.

NOTE : EASTING AND NORTHING COORDINATES MAY VARY FROM CHEMATIC PRESENTATION. BEARER DEEMED TO ACCEPT RESPONSIBILITY. THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES. CHECK TITLE FOR EASEMENTS / COVENANTS.

NOTE: All Sewer details plotted from Information supplied by Water Corporation.
NOTE/BEWARE: ADVISE TRADES OF Head power lines.
NOTE / BEWARE: DUE TO LACK OF SURVEY MARKS/ PEGS ALL BUILDING OFFSET DIMENSIONS & FEATURES ARE APPROX ONLY AND POSITIONED FROM EXISTING PEGS/ FENCES AND WALLS WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPEGGED. ANY DESIGN THAT INVOLVES ADDITIONS TO ANY STRUCTURES SHOWN OR PORTION OF STRUCTURES REMAINING AFTER ANY DEMOLITION HAS TAKEN PLACE, BOUNDARIES MUST BE REPEGGED AND EXACT OFFSETS PROVIDED TO YOUR DESIGNER / ARCHITECT BEFORE ANY PLANS ARE PRODUCED AND BEFORE ANY WORK IS STARTED ON SITE.

SOIL DESCRIPTION
 Sandy
 High Grass Cover

NOTE: LOT MISCLOSE (0.000m)



F.F.L INDICATES APPROXIMATE ONLY & MAY VARY BY 150mm ABOVE OR BELOW DATUM INDICATES

300mm WIDE CONCRETE FILLED RETAINING WALLS AROUND GARAGE SHOWN HATCHED

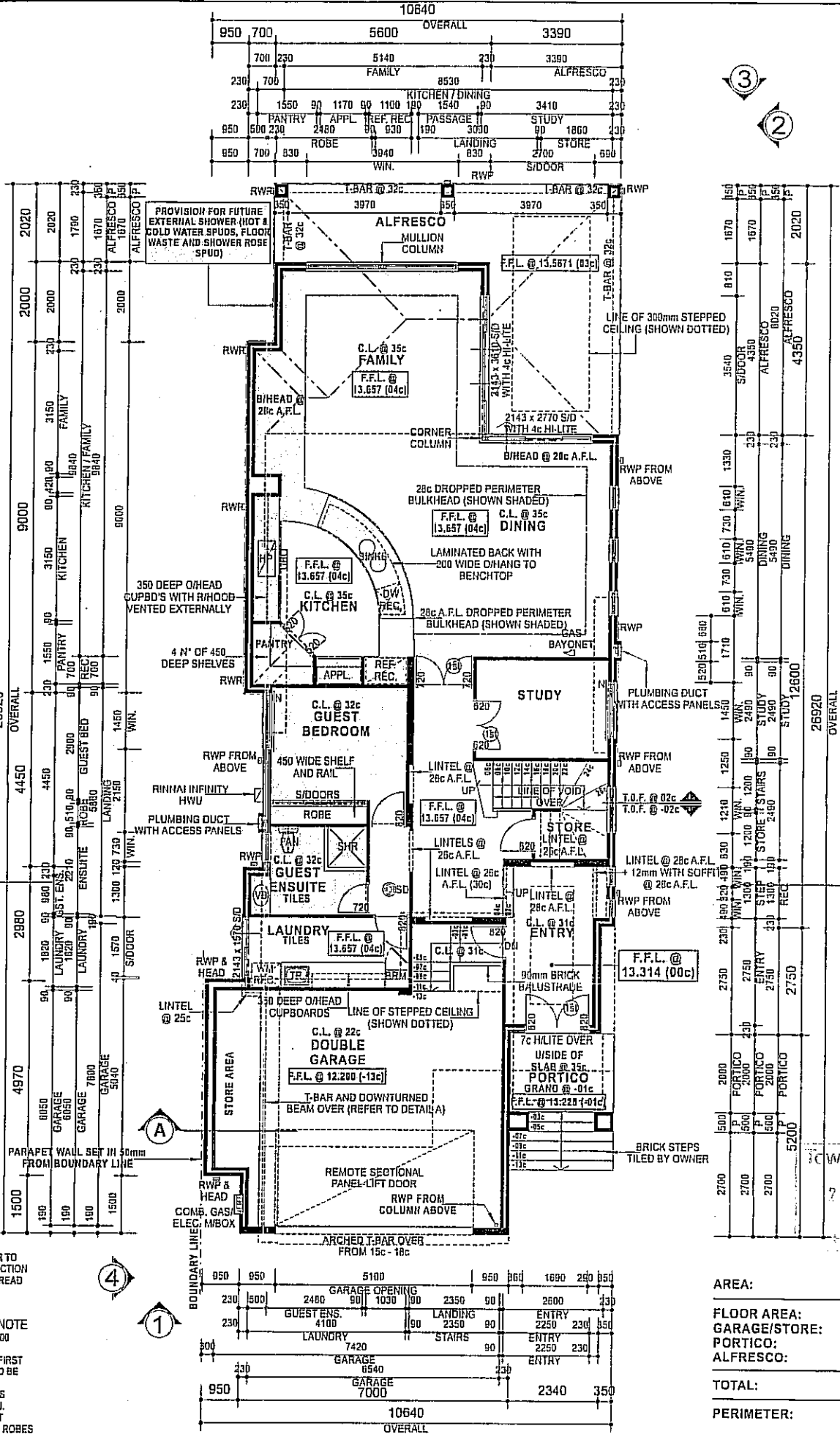
PARAPET WALL SET IN 50mm FROM BOUNDARY LINE

OPEN SPACE CALCULATION:
 SITE AREA = 557m²
 COVERED AREA = 255m²
 THUS OPEN SPACE = 302m² = 54%

OVERSHADOWING:
 DUE TO NORTH POINT BEING AT THE REAR THERE WILL BE NO OVERSHADOWING TO NEIGHBOURING PROPERTIES

NOTE: Approx. Sewer clearance line (no encasing) To be verified with Water Corp.

Town of Vincent
 7 MAR 2006
 Received



NOTE
 - ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCING CONSTRUCTION
 - ARCH DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEERS DRAWINGS

FIXING CARPENTER NOTE
 - ROBE SHELVES TO BE 1700
 - AFL W/ ROD UNDER
 - LIN TO HAVE 4 SHELVES FIRST @ 450 AFL REMAINDER TO BE 400 APART
 - NOSINGS TO ALL WINDOWS WITH THE LETTER 'N' ADJ.
 - SKIRTINGS THROUGHOUT EXCLUDING WET AREAS, ROBES AND LINEN

PROPOSED RESIDENCE ON
 LOT 99 (# 62) REDFERN STREET
 NORTH PERTH

FOR CLIENT: DILABIO

No	DATE	AMENDMENT	DWG
A	13/12/05	C.V. 44860-44881	VM
B	21/03/06	C.V. 47861	CM

JOB NO: 5S 622

DATE: MARCH 2005

DWG: CBM

SCALE: 1:100

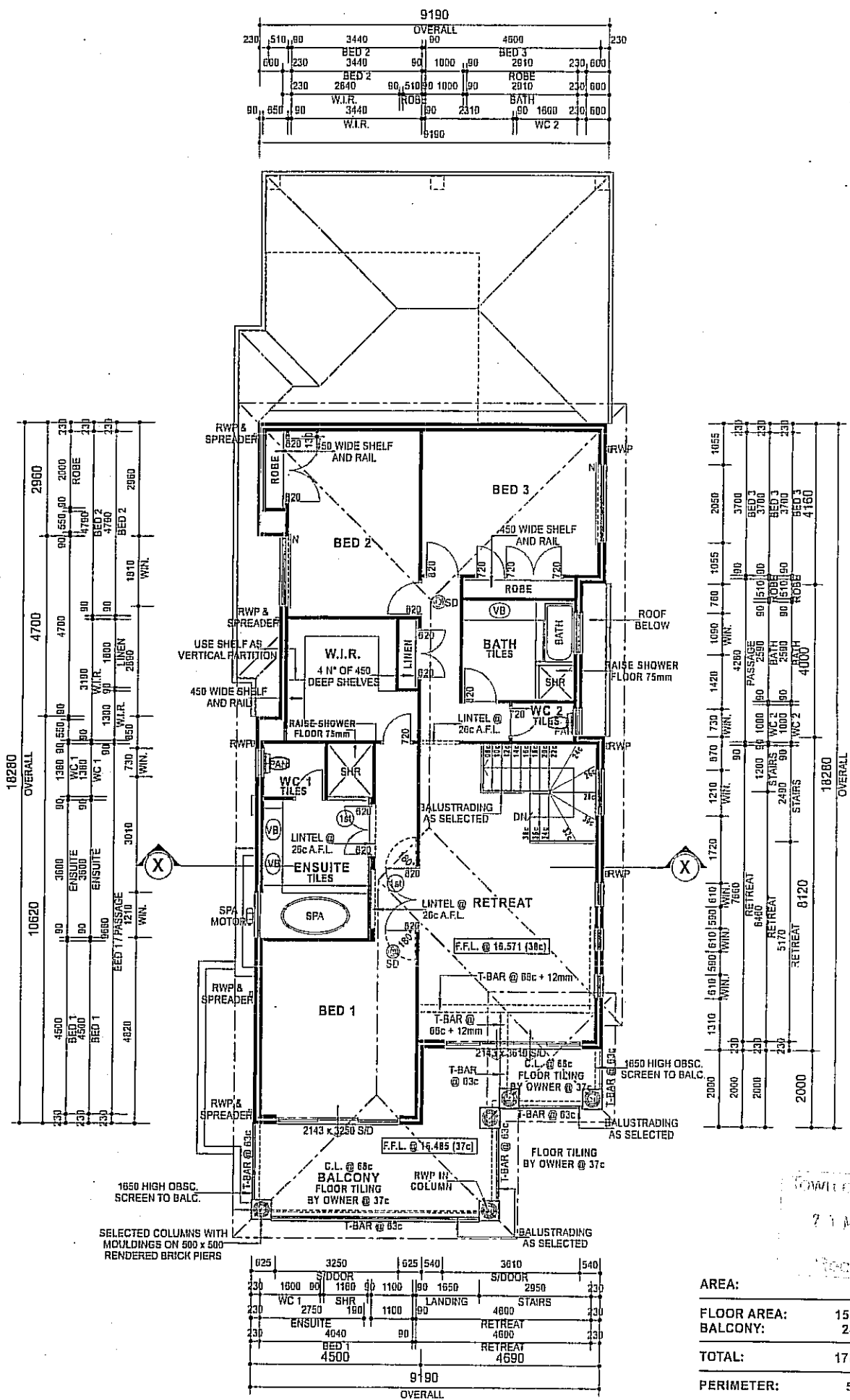
PRINTED DATE: 21/03/2005 @ 10:16 AM

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SHEET 2 OF 3

SAVACRE
 ARCHITECTS
 69 CHALLENGE BOULEVARD WANGARA 6065
 PHONE 302 1717 FAX 302 1515

© 2005



PROPOSED RESIDENCE ON
LOT 99 (# 62) REDFERN STREET
NORTH PERTH

FOR CLIENT: DILABIO

No	DATE	AMENDMENT	DWG
A	13/12/05	C.V. 44880-44881	VM
B	21/03/06	C.V. 47881	CM

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JOB NO: 5S 622

DATE: MARCH 2005

DWG: CBM

SCALE: 1:100

PRINTED DATE: 21/03/2005 @ 10:16 AM

SHEET 3 OF 8



69 CHALLENGE BOULEVARD WANGARA 0665
PHONE 302 1717 FAX 302 1515

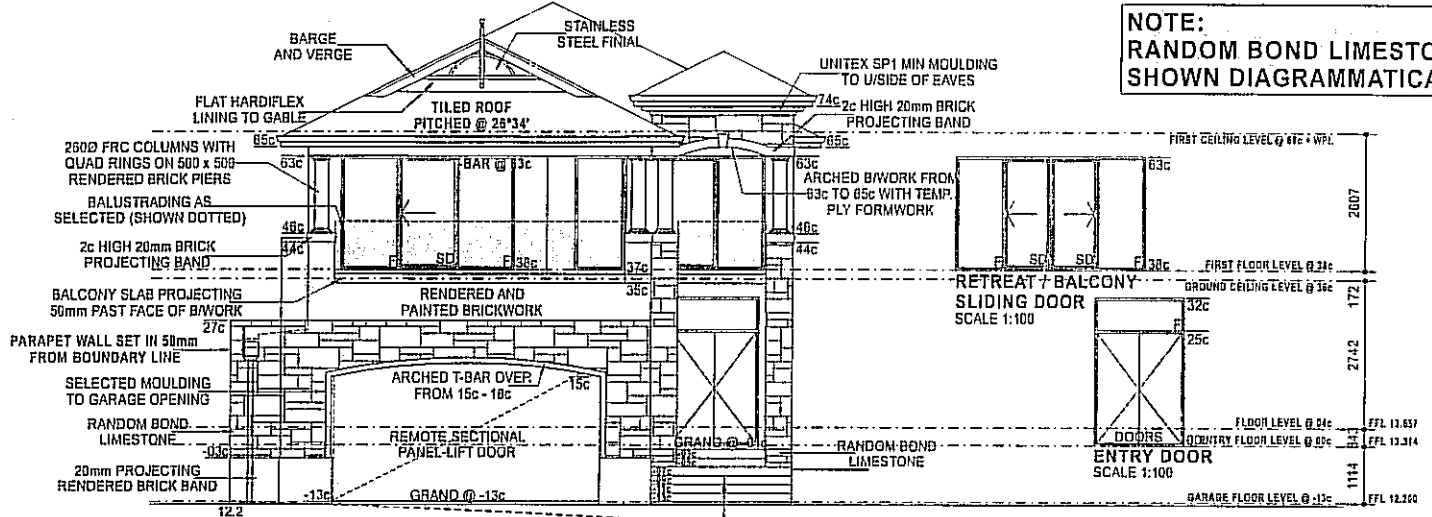
Town of Vincent

21 MAR 2006

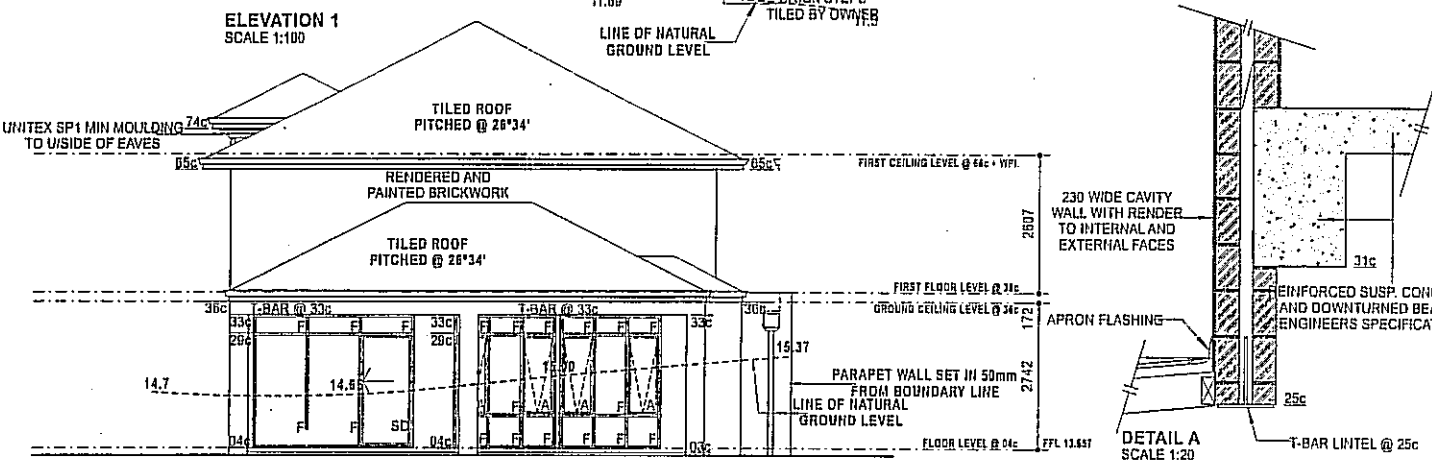
Received

AREA:	
FLOOR AREA:	153.395m ²
BALCONY:	24.748m ²
TOTAL:	178.143m ²
PERIMETER:	57.340m

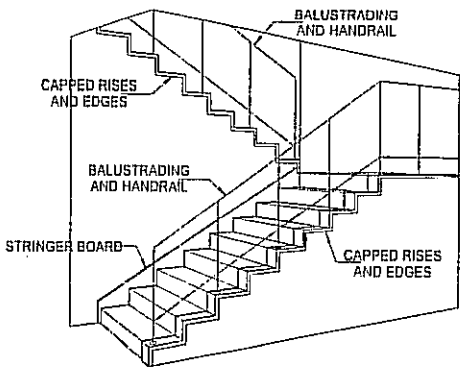
**NOTE:
RANDOM BOND LIMESTONE
SHOWN DIAGRAMMATICALLY**



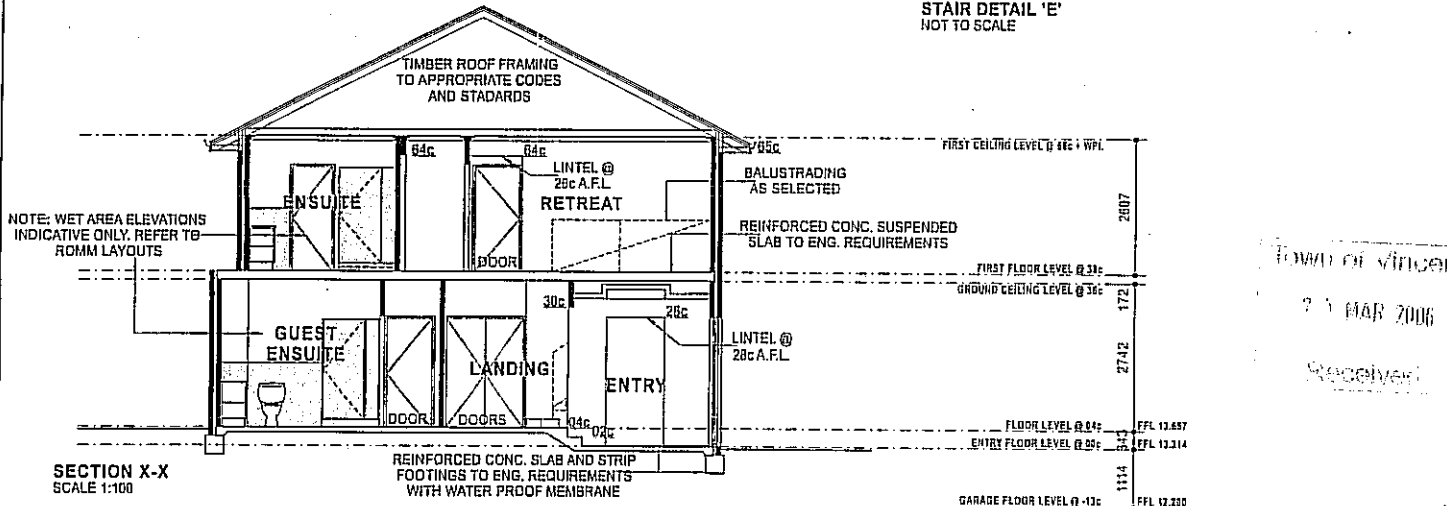
**ELEVATION 1
SCALE 1:100**



**ELEVATION 3
SCALE 1:100**



**STAIR DETAIL 'E'
NOT TO SCALE**



**SECTION X-X
SCALE 1:100**

**PROPOSED RESIDENCE ON
LOT 99 (# 62) REDFERN STREET
NORTH PERTH**

FOR CLIENT: DILABIO

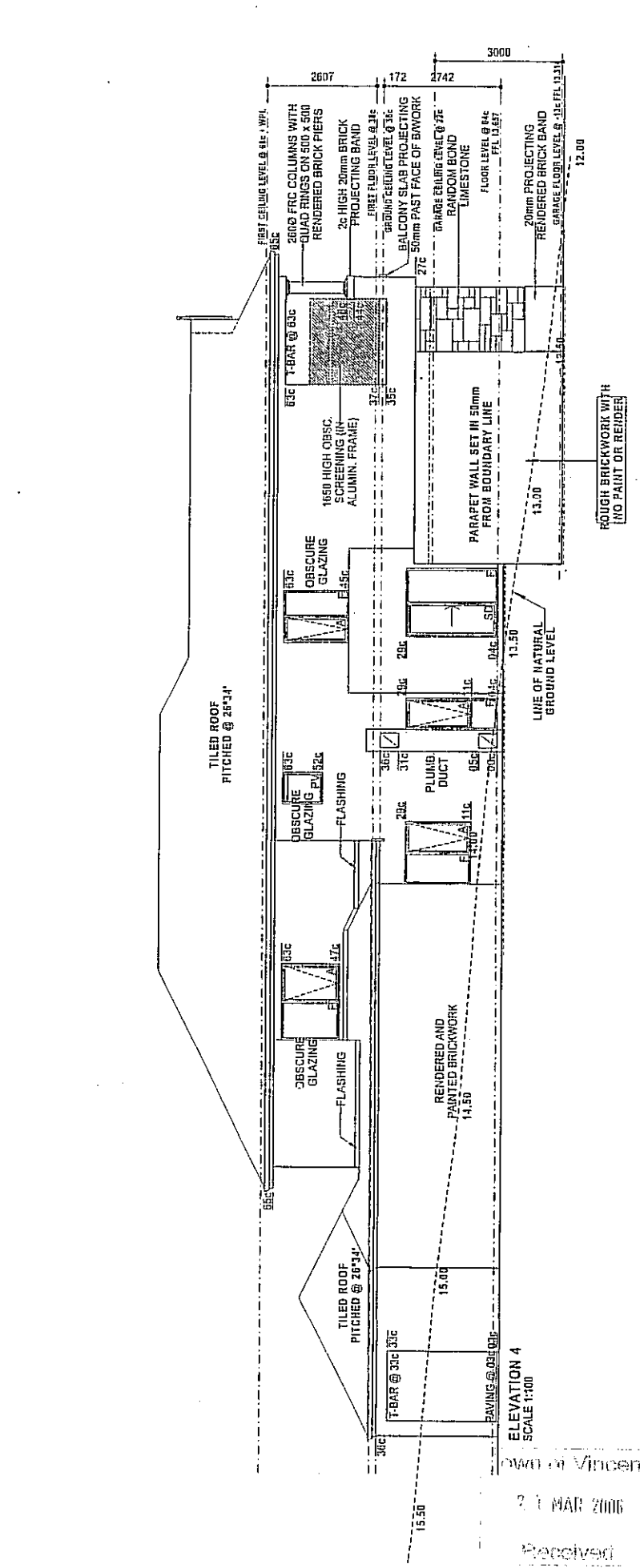
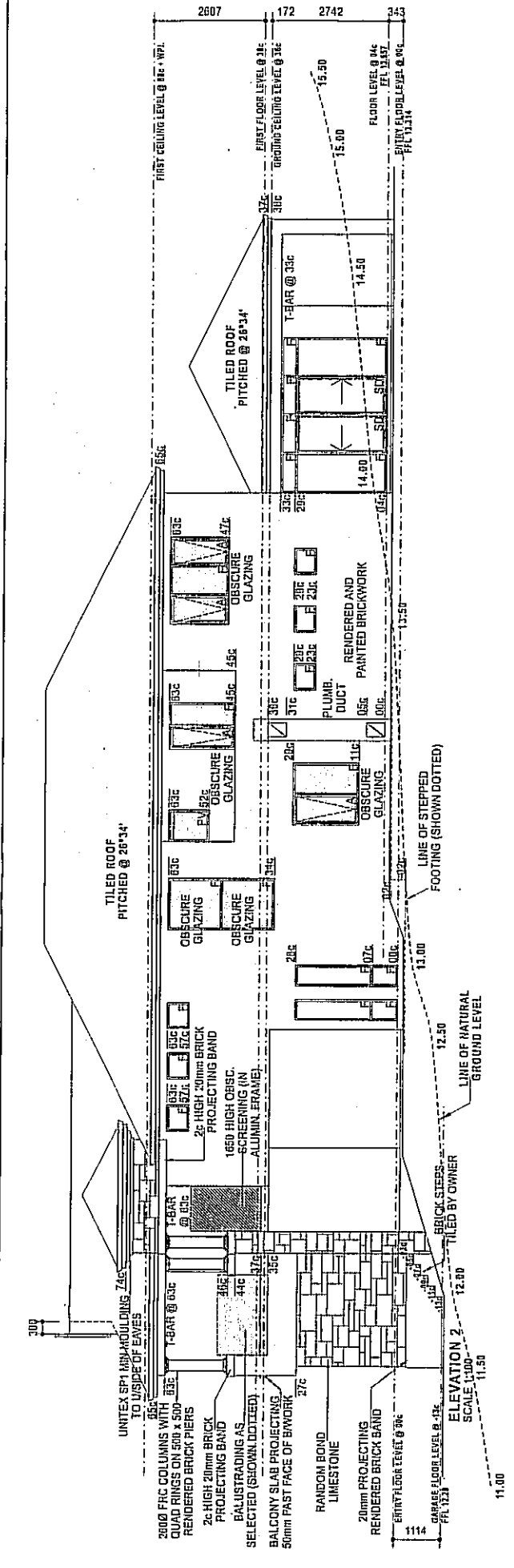
No	DATE	AMENDMENT	DWG
A	13/12/05	C.V. 44880-44881	VM
B	21/03/09	C.V. 47881	CM

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from 'SEACREST HOMES'."*

JOB NO: 5S 622
DATE: MARCH 2005
DWG: CBM
SCALE: 1:100
PRINTED DATE: 21/03/2005 @ 10:16 AM
SHEET 4 OF 9

Town of Vincent
7 MAR 2006
Receiver

SEACREST HOMES
89 CHALLENGE BOULEVARD WANGARA 6005
PHONE 302 1717 FAX 302 1515 © 2005



PROPOSED RESIDENCE ON
 LOT 99 (# 62) REDFERN STREET
 NORTH PERTH

FOR CLIENT: DILABIO

No	DATE	AMENDMENT	OWG
A	13/12/05	C.V. 44880-44881	VM
B	21/03/06	C.V. 47881	CM

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 from "SEAGREST HOMES."*

JOB NO: 5S 622

DATE: MARCH 2005

DWG: CBM

SCALE: 1:100

PRINTED DATE: 21/03/2006 @ 10:16 AM

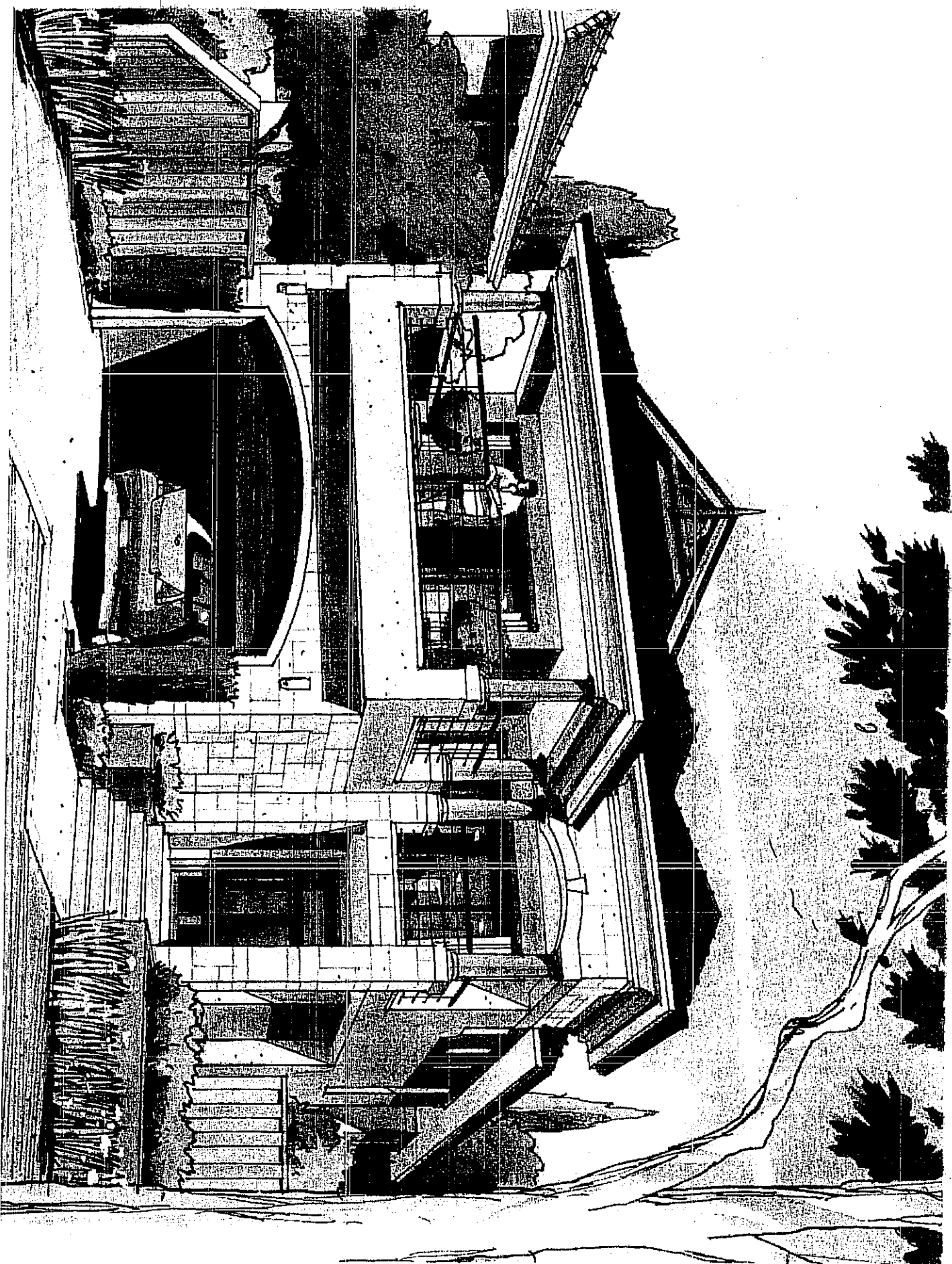
SHEET 5 OF 9

OWNED BY VINCENTI

21 MAR 2006

Received

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21/03/2006



HERITAGE ASSESSMENT

TOWN OF VINCENT

File No. PRO3292	Address: No. 62 Redfern Street, North Perth			
Precinct: North Perth	Place Name: Single storey weatherboard c1923			
Locality: Knutsford	Folio: 326	Lot: 99	D/P: 3784	Vol. 1127

STATEMENT OF SIGNIFICANCE

The place has *little* significance and does not meet the threshold for inclusion on the Municipal Heritage Inventory.

As a weatherboard dwelling, the place represents a building material and style that demonstrates the residential growth of the North Perth area during the Inter-War period and which is no longer widely used in the construction of residential buildings in Perth.

MANAGEMENT CATEGORY: Not Applicable

1.0 ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

The Policy '*Heritage Management – Assessment*', adopted in draft by the Council at its Ordinary Meeting held on 23 August 2005, has been used to determine the cultural heritage significance of the place.

PRINCIPAL HISTORIC THEMES

- Population and Settlement

HISTORIC SUB THEMES

- Residential development

1.2 AESTHETIC VALUE

The place has *little aesthetic value*. The place exhibits limited aesthetic characteristics valued by the community.

1.3 HISTORIC VALUE

The place has *little historic value*. The place demonstrates the residential growth of the Mount Hawthorn area during the Inter-War period.

1.4 SCIENTIFIC VALUE

The place has *little scientific value*. There is no obvious potential for the place to yield information that will contribute to an understanding of the natural or cultural history of the Town.

1.5 SOCIAL VALUE

The place has *little social value*. It contributes in a minor way to the community's sense of place.

2.0 DEGREE OF SIGNIFICANCE

2.1 RARITY

As a weatherboard dwelling the place has *some rarity value* as it represents a building material that is no longer widely used in the construction of residential buildings in Perth.

2.2 REPRESENTATIVENESS

The place is representative of weatherboard dwelling constructed during the Inter-War period in the North Perth area.

Condition, integrity and authenticity are not determining factors in the assessment of cultural heritage significance. These comments have been included for completeness of assessment.

2.3 CONDITION

The condition of the place is considered good.

2.4 INTEGRITY

The place has a moderate degree of integrity, retaining its original function as a residence.

2.5 AUTHENTICITY

The place has a moderate to high degree of authenticity. Much of the original fabric remains intact, with the exception of the enclosure of the original rear verandah to accommodate an additional room and the extension of the rear of the dwelling.

3.0 SUPPORTING EVIDENCE

3.1 DOCUMENTARY EVIDENCE

The Place

The North Perth area experienced rapid residential development throughout the Inter-War period, which is clearly demonstrated in the string of houses that were constructed in Redfern Street during this time. The original dwellings in the street formed a largely intact streetscape, set on large elevated blocks on the northern side of Redfern Street, in which the style, scale setback and construction materials of all dwellings were highly uniform. The subject place being the exception constructed of timber rather than brick and smaller in scale and set back further from the street.

The subject place at No. 62 Redfern Street is believed to have been constructed c1923. No original plans of the place could be located, however anecdotal evidence received from the current owner of the property, Mr Tony Dilabio indicates that the place was in fact transported to its locality intact during the 1920's.

The Wise Postal Directory reveals that the first person to reside in Redfern Street, North Perth was Mr Frank Taaffe. Mr Taffee remained the only resident in Redfern Street until 1918, in which the Wise Postal Directory reveals four houses to be occupied within the Street.

The subject place was one of the earlier properties to be developed in Redfern Street during this period, the first listing being in 1923 by Mr Alfred Wright. Mr Wright remained the resident of the place until 1932 when the place became vacant for a short period. In 1935 the place was occupied by Mr James Longworth and in 1937 Mr McCrone. From 1938 until 1941 Mr Clayton was the resident of the subject place. Mr Ken Tindal occupied the dwelling from 1942 until at least 1949.

Mr Tony Dilabio and Mrs Barbara Dilabio became the registered proprietors of the place in June 2002.

3.2 PHYSICAL EVIDENCE

The place at No. 62 Redfern Street is single storey weatherboard with a hipped iron roof. The dwelling features a single protruding gable addressing Redfern Street. The dwelling is elevated, similar to the other dwellings originally constructed along the northern portion of Redfern Street. A series of timber steps lead onto the front verandah, which are also timber and held up by timber posts. White painted timber lattice conceals the understorey of the dwelling.

The dwelling consists of a small hallway and three main rooms to the front of the dwelling including a lounge room and bedroom on the western portion and a bedroom to the eastern portion. An additional room on the eastern portion of the dwelling has been enclosed where once stood the original rear verandah. The bathroom, kitchen and laundry are located under the rear skillion on a concrete slab floor. The three original front rooms remain intact with the original floorboards running in a north-south direction and feature timber panels on the walls and ceiling of the rooms. The original skirtings and architraves also remain intact.

The front room to the western portion of the dwelling features two casement windows and a fixed paned window addressing Redfern Street. This room features a fire place to the northern wall and a series of 1 metre high wooden timber panels on the walls of the dwelling with a wooden book rail typical of the 1920's and 1930's extending along the top. The front room to the eastern portion of the dwelling also features a similar window configuration. The bedroom to the rear of the lounge room also contains a fireplace sharing the same chimney as the lounge room.

The kitchen and bathroom are located to the rear of the dwelling on a concrete slab floor. The kitchen cupboards and bathroom features depict c1930's, possibly when this area was enclosed and extended. The original WC is located to the western portion of the dwelling at the rear of the laundry which is accessed from the back porch.

The back yard features a number of established trees, including three flame trees.

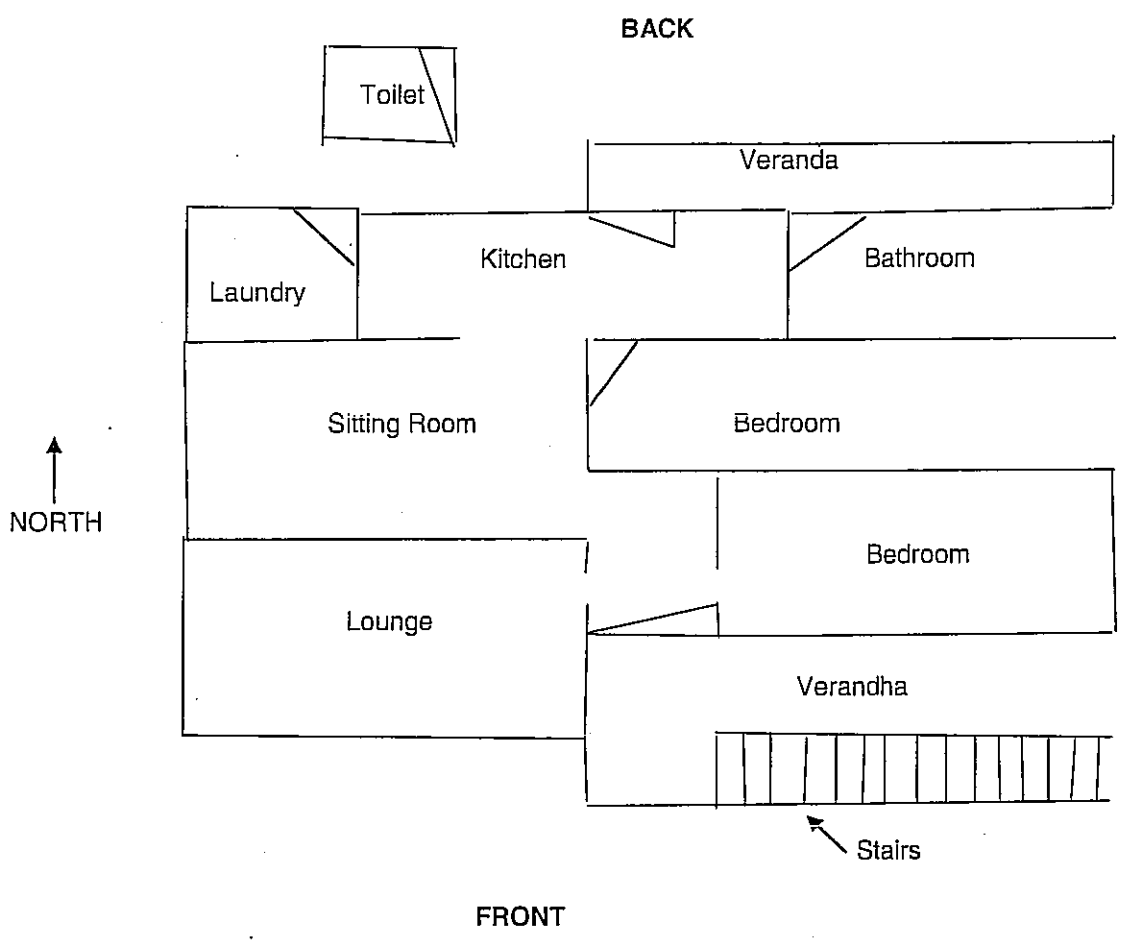
3.3 COMPARATIVE INFORMATION

Similar weatherboard cottages constructed during the Gold Boom and Inter-War Period with the distinct gabled projection can be found in Myrtle and Randell Streets in Perth and Alma Road and Ethel Street in North Perth.

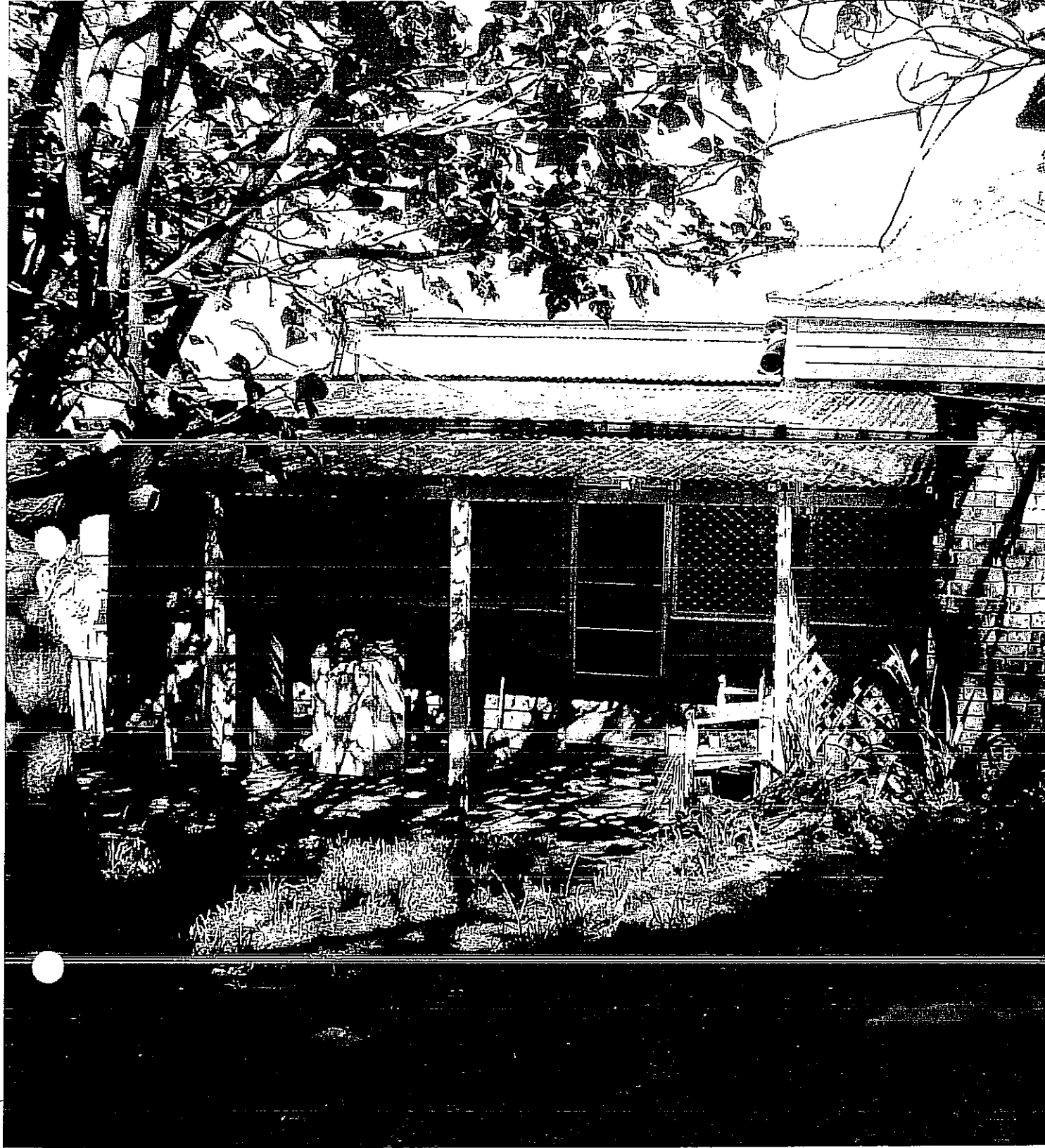
3.4 REFERENCES

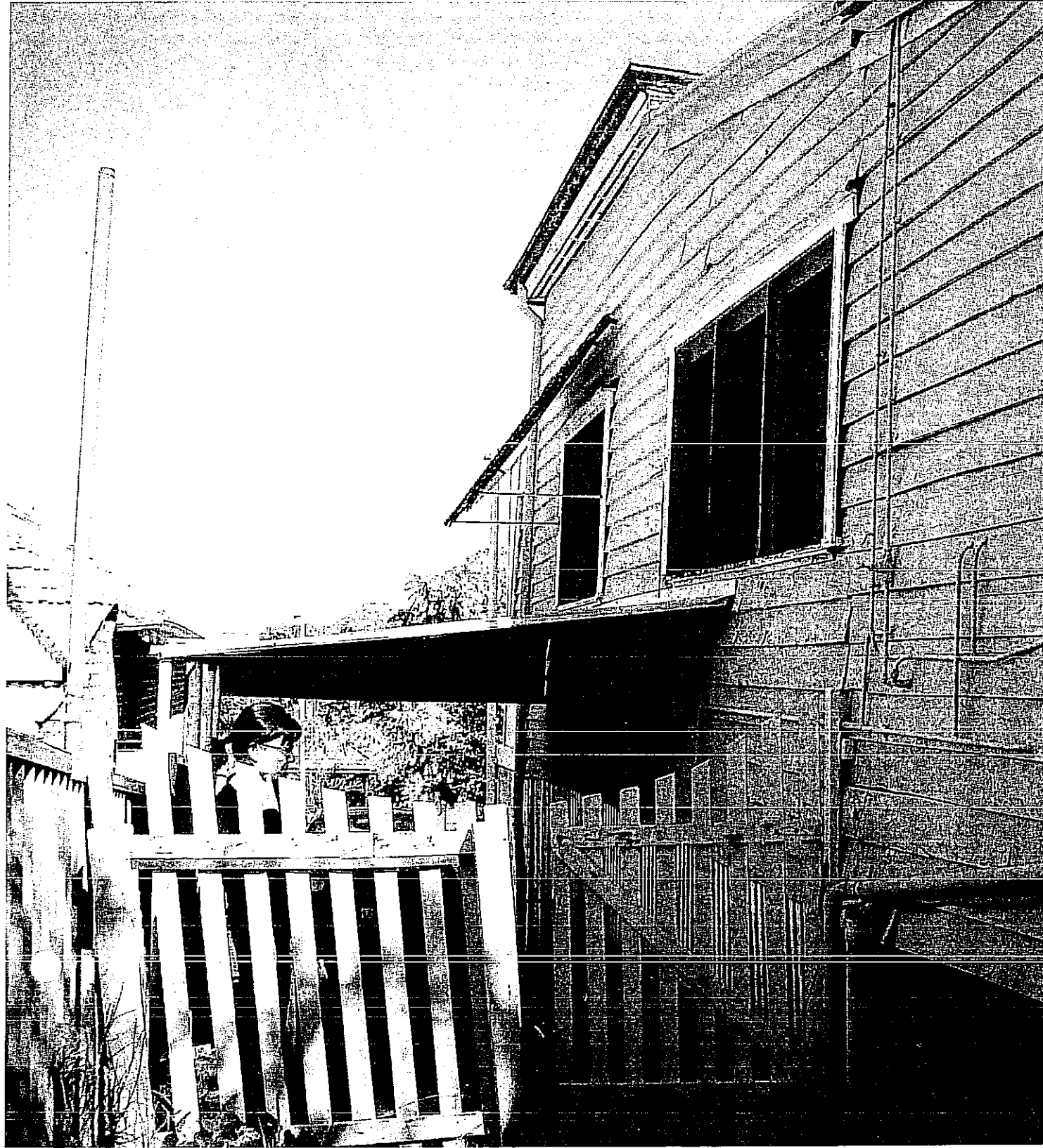
- Wise's Postal Directory
- Perth Metropolitan Sewerage Maps, 1927.
- Certificate of Title
- Hocking Planning & Architecture Collaboration, *Town of Vincent Municipal Heritage Inventory, Draft Thematic History 2001*
- City of Perth Building Licence Archive cards

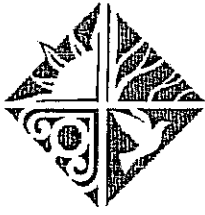
Floor Plan of Existing Dwelling - 62 Redfern Street











TOWN OF VINCENT

(Aerial Photography)

Print Date: Tuesday, 8 November 2005

Lot: LOT: 99 D/P: 3784(1)

Property Address: 62 Redfern ST NORTH PERTH

Land Use: 25 - House

