

INDEX
(22 MARCH 2005)

ITEM	REPORT DESCRIPTION	PAGE
10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES		
10.1.1	Further Report - No. 279 (Lot 30) Oxford Street Corner Bouverie Place, Leederville - Proposed Change of Use from Approved Eleven (11) Grouped Dwellings, Including Ten (10) Single Bedroom Dwellings and Four (4) Associated Home Businesses to a Mixed Use Development Comprising Seven (7) Single Bedroom Dwellings, Two (2) Single Bedroom Multiple Dwellings, Two (2) Grouped Dwellings and Two (2) Offices (Leederville Precinct) PRO0622 (00/33/2431)	60
10.1.2	Nos. 228-232 (Lot 88) Carr Place, Leederville – Proposed Deletion of Condition (v) Relating to Percent for Art Scheme, for Approved Mixed Use Development (Oxford Centre Precinct) PRO1308 (00/33/2713)	94
10.1.3	No. 12 (Lot(s) 69 & 80) Brookman Street and Wellman Street, Perth - Proposed Alterations and Additions to Existing Single House (Carport and Patio) and Demolition of Existing Carport (Hyde Park Precinct) PRO3034 (00/33/2622)	6
10.1.4	No. 132 (Lot 61) Richmond Street, Leederville - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House (Leederville Precinct) PRO3062 (00/33/2657)	9
10.1.5	No. 90 (Lot 16) Eton Street, North Perth - Proposed Demolition of Existing Single House and Two (2) Outbuildings and Construction of a Two-Storey Single House (North Perth Precinct) PRO0546 (00/33/2601)	96
10.1.6	No. 1 (Lot 31) Bramall Street, East Perth - Proposed Demolition Of Existing Outbuilding, Change Of Use From Office Building to Mixed Use Development Comprising of Single House And Construction Of Transport Depot (Part Retrospective Application) (Banks Precinct) PRO0545 (00/33/2571)	74
10.1.7	No. 68 (Lot 5) Mabel Street, Corner Hunter Street, North Perth - Proposed Additional Two-Storey Single House to Existing Single House (North Perth Precinct) PRO3027 (00/33/2611)	12
10.1.8	No. 1 (Lot 1) Tay Place, North Perth - Proposed Two-Storey Single House (Smith's Lake Precinct) PRO3071 (00/33/2671)	15
10.1.9	No. 105 (Lots 81–83 Strata Lot 2) Chelmsford Road, Mount Lawley – Two Storey Single House (with Basement) (Mount Hawthorn Precinct) PRO2425 (00/33/2636)	101
10.1.10	No. 5 (Lot 22) Eden Street, West Perth - Proposed Two (2) Two-Storey Grouped Dwellings (Hyde Park Precinct) PRO2410 (00/33/2459)	19

10.1.11	Nos. 45-47 (Lot 21) Stuart Street (Corner Pandal Lane), Perth – Proposed Twenty (20) <i>Nineteen (19)</i> Three Storey Grouped Dwellings (Beaufort Precinct) PRO2913 (00/33/2455)	105
10.1.12	No. 190 (Lots 238 & 239) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn - Proposed Three (3) - Storey, Including Lofts, Mixed Use Development Comprising Five (5) Shops, Two (2) Offices, Nine (9) Multiple Dwellings and Undercroft Carparking (Mount Hawthorn Precinct) PRo0446 (00/33/2673)	111
10.1.13	No. 83 (Lot 17) Scarborough Beach Road, Mount Hawthorn - Proposed Change of Use from Residential to Consulting Rooms (Mount Hawthorn Precinct) PRO2990 (00/33/2555)	116
10.1.14	Unit 2/No. 643 (Lot 1, Strata Lot No. 2) Newcastle Street, Leederville - Proposed Change of Use from Office Building to Consulting Rooms and Ancillary and Incidental Shop and Office (Oxford Centre Precinct) PRO2791 (00/33/2675)	56
10.1.15	Nos. 150-154 (Lots Pt1, Pt2 & 124) Oxford Street Corner Vincent Street, Leederville - Proposed Change of Use from Shop and Eating House to Eating House and Associated Alterations and Additions to Signage for Tenancy 2 (Oxford Centre Precinct) PRO0191 (00/33/2667)	23
10.1.16	Nos. 452-460 (Lot 1) William Street Corner Brisbane Street, Perth - Proposed Change of Use from Shop to Consulting Rooms (Herbalist), Associated Signage - (both Retrospective Planning Approval) and Shop (Beaufort Precinct) PRO0159 (00/33/2504) (00/33/2505)	119
10.1.17	No. 26 (Lot 93) Kingston Avenue, West Perth - Proposed Survey Strata Subdivision (Cleaver Precinct) 1867-04	27
10.1.18	No. 21 (Lot 28) Grosvenor Road, Mount Lawley - Proposed Carport and Street Fencing Additions to Existing Single House (Norfolk Precinct) PRO2832 (00/33/2725)	83
10.1.19	Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (Corner Fitzgerald and Lawley Streets), West Perth - Alterations and Additions to Signage to Existing Hotel (Application for Retrospective Approval) (Hyde Park Precinct) PRO0539 (00/33/2638)	123
10.1.20	Further Report - Amendment No. 20 to Planning and Building Policies - Non-Variation of Specific Development Standards and Requirements, and Associated Delegation of Authority (All Precincts) PLA0022	126
10.1.21	Planning and Building Policies - Amendment No. 8 Relating to Residential Design Elements (RDE), Table of Contents; all Residential Locality Statement Plans from No.1 through to No.31, Appendix No. 10 - Glossary of Terminology and Parking and Access Policy - Motion to Change a Council Decision (All Precincts) PLA0141	87
10.1.22	Report on WALGA and the Guidelines for Concerts, Events and Gatherings (All Precincts) RES0072	29

10.1.23	Members Equity Stadium and Surrounding Areas Parking Management Plan (Beaufort Precinct) RES0040	32
10.2 TECHNICAL SERVICES		
10.2.1	Proposed Embayed Angle Parking - Brisbane Street between Beaufort and Stirling Streets, Perth (PKG0055) Beaufort Precinct	135
10.2.2	Implementation of On-Street Parking and Results of Community Consultation – Beaufort Street and Adjoining Streets – Mount Lawley/Highgate (PKG0011) Mt Lawley Centre Precinct	138
10.2.3	Review of Current Policies Pertaining to the Use and Obstruction of Footpaths (TES0141 & TES0310) All Precincts	170
10.3 CORPORATE SERVICES		
10.3.1	Financial Statements as at 28 February 2005 (FIN0026)	34
10.3.2	Investment Report as at 28 February 2005 (FIN0005)	183
10.3.3	Authorisation of Expenditure for the Period 01-28 February 2005 (FIN0005)	37
10.4 CHIEF EXECUTIVE OFFICER		
10.4.1	Use of the Council's Common Seal (ADM0042)	40
10.4.2	Town of Vincent Local Law Relating to Dogs – Amendment to Create a Specific Dog Exercise Area in Les Lilleyman Reserve – Gazettal (RES0001/LEG0009)	176
10.4.3	Lot 118 Mindarie - Land Issues and Proposed Tamala Park Regional (Development) Council (PRO0739)	42
10.4.4	Confidential Report - Melbourne 2006 Commonwealth Games - Queen's Baton Relay - Town of Vincent Involvement (CMS0104)	178 & 185
10.4.5	Confidential Report - No. 516 (Lot 5) Fitzgerald Street, North Perth - Variations to Planning Approval and Building Licence for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House (PRO2368)	180 & 190
10.4.6	Proposed Stage 2 Redevelopment - Members Equity Stadium, 310 Pier Street, Perth - Progress Report No. 4 - Part Confidential Report - To Consider the Town's Requirements, Conditions and Expectations	191
10.4.7	Progress Report No. 2 – Leederville Business District and Proposed Masterplan – Investigation of Funding Sources for Possible Public Infrastructure (PLA0147)	52
10.4.8	Information Bulletin	182

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil. 183

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil. 183

13. URGENT BUSINESS 183

14. CLOSURE 201

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 22 March 2005, commencing at 6.02pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Basil Franchina North Ward

(b) Present:

Mayor Nick Catania, JP Presiding Member
Cr Caroline Cohen South Ward
Cr Simon Chester North Ward
Cr Helen Doran-Wu North Ward
Cr Steed Farrell North Ward
Cr Ian Ker (Deputy Mayor) South Ward
Cr Sally Lake South Ward
Cr Maddalena Torre South Ward (from 6.09pm)

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 Executive Assistant (Minutes Secretary)

Approximately 23 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Neil Young of Planning Solutions, 255 Beaufort Street, Perth – Item 10.1.14 – Stated that the proposal is a simple conversion of existing office to a consulting room and that their client already operates a successful optometrist in Oxford Street. Stated that they support the officer's recommendation.
2. Ms Liz Wason of Eyes on Oxford, Leederville – Item 10.1.14 – Stated that their practice has outgrown their current rooms and have been looking for a suitable venue to expand for a number of years. Have consulted with the Town's officers regarding their proposal. Requested that Council approves their proposal.

3. Mr Matthew Young of 16 ... (indecipherable) Street, Perth – Item 10.1.1 – Thanked officers for their assistance over the past six months. Acknowledged that Council has issues with townhouses 1-6 regarding plot ratio. Stated that it is not the intention of the owner to turn the study areas into another bedroom. Requested that instead of reducing to 60m², that plot ratio be reduced by 3m² at building approval stage.

Cr Torre entered the meeting at 6.09pm.

4. Mr Chris West of 46A Hope Street, Fremantle – Item 10.1.6 – Has concerns with conditions (xii)(b), (xiii) and (xiv). Stated that the ROW is private and the officers have not been able to give any clear indication of when there is an intent to acquire the .5m. Believes that it is too onerous to seal the full length and width of the ROW as there are other land owners that use the ROW.

Cr Chester Departed the Chamber at 6.12pm.

Cr Chester Returned to the Chamber at 6.13pm.

5. Mr Brian Fleay of 59 View Street, North Perth on behalf of Smith's Lake Precinct Group – Item 10.1.21 – Spoke in support of the proposed amendments. Would like to see an amendment in the future to tighten up the right for making concessions, that they are not there for normal applications but for exceptional applications that it limits their scope.
6. Mrs Karalis of 21 Grosvenor Road, Mt Lawley – Item 10.1.18 – Requested that Council approves their application.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.18pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Caroline Cohen for the period 10 April to 17 April 2005 inclusive for personal reasons.
- 4.2 Cr Maddalena Torre for the period 26 April to 14 June 2005 inclusive for personal reasons.

Moved Cr Chester, Seconded Cr Ker

That Council APPROVES Leave of Absence for:

- (i) *Cr Cohen for the period 10 April to 17 April 2005 inclusive for personal reasons; and*
- (ii) *Cr Torre for the period 26 April to 14 June 2005 inclusive for personal reasons.*

CARRIED (8-0)

(Cr Franchina was an apology.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 8 March 2005

Moved Cr Ker, Seconded Cr Torre

That the Minutes of the Ordinary Meeting of Council held on 8 March 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Franchina was an apology.)

6.2 Special Meeting of Council held on 15 March 2005

The Chief Executive Officer advised that the Minutes for the Special Meeting held on 15 March 2005 were being still being finalised and would be available for confirmation at the next Ordinary Meeting of the Council.

Cr Ker raised the need to confirm the Confidential Minutes of the Special Council Meeting held on 2 March 2005 as they were not finalised and available for confirmation at the Ordinary Meeting held on 8 March 2005.

Moved Cr Torre, Seconded Cr Cohen

That the Minutes of the Special Meeting of Council held on 2 March 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Franchina 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 Item 10.3.2 – Investment Report as at 28 February 2005. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.2 Cr Chester declared a proximity interest in Item 10.1.9 – No. 105 (Lots 81-83 Strata Lot 2) Chelmsford Road, Mount Lawley – Two Storey Single House (with Basement). The nature of his interest being that he is co-owner of property in close proximity.

8.3 Cr Farrell declared a proximity interest in Item 10.1.12 – No 190. (Lots 238 & 239) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn – Proposed Three (3) Storey, Including Lofts, Mixed Use Development Comprising Five (5) Shops, Two (2) Offices, Nine (9) Multiple Dwellings and Undercroft Carparking. The nature of his interest being that he owns property in close proximity.

- 8.4 Cr Lake declared a proximity interest in Item 10.2.2 – Implementation of On-Street Parking and Results of Community Consultation – Beaufort Street and Adjoining Streets – Mount Lawley/Highgate. The nature of her interest being that she lives in a street that may be affected by the proposed restrictions.

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

Nil.

10. REPORTS

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 10.1.14, 10.1.1, 10.1.6, 10.1.21 and 10.1.18

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

Items 10.1.20, 10.1.21 and 10.4.2

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/special majority and the following was advised:**

Cr Ker	Items 10.1.19, 10.1.20, 10.2.1, 10.2.2, 10.4.4 and 10.4.5
Cr Lake	Items 10.1.16, 10.2.3, 10.4.6 and 10.4.8
Cr Chester	Items 10.1.2, 10.1.5, 10.1.11 and 10.1.13
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Item 10.1.9
Mayor Catania	Nil

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

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

Items 10.1.9, 10.1.12, 10.2.2 and 10.3.2

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

Items 10.1.3, 10.1.4, 10.1.7, 10.1.8, 10.1.10, 10.1.15, 10.1.17, 10.1.22, 10.1.23, 10.3.1, 10.3.3, 10.4.1, 10.4.3 and 10.4.7

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

Items 10.4.4, 10.4.5 and 10.4.6

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 10.1.3, 10.1.4, 10.1.7, 10.1.8, 10.1.10, 10.1.15, 10.1.17, 10.1.22, 10.1.23, 10.3.1, 10.3.3, 10.4.1, 10.4.3 and 10.4.7

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

Items 10.1.14, 10.1.1, 10.1.6, 10.1.21 and 10.1.18

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

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.4, 10.1.7, 10.1.8, 10.1.10, 10.1.15, 10.1.17, 10.1.22, 10.1.23, 10.3.1, 10.3.3, 10.4.1, 10.4.3 and 10.4.7

CARRIED (8-0)

(Cr Franchina was an apology.)

10.1.3 No. 12 (Lots 69 and 80) Brookman Street and Wellman Street, Perth - Proposed Alterations and Additions to Existing Single House (Carport and Patio) and Demolition of Existing Carport

Ward:	South	Date:	15 March 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3034; 00/33/2622
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	R Rasiah, 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 S Arnell on behalf of the owner SJ & P Arnell for proposed Alterations and Additions to Existing Single House (Carport and Patio) and Demolition of Existing Carport, at No. 12 (Lots 69 and 80) Brookman Street and Wellman Street, Perth, and as shown on plans stamp-dated 13 December 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to (Brookman Street) shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the wall/fence to (Wellman Street) may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	SJ & P Arnell
Applicant:	S Arnell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R25
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	304 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject site lies in the Brookman and Moir Streets Development Guidelines area.

The proposal was referred to the Heritage Council of Western Australia (HCWA). The HCWA have advised that:

"A Conservation Officer, with Delegated Authority from the Heritage Council's Development Committee has assessed the development referral and advises the Town of Vincent that it is supported."

DETAILS:

The proposal involves the demolition of an existing carport and rear fence and the construction of a new carport/patio and new rear brick fence. The applicant's submission is "Laid on the Table".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Open Space	50%	48.2%	Supported – as the existing development on site equates to 49% open space. This proposal does not significantly reduce the existing open space. The Brookman and Moir Street Design Guidelines support a reduction of open space on-site, where the minimum outdoor living area is achieved. The proposal complies with the above Guidelines.
Consultation Submissions			
Support	Nil		No submissions received from adjoining property owners.

Objection	Nil	No submissions received from adjoining property owners.
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 involves the demolition of non-original structures to the rear of the main dwelling. The proposed removal of these structures are considered acceptable and within the provisions of the Brookman and Moir Street Design Guidelines.

The proposed carport and patio are to the rear of the existing house and will generally not be visible from Brookman Street and are not considered to detract from the streetscape in this area.

The proposal is recommended for approval, subject to standard and appropriate conditions.

10.1.4 No. 132 (Lot 61) Richmond Street, Leederville - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	South Ward	Date:	15 March 2005
Precinct:	Leederville; P3	File Ref:	PRO3062; 00/33/2657
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 Tangent Nominees Pty Ltd on behalf of the owner JA Gill and G Hollister for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 132 (Lot 61) Richmond Street, Leederville, and as shown on plans stamp-dated 6 January 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Richmond Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (iii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond 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);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	JA Gill & G Hollister
Applicant:	Tangent Nominees Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single house
Use Class:	Single House

Use Classification:	"P"
Lot Area:	443 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the proposed partial demolition of and alterations and two-storey additions to existing single house at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1 Comments
Plot Ratio	0.65- 287.95 square metres	0.38-168.34square metres	Supported- no variation.
Privacy Setbacks	Balconies- 7.5 metres Habitable other than bedrooms-6.0 metres	4.7 metres to east boundary. Retreat-5.2 metres to west boundary. Office- 3.0 to west boundary.	Supported- as the affected neighbour has provided written confirmation that they have no objections to plans. Supported- affected neighbour has provided written confirmation that they have no objections to plans.
Setbacks: Upper floor (East)	3.5 metres	2.8 metres	Supported- as it is considered a minor variation with staggering of the setbacks. The affected neighbour has provided written confirmation that they have no objections to the plans.
Height	Wall- 6.0 metres Overall- 9.0 metres	Wall- up to 7.1 metres on the south elevation. Overall- up to 9.1 metres on the south elevation.	Supported- variation due to the existing ground level having a floor to ceiling height of 3.26 metres. Second storey addition floor to ceiling height has been kept to a near minimum height and neighbours have no objections.
Consultation Submissions			
Support	<ul style="list-style-type: none"> The two side neighbours have provided written confirmation that they have no objections to the submitted plans. 		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 variations sought are considered acceptable and approval is recommended, subject to standard and conditions.

10.1.7 No. 68 (Lot 5) Mabel Street, Corner Hunter Street, North Perth - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	14 March 2005
Precinct:	North Perth; P8	File Ref:	PRO3027; 00/33/2611
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	R Rasiah, 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 Trendsetter Homes on behalf of the owner B Lamers for proposed Additional Two-Storey Single House to Existing Single House, at No. 68 (Lot 5) Mabel Street, corner Hunter Street, North Perth, and as shown on site plan stamp-dated 1 December 2004 and amended plans stamp-dated 23 February 2005, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hunter Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hunter 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*
- (iv) *subject to first obtaining the consent of the owners of No. 6 Hunter 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. 6 Hunter Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	B Lamers
Applicant:	Trendsetter Homes
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:	599 square metres
Access to Right of Way	N/A

BACKGROUND:

22 January 2003 The Western Australian Planning Commission granted conditional approval for the subdivision for No. 68 Mabel Street, North Perth (120346)

DETAILS:

The proposal involves an additional two-storey single house to existing single house at No. 68 Mabel Street, corner Hunter Street, North Perth.
The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks			
Ground Floor East	1.5 metres	1.05 metres	Supported - as the variation is considered minor and no comments were received during the advertising period.
South	1.5 metres	1.05 metres - 1.6 metres	Supported - as above.
North (garage building on the boundary)	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary	3 metres wall for 1/2 the length of the balance of the boundary behind the front setback, to one side boundary	Supported - compliant with clause 3.3.2 Buildings on Boundary of the Residential Design Codes (R-Codes) and affected neighbour has stated no objection.
Upper Floor North	3.1 metres	1.2 metres	Supported - as the variation is considered minor and affected neighbour has stated no objection.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
South	3.2 metres	1.2 metres	Supported - as above.
West - Front main building line	6 metres	4 metres	Supported - proposed dwelling is on a newly created corner lot facing a secondary street and variation is considered minor and to not have an undue impact on the streetscape or surrounding amenity of the area.
West Balcony	6 metres	3 metres	Supported - as above.
Privacy North (Balcony)	7.5 metres	6.4 metres	Supported - as the variation is considered minor and affected neighbour has stated no objection.
South (Balcony)	7.5 metres	6.3 metres	Supported - as above.
Consultation Submissions			
Support (1)	Affected neighbours support proposed variations.		Noted
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The subject property is zoned Residential R30/40, and has been assessed under the higher Residential R40 coding as the existing house is being retained.

The variations sought by the applicant are supported by the Town's Officers as they are considered minor and the affected neighbours have stated no objection. The variations are also considered to not have an undue impact on the streetscape or amenity of the surrounding area.

The Town's Parks Services have advised that the list of 3 significant tree (Syzygium) located at the above site can be removed to facilitate the redevelopment of the site on the basis that there are many specimens of the trees within the Town.

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

10.1.8 No. 1 (Lot 1) Tay Place, North Perth - Proposed Two-Storey Single House

Ward:	North	Date:	14 March 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO3071; 00/33/2671
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 Nesic for proposed Two-Storey Single House, at No. 1 (Lot 1) Tay Place, North Perth, and as shown on amended plans stamp-dated 15 February 2005 (site, floor and elevation plans) and 12 January 2005 (overshadowing and site coverage plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Tay Place shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (iii) subject to first obtaining the consent of the owners of No.58 Albert Street and No. 39 Kadina 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.58 Albert Street and No. 39 Kadina Street in a good and clean condition; and*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating:*
 - (a) the provision of an outdoor living area of not less than 4.0 metres in length and width and a minimum area of 16.0 square metres; and*
 - (b) the wall height (as measured above the eaves) being a maximum of 6.0 metres from the natural ground level.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	J Nesic
Applicant:	J Nesic
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:	360 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a two-storey single house. The subject lot has been created from an original corner lot, with its frontage facing the secondary street.

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			
<u>Ground floor:</u> - South	1.5 metres	Nil- 2.04 metres	Supported- on the basis of staggering of setbacks. The affected neighbour has provided written confirmation that they have no objections to the submitted plans. Supported- on the basis of staggering of setbacks. The affected neighbour has provided written confirmation that they have no objections to the submitted plans.
- West	1.5 metres	1.0-5.32 metres	

- North (garage)	1.0 metre	Nil	Supported- as it is considered a minor variation to 'building on boundary'. The affected neighbour has provided written confirmation that they have no objections to the submitted plans.
<u>1st Floor</u> - East (front)	6.0 metres	4.13-5.3 metres	Supported - reduced setback of 4.0 metres is supported where a lot is created from an original corner lot.
Outdoor living Area	Minimum dimension of 4 metres.	Dimension of 3.99 metres	Not supported- being a vacant lot, there is opportunity for redesign.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6 per cent length of boundary.	Two external boundary walls proposed: Both compliant with maximum height and length requirements. North and south wall has average height of 3.1 metres.	Supported- as it is considered a minor variation. The affected neighbour has provided written confirmation that they have no objections to the submitted plans.
Wall height	6.0 metres	6.09 metres	Not supported- being a vacant lot, there is opportunity for redesign.
Privacy First Floor setbacks	Bedroom- 4.5 metres Other habitable rooms- 6.0 metres	Bed 1 is 3.6 metres from north boundary. Bed 3 is 3.6 metres from south boundary. Sitting room is 3.6 metres from south boundary.	Supported- as it is a minor encroachment into corner of backyard. The affected neighbour has provided written confirmation that they have no objections to the submitted plans. Supported- as it is a minor encroachment. The affected neighbour has provided written confirmation that they have no objections to the submitted plans. Supported- as it is a minor encroachment into corner of backyard. The affected neighbour has provided written confirmation that they have no objections to the submitted plans.

Consultation Submissions		
Support	<ul style="list-style-type: none"> All adjoining neighbours have provided written confirmation that they have no objections to the submitted plans. 	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:

The variations sought by the applicant are considered to be minor and not to have an undue impact on the surrounding area. In light of this and no objections being received by the adjoining neighbours, the proposal is recommended for approval, subject to standard and appropriate conditions.

10.1.10 No. 5 (Lot 22) Eden Street, West Perth - Proposed Two (2) Two-Storey Grouped Dwellings

Ward:	South	Date:	15 March 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2410; 00/33/2459
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 Mario Tascone & Associates on behalf of the owner L Di Iorio for proposed Two (2) Two-Storey Grouped Dwellings, at No. 5 (Lot 22) Eden Street, West Perth, and as shown on amended plans stamp-dated 30 December 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Eden Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the east side of the balcony on the upper floor of Unit 2 being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *prior to the first occupation of the development, the full length and width of the right of way from Bulwer Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	L Di Iorio
Applicant:	Mario Tascone & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	521 square metres
Access to Right of Way	West side, 5 metres wide, unsealed, privately owned

BACKGROUND:

18 November 2003 The Council, at its Ordinary Meeting, resolved to refuse proposed demolition of existing single house.

16 December 2003 The Council, at its Ordinary Meeting, resolved to conditionally approve proposed demolition of existing single house.

DETAILS:

The proposal involves proposed two (2) two-storey grouped dwellings. One dwelling has direct frontage to Eden Street and the other rear dwelling has vehicular access from the right of way with gazetted road frontage via a pedestrian accessway/service corridor.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.89 dwellings R 60	2 dwellings R 38.42	Noted
Plot Ratio	N/A	N/A	N/A
Boundary Setbacks: Unit 2 - First Floor Master Bedroom (Eastern Boundary)	2.9 metres	2.5 metres	Supported - as it is an internal boundary and no negative undue impact.
Privacy: Unit 2 - First Floor (Balcony)	7.5 metres	5.5 metres to southern boundary and 2.5 metres to eastern boundary (internal boundary)	Not supported - screening condition included to comply with R Codes privacy provisions.

Front Setback:			
Unit 1 First Floor- -Balcony	6 metres	3.59 metres	Supported - due to nature of existing streetscape and setback of existing development and no negative undue impact.
- Master Bedroom 1	6 metres	5.31 metres	Supported - due to nature of existing streetscape and setback of existing development and no negative undue impact.
Building on Boundary:			
Unit 1 - Ground Floor (Lounge, Kitchen and Dining) Southern Boundary	3.5 metres maximum with and average of 3 metres for 2/3 the length of the boundary	Compliant with R Codes requirements	Supported - Compliant with R Codes requirements and is to an internal boundary.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Building Height • Overshadowing 		<p>Not supported - as building height is compliant with R Codes requirements</p> <p>Not supported - as compliant with R Codes Design for Climate provisions</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

It is noted that the streetscape at Eden Street is currently affected by commercial uses on both sides and some commercial buildings have two storey nil setbacks to Eden Street. It is on this basis that the proposed development, and its subsequent front setback variations, is not considered to have any negative undue impact on the streetscape.

In light of the proposal not causing any undue negative impact on the streetscape or adjoining properties and noting that the applicant submitted amended plans addressing the concerns of the Towns Officers, the proposal is supportable, subject to standard and appropriate conditions.

10.1.15 Nos. 150-154 (Lots Pt1, Pt2 & 124) Oxford Street Corner Vincent Street, Leederville - Proposed Change of Use from Shop and Eating House to Eating House and Associated Alterations and Additions to Signage for Tenancy 2

Ward:	South	Date:	16 March 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO0191; 00/33/2667
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, 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 Boss Commercial Group on behalf of the owner Jay-Tee Nominees Pty Ltd for proposed Change of Use from Shop and Eating House to Eating House and Associated Alterations and Additions to Signage for Tenancy 2, at Nos. 150-154 (Lots Pt1, Pt2 & 124) Oxford Street corner Vincent Street, Leederville, and as shown on plans stamp-dated 11 January 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the floor areas shall be limited to;*
 - (a) 45 square metres of gross floor area for the shop component;*
 - (b) 59 square metres of public area for the eating house component for tenancy 1; and*
 - (c) 42 square metres of public area for the eating house component for tenancy 2.*

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

- (iii) doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (iv) prior to first occupancy of tenancy 4, Planning Approval for the use of this tenancy shall be applied to and granted by the Town;*
- (v) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) the signage shall not have flashing or intermittent lighting; and*
- (vii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	Jay-Tee Nominees Pty Ltd
Applicant:	Boss Commercial Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop and Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	354 square metres
Access to Right of Way	East side, 3 metres wide, sealed, privately owned

BACKGROUND:

- 1 December 2004 The Town, under delegated authority, conditionally approved alterations to existing shop and eating house at Nos. 150 - 154 Oxford Street, Leederville.
- 8 March 2005 The Council, at its Ordinary Meeting, resolved to conditionally approve proposed change of use from shop and eating house to eating house and associated alterations and additions, and associated signage for Tenancy 1 - Gloria Jeans.

DETAILS:

The proposal involves change of use from shop and eating house to eating house and associated alterations and additions, and associated signage for Tenancy 2.

The conditional approval issued for the alterations to existing shop and eating house approved by the Town on 1 December 2004, involved the repartitioning of the existing Hawkers Hut Restaurant into three new tenancies. Two new tenancies have frontage to Oxford Street and one has frontage to Vincent Street. Condition (iv) of the above approval stated the following;

"(iv) prior to first occupation of tenancies 1, 2 and 4, Planning Approval for the respective use of these tenancies shall be applied to and granted by the Town;"

The existing shop at Tenancy 3, Nos. 150-154 Oxford Street, Leederville, being the Flight Centre, the new Tenancy 1, being Gloria Jeans, and the new tenancy at Tenancy 4 remain unchanged by this application.

The proposed eating house at Tenancy 2 is called Gelare and is part of an Australian wide franchise that serves dine in and take way ice cream and associated foods. Food is primarily prepared off-site and the premises are used for the storage of ice cream, heating, toasting and serving only.

The proposed hours of operation are Sunday to Thursday 10am to 10pm, except Tuesday 10am to 11pm and Friday and Saturday 10am to 11:30 pm. It is anticipated that a maximum of 4 staff will be working at any one time.

Two signs are included as part of this application, which are a wall and projecting sign.

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
Projecting Sign:	Have a minimum clearance of 2.7 metres	2.65 metres	Supported - Gelare is proposing to modify the existing sign located between Tenancies 1 and 2
	Not to be within 3 metres of another such sign	Within 3 metres of another similar sign	Supported - it is the modification of an existing sign and does not have any adverse impact and complements the existing streetscape
	Not to exceed a vertical dimension of 500 mm	Vertical dimension of 585 mm	Supported - for the reasons as above
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) - Eating house (59 square metres - Gloria Jeans and 42 square metres - Gelare) - 22.44 car bays - Shop (45 square metres)- 3 car bays (New Tenancy 4 has no current approved use due to the repartitioning)			25 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.80 (within 800 metres of a rail station) ▪ 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) ▪ 0.90 (within a District Centre zone) 			(0.49) 12.25 car bays
Minus car parking on-site			Nil

Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors) that is, 14.42 car bays (57.6 square metres of public floor area for eating house at Tenancy 1 and 61.36 square metres of public floor area for eating house at Tenancy 2 and 45 square metres of gross floor area for shop at Tenancy 3) x 0.49 = 14.42 car bays Therefore, 14.42 car bays is the approved on-site parking shortfall	14.42 car bays
Resultant surplus	2.17 car bays

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

COMMENTS:

The application did not require to be advertised as an eating house is a "P" use in the District Centre Zone. The application is referred to Council for its consideration and determination.

It is noted that the internal fit out is a significant change to the existing eating house and equates to a reduction of 19.72 square metres of public area from the previously approved eating house. This increase has not impacted on the demand for parking and therefore a carparking surplus of 2.17 car bays is apparent.

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

10.1.17 No. 26 (Lot 93) Kingston Avenue, West Perth - Proposed Survey Strata Subdivision

Ward:	South	Date:	16 March 2005
Precinct:	Cleaver; P5	File Ref:	1867-04
Attachments:	001		
Reporting Officer(s):	T Durward, K Loader		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the proposed survey strata subdivision application submitted by McMullen Nolan and Partners Surveyors Pty Ltd on behalf of the owners Rivaknar Properties (WA) Pty Ltd for No. 26 (Lot 93) Kingston Avenue, West Perth, and as shown on plans stamp-dated 20 December 2004 (subdivision 1867-04) for the following reasons:*
- (a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *non-compliance with the Residential Design Codes (R Codes) provisions relating to vehicular access (3.5.4); and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	Rivaknar Properties (WA) Pty Ltd
Applicant:	McMullen Nolan and Partners Surveyors Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	599 square metres
Access to Right of Way	N/A

BACKGROUND:

No background directly relates to this proposal.

DETAILS:

An application has been received for the subdivision of the subject property into two survey strata lots, one having a lot area of 244 square metres, fronting Kingston Avenue and accommodating the existing house, and the other lot having an area of 297 square metres. A proposed 2.6 metres wide vehicle access way is proposed along the western side of the existing house.

ASSESSMENT:

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Vehicle Access leg to the rear lot.	3 metres	2.6 metres	Not supported – as the variation is considered excessive to the R-code requirements.
Consultation Submissions			
No consultation required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies and the 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 Town's Technical Services have advised that the absolute minimum width they would be prepared to support for a vehicle access way, where it is necessary to retain an existing dwelling, is 2.7 metres. The proposed access width of 2.6 metres is considered narrow and inappropriate in this instance of providing sufficient driving access to the rear lot.

The proposal is considered to be non-compliant with the Residential Design Codes, Design Elements (3.5.4, A4.5) relating to vehicular access to dwellings. The R Codes require a vehicle access leg of at least 3 metres when retaining an existing dwelling. On the above basis, the proposal is considered not acceptable and therefore is recommended for refusal.

10.1.22 Report on WALGA and the Guidelines for Concerts, Events and Gatherings

Ward:	Both	Date:	15 March 2005
Precinct:	All	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report from the Western Australian Local Government Association (WALGA) in relation to the Draft Guidelines for Concerts, Events and Gatherings; and
- (ii) **NOTES** that the Western Australian Local Government Association (WALGA) will be requested by the Chief Executive Officer to continue to collectively address these Local Government matters identified with the Office of the Minister of Health until resolved.

COUNCIL DECISION ITEM 10.1.22

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

BACKGROUND:

On 17 February 2005, the Western Australian Local Government Association (WALGA) advised as follows:

'In October 2004 the Applied Environmental Health Branch sent Councils Guidelines for Concerts, Events and Organised Gatherings for trial use. The Department is encouraging event organisers and Local Government to use this document with comments forwarded to Applied Environmental Health by the 30th April 2005. A feedback/comment sheet is contained at the end of the Guidelines to facilitate a response. The Guidelines are available electronically at:

<http://www.population.health.wa.gov.au/environmental/resources/GuidelinesConcertsEventsGatherings280904cb.pdf>

Guideline Purpose

The Guideline aims to bring together information that needs to be considered by event organisers and Local Government in the planning and implementation of an event. Their stated aim is, 'to assist the interpretation for prescribed legislation such as the Building Code of Australia, the Health (Public Buildings) Regulations 1992 and to provide advice on issues that are not covered by formal legislation.' The Health Act provides the principle head of power and the principle events controls are the Health (Public Buildings) Regulations. Within the Guidelines specific information is provided such as:

- *Three event categories established based on risk: Each event must be judged on its merits with the previous experience of the organisers and approving officers having a bearing on the perceived risk (p14/15)*
- *Operational procedures based on Public Building Regulations.*
- *Clarification that when a Risk Management Plan, as required by the Regulations for events of 5000 people or more, is submitted to Local Government their responsibility to assess the plan should be restricted to the key elements and not necessarily the actual risks identified (p32)*
- *Shows, Carnivals and Fairs – To facilitate a practical solution, Local Government may allow events organisers such as the Royal Agricultural Society, to assume responsibility for building standards for all temporary buildings not captured by the building licence or Form 1 Applications (p108)*

Public Building Regulations

The Guidelines are predicated on the Public Building Regulations. Local Government over a number of years has raised concerns with the workability of the current regulations in particular:

- *The definition does not have any parameters and it is difficult to identify what constitutes a public building.*
- *The definition means that more building types are captured as public buildings.*
- *There are substantial resource implications to administer additional buildings captured by the definition.*
- *Because of the uncertainty in relation to the definition there may be consequential liability issues.*
- *Now many buildings not captured previously will be required to be approved; this raises retrospective approval and upgrading issues for both Local Government and public building operators.*
- *Public buildings should have a definitive application in terms of numbers of people before a place becomes a public building.*

In response to Local Government's concerns the Minister for Health advised the Association in December 2002: not to proceed with applying the public buildings legislation to buildings not captured previously until the broadness of the definition of what constitutes a public building can be fully explored. Until guidance is provided on this Ministerial advice the status quo remains. The Department of Health over the last two years has been developing a policy response in light of the Ministerial comment and Local Government's concerns. This is seen as an interim measure to an amendment to the legislation. It is anticipated that this will Discussion Paper will be released shortly for Local Government comment.

Until this issue is resolved, Local Government is left in an untenable position with a piece of legislation acknowledged by the Minister as unworkable... We understand that legal advice is sensitive... This (your support) will assist the Association to continue to engage at a political and operational level on an appropriate resolution of the definition of a Public Building. Feedback by the 31st March 2005 would be appreciated.'

LEGAL/POLICY IMPLICATIONS:

- Health (Public Buildings) Regulations 1992; and
- Building Code of Australia.

COMMUNITY CONSULTATION:

Nil. It is not the responsibility of the Town to advertise State legislation.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area 1.4: *'Maintain and enhance the Town's infrastructure to provide a safe, healthy, aesthetic sustainable and functional environment.'*

COMMENTS:

The WALGA position is supported and subsequently it is recommended that the Council authorises WALGA to continue to pursue the matter collectively on behalf of Local Government with the Office of the Minister of Health until resolved.

10.1.23 Members Equity Stadium and Surrounding Areas Parking Management Plan

Ward:	South	Date:	16 March 2005
Precinct:	Beaufort; P13	File Ref:	RES0040
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the revised Parking Management Plan 2005/06 for Members Equity Stadium, No. 310 Pier Street, Perth and Loton Park, Lord Street, Perth and surrounding areas, as shown in the attachment to this report.

COUNCIL DECISION ITEM 10.1.23

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

BACKGROUND:

At its Ordinary Meeting held on 21 December 2004, as part of a resolution to re-introduce residential parking restrictions to the area surrounding Members Equity Stadium, the Council identified concerns about the content of the Parking Management Plan. After much discussion, the resolution was as follows:

That the Council;

- (i) *APPROVES the Parking Management Plan 2005/06, as shown as an attachment subject to:*
 - (a) *a new dot point being included under the heading "Background" on page 1 as follows:*
 - *reduce parking requirements of Stadium users by encouraging public transport usage; and*
 - (b) *a further report being received on outstanding items identified by Elected Members;*

DETAILS:

The attached Parking Management Plan has incorporated suggested amendments and additions, provided by Elected Members and it is hoped that it now meets the needs of the Town, with respect to the use of Members Equity Stadium. Changes/additions to the document have been underlined.

CONSULTATION/ADVERTISING:

The plan was first adopted for the 2003/4 Perth Glory Soccer Season and operated fairly well. It has been amended slightly to take account of minor changes to the Traffic Management Plan and to some concerns expressed by Elected Members.

LEGAL/POLICY:

There is no legal impediment to the above proposal, since it is a Town of Vincent procedural document.

STRATEGIC IMPLICATIONS:

The above proposal is in keeping with Area 1.4 of the Town's Strategic Plan 2005 - 2010 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

- (i) *Develop a strategy for parking management in business, residential and mixed use precincts.*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications.

COMMENTS:

The above proposal is recommended for approval.

10.3.1 Financial Statements as at 28 February 2005

Ward:	Both	Date:	11 March 2005
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 year ended 28 February 2005, as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 28 February 2005.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget.

The 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 90 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 97 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 187 % of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 97 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 101 %, this is due to 284 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Community Amenities (Page 6)

Community Amenities is 97 % of the budget, this is as a result of 431 planning applications have been processed year to date.

Recreation & Culture (Page 9)

Recreation and Culture is 64 % of the total budget. Beatty Park revenue is 50 % of the total Recreation and Culture budget but tracking along with the year to date budget.

Economic Services (Page 12)

Economic Services is 66 % of budget which is the 313 building licences issued to the month of January.

Operating Expenditure

Operating expenditure for the month of January is under budget at 62%

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for January an amount of \$5,725,388 which is 48% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	47,655	36%
Plant & Equipment	1,249,972	409,752	33%
Land & Building	3,555,393	3,419,663	96%
Infrastructure	6,997,900	1,848,318	26%
Total	11,934,575	5,725,388	48%

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

The statement shows the current assets of \$16,707,433 less current liabilities of \$2,694,756 for a current position of \$14,012,676. The total non current assets amount to \$115,852,602 less non current liabilities of \$10,951,245 for the total net assets of \$118,914,034.

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 \$1,111,165 are outstanding at the end of February. Of the total debt \$637,092 (57%) relates to debts outstanding for over 60 days. The majority of the debt is an amount owing by the Department of Sport & Recreation of \$475,661. 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 2004/05 were issued on the 3 August 2004.

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

First Instalment	7 October 2004
Second Instalment	8 November 2004
Third Instalment	6 January 2005
Fourth Instalment	8 March 2005

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
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 \$1,454,925 which represents 10 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 28 February 2005 the operating deficit for the Centre was \$316,241 in comparison to the budgeted annual deficit of \$612,852.

The cash position showed a current cash deficit of \$51,215 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

10.3.3 Authorisation of Expenditure for the Period 01 - 28 February 2005

Ward:	Both	Date:	09 March 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Gee Wong		
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 2005 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
------------------------------	----------------	---------------------------

Nil.

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	\$2,026,305.16
Total Municipal Account		\$2,026,305.16
Advance Account		
Automatic Cheques	50605 - 50988	\$719,146.53
Manual Cheques		
Transfer of Creditors by EFT Batch 349 - 356		\$565,991.39
Transfer of PAYG Tax by EFT	February 2005	\$147,179.80
Transfer of GST by EFT	February 2005	\$0.00
Transfer of Child Support by EFT	February 2005	\$519.44
Transfer of Superannuation by EFT City of Perth	February 2005	\$26,316.77
Local Government	February 2005	\$73,974.77
Total Advance Account		\$1,533,128.70
Transfer of Payroll by EFT	February 2005	\$493,754.60
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,426.88
Lease Fees		\$606.82
Corporate Master Cards		\$1,610.67
Australia Post Lease Equipment		\$311.77
2 Way Rental		\$3,527.15
Loan Repayment		\$30,835.13
B/Park ATM Cash Agreement		\$165.00
ATM Rebate		-\$245.19
Total Bank Charges & Other Direct Debits		\$ 41,238.23
Less GST effect on Advance Account		-\$33,022.00
Total Payments		\$4,061,404.69

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:	14 March 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina 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
25/02/05	Amendment to Deed of Mutual Arrangement	3	Town of Vincent and S Yan Wai Wong (<i>Purchaser</i>) and F J Fleming and K J Fitzgerald (<i>Vendors</i>) re: No. 77 (Lot 277) Lawler Street, North Perth - <i>Corrected Details: Lot No. 1 on Diagram 10082, Certificate of Title Volume 191, Folio 944.</i>
03/03/05	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Total Event Management of Total House, cnr Belmont Avenue and Fulham Street, Belmont re: Use of Executive Suites at Members Equity Stadium for UniSuper Meeting on 3/03/05.

Date	Document	No of copies	Details
03/03/05	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Total Event Management of Total House, cnr Belmont Avenue and Fulham Street, Belmont re: Use of Glory Lounge and Gareth Naven Room at Members Equity Stadium for Australian Manufacturers Workers Union Function on 10/03/05.
03/03/05	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Total Event Management of Total House, cnr Belmont Avenue and Fulham Street, Belmont re: Use of Gareth Naven Room at Members Equity Stadium for WA Sports Federation AGM on 30/03/05.
04/03/05	Deed of Covenant	4	Town of Vincent and S J Jones of 9 Bennetts Place, Sorrento and ANZ Banking Group re: No. 158 (lots Y62 and 500) Edward Street, Perth - partial demolition of and alterations and two-storey additions with undercroft parking to existing warehouse and office building.
08/03/05	Deed of Covenant	4	Town of Vincent and L D'Alessio of Unit 1, 83 Robert Street, Como; A J Andony of Unit 7, 492 William Street, Highgate; L. Costa of Unit 2, 83 Robert Street, Como and St George Bank Ltd re: No. 174 (lots 265 and 266) Grosvenor Road, North Perth - Partial Demolition of and Alterations and Additions to existing Day Nursery (Child Care Centre).
15/03/05	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Members Equity of 111 St Georges Terrace, Perth re: Use of North/West Seating Bowl at Members Equity Stadium for Electrical Trades Union Meeting on 17/03/05.

10.4.3 Lot 118 Mindarie - Land Issues and Proposed Regional (Development) Council

Ward:	N/A	Date:	14 March 2005
Precinct:	N/A	File Ref:	PRO0739
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the Business Plan as shown in Appendix 10.4.3(B) covering land issues affecting Lot 118 Mindarie, including the establishment of a Regional (Development) Council for approximately 166 hectares of Lot 118, for the purpose of advertising pursuant to Section 3.59 of the Local Government Act;*
- (ii) *APPROVES the draft Establishment Agreement for the (Tamala Park) Regional Council (TPRC);*
- (iii) *APPROVES the proposals for lease adjustment with the Mindarie Regional Council (MRC) and the lease document, when available, be endorsed;*
- (iv) *RESOLVES that the proposals for a Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) regarding Bush Forever sites 322 and 323 be entered into an Agreement for endorsement by owner Councils; and*
- (v) *NOTES the valuation components of Lot 118 Mindarie for the purpose of negotiations with the WAPC for compensation payments for land to be transferred under the NPS referred to in Clause (iii) above;*
- (vi) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the satisfactory conclusion of the matters detailed in this report; and*
- (vii) *NOMINATES the following as the Council representatives to the Tamala Park Regional Council, when it is established;*
 - *Elected Member Deputy*
Mayor Catania Cr Ian Ker
 - *Non-Voting Representative*
Chief Executive Officer Executive Manager

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

PURPOSE:

The purpose of this report is to consider a draft Business Plan for land transactions affecting Lot 118 Mindarie, including establishment of a Regional (Development) Council.

BACKGROUND:

At the Ordinary Meeting of Council held on 18 January 2005 (Item 10.4.2) a progress report was presented on key issues relating to the future development of Lot 118 Marmion Avenue, Mindarie. A plan of Lot 118 is shown at Appendix 10.4.3(A).

The following resolutions were adopted at the Council Meeting of 18 January 2005;

"That the Council;

- (i) ENDORSES the proposed Bush Forever Negotiated Planning Solution (NPS) outlined in this report subject to the deletion of any reference to the formation of a Joint Development Group;*
- (ii) AUTHORISES the Chief Executive Officer to complete documentation for a Negotiated Planning Solution relating to Bush Forever on Lot 118 Marmion Avenue, Mindarie and submit the documentation to Council for formal agreement in conjunction with recommendations relating to valuations now being obtained and to include advice to Council relating to the need to prepare a Business Plan and consult the community on this matter;*
- (iii) ENDORSES the key principles set out in the detail section of this report to guide the urban development of Lot 118 Marmion Avenue, Mindarie;*
- (iv) SUPPORTS the proposal to develop Lot 118 Marmion Avenue, Mindarie without involvement of a Joint Venture partner; and*
- (v) SUPPORTS the proposal of the Chief Executive Officer to prepare a further report to Council setting out how, and under what legal structure, the owner Councils should progress the intended development of Lot 118 Marmion Avenue, Mindarie."*

DETAILS:

Following the Council's resolution, the Chief Executive Officers from the seven owner Councils of Lot 118 have been involved in ongoing negotiations that will lead to the following outcomes;

- A new proposed lease for the Mindarie Regional Council;
- The finalisation of Bush Forever negotiations with the Western Australian Planning Commission (WAPC);
- The development of the urban zoned land within Lot 118 for eventual sale for residential and mixed use purposes;
- The establishment of a Regional Council as the body to undertake the development of the land; and
- Preparation of a draft Business Plan suitable for advertising, which covers the major land transaction issues relating to the development of the land.

Land Development

Previous reports and presentations to the seven (7) local Government owners of Lot 118 have indicated a potential urban development, which would include more than 2,000 lots and provide the owners with an ongoing positive cashflow.

Because the WAPC will be paying compensation for Bush Forever land taken from Lot 118, there need not be any direct contribution to development funds from any of the owner Councils. The funding requirements for development can be totally contained within sales and compensation revenue derived from the land.

Lot 118 is a critical piece of land in the WAPC projections for urban land releases in the northern corridor. Development of the land will feed into the efficient utilisation of local infrastructure and the viability of local businesses.

Following the development of Burns Beach Lot 2 to the south (approximately 1,100 lots) and Somerly immediately adjacent to the north (approximately 1,400 lots remaining), Lot 118 is the one remaining large land parcel to be developed south of Neerabup Road.

Lot 118 is affected by MRS zoning and the Government's Bush Forever policy. MRS reservations and Bush Forever have effectively quarantined 280 hectares of the 432-hectare Lot 118 from urban development.

The State Government wants to settle land transfers to secure Bush Forever land. To this end it has instigated specific MRS zonings and has also proposed a Negotiated Planning Solution (NPS) with respect to Bush Forever sites 322 and 323, which affect Lot 118 Mindarie. (See Appendix 10.4.3(B)(1)(2)(3).

Summary of Owners' Intentions for Lot 118

Owners have been working toward achieving the following outcomes:

- An environmentally sensitive urban development for the zoned urban component (166 hectares).
- Continued lease to and use by Mindarie Regional Council of Tamala Park landfill in conjunction with off site secondary waste treatment of refuse (157 hectares).
- Transfer to management of WAPC/Conservation and land management of Bush Forever Protection areas and receipt of compensation payments to owner Councils, (109 hectares).

Mindarie Regional Council (MRC) Lease

Mindarie Regional Council has an existing lease. The lease expires in 2011 and there is an extension option for a further 21 years. MRC have indicated they would like to exercise the option.

The proposed new lease will be more beneficial to the owners and MRC in specific ways. The new lease will also adjust the lease area by excising portions of land to be transferred to the WAPC as part of Bush Forever settlement with compensation payments to the joint owners, which will provide initial funding for Lot 118 development work.

MRC have been most co-operative in negotiations for lease changes. They are looking for long-term tenure and a co-operative basis for the ongoing lease in order to secure the Tamala Park landfill operation for the longest possible time.

Significantly, the new lease will provide changes as follows:

- Reduction of lease area (252 hectares to 152 hectares); facilitating Bush Forever transfers.
- Clarification of existing lease term provisions. The existing lease option of 21 years will be factored into the lease term for the new lease agreement.
- Provision of market rent review at 5-year intervals with CPI adjustments annually.
- Incorporation of provisions for Mindarie Regional Council and owners to work together on joint objectives particularly with respect to buffer areas that the Mindarie Regional Council requires (short term). In this respect the proposed lease terms will provide a buffer area, which would be quarantined from development for a term suitable to the owners, and for notice (Mindarie Regional Council has requested four years) to be provided to the Mindarie Regional Council withdrawing the whole or part of an area from buffer utilisation.
- Providing greater autonomy to the Mindarie Regional Council in respect of sub leasing and licensing with retention of lease and license revenue.
- The target completion date for Mindarie Regional Council is no later than 30 June 2005.
- The target date for owners to facilitate land development and the completion of agreements with the WAPC is 14 June 2005.
- The lease must be adjusted in order that the owners can complete transfer agreements with the WAPC for land excised from the lease.

REGIONAL COUNCIL - ESTABLISHMENT AGREEMENT

Following extensive research by the CEO Group and solicitors, it has become apparent that the logical vehicle for decision making and to provide legal status for transactions throughout a prolonged development period is a Regional Council established under the Local Government Act.

A Regional Council will require an Establishment Agreement setting out the way in which the Council operate. The form of the Agreement is set out in Local Government legislation. The Minister administering the Local Government Act must approve the Agreement.

A copy of the proposed Establishment Agreement is attached at Appendix 10.4.3(C). Key points in the Agreement include the following:

Purpose and Objectives

These are repeated in full below. The objectives have been previously advised to Councils in an earlier presentation.

Regional Purpose

The regional purpose for which the TPRC is established is:

- (a) To undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the Land; and
- (b) To carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

Objectives

- a) The objectives of the TPRC are:
 - (i) to develop and improve the value of the Land;
 - (ii) to maximise, within prudent risk parameters, the financial return to the Participants;
 - (iii) to balance economic, social and environmental issues; and
 - (iv) to produce a quality development demonstrating the best urban design and development practice.
- b) A failure or alleged failure of the TPRC to meet any of the objectives set out in this clause:
 - (i) is not to affect the obligations of a Participant to comply with this Establishment Agreement; and
 - (ii) is not to give rise to any claim or entitlement to damages on the part of a Participant.

Representation

It is proposed that there will be 12 members from participant Councils reflecting ownership shares in Lot 118.

Provision would be made to adjust member numbers if the number of ownership shares changes.

Election of the Chairperson would be from the Elected Members.

Generally, a term of 2 years will apply to the offices of Member and Chairman.

Funding and Surplus Distributions

The Agreement provides for seed funding (approximately \$13-15 million) to be provided by transfer of compensation payments from the WAPC to Regional Council funds.

Other provisions in the Agreement provide for annual contributions and other capital contributions, however it is unlikely that these will be required because of the nature of the development.

It is proposed the Regional Council will hold sufficient revenue from land sales to cover obligations for approved plans and operational costs. The Agreement provides for distribution of any additional funds to the owners in ownership shares.

Land Transfers

There will be many land transfers involved in Lot 118 development. If land is retained by the seven (7) local government owners, it will be necessary to have extensive delegations to handle land issues and each land transfer will need to be signed on behalf of each of the Councils.

In consequence it is proposed that the TPRC will request transfer of the developable land to the Regional Council at a convenient time. The Establishment Agreement secures the owners interest in land transfer.

Withdrawal (Divestment of Ownership) Options

The Agreement provides that owners may withdraw from the Regional Council upon adequate notice. Prior to withdrawal, an Agreement must be made that secures a payment to the withdrawing Council of its residual value in the development. The mechanism for establishing the value and to ensure costing of any offset of contingent obligations, have been worked into the Agreement.

In the event that the TPRC is wound up, assets and liabilities will be distributed in accordance with ownership shares.

Life of the Regional Council

It is expected that the Regional Council will exist only so long as it is needed to effect development of Lot 118 land. This is anticipated to be a period of 8-12 years, including planning phases.

NEGOTIATED PLANNING SOLUTION (NPS)

Negotiations have been proceeding with the WAPC to fix areas that will be subject of:

- Payment of compensation upon transfer to WAPC.
- Residual land available for urban development by own Councils.

As mentioned above, a delineation survey has resolved the critical issue of the dividing line between residual residential zoned land and Bush Forever land west of Marmion Avenue.

The resolution of the dividing land has now made possible the clarification of all of the areas to be incorporated in the NPS.

Formal notice from the WAPC has been received confirming land areas in the NPS.

The WAPC has commissioned valuers to prepare estimates of compensation.

The WAPC has commissioned lawyers to draft an agreement setting out all of the factors in the NPS, including the following:

- The potential for excising areas 5, 16 and 4 (owners valuation plan attached) from POS reservation for inclusion in a future structure plan for urban development.
- Reacquisition rights for owners in the event that land taken is no longer required by the Government.
- Preparedness to provide areas 19, 11 and 17 to owners as offset to compensation payable for areas 1 and 15.

Payment of compensation for areas 6 (part), 12 and 9 in 2005.

BUSINESS PLAN

Requirements for a Business Plan:

Under Section 3.59(2) of the *Local Government Act*, a Local Government is required to prepare a business plan before it:

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction.

In reference to the proposals now current in respect of Lot 118 a business plan could be required in respect of the following:

- (a) an amendment to the lease of 252 hectares of land to the MRC;
- (b) a Bush Forever NPS involving transfer of land to the WAPC and payment by the Commission of compensation to the owners;
- (c) establishment of a Regional Council to develop about 165 hectares of Lot 118 and potentially receive a transfer of that land from the owners; and
- (d) development of part of Lot 118 with the eventual sale of residential lots to the public.

Minter Ellison, Lawyers, have provided advice that:

- (a) A Business Plan is either specifically or arguably required in respect of the matters listed above.
- (b) It would be prudent to prepare and advertise the Business Plan prior to formalising the Establishment Agreement for the TPRC and for the agreements to complete the other land transactions listed above.
- (c) That one business plan covering all of the matters in (1) would be appropriate.
- (d) That a single business plan advertised to cover the statutory obligations of all Councils would be appropriate.

The form of the Business Plan is set out in the Local Government Act. A Business Plan has been prepared in the required form, ready for advertising (see attachment at Appendix 10.4.3(D)).

The Business Plan will be jointly advertised, in early April 2005, by the seven Local Government owners for a period of six weeks and any submissions received by each Local Government would be considered by that Local Government. Following consideration of any submissions a Council may decide to proceed with the Business Plan.

The Business Plan refers to the New Regional Council; Lease changes; the Negotiated Planning Solution and compensation payments by the Government for Bush Forever/POS land transfer. In following the Local Government Requirement for prior approval of a Business Plan before entering into agreements on these matters each joint owner Council will need to ensure that resolutions to proceed with these matters are all made subject to a condition that the Business Plan requirements of Section 3.59 of the Act are first completed.

In the Gantt chart provided with this report, the date 14 June 2005 is suggested as the date at which all joint Council Owners of Lot 118 would need to have completed all processing of the Business Plan and it would be from that date that any prior conditional approvals for Lease Changes, the NPS and the establishment Agreement would have effect.

Timetable for Events

A Gantt chart is attached at Appendix 10.4.3(F) setting out timeframes for actions listed in the previous paragraph to make possible a first meeting of the new TPRC in July 2005.

CONSULTATION/ADVERTISING:

Negotiations relating to Bush Forever outcomes, the establishment of a Regional Council and a new lease with the Mindarie Regional Council are included in a Business Plan which is discussed in this report. This Business Plan will be subject to a public comment period of 42 days.

At later stages, there will be further consultation processes associated with the preparation of the Structure Plans for the future urban development.

LEGAL/POLICY:

The preparation of a Business Plan in respect to agreements and land transactions affecting Lot 118 Mindarie. The Business Plan has been prepared to meet the requirements of Section 3.59 of the Local Government Act.

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 planning and development of Lot 118 will involve financial implications for the Town, although it should be noted that all costs and returns are shared amongst the seven owner Councils according to their ownership share of the land. (The Town's share is one-twelfth.)

The Town's estimated revenue from the land has been previously reported to the Council as \$7-10 million net, over a ten year period (depending upon the final subdivision plan).

It is also emphasised that the compensation payable to the owners under the proposed Bush Forever NPS will provide seeding capital to cover or offset initial stages of subdivisional works. Cash flow analysis based on the owners' earlier structure plan was that the development could achieve positive cash flow returns within two years of commencement.

Valuations

Valuations of various land parcels are shown in the plan attached at Appendix 10.4.3(E). Some minor changes to values are still in progress because of recent success with parts of the NPS resulting in an additional 1.88 hectares of residential land being retained on the western side of Marmion Avenue.

The following table provides an indication of values of the major land and valuation components:

Land Section	Owner Plan Areas	Compensation payable on Valuation	Immediate Bush Forever Transfer and Compensation (Hectares)	Developable Land (Hectares)	Deferred POS Bush Forever transfer (Hectares)
Urban West - Residual Residential				30.7006	
Urban west - Bushforever	6	\$ 13,924,800	29.64		
Rural West - Bushforever	12,9,15	\$ 1,001,892	61.2367		
Rural East -Bushforever	1	\$ 335,000	18.5294		
Deferred urban East	10,7			135.0785	
Mindarie Regional Council Lease	2,14				137.9956
Mindarie RC Lease & Development	4,5				14.0214
Withheld - awaiting Structure plan	16				4.6896
Totals		\$ 15,261,692	109.4061	165.7791	156.7066
Total Area					431.8918

NB 1: 30% of Western Residential (18.036Ha) Ceded Free of Cost -)

The balance of Western Residential (11.60Ha) Compensated at Residential Values

NB 2: Values are a provided byVG and will be subject to Negotiation with WAPC

The joint owners' valuer is the Valuer General. The Valuer will participate in final negotiations to agree compensation payments due from the WAPC.

COMMENTS:

In order to progress further and specifically to make it possible to establish a new Regional Council, the following measures are required in the order in which they must occur:

1. Councils resolve to advertise a Business Plan covering the NPS, change lease arrangements, the establishment of a Regional Council with the attendant land transfer actions.
2. Preliminary approval is given to:
 - (a) The draft Establishment Agreement
 - (b) The new lease with the MRC
 - (c) The NPS with the WAPC
 - (d) Preliminary approval to the Establishment Agreement for the Regional Council is sought from the Minister for Local Government.
3. Councils consider any submissions made in response to advertising the Business Plan.
4. Councils adopt the Business Plan.
5. Councils provide final approval to the items mentioned in 2. above.

6. The Minister for Local Government approves the Establishment Agreement and the new Regional Council.
7. A date is set for a first meeting of the Regional Council.

The Council's approval of the recommendation is requested.

10.4.7 Progress Report No. 2 – Leederville Business District and Proposed Masterplan – Investigation of Funding Sources for Possible Public Infrastructure

Ward:	South	Date:	17 March 2005
Precinct:	Oxford Centre; P4	File Ref:	PLA0147
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No.2 relating to 'Leederville Business District and Proposed Masterplan - Investigation of Funding Sources for Possible Public Infrastructure' as at 17 March 2005; and*
- (ii) *NOTES that;*
 - (a) *finalisation of the Council decision (Item 10.1.22, Clause (iii)) of the Ordinary Meeting of Council held on 21 December 2004, cannot be achieved by February/March 2005; and*
 - (b) *a more realistic timeframe (subject to the availability of resources) to finalise the matter is June 2005.*

COUNCIL DECISION ITEM 10.4.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004 at Item 10.1.22, the Council considered this matter and resolved as follows;

"That the Council;

- (i) *RECEIVES the Progress Report No.1 relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure'; and*
- (ii) *NOTES that a further report relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure', will be submitted to an Ordinary Meeting of Council to be held in June 2005.*

- (iii) *REQUESTS the Chief Executive Officer to submit a report for the Council's further consideration at the earliest opportunity and in any case no later than February/March 2005 and for such report to:*
- (a) *include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and*
 - (b) *link the Leederville Masterplan, the findings of the Notices of Motion of 13 July 2004 and the proposed Economic Development Plan Recommendations;*
- (iv) *CONSIDERS the matters referred to in (iii) above during the Council budget process 2005/06, and for these to be considered for inclusion in the Strategic Plan, Principal Activities Plan and draft Budget 2005/06; and*
- (v) *APPROVES the tender variation to include 4.9 of the Council's Leederville Masterplan Tender Brief."*

DETAILS:

The following is a chronology of significant dates relating to the Leederville Masterplan project;

- 18 September 2003 A meeting was held with the then Chairman of the Western Australian Planning Commission, Town of Vincent Elected Members, representatives of the Department for Planning and Infrastructure and Officers of the Town of Vincent to discuss the Western Australian Planning Commission's introduction of a \$500,000 budget allocation, to showcase demonstration proposals, which may include places of interest, redevelopment schemes, transport schemes and the like.
- 23 September 2003 The Council at its Ordinary Meeting resolved to produce a Masterplan for the Leederville area.
- 16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief for a Leederville Masterplan with amendments and approved a budget reallocation of \$50,000 to fund delivery of a Leederville Masterplan.
- 13 July 2004 The Council at its Ordinary Meeting resolved as follows:
"That the Council AUTHORISES the Chief Executive Officer to:-
- (i) *develop a preliminary Leederville Business Case identifying potential funding sources for the proposed upgrades to public infrastructure in the Leederville District Centre identified in the:-*
 - (a) *Oxford Centre Study; and*
 - (b) *Leederville Masterplan;**in collaboration with, and consideration of funding opportunities identified in the preparation of the Leederville Masterplan. The Business Cases should prove the financial viability of the Leederville Masterplan and provide positive social, environmental and economic outcomes;*

- (ii) *investigate the development contribution cost provisions within the City of Stirling Town Planning Scheme No. 38, the City of Cockburn Town Planning Scheme No 3 and the Subiaco Redevelopment Scheme and assess the benefit to the Town of having similar provisions in the Town's Town Planning Scheme with particular consideration of foreshadowed upgrades of public infrastructure in the Town's District Centres; and*
- (iii) *submit a report on (ii) above for Council's consideration no later than October 2004;*
- (iv) *submit a report on (i) above for Council's consideration in conjunction with the Leederville Masterplan as a fully integrated document;*
- (v) *in relation to (i) and (ii) above, explore in detail the potential for public/private partnerships; and*
- (vi) *seeks advice from the East Perth Redevelopment Authority in the preparation of the Business Case."*

23 November 2004 The Council at its Ordinary Meeting resolved as follows:

"That the Council;

- (i) *RECEIVES the Progress Report No 1 on Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks;*
- (ii) *NOTES the information provided by the Leederville Master Plan Consultants; and*
- (iii) *NOTES that the Oxford Mall Working Group will meet again once the Leederville Masterplan has been adopted".*

Draft Masterplan Document

In January/February 2005, the Consultants and the Town's Officers met on several occasions to consider Draft versions of the Masterplan document.

A final draft of the Masterplan document has been prepared, incorporating the Council's requirements and a meeting was held on 17 March 2005 to consider the final draft document.

Draft Economic Development Strategy

A draft of the Economic Development Strategy was received on 11 March 2005. This draft Strategy is currently being reviewed by the Town's Senior Officers, with the view to providing comments to the Consultants and receiving the final document by 29 March 2005.

It should be noted that this consultancy requires the Project Consultants to provide a presentation to the Council on the Economic Development Strategy. This is proposed for a Forum in April 2005.

Special Meeting of Council

At a Special Meeting of Council held on 2 March 2005, the Council considered a confidential item - Item 7.1. In this report, the draft Masterplan document locality plan for this area was included and at the Council Meeting considerable discussion ensued.

Implementation of Council Decision - 21 December 2004, Item 10.1.22, Clause (iii)

Implementation of the Council decision of 21 December 2004, Item 10.1.22 - Clause (iii), requires a report to be submitted to;

- "(a) include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and*
- (b) link the Leederville Masterplan, the findings of the Notices of Motion of 13 July 2004 and the proposed Economic Development Plan Recommendations;"*

Clause (iii)(a) is in the main being carried out by the Masterplan consultants.

The draft Masterplan and the draft Economic Development Strategy have still not been finalised to a stage where both documents can be considered in order for the Council's decision to be carried out.

The task to implement the above Council decision therefore cannot be realistically achieved in the timeframe required by the Council, as the matters are considered to be closely inter-related, complex and require further extensive investigation. In addition, the limited resources available to the CEO and Senior Officers, has precluded the matter being completed in the timeframe required. Also, the implementation of the Special Meeting of Council decision has added to the complexity of finalising this matter.

Notwithstanding the above, the matter will be progressed as fast as is practicable and it is envisaged that this will be extensively debated during the Budget 2005/2006 process and is anticipated to be completed by the end of June 2005.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

The Council at its Ordinary Meeting held on 16 December 2003 authorised a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies Account to fund the delivery of a Leederville Masterplan.

COMMENTS:

The implementation of the recommendations and action strategies of the proposed Leederville Masterplan, proposed Economic Development Strategy and decision of the Special Meeting of Council held on 2 March 2005 relating to the Leederville Business District Landholdings and future redevelopment concept plans, is a very complex and time consuming matter, with many inter-relating variables. For this reason, a more realistic timeframe to complete the project is considered to be June 2005, noting that the matter will also be extensively considered during the Budget 2005/2006 process.

10.1.14 Unit 2/No. 643 (Lot 1, Strata Lot No. 2) Newcastle Street, Leederville - Proposed Change of Use from Office Building to Consulting Rooms and Ancillary and Incidental Shop and Office

Ward:	South	Date:	14 March 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO2791; 00/33/2675
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 SDA Designs on behalf of the owner EA Wason & S Leslie for proposed Change of Use from Office Building to Consulting Rooms and Ancillary and Incidental Shop and Office, at Unit 2/No. 643 (Lot 1, Strata Lot No. 2) Newcastle Street, Leederville, and as shown on amended plans stamp-dated 11 March 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including provisions for access, car parking and toilet facilities for people with disabilities;*
- (ii) the hours of operation shall be limited to the following times: 8am to 5pm Monday to Friday, inclusive;*
- (iii) a maximum of one (1) consulting room and a maximum of one (1) consultant/practitioner are permitted to operate from the property at any one time;*
- (iv) the windows, doors and adjacent floor area facing Newcastle Street shall maintain an active and interactive frontage to Newcastle Street;*
- (v) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (vi) the maximum gross floor area for the office and retail components shall be limited to 53.66 square metres and 52.64 square metres, respectively, unless adequate car parking is provided for the changes in floor space area;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Torre

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

“(vii) this approval for a consulting room (Optometrist) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use.”

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Franchina was an apology.)

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.14

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 SDA Designs on behalf of the owner EA Wason & S Leslie for proposed Change of Use from Office Building to Consulting Rooms and Ancillary and Incidental Shop and Office, at Unit 2/No. 643 (Lot 1, Strata Lot No. 2) Newcastle Street, Leederville, and as shown on amended plans stamp-dated 11 March 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including provisions for access, car parking and toilet facilities for people with disabilities;*
- (ii) the hours of operation shall be limited to the following times: 8am to 5pm Monday to Friday, inclusive;*
- (iii) a maximum of one (1) consulting room and a maximum of one (1) consultant/practitioner are permitted to operate from the property at any one time;*
- (iv) the windows, doors and adjacent floor area facing Newcastle Street shall maintain an active and interactive frontage to Newcastle Street;*
- (v) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) the maximum gross floor area for the office and retail components shall be limited to 53.66 square metres and 52.64 square metres, respectively, unless adequate car parking is provided for the changes in floor space area; and*

(vii) *this approval for a consulting room (Optometrist) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

to the satisfaction of the Chief Executive Officer.

Landowner:	EA Wason & S Leslie
Applicant:	SDA Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building
Use Class:	Consulting Rooms, Office Building and Shop
Use Classification:	"AA", "P" and "P"
Lot Area:	1994 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a change of use from office building to consulting rooms and ancillary and incidental shop and office at No. 643 Newcastle Street, Leederville.

The proposed consulting rooms and ancillary and incidental shop and office at Unit 2/No. 643 Newcastle Street, Leederville will mainly cater for 'specialist' optometry and referrals from other professions. The applicant has advised that less than 2 per cent of customers walk in off the street as "Eyes on Oxford" has a main business located within walking distance of the subject property at No. 133 Oxford Street. In light of this, only 2 per cent of the proposed retail area has been calculated for the car parking requirement. The remaining retail area is considered ancillary and incidental to the consulting room use and is therefore not included in the car parking calculation. The Town's Administration has not applied the standard clause for consulting rooms (which limits the approval to a 12 month period) as there is clear evidence and supporting information that this business is a bone-fide optometrist.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (9)	<ul style="list-style-type: none"> No objection to proposed business. 		Noted

Objection (1)	<ul style="list-style-type: none"> Proposed retail business will put more pressure on the current strained parking availability in the immediate vicinity. 	Not supported - proposed consulting room and ancillary and incidental shop and office complies with the Town's Policy relating to Parking and Access.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car parking requirement (nearest whole number)	<ul style="list-style-type: none"> Consulting room -3 spaces per consulting room (one room = 3 car bays) Office - 1 space per 50 square metres of gross floor area (53.66 square metres = 1.072 car bays) Retail - 1 space per 15 square metres of gross floor area (52.64 square metres - 2% used by walk-in customers = 0.07 car bay) 	3 car bays 1 car bay 0 car bay Total = 4 car bays
Apply the adjustment factors.	<ul style="list-style-type: none"> 0.80 (within 400 metres of a rail station) 0.85 (within 400 metres of a bus stop/station) 0.80 (within 50 metres of one or more existing public car parking place(s) with an excess of 50 car parking spaces) 	(0.544) 2.176 car bays
Minus the car parking provided on-site for subject unit		2 car bays
Resultant shortfall		0.176 car bays **

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

** If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bay or cash-in lieu of parking is required for shortfall.

COMMENTS:

The planning application is considered to be compatible with the uses of the surrounding area and in light of the proposal adequately meeting car parking requirement and the objection being addressed as above, the planning application is recommended for approval, subject to standard and appropriate conditions.

10.1.1 Further Report - No. 279 (Lot 30) Oxford Street Corner Bouverie Place, Leederville - Proposed Change of Use from Approved Eleven (11) Grouped Dwellings, Including Ten (10) Single Bedroom Dwellings and Four (4) Associated Home Businesses to a Mixed Use Development Comprising Seven (7) Single Bedroom Dwellings, Two (2) Single Bedroom Multiple Dwellings, Two (2) Grouped Dwellings and Two (2) Offices

Ward:	North	Date:	15 March 2005
Precinct:	Leederville; P3	File Ref:	PRO0622; 00/33/2431
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Inspired Development Group Pty Ltd on behalf of the owner Securewest Investments Pty Ltd for proposed Change of Use from Approved Eleven (11) Grouped Dwellings, Including Ten (10) Single Bedroom Dwellings and Four (4) Associated Home Businesses to a Mixed Use Development Comprising Seven (7) Single Bedroom Dwellings, Two (2) Single Bedroom Multiple Dwellings, Two (2) Grouped Dwellings and Two (2) Offices, at No. 279 (Lot 30) Oxford Street Corner Bouverie Place, Leederville, and as shown on plans stamped 10 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) continuous awnings to the building , with a minimum height of 2.75 metres over the Oxford Street and Bouverie Place footpath for the offices being provided in consultation with the Town's Technical Services;*
- (iii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$5,100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (vi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Oxford Street and Bouverie Place shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vii) *subject to first obtaining the consent of the owners of No. 277 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
- (viii) *a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Oxford Street and Bouverie Place verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking area, 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);*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedroom of houses 1 and 11 on the first floor level on the southern and western elevations, respectively, shall be screened within 4.5 metres in a '45 degree cone of vision' of the adjacent boundary, with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xi) *the proposed security gate along the Oxford Street frontage being a minimum 50 percent visually permeable when viewed from the street;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiv) *doors and windows and adjacent floor areas for the offices fronting Oxford Street and Bouverie Place shall maintain an active and interactive relationship with these streets;*

- (xv) *prior to the first occupation of the development, fifteen (15) car parking spaces provided for the residential component of the development, inclusive of two (2) visitors bay, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvi) *the maximum gross floor area for the office use shall be limited to 100 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xvii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xviii) *the proposed vehicular entry gates adjacent to Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xix) *a memorial is to be placed on the Certificate of Titles which specifies that the groundwater on-site is not to be used for domestic purposes (as per the Department of Environment's correspondence dated 25 March 2004);*
- (xx) *additional floor space for Units 1 to 6 is not to be used or converted into a bedroom;*
- (xxi) *provision of appropriate vehicle safety barriers for the western end of the driveway and end two car bays; and*
- (xxii) *the applicant/owner shall pay a cash-in-lieu contribution of \$1,750 for the equivalent value of 0.70 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Cohen

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

“(xxiii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the maximum plot ratio for the single bedroom dwellings being 63.8 square metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;”

AMENDMENT CARRIED (8-0)

(Cr Franchina was an apology.)

Moved Cr Lake, Seconded Cr Ker

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

“(xxiv) prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings with home offices that: ‘the home office component of the dwelling cannot be used for habitable purposes (such as a bedroom);”

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Franchina was an apology.)

Debate ensued.

Cr Lake requested to ask a question. The Presiding Member ruled that he would not accept the question.

Moved Cr Lake, Seconded Cr Ker

That the Presiding Member’s ruling be disagreed with.

MOTION OF DISSENT LOST (2-6)

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

(Cr Franchina was an apology.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.1

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 Inspired Development Group Pty Ltd on behalf of the owner Securewest Investments Pty Ltd for proposed Change of Use from Approved Eleven (11) Grouped Dwellings, Including Ten (10) Single Bedroom Dwellings and Four (4) Associated Home Businesses to a Mixed Use Development Comprising Seven (7) Single Bedroom Dwellings, Two (2) Single Bedroom Multiple Dwellings, Two (2) Grouped Dwellings and Two (2) Offices, at No. 279 (Lot 30) Oxford Street Corner Bouverie Place, Leederville, and as shown on plans stamped 10 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) continuous awnings to the building , with a minimum height of 2.75 metres over the Oxford Street and Bouverie Place footpath for the offices being provided in consultation with the Town's Technical Services;*
- (iii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$5,100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Oxford Street and Bouverie Place shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vii) subject to first obtaining the consent of the owners of No. 277 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
- (viii) a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Oxford Street and Bouverie Place verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking area, 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);*

- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedroom of houses 1 and 11 on the first floor level on the southern and western elevations, respectively, shall be screened within 4.5 metres in a '45 degree cone of vision' of the adjacent boundary, with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xi) *the proposed security gate along the Oxford Street frontage being a minimum 50 percent visually permeable when viewed from the street;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiv) *doors and windows and adjacent floor areas for the offices fronting Oxford Street and Bouverie Place shall maintain an active and interactive relationship with these streets;*
- (xv) *prior to the first occupation of the development, fifteen (15) car parking spaces provided for the residential component of the development, inclusive of two (2) visitors bay, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvi) *the maximum gross floor area for the office use shall be limited to 100 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xvii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (xviii) *the proposed vehicular entry gates adjacent to Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xix) *a memorial is to be placed on the Certificate of Titles which specifies that the groundwater on-site is not to be used for domestic purposes (as per the Department of Environment's correspondence dated 25 March 2004);*
- (xx) *additional floor space for Units 1 to 6 is not to be used or converted into a bedroom;*
- (xxi) *provision of appropriate vehicle safety barriers for the western end of the driveway and end two car bays;*
- (xxii) *the applicant/owner shall pay a cash-in-lieu contribution of \$1,750 for the equivalent value of 0.70 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the maximum plot ratio for the single bedroom dwellings being 63.8 square metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xxiv) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings with home offices that: 'the home office component of the dwelling cannot be used for habitable purposes (such as a bedroom);*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

Amended Assessment Table

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	7 grouped dwellings or 11 single bedroom dwellings R 60	7 single bedroom dwellings, 2 single bedroom multiple dwellings and 2 grouped dwellings R 61.9 R 82, which is partly due to the 50 percent per cent density bonus for the grouped dwellings only.	Supported-as the proposal results in the discontinuance of a non-conforming use and is within the previous building scale approved by Council. <u>The Council can grant an increased permitted dwelling density up to 50 per cent in accordance with Clause 20 (2)(a) of TPS No.1</u>

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped dwellings and single bedroom dwellings as per the R Codes. The residential component requires 15 car bays, which is inclusive of 2 visitor car bays.

A total of 16 car bays have been provided for the entire development, therefore resulting in one (1) car bay available for the commercial component.

Amended Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	2 car bays
Office-1 car bay per 50 square metres gross floor area (proposed 100 square metres)	
Apply the parking adjustment factors.	(0.85)
▪ 0.85 (within 400 metres of a bus stop)	1.7 car bays
Car parking provided on-site for commercial component	3 1 car bay
Resultant surplus <u>shortfall</u>	1.3 0.7 car bay

In light of the above, an amended recommendation has been prepared supporting a cash-in-lieu contribution.

The Town's Officers have discussed the matter relating to whether the 6 single bedroom dwellings were being advertised as two bedroom dwellings with both the owners and the selling representatives, and it was confirmed that the single bedroom dwellings were not being advertised as two bedroom dwellings. An advertising brochure of the current approved development is "*Laid on the Table*", together with the previous information relating to the development.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 March 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Inspired Development Group Pty Ltd on behalf of the owner Securewest Investments Pty Ltd for proposed Change of Use from Approved Eleven (11) Grouped Dwellings, Including Ten (10) Single Bedroom Dwellings and Four (4) Associated Home Businesses to a Mixed Use Development Comprising Seven (7) Single Bedroom Dwellings, Two (2) Single Bedroom Multiple Dwellings, Two (2) Grouped Dwellings and Two (2) Offices, at No. 279 (Lot 30) Oxford Street Corner Bouverie Place, Leederville, and as shown on plans stamp-dated 10 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) continuous awnings to the building, with a minimum height of 2.75 metres over the Oxford Street and Bouverie Place footpath for the offices being provided in consultation with the Town's Technical Services;*
- (iii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$5,100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Oxford Street and Bouverie Place shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vii) *subject to first obtaining the consent of the owners of No. 277 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
- (viii) *a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Oxford Street and Bouverie Place verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking area, 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);*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedroom of houses 1 and 11 on the first floor level on the southern and western elevations, respectively, shall be screened within 4.5 metres in a '45 degree cone of vision' of the adjacent boundary, with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xi) *the proposed security gate along the Oxford Street frontage being a minimum 50 percent visually permeable when viewed from the street;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xiv) *doors and windows and adjacent floor areas for the offices fronting Oxford Street and Bouverie Place shall maintain an active and interactive relationship with these streets;*
- (xv) *prior to the first occupation of the development, thirteen (13) car parking spaces provided for the residential component of the development, inclusive of one (1) visitors bay, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvi) *the maximum gross floor area for the office use shall be limited to 100 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xvii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xviii) *the proposed vehicular entry gates adjacent to Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xix) *a memorial is to be placed on the certificate of titles which specifies that the groundwater on site is not to be used for domestic purposes (as per the Department of Environment's correspondence dated 25 March 2004);*
- (xx) *additional floor space for Units 1 to 6 is not to be used or converted into a bedroom; and*
- (xxi) *provision of appropriate vehicle safety barriers for the western end of the driveway and end two car bays;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted subject to a new clause (xxii) being added as follows:

- "(xxii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the maximum plot ratio for the single bedroom units being 60 square metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;"*

Debate ensued.

Journalist Mark Fletcher left the meeting at 7.27pm.

Cr Farrell departed the Chamber at 7.28pm.

Cr Farrell returned to the Chamber at 7.30pm.

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED to allow for further information to be provided.

CARRIED (8-1)

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

<i>Landowner:</i>	<i>Securewest Investments Pty Ltd</i>
<i>Applicant:</i>	<i>Inspired Development Group Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Grouped Dwelling & Home business</i>
<i>Use Class:</i>	<i>Grouped Dwelling, multiple dwelling and office</i>
<i>Use Classification:</i>	<i>“P”, “P” and “SA”</i>
<i>Lot Area:</i>	<i>1293 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

The site housed the former Amgas service station which is listed on the Town’s Non-Conforming Use Register.

17 December 2002 Council at its Ordinary Meeting conditionally approved the proposed demolition of existing service station and construction of eleven (11) grouped dwellings, including ten (10) single bedroom dwellings and four (4) associated home businesses on No. 279 (Lots 2, 3 and 4) Oxford Street, corner Bouverie Place, Leederville.

Construction of the development approved by Council at its Ordinary Meeting held on 17 December 2002 has commenced.

DETAILS:

The proposal involves a mixed use development comprising seven (7) single bedroom dwellings, two (2) single bedroom multiple dwellings, two (2) grouped dwellings and two (2) offices.

A summary of the applicant’s submission is as follows:

The applicant has advised that the changes are to the use and the internal areas. There is no variation to the building envelope and bulk. The change to Units 1 to 6 is to provide space for computers/accessories and some sort of office/study environment for the public current demand for such a facility, which has resulted in a slight increase to the plot ratio, for the single bedroom units to 66.8 square metres (permitted 60 square metres). “To ensure that this area is used as study and not an additional bedroom, it would have no doorway and a

permanent balustrade fitted along the stairway void, which would discourage further enclosure". The third storey has been removed, which was a condition of the previous planning approval. The offices have been separated and reorientated with the commercial entrances towards Oxford Street, thereby retaining the domestic nature of Bouverie Place. The proposed changes are considered to improve the amenity of the area.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>7 grouped dwellings or 11 single bedroom dwellings R 60</i>	<i>7 single bedroom dwellings, 2 single bedroom multiple dwellings and 2 grouped dwellings R 82, which is partly due to the 50 percent per cent density bonus for the grouped dwellings only.</i>	<i>Supported-as the proposal results in the discontinuance of a non-conforming use and is within the previous building scale approved by Council.</i>
<i>Overall Plot Ratio</i>	<i>0.65 or 840 square metres. It is to be noted that for multiple dwellings, the plot ratio is 0.70. The 0.65 requirement is used to simplify the calculation.</i>	<i>0.56 or 734 square metres. This does not include the ground floor offices, which are excluded as per the Residential Design Codes (RDC).</i>	<i>Noted.</i>
<i>Plot ratio for single bedrooms- Units 1 to 6 only, as the other single bedroom units comply</i>	<i>60 square metres</i>	<i>66.8 square metres</i>	<i>Supported as the variation is considered minor and the use of the area is restricted by internal design elements. A condition to this effect is also proposed. The proposal uses the previously void area.</i>
<i>Consultation Submissions</i>			
<i>Comments</i>	<ul style="list-style-type: none"> <i>• Provision of visitor parking as the increased in residents would results in increase demand for street car parking.</i> <i>• Workmen currently on site using most of the on street car bays, and even parking on the street verges.</i> 		<p><i>Not supported-as the car parking provided complies with the R Codes and Town's Carparking Policy.</i></p> <p><i>Noted-and the Towns Rangers have been requested to monitor the street and verge carparking in the immediate area.</i></p>

	<ul style="list-style-type: none"> Concern of risk associated with cars “rolling” down the car park due to the slope of the land away from Oxford Street, as the wall directly adjacent to the west of the site on the adjoining lot is a bedroom wall. A preventive measure is requested to prevent any potential accidental damage. Provision of adequate retaining due to difference in levels. 	<p><i>Noted- and a condition has been recommended to this effect.</i></p> <p><i>This matter would be addressed as part of the building licence.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and R Codes.</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

** 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.*

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped dwellings and single bedroom dwellings as per the R Codes. The residential component requires 13 car bays, which is inclusive of 1 visitor car bay. A total of 13 car bays have been allocated for the residential uses.

A total of 16 car bays have been provided for the entire development, therefore resulting in three (3) car bays available for the commercial component.

Commercial Car Parking

<i>Requirements as per Parking and Access Policy</i>	<i>Required</i>
<i>Total car parking required before adjustment factor (nearest whole number)</i>	<i>2 car bays</i>
<i>Office-1 car bay per 50 square metres gross floor area (proposed 100 square metres)</i>	
<i>Apply the parking adjustment factors.</i>	<i>(0.85)</i>
<ul style="list-style-type: none"> <i>0.85 (within 400 metres of a bus stop)</i> 	<i>1.7 car bays</i>
<i>Car parking provided on site for commercial component</i>	<i>3 car bays</i>
<i>Resultant surplus</i>	<i>1.3 car bays</i>

Bicycle Parking Facilities

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Office</i>		
<i>1 per 200 (proposed 100) square metres public area for employees (class 1 or 2).</i>	<i>N/A</i>	<i>N/A</i>
<i>1 space per 750 square metres over 1000 square metres for visitors.</i>	<i>N/A</i>	<i>N/A</i>

COMMENTS:

Density

The proposed density of the development is supported under Part 4 'Special Purpose Dwellings' of the Residential Design Codes, having regard to the Town's Policies and procedures and determination of the application on its merits. It is noted that the site area required per single bedroom dwelling may be reduced to two-thirds of that for other dwelling types. For the 2 grouped dwellings proposed, a 50 percent bonus has been applied as may be allowed under Section 20 of the Town's Town Planning Scheme No.1 where a development affects the discontinuance of a non-conforming land use.

The proposal has also been advertised, and one neighbour submission has been received. The variations sought are considered to not unduly affect the amenity of the area.

The proposal is supported, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development."

10.1.6 No. 1 (Lot 31) Bramall Street, East Perth - Proposed Demolition Of Existing Outbuilding, Change Of Use From Office Building to Mixed-Use Development Comprising of Single House And Construction Of Transport Depot (Part Retrospective Application) To Existing Single House

Ward:	South	Date:	14 March 2005
Precinct:	Banks; P15	File Ref:	PRO0545; 00/33/2571
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 NG Keddie for proposed Demolition of Existing Outbuilding, Change of Use from Office Building to Mixed-Use Development comprising of Single House and Construction of Transport Depot (Part Retrospective Application), at No. 1 (Lot 31) Bramall Street, East Perth, and as shown on plans stamp-dated 10 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 3 Bramall 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. 3 Bramall Street in a good and clean condition;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the two (2) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (v) the maximum gross floor area for the transport depot use shall be limited to 182 square metres, unless adequate car parking is provided for the changes in floor space area;*
- (vi) 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;*
- (vii) the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Bramall 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);*
- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bramall Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *retail sale of goods of any nature shall not occur on the subject property;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating:*
 - (a) *the maximum overall height of the transport depot being 7.0 metres from the natural ground level;*
 - (b) *the building being setback a minimum of 0.5 metre from the southern and eastern boundary;*
 - (c) *the provision of a total of 5 car parking bays (inclusive of 2 residential car bays which may be in tandem), including one car bay for people with disabilities and vehicular manoeuvrability for all car parking bays being in accordance with the Town's Parking and Access Policy and Australian Standards AS2890; and*
 - (d) *the provision of an outdoor living area of not less than 1.5 metres in depth and a minimum area of 4.0 square metres;*

the revised plans shall not result in any greater variations to the requirements of the Town's Policies;
- (xiii) *prior to the first occupation of the development, the full length and width of the right of way from Bramall Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*
- (xiv) *the applicants/owners shall pay the outstanding fee, being \$800, for application for part- retrospective Planning Approval, within 14 days of the date of notification of this approval;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Cohen, Seconded Cr Farrell

That the recommendation be adopted subject to:

1. *existing clause (xii)(b) being deleted and the remaining subclauses renumbered;*
2. *the title of the report and the preamble of the recommendation being amended to read as follows:*

***“10.1.6 No. 1 (Lot 31) Bramall Street, East Perth - Proposed Demolition Of Existing Outbuilding, ~~Change Of Use From Office Building to Mixed-Use Development Comprising of Single House And Construction Of Transport Depot (Part Retrospective Application) To Existing Single House~~*”**

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 NG Keddie for proposed Demolition Of Existing Outbuilding, ~~Change Of Use From Office Building to Mixed-Use Development Comprising of Single House And Construction Of Transport Depot (Part Retrospective Application)~~ to Existing Single House, at No. 1 (Lot 31) Bramall Street, East Perth, and as shown on plans stamp-dated 10 November 2004, subject to:” and

3. *clauses (vii), (x) and (xiv) being deleted and the remaining clauses renumbered accordingly.*

Debate ensued.

Cr Torre departed the Chamber at 7.08pm.

Moved Cr Cohen, Seconded Cr Farrell

That clause (xiii) be deleted.

Debate ensued.

Cr Torre returned to the Chamber at 7.10pm.

AMENDMENT LOST (3-5)

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

(Cr Franchina was an apology.)

Moved Cr Chester, Seconded Cr Ker

That clause (xii)(b) be reinstated.

Debate ensued.

AMENDMENT LOST (1-7)

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

(Cr Franchina was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner NG Keddie for proposed Demolition of Existing Outbuilding and Construction of Transport Depot to Existing Single House, at No. 1 (Lot 31) Bramall Street, East Perth, and as shown on plans stamp-dated 10 November 2004, subject to::

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 3 Bramall 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. 3 Bramall Street in a good and clean condition;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the two (2) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (v) the maximum gross floor area for the transport depot use shall be limited to 182 square metres, unless adequate car parking is provided for the changes in floor space area;*
- (vi) 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;*

- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Bramall 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);*
- (viii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bramall Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ix) *retail sale of goods of any nature shall not occur on the subject property;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating:*
 - (a) *the maximum overall height of the transport depot being 7.0 metres from the natural ground level;*
 - (b) *the provision of a total of 5 car parking bays (inclusive of 2 residential car bays which may be in tandem), including one car bay for people with disabilities and vehicular manoeuvrability for all car parking bays being in accordance with the Town's Parking and Access Policy and Australian Standards AS2890; and*
 - (c) *the provision of an outdoor living area of not less than 1.5 metres in depth and a minimum area of 4.0 square metres;**the revised plans shall not result in any greater variations to the requirements of the Town's Policies; and*
- (xi) *prior to the first occupation of the development, the full length and width of the right of way from Bramall Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The application has been further assessed subsequent to discussions held between the Town's Officer's and the applicants. The applicant has advised that the existing building was previously utilised as residential, which has since been verified by the Town's records. As such, while the current authorised use of the building is office building, there is no requirement for further approval for the building to revert to residential.

The applicant has also advised that both residential and commercial components of the proposal will be occupied by the same owner.

In light of the above, it is considered that clauses/conditions (vii), (x) and (xiv) of the Officer Recommendation are no longer applicable. The following amendments are made to the report and Officer Recommendation.

AMENDED DETAILS:

~~The applicant has indicated that the site is currently being used for residential and not as office building, as currently approved. Accordingly, it is recommended that the applicable retrospective fees be paid in regards to this change of use.~~

~~The overall proposal involves demolition of existing outbuilding, change of use from office building to a mixed use development comprising of single house and construction of transport depot (part retrospective application) to existing single house. The applicant's submission is "Laid on the Table".~~

AMENDED CONSULATATION SUBMISSIONS:

Consultation Submissions		
Support	Nil	Noted
<p>Objection (1)</p>	<ul style="list-style-type: none"> • Height • Overshadowing • Vehicle turning space • Air extraction/exhaust fans/ventilation 	<p>Supported- has been conditioned to comply. Not supported- due to orientation of lot, shadow will mostly be cast onto right of way. Not supported- Town's Technical Services has indicated there is adequate vehicle maneuverability. Noted- the proposal will be required to comply with Environmental Protection Act 1986 requirements and Department of Mineral and Energy Requirements.</p>
	<ul style="list-style-type: none"> • Storage of fuels and oil • Widening of right of way • Resurfacing of right of way • Occupancy of the property being incorrectly utilised 	<p>Noted- the proposal does not indicate the storage of fuels and oil. However, the proposal will be required to comply with Environmental Protection Act 1986 requirements, the Australian Standards 1668.2 and the Environmental (Noise) Regulations 1997 in the event the premises stores fuel and oil Supported- addressed via condition (xii)(b). Supported- addressed via condition (xiii). Noted hence submission of current planning application.</p>

	<ul style="list-style-type: none"> • Advertising to properties across the road • Colour of proposed walls in relation to aesthetics of the neighborhood heritage guidelines. 	<p>Noted- however, Town's Community Consultation Policy does require advertising to properties across the road.</p> <p>Noted- however, Town does not have Policies relating to colour schemes and design in this locality.</p>
--	--	--

AMENDED COMMENTS:

The subject area is characterised by a diverse mix of uses which includes residential, shops, storage yard, a sub station and an established streetscape which consists of buildings on boundaries with car parking within the front setback.

With the above in mind and in light of the objection being addressed, the proposal is recommended for approval, subject to standard and appropriate conditions. These conditions include the reduction in the height of the transport depot, the building being setback to allow for future widening of the right of way, and the right of way being sealed to the boundary of the property ~~and the applicable fees for the part retrospective application.~~

Landowner:	NG Keddie
Applicant:	NG Keddie
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Single House, Transport Depot
Use Classification:	"P", "AA"
Lot Area:	488 square metres
Access to Right of Way	East and south side, 4.0 metres wide, unsealed, privately- owned

BACKGROUND:

The Perth City Council granted approval for the conversion of the existing dwelling to offices and construction of warehouse at the subject site on 18 August 1980. The warehouse was not constructed and as such, the approval for this component has since lapsed.

DETAILS:

The applicant has indicated that the site is currently being used for residential and not as office building, as currently approved. Accordingly, it is recommended that the applicable retrospective fees be paid in regards to this change of use.

The overall proposal involves demolition of existing outbuilding, change of use from office building to a mixed-use development comprising of single house and construction of transport depot (part retrospective application). The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 317.2 square metres	0.25 - 122 square metres	Supported- no variation.
Height	7.0 metres	Up to 7.5 metres	Not supported- has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Height • Overshadowing 		Supported- has been conditioned to comply. Not supported- due to orientation of lot, shadow will mostly be cast onto right of way.
	<ul style="list-style-type: none"> • Vehicle turning space • Air extraction/exhaust fans/ventilation • Storage of fuels and oil • Widening of right of way • Resurfacing of right of way • Occupancy of the property being incorrectly utilised • Advertising to properties across the road • Colour of proposed walls in relation to aesthetics of the neighborhood heritage guidelines. 		<p>Not supported- Town's Technical Services has indicated there is adequate vehicle maneuverability.</p> <p>Noted- the proposal will be required to comply with Environmental Protection Act 1986 requirements and Department of Mineral and Energy Requirements.</p> <p>Noted- the proposal does not indicate the storage of fuels and oil. However, the proposal will be required to comply with Environmental Protection Act 1986 requirements, the Australian Standards 1668.2 and the Environmental (Noise) Regulations 1997 in the event the premises stores fuel and oil</p> <p>Supported- addressed via condition (xii)(b).</p> <p>Supported- addressed via condition (xiii).</p> <p>Noted- hence submission of current planning application.</p> <p>Noted- however, Town's Community Consultation Policy does require advertising to properties across the road.</p> <p>Noted- however, Town does not have Policies relating to colour schemes and design in this locality.</p>

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

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

Residential Car Parking

While the car parking bays have not been delineated on the plans, this matter has been conditioned via condition (xii)(c) of the Officer Recommendation. The Town's Technical Services have advised that there is sufficient space for 5 car bays, 4 bays being at the front of existing building and 1 bay being at the rear of the existing building. Therefore, there are 3 car bays available for the commercial component.

Commercial Car Parking

Car Parking	
Car parking requirement for non- residential component (nearest whole number) • Transport Depot- 3 bays	3 car bays
Apply the adjustment factors. ▪ 0.80 (within 400 metres of a train station)	(0.80) 2.4 car bays
Minus the car parking provided on-site for non- residential component	3 car bays
Resultant surplus	0.6 car bay

COMMENTS:

The subject area is characterised by a diverse mix of uses which includes residential, shops, storage yard, a sub station and an established streetscape which consists of buildings on boundaries with car parking within the front setback.

With the above in mind and in light of the objection being addressed, the proposal is recommended for approval, subject to standard and appropriate conditions. These conditions includes the reduction in the height of the transport depot, the building being setback to allow for future widening of the right of way, the right of way being sealed to the boundary of the property and the applicable fees for the part-retrospective application.

10.1.18 No. 21 (Lot 28) Grosvenor Road, Mount Lawley - Proposed Carport and Street Fencing Additions to Existing Single House

Ward:	South	Date:	15 March 2005
Precinct:	Norfolk, P10	File Ref:	PRO2832; 00/33/2725
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by N & A Karalis for proposed Carport Additions to Existing Single House, at No. 21 (Lot 28) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 4 March 2005, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policies relating to Street Setbacks (Policy No. 3.2.4) and Vehicular Access (Policy No. 3.2.6); and*

(ii) *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 N & A Karalis for proposed Street Fencing Additions to Existing Single House, at No. 21 (Lot 28) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 4 March 2005 subject to:*

- (a) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (b) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (1-7)

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

(Cr Franchina was an apology.)

Reasons:

1. Security.
2. Lighting.
3. Circumstances of the owners.
4. Proximity to a commercial area.

Moved Cr Doran-Wu, Seconded Cr Cohen

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 N & A Karalis for proposed Carport and Street Fencing Additions to Existing Single House, at No. 21 (Lot 28) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 4 March 2005 subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the roof of the proposed carport being of a design that complements the roof of the existing house. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	N & A Karalis
Applicant:	N & A Karalis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	450 square metres
Access to Right of Way	Rear of lot, 4 metres wide, sealed, privately owned

BACKGROUND:

27 July 2004 The Council at its Ordinary Meeting resolved to refuse the application for proposed carport and fencing additions to existing single house at No. 21 (Lot 28) Grosvenor Road, Mount Lawley.

DETAILS:

The applicant seeks approval for the proposed carport addition and street fencing to the existing single house. The carport is proposed in the front setback area of the lot with access from Grosvenor Road. The proposed fencing is to be constructed of a 0.6 metre high solid brickwork and 1.8 metres high piers; the infill is visually permeable. The site currently accommodates a verandah and grassed garden area 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
Vehicle Access Policy and Street Setbacks Policy	Carport accessed, where available, solely from an unsealed right of way.	Carport accessed from primary street frontage, not from the available sealed right of way	Not supported - due to non compliance with the Town's Policies relating to Street Setbacks and Vehicular Access. These policies do not permit carports to be located in the front setback area where there is opportunity to utilise the right of way. In this case there is sufficient room for the carport at the rear.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support		Nil	Noted.
Objection		Nil	Noted.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, 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 proposed fence is considered compliant with the Town's Policy relating to Street Walls and Fences and is therefore recommended for approval.

In relation to the proposed carport, the Town's Policies relating to Street Setbacks and Vehicular Access does not permit carports to be located in the front setback area where there is opportunity to utilise the right of way. In this case, there is sufficient room for the carport to the rear. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way.

This variation to the Town's Policies is not supported and it is therefore recommended that the carport addition be refused.

10.1.21 Planning and Building Policies - Amendment No. 8 Relating to Residential Design Elements (RDE), Table of Contents; all Residential Locality Statement Plans from No.1 through to No.31, Appendix No. 10 - Glossary of Terminology and Parking and Access Policy - Motion to Change a Council Decision

Ward:	Both Wards	Date:	17 March 2005
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	-		
Reporting Officer(s):	C Godwin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to RECONSIDER the resolution adopted by the Council at its Special Meeting held on 15 March 2005 (Item 7.1);*
- (ii) *Councillor Simon Chester MOVES a motion to CHANGE the decision by amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, (inclusive of related references within the Table of Contents), as follows:*

AIMS

- *To encourage high quality single residential development while protecting the character of the traditional streetscapes and established neighbourhood qualities.*
- *To encourage total redevelopment of land by integrating subdivision and development, discourage the occurrence of vacant lots and give development certainty to the surrounding neighbourhoods of subdivisions.*

ASSESSMENT TABLE

Performance Criteria	Acceptable Development
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<p><i>Small Lot Subdivision</i> <i>Lots comprising less than 250 300 square metres require an application for development to be submitted prior to clearance of subdivision by the Town.</i></p> <p><i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250 300m² in area.</i></p>

GUIDANCE NOTES

Density Bonus

G12 Any application seeking a density bonus on the grounds that the proposed development conserves or enhances an existing dwelling or existing dwelling worthy of retention shall be accompanied by the applicant's written justification as to why the existing dwelling warrants such a bonus.

~~G12~~ G13

~~G13~~ G14

~~G14~~ G15

Definitions and Practice Notes

~~G15~~ G16

~~G16~~ G17

~~G17~~ G18 'Small Lot' means:

"A lot comprising less than ~~250~~ 300 square metres in land area";

(iii) *Councillor Sally Lake MOVES a motion to CHANGE the decision by amending clause (iv) of the resolution adopted by Council at the Special Meeting on 15 March 2005 by adding the following:*

"(iv)(g) the documents to be sent for advertising purposes to include the Draft Policy relating to the Residential Design Elements and a covering letter which will explain the purpose of the Draft Policy; list the Policies within the Planning and Building Policy Manual to be rescinded and amended; and give an explanation to clarify the amendments proposed to the Locality Statements;"

(iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor, Councillor and Councillor, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

(v) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by:*

(a) *amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, (inclusive of related references within the Table of Contents), as follows:*

AIMS

- *To encourage high quality single residential development while protecting the character of the traditional streetscapes and established neighbourhood qualities.*
- *To encourage total redevelopment of land by integrating subdivision and development, discourage the occurrence of vacant lots and give development certainty to the surrounding neighbourhoods of subdivisions.*

ASSESSMENT TABLE

Performance Criteria	Acceptable Development
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision Lots comprising less than 250 <u>300</u> square metres require an application for development to be submitted prior to clearance of subdivision by the Town. Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250 <u>300m²</u> in area.</i>

GUIDANCE NOTES

Density Bonus

G12 Any application seeking a density bonus on the grounds that the proposed development conserves or enhances an existing dwelling or existing dwelling worthy of retention shall be accompanied by the applicant's written justification as to why the existing dwelling warrants such a bonus.

~~G12~~ G13

~~G13~~ G14

~~G14~~ G15

Definitions and Practice Notes

~~G15~~ G16

~~G16~~ G17

~~G17~~ G18 'Small Lot' means:

"A lot comprising less than ~~250~~ 300 square metres in land area";

and

(b) amending clause (iv) of the resolution adopted by Council at the Special Meeting on 15 March 2005 by adding the following:

“(iv)(g) the documents to be sent for advertising purposes to include the Draft Policy relating to the Residential Design Elements and a covering letter which will explain the purpose of the Draft Policy; list the Policies within the Planning and Building Policy Manual to be rescinded and amended; and give an explanation to clarify the amendments proposed to the Locality Statements.”

The Chief Executive Officer advised the Council that there was a requirement for one third Elected Members to support the motion to amend the Council’s decision as recorded in clause (iv).

The Presiding Member asked to the Elected Members to indicate their support.

Crs Chester, Cohen and Ker advised that they agreed to support the motion to amend the Council’s decision of 15 March 2005.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.21

That;

- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to RECONSIDER the resolution adopted by the Council at its Special Meeting held on 15 March 2005 (Item 7.1);*
- (ii) *Councillor Simon Chester MOVES a motion to CHANGE the decision by amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, (inclusive of related references within the Table of Contents), as follows:*

AIMS

- *To encourage high quality single residential development while protecting the character of the traditional streetscapes and established neighbourhood qualities.*
- *To encourage total redevelopment of land by integrating subdivision and development, discourage the occurrence of vacant lots and give development certainty to the surrounding neighbourhoods of subdivisions.*

ASSESSMENT TABLE

Performance Criteria	Acceptable Development
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision Lots comprising less than 250 <u>300</u> square metres require an application for development to be submitted prior to clearance of subdivision by the Town. Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250 <u>300</u>m² in area.</i>

GUIDANCE NOTES

Density Bonus

G12 Any application seeking a density bonus on the grounds that the proposed development conserves or enhances an existing dwelling or existing dwelling worthy of retention shall be accompanied by the applicant's written justification as to why the existing dwelling warrants such a bonus.

~~G12~~ G13

~~G13~~ G14

~~G14~~ G15

Definitions and Practice Notes

~~G15~~ G16

~~G16~~ G17

~~G17~~ G18 'Small Lot' means:

"A lot comprising less than ~~250~~ 300 square metres in land area";

(vi) *Councillor Sally Lake MOVES a motion to CHANGE the decision by amending clause (iv) of the resolution adopted by Council at the Special Meeting on 15 March 2005 by adding the following:*

"(iv)(g) the documents to be sent for advertising purposes to include the Draft Policy relating to the Residential Design Elements and a covering letter which will explain the purpose of the Draft Policy; list the Policies within the Planning and Building Policy Manual to be rescinded and amended; and give an explanation to clarify the amendments proposed to the Locality Statements;"

(vii) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Chester, Councillor Cohen and Councillor Ker, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

(viii) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by:*

- (a) *amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, (inclusive of related references within the Table of Contents), as follows:*

AIMS

- *To encourage high quality single residential development while protecting the character of the traditional streetscapes and established neighbourhood qualities.*
- *To encourage total redevelopment of land by integrating subdivision and development, discourage the occurrence of vacant lots and give development certainty to the surrounding neighbourhoods of subdivisions.*

ASSESSMENT TABLE

<i>Performance Criteria</i>	<i>Acceptable Development</i>
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<p><i>Small Lot Subdivision</i> <i>Lots comprising less than 250 <u>300</u> square metres require an application for development to be submitted prior to clearance of subdivision by the Town.</i></p> <p><i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250 <u>300</u>m² in area.</i></p>

GUIDANCE NOTES

Density Bonus

G12 Any application seeking a density bonus on the grounds that the proposed development conserves or enhances an existing dwelling or existing dwelling worthy of retention shall be accompanied by the applicant's written justification as to why the existing dwelling warrants such a bonus.

~~G12~~ G13

~~G13~~ G14

~~G14~~ G15

Definitions and Practice Notes

~~G15~~ G16

~~G16~~ G17

~~G17~~ G18 'Small Lot' means:

"A lot comprising less than ~~250~~ 300 square metres in land area";
and

(b) amending clause (iv) of the resolution adopted by Council at the Special Meeting on 15 March 2005 by adding the following:

"(iv)(g) the documents to be sent for advertising purposes to include the Draft Policy relating to the Residential Design Elements and a covering letter which will explain the purpose of the Draft Policy; list the Policies within the Planning and Building Policy Manual to be rescinded and amended; and give an explanation to clarify the amendments proposed to the Locality Statements."

BACKGROUND/DETAILS:

At the Special Meeting of Council held on 15 March 2005, the Council resolved to adopt Amendment No. 8 relating to the Residential Design Elements, Table of Contents, all Residential Locality Statement Plans from No. 1 to No.31, Appendix No.10 - Glossary of Terminology and Parking and Access Policy, with amendments.

Councillor Chester submitted a Motion to change a part of the Council decision on 16 March 2005, in accordance with the Town of Vincent Local Law relating to Standing Orders clause 3.20.3(2), which states *"if the CEO receives a Notice of Motion to revoke or change a decision after the closure of the meeting at which the decision was passed, the CEO shall ensure revocation motion is considered at a special or ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive motion was passed."*

In accordance with this clause, the Town will defer action to implement the Council's decision of the Special Meeting of Council held on 15 March 2005, until Councillor Chester's Motion is considered and determined at the Ordinary Meeting of Council to be held on 22 March 2005.

The proposed amendments include changes to the Assessment Table and Guidance Notes of Element Nine – Subdivision of the Draft Policy relating to the Residential Design Elements.

With regard to clause (iii) of the above resolution, it has been noted in the past that documents sent out to Precinct Groups and residents have been cumbersome. For ease of reference, the above recommendation has included an additional requirement regarding the advertising of documents to alleviate this issue.

10.1.2 Nos. 228-232 (Lot 88) Carr Place, Leederville – Proposed Deletion of Condition (v) Relating to Percent for Art Scheme, for Approved Mixed Use Development

Ward:	South	Date:	15 March 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO1308; 00/33/2713
Attachments:	001		
Reporting Officer(s):	S Turner		
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 Birch Architects on behalf of the owner M Grincerì for the proposed deletion of Condition (v) relating to Percent for Art Scheme (from the approval of 26 March 2003), for Mixed Use Development at Nos. 228-232 (Lot 88) Carr Place, Leederville, and as shown on the plans stamp-dated 9 February 2005, subject to:

- (i) at least an equivalent amount of money (\$8,000) shall be used towards the cost of the undergrounding of high voltage lines, that traverse Newcastle Street and Carr Place, Leederville;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	M Grincerì
Applicant:	Birch Architecture & Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Mixed Use – Eating House, Office Building, Shop
Use Class:	Eating House, Office Building, Shop
Use Classification:	"P", "P", "P"
Lot Area:	1069 square metres
Access to Right of Way	N/A

BACKGROUND:

Conditional approval for a Mixed Use Development was granted by Council at its Ordinary Meeting held on 26 August 2003. Condition (v) of the approval related to an \$8,000 contribution for art work(s) in accordance with the Town's Policy relating to Percent for Art Scheme.

DETAILS:

The applicant seeks to obtain Council approval for the deletion of condition (v) of the previous approval, given that the money has been utilised towards the undergrounding of the high power voltage lines that traverse Newcastle Street and Carr Place, Leederville.

The subject previous condition (v) states as follows:

"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 (\$8,000) shall be submitted to and approved by the Town. 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 Section 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)."

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

COMMENTS:

Prior to the formal application being received by the Town, discussions were held between the applicant and the Town's Officers. The matter was discussed by the Executive Management Team, where it supported the request stating that the undergrounding of the power in the immediate area would be a net gain.

Comments provided by the Town's Manager, Engineering Design Services stated the following:

"The proposal would eliminate in excess of 80 metres of overhead power lines including an unsightly high voltage road crossing which currently obscures the front of recently completed 666 Newcastle Street development. Further it will significantly reduce the potential cost of the Town's proposed Newcastle Street upgrade proposal. It may also lead to an upgrade of the Leederville power supply by Western Power, which is well overdue."

All previous conditions of approval for the development, granted on 26 August 2003, are still applicable.

Summary

The request provides for an opportunity to positively enhance the existing streetscape by undergrounding a portion of the existing overhead power lines.

The proposal is considered supportable, subject to at least an equivalent amount of money being contributed towards the undergrounding of power lines in the immediate vicinity of the subject site.

10.1.5 No. 90 (Lot 16) Eton Street, North Perth - Proposed Demolition of Existing Single House and Two (2) Outbuildings and Construction of a Two-Storey Single House

Ward:	North	Date:	15 March 2005
Precinct:	North Perth; P8	File Ref:	PRO0546; 00/33/2601
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 P Princi for proposed Demolition of Existing Single House and Two (2) Outbuildings and Construction of a Two-Storey Single House, at No. 90 (Lot 16) Eton Street, North Perth, and as shown on amended plans stamp-dated 4 February 2005 (site, floor, elevation and overshadowing plans) and 22 November 2004 (demolition plan), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Gill and Eton Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency. The solid portion of the wall/fence to Gill Street can increase to a maximum height of 1.8 metres from the eastern boundary for 9.0 metres (adjacent to proposed swimming pool), provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum wall height of the portico wall from natural ground level being 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Eton and Gill Streets verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*

- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

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

- "(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum distance of 6.0 metres from the tangent point of the kerb to the location of the crossover. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"*

CARRIED (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.5

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 P Princi for proposed Demolition of Existing Single House and Two (2) Outbuildings and Construction of a Two-Storey Single House, at No. 90 (Lot 16) Eton Street, North Perth, and as shown on amended plans stamp-dated 4 February 2005 (site, floor, elevation and overshadowing plans) and 22 November 2004 (demolition plan), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Gill and Eton Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency. The solid portion of the wall/fence to Gill Street can increase to a maximum height of 1.8 metres from the eastern boundary for 9.0 metres (adjacent to proposed swimming pool), provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum wall height of the portico wall from natural ground level being 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Eton and Gill Streets verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum distance of 6.0 metres from the tangent point of the kerb to the location of the crossover. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The Town's Technical Services have advised that the proposed crossover from Gill Street is not compliant with Australian Standard AS2890.1. In light of this, an Amended Recommendation has been prepared to address this matter.

Landowner:	P Princi
Applicant:	P Princi
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	531 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 existing single house and two (2) outbuildings and construction of a two-storey single house. The subject land is located in the Eton Locality.

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
<u>Setbacks:</u> <u>Ground Floor</u>			
Northern (Front)	6.0 metres	1.5-3.0 metres	Supported- refer to comments section.
<u>1st Floor</u> Northern (Front)	6.0 metres	1.5-3.0 metres	Supported- refer to comments section.
Southern	4.9 metres (or 2.2 metres if balcony is screened to full height)	1.6-7.16 metres	Supported- as it is a minor variation and staggering of setbacks.
Garage Setback	Behind line of front main building wall.	Garage setback 4.97 metres and in front of main building line front from Eton Street (de facto primary street).	Supported- proposed setback is consistent with established streetscape and design features have been incorporated into subject wall.
Outdoor Living Area.	To be located behind street setback area.	Located in street setback area.	Supported- Eton Street is de facto primary street.
Height	6.0 metres	7.1 metres (portico)	Not supported- has been conditioned to comply.
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.

Demolition

- The subject property is a modest single-storey, inter-war, brick and tile dwelling. It is located on Eton Street, North Perth which contains a mix of single and two-storey dwellings of predominantly brick and tile construction. The subject property is situated on the south west corner of Eton and Gill Streets.
- The subject property retains its original footprint and some of its original features such as 5 inch timber floor boards, decorative cornices and ceiling roses, but it has also been considerably altered with the replacement of the original timber window frames with aluminium, the removal of internal walls and a rear addition.

- The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base and is considered to have little cultural heritage significance. On the above basis, the proposed demolition is supported.

COMMENTS:

In accordance with the Residential Design Codes (R-Codes), a primary street is defined as *"the sole or principal public road that provides access to a site"*. As the subject plans proposes both vehicular access and pedestrian access from Gill Street, for the purpose of assessment, Gill Street was considered as the primary street.

Notwithstanding the above, while the 6.0 metres primary setback has not been achieved on Gill Street, the applicant has contended that Eton Street has been treated as the primary street. This is supported by the Town's Officers on the basis that the Eton Street elevation has been designed in such a way that allows for casual surveillance and interaction with the street. The proposed dwelling maintains a similar building envelope to the dwelling being demolished and it is more feasible to have access from Gill rather than Eton Street due to the shape of the lot. The upper floor is further setback 9.5 metres from the eastern boundary.

It is noted that the setback from Eton Street is proposed at 4.97-6.5 metres. This is considered to be consistent with the established streetscape as indicated in the aerial photograph and the existing site plans which indicate the existing house and the adjoining neighbour having a setback of approximately 4.8 metres. It is further noted the upper floor setback from Eton Street is 8.1 -9.0 metres, which is considered acceptable in lieu of having the 6.0 metres upper floor setback from Gill Street.

With the above in mind, the variations sought by the applicant are considered acceptable and the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Cr Chester departed the Chamber at 7.32pm and did not speak or vote on the matter.

10.1.9 No. 105 (Lots 81–83 Strata Lot 2) Chelmsford Road, Mount Lawley – Two Storey Single House (with Basement)

Ward:	South	Date:	15 March 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2425; 00/33/2636
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	R Rasiah, 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 Robert Di Boni on behalf of the owner G A La Falce for the proposed Two Storey and Basement Single House, at No. 105 (Lots 81–83 Strata Lot 2) Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 17 December 2004, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the following windows 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 following windows are to be provided with screening:*
 - (a) *Bedroom 2 on the west elevation on the first floor; and*
 - (b) *Stairwell window on the south elevation.*

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

- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Chelmsford Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (iv) *first obtaining the consent of the owners of the western neighbouring property (Lot(s) 81 – 83 Strata Lot 1) for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing west in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (3-4)

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

(Cr Franchina was an apology. Cr Chester was absent from the Chamber and did not vote.)

Reasons:

1. Non-compliance with the setback, privacy and outdoor living requirements of the Residential Design Codes.
2. Unduly affects the streetscape and amenity of the area.
3. Non-compliance with the Town's policy relating to the Norfolk locality.

Landowner:	G A La Falce
Applicant:	Robert De Boni
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:	232 square metres
Access to Right of Way	N/A

BACKGROUND:

There is no specific background directly relating to this proposal.

DETAILS:

The applicant seeks to obtain Council approval for the construction of a new two storey single house (with basement). The proposal includes a single garage, dining, living, kitchen and laundry on the ground floor and three bedrooms, bathroom, en-suite and store on the upper level. The building is designed to maximise solar efficiency, with the main living areas and windows having northern exposure.

In support of their application the applicant included a written submission. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks: Upper Floor South Bath, Store, En-suite	1.6 metres	1.5 metres	Supported - given that the minor nature of the variation.
Upper floor West Bathroom, Bedroom 2	3.3 metres	1.2 metres	Supported - as once bedroom 2 window is modified as per screening for privacy condition, the required wall setback will be reduced to 1.2 metres. The location of the house is responsive to the setbacks of existing houses on adjoining properties and is considered to maintain the best solar orientation for the dwelling and outdoor living area.
Privacy Setback: Upper Floor West Bedroom 2	4.5 metres	2.5 metres	Not supported, and as such a privacy screening condition is recommended.
North Master Bedroom	4.5 metres	2.9 metres	Supported - as the overlooking is within the front setback area of the adjoining property and does not look into any windows.
Outdoor Living	Behind the front setback area	Located partially within the front setback area	Supported - as it complies with performance criteria of Residential Design Codes (R-Codes) in that it is accessible from a habitable room and is open to winter sun.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		No submissions received from adjoining property owners.
Objection	Nil		No submissions received from adjoining property owners.

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

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

COMMENTS:

The proposal is considered supportable, subject to standard and appropriate conditions.

10.1.11 Nos. 45-47 (Lot 21) Stuart Street (Corner Pandal Lane), Perth – Proposed Twenty (20) Nineteen (19) Three Storey Grouped Dwellings

Ward:	South	Date:	14 March 2005
Precinct:	Beaufort; P13	File Ref:	PRO2913; 00/33/2455
Attachments:	001		
Reporting Officer(s):	S Turner		
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 Omni Design Australia on behalf of the owner Faststart Enterprises P/L for the proposed Twenty (20) Two Storey Grouped Dwellings, at Nos. 45-47 (Lot 21) Stuart Street (corner Pandal Lane), Perth, and as shown on plans stamp-dated 3 February 2005, subject to:

(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. The materials to be used for the Stuart Street elevation of this development shall have an 'industrial' aesthetic and shall include:*

- (a) *fibro cement sheeting;*
- (b) *corrugated custom orb wall sheeting; and*
- (c) *aluminium framed windows;*

(ii) *to protect the reasonable privacy of adjacent residents prior to the first occupation of the development:*

- (a) *the south west elevation of the balconies and terraces for Units 11 – 19 on the first and second floors;*
- (b) *the south east windows of bedrooms 1 and 2 of Unit 10; and*
- (c) *the north west elevation of the terrace and balconies for Unit 11 on the first and second floors;*

shall be screened with fixed obscured material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

(iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Stuart Street and Pandal Lane shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Stuart Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (v) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Cr Chester returned to the Chamber at 7.38pm.

Moved Cr Ker, Seconded Cr Farrell

That recommendation be adopted subject to the title of the report and the preamble of the recommendation being amended to read as follows:

“10.1.11 Nos. 45-47 (Lot 21) Stuart Street (Corner Pental Lane), Perth – Proposed ~~Twenty (20)~~ Nineteen (19) Three Storey Grouped Dwellings”

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 Omni Design Australia on behalf of the owner Faststart Enterprises P/L for the proposed ~~Twenty (20)~~ Nineteen (19) ~~Two~~ Three Storey Grouped Dwellings, at Nos. 45-47 (Lot 21) Stuart Street (corner Pental Lane), Perth, and as shown on plans stamp-dated 3 February 2005, subject to:”

Debate ensued.

CARRIED (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.11

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 Omni Design Australia on behalf of the owner Faststart Enterprises P/L for the proposed Nineteen (19) Three Storey Grouped Dwellings, at Nos. 45-47 (Lot 21) Stuart Street (corner Pental Lane), Perth, and as shown on plans stamp-dated 3 February 2005, subject to:”

- (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. The materials to be used for the Stuart Street elevation of this development shall have an 'industrial' aesthetic and shall include:*
 - (a) *fibro cement sheeting;*
 - (b) *corrugated custom orb wall sheeting; and*
 - (c) *aluminium framed windows;*

(ii) *to protect the reasonable privacy of adjacent residents prior to the first occupation of the development:*

- (a) *the south west elevation of the balconies and terraces for Units 11 – 19 on the first and second floors;*
- (b) *the south east windows of bedrooms 1 and 2 of Unit 10; and*
- (c) *the north west elevation of the terrace and balconies for Unit 11 on the first and second floors;*

shall be screened with fixed obscured material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

(iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Stuart Street and Pandal Lane shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

(iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Stuart Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

(v) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

AMENDED DETAILS:

The applicant seeks to obtain Council approval for the construction of ~~Twenty (20)~~ Nineteen (19) three storey grouped dwellings. The proposal includes a central driveway with double garages for each dwelling, dining, living, kitchen and laundry on the ground floor and three bedrooms, bathroom and en-suite located on the upper levels. The development is designed to compliment the existing streetscape with a similar style to the adjacent 'Maltings' development.

Landowner:	Faststart Enterprises P/L
Applicant:	Omni Design Australia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential / Commercial (R80)
Existing Land Use:	Warehouse and Office Building
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	3495 square metres
Access to Right of Way	West side, 3.04 metres wide, sealed and Town owned.

BACKGROUND:

Conditional approval for demolition for the existing warehouse and office buildings was granted on 13 September 2004.

The application was referred to the Heritage Council of Western Australia, as the site abuts a recognised heritage significant site, the former Maltings Plant. The Heritage Council does not object to the proposal however, recommended that the industrial aesthetic of the area be reflected in the use of materials such as fibro cement sheeting, corrugated custom orb wall sheeting and aluminium framed windows.

DETAILS:

The applicant seeks to obtain Council approval for the construction of twenty (20) three storey grouped dwellings. The proposal includes a central driveway with double garages for each dwelling, dining, living, kitchen and laundry on the ground floor and three bedrooms, bathroom, en-suite located on the upper levels. The development is designed to compliment the existing streetscape with a similar style to the adjacent ‘Maltings’ development.

In support of their application the applicant included computer generated perspective drawings, which will be included as part of the ‘display’ drawings.

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
<u>Setbacks:</u> <u>Units 1 – 10</u> <u>(Stuart Street Frontage)</u> <u>Ground floor:</u> - North East (front)	4.0 metres	2.5 – 5.0 metres	Supported - the setbacks are similar to adjacent developments and will not negatively impact upon the streetscape.
<u>1st Floor & 2nd Floor</u> - North East (front)	6 metres	2.4 - 7.0 metres	
<u>Units 11 – 19</u> <u>1st Floor & 2nd Floor</u> - South West	4.8 metres	2.707 – 5.8 metres	Supported - reduced setbacks will not negatively impact upon adjacent property, which is currently used for office/warehouse.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Privacy-Cone of Vision Encroachment	Balconies are to be setback, a minimum of 7.5 metres or suitably screened (to a height of 1.6 metres), as per the R Codes requirements.	Units 11 – 19 - Balconies and terraces to the south west boundary are setback from 2.047 metres to 5.8 metres and are shown as having screening to 1.5 and 1.4 metres in height. Unit 11 - upper floors terrace and balconies 3.0 metres and 6.6 metres to north west boundary. Unit 1 – upper floors, terrace and balcony 0.284 metre and 3.8 metres to right of way.	Units 11 – 19 Not Supported – privacy screening to be provided as per recommended condition (ii). Unit 1 Supported - adjacent right of way and industrial development.
Outdoor Living Area	Behind the front setback area.	Outdoor living area within street setback area.	Supported - courtyards have good solar orientation and provide interaction with Stuart Street.
Plot Ratio	0.75 (2621.25 square metres) (in accordance with the Beaufort Precinct, P13).	0.659 (2303.20 square metres)	Noted.
Density	R80 - average 180 square metres per dwelling equates to 19 dwellings.	19 Dwellings R80 (R60)	Noted.
Car Parking - Unit 10	2 car bays required.	1 car bay within garage.	Supported - 1 excess visitor parking provided on site.
Building Height	Generally 2 storeys (including loft).	3 storeys.	Supported - the proposed development is consistent with adjacent development and will not negatively impact upon the streetscape or adjacent properties.
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.

* 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.

COMMENTS:

Setbacks

The proposed front setback from Stuart Street to the dwellings is responsive to the setbacks of existing development on adjoining properties and maintains the existing streetscape. It is similar to the adjacent 'Maltings' development.

Heritage

The subject site is not heritage listed, however as it abuts the 'Maltings'. The Heritage Council recommended that the proposal include materials that reflect the industrial aesthetic of the area. In response to this comment, a condition of approval is recommended to ensure that these elements are utilised as part of the final development.

Summary

The proposal complies with the Beaufort Precinct Policy, P13, in that the setbacks and building height are compatible with adjacent development and the development's Stuart Street frontage has design elements that reflect the industrial aesthetic of the area. These elements should be further detailed at the Building Licence stage.

The proposal is considered supportable, subject to standard and appropriate conditions, and a condition that addresses materials and finishes of the proposed development.

Mayor Catania advised that Cr Farrell had declared a proximity interest in this Item. Cr Farrell departed the Chamber at 7.40pm and did not speak or vote on the matter.

10.1.12 No. 190 (Lots 238 & 239) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn - Proposed Three (3) - Storey, Including Lofts, Mixed Use Development Comprising Five (5) Shops, Two (2) Offices, Nine (9) Multiple Dwellings and Undercroft Carparking

Ward:	South	Date:	14 March 2005
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO0446; 00/33/2673
Attachments:	001		
Reporting Officer(s):	S Turner		
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 Keytown Construction on behalf of the owner Hightree Investments Pty Ltd for the proposed Three (3) – Storey, Including Lofts, Mixed Use Development Comprising Five (5) Shops, Two (2) Offices, Nine (9) Multiple Dwellings and Undercroft Carparking, at No. 190 (Lots 238 & 239) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 18 January 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town’s solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$2,100,000.00) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$21,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *doors and windows and adjacent floor areas fronting Scarborough Beach Road and Matlock Street shall maintain an active and interactive relationship with these streets;*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *provision of an open pedestrian safety fence at the corner of Scarborough Beach Road and Matlock Street;*
 - (b) *the awning shall be extended along the Matlock Street elevation and the Scarborough Beach Road elevation to provide a continuous under cover walk way for the extent of the development;*
 - (c) *the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height or plot ratio of the development;*
 - (d) *a traffic mirror being located near the base of the ramp; and*
 - (e) *the minimum "head" height at vehicle entrance to basement carpark being 2.3 metres without signage/warnings and 2.1 metres with signage/warnings.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;
- (viii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (ix) *subject to first obtaining the consent of the owners of No. 194A (Lot 9) Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 194A (Lot 9) Scarborough Beach Road description of adjoining land in a good and clean condition;*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xi) *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";*
- (xii) *prior to the first occupation of the development, four (4) class- one or two and two (2) class- three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xv) *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;*
- (xvi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (xvii) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with prior to the first occupation of the development;*
- (xviii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$3023.50 for the equivalent value of 1.2094 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2004/2005 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; and*
- (xix) *the maximum floor space for the uses shall be limited as follows:*
- *shops/retail – 293.50 square metres of gross floor area; and*
 - *offices – 77.30 square metres of gross floor area;*
- unless adequate carparking is provided for the changes in floor area use or floor space area;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Franchina was an apology. Cr Farrell was absent from the Chamber and did not vote.)

Landowner:	Hightree Investments Pty Ltd
Applicant:	Keytown Construction
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vehicle Sales Premises
Use Class:	Shop, Office Building, and Multiple Dwelling
Use Classification:	"P", "P", and "AA"
Lot Area:	1311 square metres
Access to Right of Way	N/A

BACKGROUND:

A similar mixed use development was conditionally approved by Council on 4 November 2003. The previous approval was for demolition of existing vehicle sales premises buildings and construction of a three (3) storey development which comprised; one (1) showroom, five (5) shops, offices, nine (9) multiple dwellings and undercroft parking.

DETAILS:

The applicant seeks to obtain Council approval for a three (3) – storey, including lofts, mixed use development comprising; five (5) shops, nine (9) multiple dwellings and undercroft car parking.

In support of the application the applicant included computer generated perspective drawings, which will be included as part of the ‘display’ drawings.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	No specific plot ratio requirement for mixed use development. Under the R60 applying to the site for residential development, the plot ratio permitted is 0.70 (917.70 square metres).	0.62 (812.4 square metres) for the residential component.	Supported - as the plot ratio complies with the residential requirements.

Density	R60 - average 166 square metres per dwelling equates to 7.89 Units.	9 Units R68.65	Supported – an acceptable level of residential amenity can be maintained, especially in mixed use developments.
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.

* 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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings as per the R Codes. The residential component requires 15 car bays, which is inclusive of 2 visitor car bays. A total of 15 car bays have been allocated for the residential uses.

A total of 26 car bays have been provided for the entire development, therefore resulting in 11 car bays available for the commercial component.

Car Parking	
Car Parking Requirement (nearest whole number) - Offices (77.30 square metres) – 1.5 car bays - Shops (293.50 square metres)- 19.6 car bays	21 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.95 (parking facilities for bicycle users)* 	(0.5814) 12.2094 car bays
Minus car parking on-site	11 car bays
Resultant shortfall	1.2094 car bays

COMMENTS:

The current development proposal is considered to have less impact than the previous approved development. The car parking area for the development located adjacent to the northern boundary provides a significant setback from that boundary to the development thus reducing the potential negative impact of the development on the adjoining residential properties.

The proposal complies with the Mount Hawthorn Centre Precinct, as it encourages the development of residential uses in non-residential areas, which are close to services and attractions. The proposal is considered supportable, subject to standard and appropriate conditions.

10.1.13 No. 83 (Lot 17) Scarborough Beach Road, Mount Hawthorn - Proposed Change of Use from Residential to Consulting Rooms

Ward:	North	Date:	15 March 2005
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2990; 00/33/2555
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 Parry & White Architects on behalf of the owner PM Winterton for proposed Change of Use from Residential to Consulting Rooms, at No. 83 (Lot 17) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 28 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including provisions for access, car parking and toilet facilities for people with disabilities;*
- (ii) the hours of operation shall be limited to the following times: 8am to 6pm Monday to Friday and 8am to 12pm Saturday, inclusive;*
- (iii) a maximum of one (1) consulting rooms and a maximum of one (1) consultants/practitioners are permitted to operate from the property at any one time;*
- (iv) the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Scarborough Beach Road, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted to and approved by the Town demonstrating the provision of a car parking bay for people with disabilities and vehicular manoeuvrability for all car parking bays being in accordance with the Town's Parking and Access Policy and Australian Standards AS2890. The revised plans shall not result in any greater variations to the requirements of the Town's Policies;*
- (viii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (ix) *no massage activity of a non-medical nature shall occur at the premises;*
 - (x) *no bedding shall be provided at the premises; and*
 - (xi) *this approval for a consulting room is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- to the satisfaction of the Chief Executive Officer.*
-

COUNCIL DECISION ITEM 10.1.13

Cr Farrell returned to the Chamber at 7.42pm.

Moved Cr Chester, **Seconded** Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	PM Winterton
Applicant:	Parry & White Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	453 square metres
Access to Right of Way	South side, 5.4 metres wide, sealed, Town- owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from residential to consulting rooms, minor internal changes and the addition of a ramp and handrail on the western elevation of the building. The applicant's submission is "*Laid on the Table*".

There is a *Jacaranda Mimosifolia* which is on the Town's Tree of Significance Inventory (List 2 Interim Significant Tree - Possible Inclusion) located in the south-west corner of the lot. The plans indicate the retention of the subject tree.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			3 car bays
<ul style="list-style-type: none"> • Consulting room -3 bays per consulting room 			
Apply the adjustment factors.			(0.85)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) 			2.55 car bays
Minus the car parking provided on-site			5 car bays
Minus the most recently approved on site car parking shortfall			Nil.
Resultant surplus			2.45 car bays

COMMENTS:

The planning application is considered to be compatible with the uses of the surrounding area and not to unduly intrude on the amenity of the neighbouring properties. The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal.

10.1.16 Nos. 452-460 (Lot 1) William Street Corner Brisbane Street, Perth - Proposed Change of Use from Shop to Consulting Rooms (Herbalist), Associated Signage - (both Retrospective Planning Approval) and Shop

Ward:	South	Date:	16 March 2005
Precinct:	Beaufort; P13	File Ref:	PRO0159; 00/33/2504, 00/33/2505
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, 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 Zengfu Xu Australian Natural Healthcare Centre Pty Ltd on behalf of the owner A Yozzi & G Yozzo for Proposed Change of Use from Shop to Consulting Rooms (Herbalist), associated Signage (both retrospective planning approval) and Shop, at Nos. 452-460 (Lot 1) William Street (corner Brisbane Street), Perth, and as shown on plans stamp-dated 27 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including provision for access and sanitary facilities for people with disabilities;*
- (ii) the floor areas and consulting rooms shall be limited to;*
 - (a) 458.62 square metres of gross floor area for the retail component; and*
 - (b) 3 consulting rooms (Herbalist) component.*

Any increase in floor space (unless corresponding increase in carparking) or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;
- (iii) the applicant/owner shall pay a cash-in-lieu contribution of \$15,500 for the equivalent value of 6.20 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (iv) doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (v) the hours of operation shall be restricted to 10am to 6pm, Monday to Sunday, inclusive;*
- (vi) no massage activity of a non-medical nature shall occur at the premises and no bedding shall be provided at the premise;*
- (vii) the signage shall not have flashing or intermittent lighting;*
- (viii) all signage shall be subject to a separate Sign Licence application being submitted and approved;*
- (ix) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*

- (x) *this approval for a consulting room (Herbalist) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Lake, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.44pm.

Cr Farrell returned to the Chamber at 7.45pm.

CARRIED (8-0)

(Cr Franchina was an apology.)

Landowner:	A Yozzi & G Yozzo
Applicant:	Zengfu Xu Australian Natural Healthcare Centre Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop and Consulting Rooms
Use Classification:	"P" and "AA"
Lot Area:	531 square metres
Access to Right of Way	N/A

BACKGROUND:

25 March 2003 The Council, at its Ordinary Meeting resolved to advise the Heritage Council of Western Australia that it supports the proposed interim listing of the above-mentioned shops on the State Register of Heritage Places.

4 February 2005 The Town received correspondence from the Heritage Council of Western Australia.

DETAILS:

The proposal involves change of use from shop to consulting rooms (Herbalist) and associated signage (retrospective planning approval). It is noted a shop exists on the ground floor and will continue to operate as part of the consulting room use.

The proposal involves the continuation of retail sales on the ground floor. The consulting rooms (Herbalist) use involves consultation by clients who seek Chinese Herbalist advice, acupuncture and massage (three rooms), and this use operates on the upper floor. It is noted that room two on the upper floor is for storage purposes.

The proposed hours of operation are 10am to 6pm, Monday to Sunday, except Thursdays.

The signage component of the proposal involves a projecting sign attached to the fascia of a verandah, a projecting sign attached to the underside of a verandah and two window signs (retrospective planning approval). It is noted the window signs are transparent in appearance.

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
Projecting Sign: Attached to the fascia	Not project beyond outer frame	Projects beyond outer frame	Supported - given the nature of the sloping site and the site context
Projecting Sign: Attached to the underside of a verandah	Must not exceed a vertical dimension of 500 mm	560 mm	Supported - given the nature of the sloping site and the site context and the clearance from the footpath
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy	TPS 1 and associated Policies.		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
Car Parking			
Car Parking Requirement (nearest whole number)	40 car bays		
<ul style="list-style-type: none"> • Existing Retail Premises - Shop (458.62 square metres at 1 space per 15 square metres of gross floor area) - 30.57 car bays. • Proposed Consulting Rooms (Herbalist) (3 rooms at 3 spaces per room) - 9 car bays. 			
Apply the adjustment factors	(0.68)		
<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) 	27.20 car bays		
Minus car parking on-site	Nil		
**Minus the most recently approved on site parking shortfall (458.62 square metres of retail premises and after taking into account adjustment factors = 20.78 car bays)	21		
Resultant shortfall	6.2 car bays		

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

** An archive search shows 452-460 William Street approved as shops with no parking on-site 30 March 1992.

COMMENTS:

The proposal was advertised and no submissions were received during this period.

In accordance the Heritage Act of Western Australia, this application was referred to the Heritage Council for comment on 7 December 2004. The Heritage Council's response is as follows: *'it is noted that the sign referred to as the "top sign" extends outside the fascia area of the shopfront. The Heritage Council's preference is for any signage in this location to be limited within the existing fascia.'* Given the nature of the stepped approach to the fascia across the length of the building, the existing sign is considered acceptable. Future alterations or changes to the sign should have regard to the above Heritage Council's comments.

In light of the above, the proposal is considered supportable with appropriate and standard conditions.

10.1.19 Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (Corner Fitzgerald and Lawley Streets), West Perth - Alterations and Additions to Signage to Existing Hotel (Application for Retrospective Approval)

Ward:	South	Date:	16 March 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0539; 00/33/2638
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by PG Higgins on behalf of the owner AC Higgins Nominees Pty Ltd for Alterations and Additions to Signage to Existing Hotel (Application for Retrospective Approval), at Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, and as shown on plans stamped 23 December 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy relating to Signs and Advertising (Policy No: 3.5.2); and*
- (ii) *the Council ADVISES the owner and occupier of Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, that the unauthorised signage at Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, shall be removed within fourteen (14) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings to remove the unauthorised signage should the signage remain.*

Mayor Catania advised Elected Members a request had been received from the applicant to withdraw the application.

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That the existing clause (i) be deleted and a new clause (i) inserted as follows:

- “(i) *NOTES that applicant has withdrawn his application for retrospective approval for Alterations and Additions to Signage to Existing Hotel (Application for Retrospective Approval), at Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, and as shown on plans stamped 23 December 2004; and*”

AMENDMENT CARRIED (8-0)

(Cr Franchina was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (i) *NOTES that applicant has withdrawn his application for retrospective approval for Alterations and Additions to Signage to Existing Hotel (Application for Retrospective Approval), at Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, and as shown on plans stamped 23 December 2004; and*
- (ii) *ADVISES the owner and occupier of Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, that the unauthorised signage at Nos. 331-367 (Lots 3, 4, 11 and 21) Bulwer Street (corner Fitzgerald and Lawley Streets), West Perth, shall be removed within fourteen (14) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings to remove the unauthorised signage should the signage remain.*

Landowner:	AC Higgins Nominees Pty Ltd
Applicant:	PG Higgins
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	4987 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the application.

DETAILS:

The application involves alterations and additions to signage to existing hotel (retrospective approval) at the subject lot. There are 4 signs, each 230 x 90 centimetres in size, on metal sheeting erected to the fencing abutting the car park, fronting Bulwer Street at the subject property.

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Bill – posting signs	Bill posting signs are not permitted within the Town of Vincent	4 bill- posting signs	Not supported - undue impact on streetscape and amenity of surrounding area.
General sign standards	No signage is permitted on fences, walls or the like structures which do not form an integral part of the building.	Signage on fence	Not supported - undue impact on streetscape and amenity of surrounding area.
Consultation Submissions			
The unauthorised signs were brought to the Town’s attention by a member of public. The complaint is summarised below. Notwithstanding this, the application was not advertised as it did not involve the intensification of the site and is being referred to Council for determination.			
Complaint (1)	<ul style="list-style-type: none"> • Sign is unsightly and obtrusive. 		Supported- refer to above.
Support	N/A		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, it recommended that the proposal be refused and the Town undertake further action to ensure the unauthorised signs are removed.

10.1.20 Further Report - Amendment No. 20 to Planning and Building Policies - Non-Variation of Specific Development Standards and Requirements, and Associated Delegation of Authority

Ward:	Both Wards	Date:	16 March 2005
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, as shown in the Attachment;*
- (ii) *ADOPTS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, to be applied in the interim;*
- (iii) *ADVERTISES the draft Policy relating to Non-Variation of Specific Development Standards and Requirements 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;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, with or without amendment, to or not to proceed with them; and*
- (v) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
105	Planning, Building and Heritage Services	Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), pursuant to clauses 13 and 38 and the	EMEDS MPBHS	(i) The 'X' use is a use that is not permitted as classified pursuant to clause 13(2) Use of Land in a Scheme Area and Zone

		<p><i>Zone Table of the Town of Vincent Town Planning Scheme No. 1.</i></p> <p><i>(An 'X' use is not a 'non-conforming' use if it is not contained in the Town of Vincent's adopted Non-Conforming Use Register.)</i></p>		<p><i>Table of TPS No.1.</i></p> <p><i>(ii) The 'X' use is not a 'non-conforming' use contained in the Town of Vincent's adopted Non-Conforming Use Register.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>
106	<p><i>Planning, Building and Heritage Services</i></p>	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves a variation to a development standard or requirement specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements, pursuant to clause 38 of the Town of Vincent Town Planning Scheme No. 1.</i></p>	<p><i>EMEDS MPBHS</i></p>	<p><i>(i) The development standard or requirement proposed to be varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>(ii) The development will unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, EMEDS or MPBHS.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

"(vi) AMENDS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements as follows, prior to clauses (ii), (iii), (iv) and (v) above being actioned:

'1) i) a) Minimum total open space (provision - percentage of site area), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.1 Open Space Provision A1 of the Residential Design Codes, or in any applicable design guidelines/elements Policies. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.'

'1) i) b) Minimum outdoor living area (provision, size, accessibility, dimensions and uncovered), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.2 Outdoor Living Areas A2 of the Residential Design Codes, or in any applicable design guidelines/elements Policies. The required outdoor living area can be located within the street setback area, provided it can be demonstrated that the required outdoor living area cannot reasonably be located behind the street setback area. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.'

'1) i) j) Maximum plot ratio as stated for the applicable R Code in Table 1 - General Site Requirements of the Residential Design Codes, or in any applicable design guidelines/elements Policies. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.

2) In the case of proposed alterations or additions to an existing dwelling where the existing dwelling does not comply with this development standard and requirement any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.

AMENDMENT CARRIED (8-0)

(Cr Franchina was an apology.)

MOTION AS AMENDED
CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.1.20

That the Council;

- (i) ***RECEIVES this report and the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, as shown in the Attachment;***
- (ii) ***ADOPTS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, to be applied in the interim;***
- (iii) ***ADVERTISES the draft Policy relating to Non-Variation of Specific Development Standards and Requirements 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;***
- (iv) ***after the expiry of the period for submissions:***
 - (a) ***reviews the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, having regard to any written submissions; and***
 - (b) ***determines the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, with or without amendment, to or not to proceed with them;***
- (v) ***pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:***

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
105	Planning, Building and Heritage Services	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), pursuant to clauses 13 and 38 and the Zone Table of the Town of Vincent Town Planning Scheme No. 1.</i></p> <p><i>(An 'X' use is not a 'non-conforming' use if it is not contained in the Town of</i></p>	EMEDS MPBHS	<p><i>(i) The 'X' use is a use that is not permitted as classified pursuant to clause 13(2) Use of Land in a Scheme Area and Zone Table of TPS No.1.</i></p> <p><i>(ii) The 'X' use is not a 'non-conforming' use contained in the Town of Vincent's</i></p>

		<i>Vincent's adopted Non-Conforming Use Register.)</i>		<i>adopted Non-Conforming Use Register.</i> <i>(iii) Report to the Council on a quarterly basis.</i>
106	<i>Planning, Building and Heritage Services</i>	<i>Authority to exercise discretion and to refuse planning applications for development that involves a variation to a development standard or requirement specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements, pursuant to clause 38 of the Town of Vincent Town Planning Scheme No. 1.</i>	<i>EMEDS MPBHS</i>	<i>(i) The development standard or requirement proposed to be varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements.</i> <i>(ii) The development will unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, EMEDS or MPBHS.</i> <i>(iii) Report to the Council on a quarterly basis.</i>

and

- (vi) *AMENDS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements as follows, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*

'1) i) a) Minimum total open space (provision - percentage of site area), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.1 Open Space Provision A1 of the Residential Design Codes, or in any applicable design guidelines/elements Policies. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.'

'1) i) b) *Minimum outdoor living area (provision, size, accessibility, dimensions and uncovered), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.2 Outdoor Living Areas A2 of the Residential Design Codes, or in any applicable design guidelines/elements Policies. The required outdoor living area can be located within the street setback area, provided it can be demonstrated that the required outdoor living area cannot reasonably be located behind the street setback area. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*'

'1) i) j) *Maximum plot ratio as stated for the applicable R Code in Table 1 - General Site Requirements of the Residential Design Codes, or in any applicable design guidelines/elements Policies. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*

2) *In the case of proposed alterations or additions to an existing dwelling where the existing dwelling does not comply with this development standard and requirement any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*"

FURTHER REPORT:

The matter was the subject of an Agenda Item placed before Council at its Ordinary Meeting held on 22 February 2005, where 'due to the lateness of the hour this Item was DEFERRED to a Special Meeting of Council to be determined by the Mayor'.

The matter was then the subject of an Agenda Item placed before Council at its Special Meeting held on 15 March 2005, where the Item was deferred as the subject draft Policy was inadvertently not included in the Agenda.

The draft Policy is included as an attachment to this report, and the Officer Recommendation remains unchanged.

The following is a verbatim copy of the Agenda Item placed before Council at its Ordinary Meeting held on 22 February 2005 and Special Meeting held on 15 March 2005:

"OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES* this report and the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, as shown in the Attachment;
- (ii) *ADOPTS* the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, to be applied in the interim;

- (iii) *ADVERTISES the draft Policy relating to Non-Variation of Specific Development Standards and Requirements 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;*
- (iv) *after the expiry of the period for submissions:*
- (a) *reviews the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, with or without amendment, to or not to proceed with them; and*
- (v) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
105	Planning, Building and Heritage Services	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), pursuant to clauses 13 and 38 and the Zone Table of the Town of Vincent Town Planning Scheme No. 1.</i></p> <p><i>(An 'X' use is not a 'non-conforming' use if it is not contained in the Town of Vincent's adopted Non-Conforming Use Register.)</i></p>	EMEDS MPBHS	<p><i>(i) The 'X' use is a use that is not permitted as classified pursuant to clause 13(2) Use of Land in a Scheme Area and Zone Table of TPS No.1.</i></p> <p><i>(ii) The 'X' use is not a 'non-conforming' use contained in the Town of Vincent's adopted Non-Conforming Use Register.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>
106	Planning, Building and Heritage Services	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves a</i></p>	EMEDS MPBHS	<p><i>(i) The development standard or requirement proposed to be</i></p>

		<p><i>variation to a development standard or requirement specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements, pursuant to clause 38 of the Town of Vincent Town Planning Scheme No. 1.</i></p>	<p><i>varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>(ii) The development will unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, EMEDS or MPBHS.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>
--	--	---	---

BACKGROUND:

Recommendations 6 and 41 of the Town of Vincent - Report of the Independent Organisational Review, dated April 2003, states as follows:

'Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.'

The Town's Manager Planning, Building and Heritage Services has undertaken a comprehensive review of the existing delegations and the discretionary provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, while striving to achieve the above recommendations of the Report of the Independent Organisational Review.

The outcome of the review has been the subject of items discussed at the Elected Members Forums held on 2 November 2004 and 30 November 2004.

DETAILS:

The draft new Policy relating to Non-Variation of Specific Development Standards and Requirements was developed as part of the above review of the existing delegations and the discretionary provisions. The draft new Policy define the development standards and requirements of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, which the Town will not vary, in order to achieve a reasonable level of amenity, whilst providing for consistency in the application of such standards and requirements and minimising delay in processing, preparing, assessing and determining development applications. The draft new Policy is included as an attachment to this Agenda report.

An outcome of the Elected Members Forum held on 30 November 2004, was that Elected Members were prepared to consider delegating authority to the Chief Executive Officer, Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services to refuse planning applications for inappropriate development. In this context, inappropriate development is considered to be development that involves an 'X' use (a use that is not permitted), or involves a variation to a development requirement specified in the draft new Policy relating to Non-Variation of Specific Development Standards and Requirements.

CONSULTATION/ADVERTISING:

Any new, rescinded or amended Planning Policy is required to be advertised for public comment in accordance with clause 47 of the Town's Town Planning Scheme No. 1.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

STRATEGIC IMPLICATIONS:

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

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

'4.2 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.'

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that Council receives and adopts the draft new Policy relating to Non-Variation of Specific Development Standards and Requirements to be applied in the interim, and advertises the draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

It is further recommended that Council approves the delegation of authority to refuse planning applications for development that involves an 'X' use (a use that is not permitted), or involves a variation to a development requirement specified in draft new Policy relating to Non-Variation of Specific Development Standards and Requirements.

The review of the remaining existing delegations and the discretionary provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes require further addressing as a result of the above Elected Members Forums. The outcome of this further review will be presented to an Ordinary Meeting of Council for formal consideration by the Council."

10.2.1 Proposed Embayed Angle Parking - Brisbane Street between Beaufort and Stirling Streets, Perth

Ward:	South	Date:	15 March 2005
Precinct:	Beaufort P13	File Ref:	PKG0055
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Embayed Angle parking in Brisbane Street between Beaufort and Stirling Streets, Perth;*
- (ii) *APPROVES IN PRINCIPLE, the proposal as outlined on attached Plan No. 2338-CP-1 and lists \$30,000 for consideration in the 2005/2006 draft budget;*
- (iii) *APPROVES IN PRINCIPLE the introduction of parking ticket machines (using the same fee structure as the Brisbane Street carpark) in the proposed bays and lists an amount of \$10,000 in the draft Budget 2005/2006; and*
- (iv) *CONSULTS with the adjoining property owners giving them 21 days to provide comment, and receive a further report on the proposal should funding be allocated in the 2005/2006 budget.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Cohen

That clauses (ii), (iii) and (iv) be deleted and a new clause (ii) inserted as follows:

“(ii) SEEKS to reconsider the proposal after the 12 month review of other parking changes in the area.”

AMENDMENT CARRIED (5-3)

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

(Cr Franchina was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (6-2)

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

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the report on the proposed Embayed Angle parking in Brisbane Street between Beaufort and Stirling Streets, Perth; and*
- (ii) *SEEKS to reconsider the proposal after the 12 month review of other parking changes in the area.*

BACKGROUND:

The one way section of Brisbane Street between Beaufort and Stirling Streets lends itself to the introduction of 45 degree angle parking. The road is wide and the existing nib created by the installation of the roundabout at the Stirling Street intersection provides a suitable area for improving the parking amenity in the street.

DETAILS:

Brisbane Street, between Beaufort and Stirling Streets, is one way west to east. The existing carriageway is approximately 12m wide with kerbside parking and functions as a (wide) single lane road.

Due to the geometry of the road, there is scope to install approximately fifteen (15) 45 degree angled parking bays on the south side of the street.

The benefits of the proposal are as follows:

- Increased on road parking.
- Narrowed road width with low profile speed humps to reduce vehicle speeds.
- Nibs to improve pedestrian crossing safety.
- Possible future introduction of paid parking to increase the Town's parking revenue.

It is envisaged that the proposed parking be time restricted to 2P as per the existing parking in the street.

The estimated cost of the proposal as outlined on attached Plan No. 2338-CP-1 is as follows:

Remove replace kerbing	\$1,500
Drainage	\$2,500
Nibs	\$12,000
Brick paving	\$4,300
Speed humps	\$4,500
Landscaping	\$1,200
Signs & Linemarking	\$2,500
Traffic Control / Supervision	\$1,500
Total:	\$30,000
Ticket Machines - Indicative	\$10,000

CONSULTATION/ADVERTISING:

Should the funds be approved on the 2005/2006 budget, affected residents and businesses will be consulted regarding the proposal.

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. *“(i) Develop a strategy for parking management in business, residential and mixed use precincts.”*

FINANCIAL/BUDGET IMPLICATIONS:

The proposal estimated to cost \$30,000 as outlined on attached Plan No. 2338-CP-1.

COMMENTS:

There is an opportunity to increase the number of on road parking bays on Brisbane Street together with providing an improved streetscape and safety improvements.

The option of introducing paid parking into the proposed bays is supported, subject to an amount of \$10,000 being listed on the draft Budget 2005/2006.

It is therefore recommended that the Council APPROVES IN PRINCIPLE, the proposal as outlined on attached Plan No. 2338-CP-1 and lists \$30,000 for consideration in the 2005/2006 draft budget and consults with the adjoining property owners, giving them 21 days to provide comments, and receive a further report on the proposal should funding be allocated in the 2005/2006 budget.

Mayor Catania advised that Cr Lake had declared a proximity interest in this Item. Cr Lake departed the Chamber at 8.10pm and did not speak or vote on the matter.

10.2.2 Implementation of On-Street Parking and Results of Community Consultation – Beaufort Street and Adjoining Streets – Mount Lawley/Highgate

Ward:	South	Date:	13 March 2005
Precinct:	Mt Lawley Centre P11	File Ref:	PKG0011
Attachments:	001;		
Reporting Officer(s):	A. Munyard, R. Lotznicher , J MacLean		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the results of the Community Consultation on the proposed on-street parking proposal for Beaufort Street and adjoining streets in the Mount Lawley and Highgate localities;*
- (ii) *NOTES the variety of comments received on a street by street basis and on the overall parking proposal;*
- (iii) *APPROVES the introduction of time restrictions in the following streets in the close proximity of the Barlee Street Carpark to compliment the recent reintroduction of paid parking in the carpark as shown on attached Plan No. 2121-CP-5 and attached schedule;*
 - (a) *Barlee Street, on the South side adjacent to the Barlee Street car park - a one hour time restriction from 8am until 5.30pm Monday to Friday and 8am until 12noon Saturdays. For a further sixty metres - a one hour time restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays, and a two hour time restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the South side. On the North side a one hour restriction between Beaufort Street and Roy Street from 8am to 6.30pm Monday to Friday and 8am until 12noon Saturdays. A two hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the north side of the street.*
 - (b) *Roy Street, a one hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays on both sides of the street.*
 - (c) *Gerald Street, a two hour restriction from 8am until 6.30pm Monday until Friday and 8am until 12 noon Saturdays on both sides of the street.*
 - (d) *Vincent Street, on the south side, a fifteen minute restriction for twenty metres from 8am until 5.30pm Monday to Friday and 8am until 12noon Saturdays - a three hour restriction for thirty metres from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays and a one hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the South side.*

- (iv) ***APPROVES the introduction of following time restrictions in the sections of Beaufort Street as outlined below;***
- (a) ***from Bulwer Street to Lincoln Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty five metre bus zone followed by fifty five metre two hour time restriction 8am until 4.15pm Monday to Friday and 8am -12noon Sat, an eight metre ten minute restriction at all times outside of the Clearway period, and a two hour restriction from 8am until 4.15pm Monday to Fridays and 8am until 12noon Saturday on the remainder of the West side of the street.***
 - (b) ***from Bulwer Street to Lincoln Street (East side, Clearway from 7.30am until 9am Mon-Fri)- a fifteen metre ten minute parking zone from at all times outside of the afternoon Clearway followed by a 10metre Loading Zone from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays followed by a two hour restriction from 9am until 5.30pm Monday to Friday in the remainder of the East side.***
 - (c) ***from Lincoln Street to St Alban's Avenue (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty metre bus zone followed by a two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays***
 - (d) ***from St Alban's Avenue to Chatsworth Road (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a two hour restriction from 8.30am until 4.15pm Monday to Friday and 8am until 12noon Saturdays.***
 - (e) ***from Lincoln Street to Broome Street (East side, Clearway from 7.30am until 9am Mon-Fri) - a twenty metre two hour parking zone from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays followed by a twenty- eight metre bus zone, followed by a two hour restriction from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturday on the remainder of the East side.***
 - (f) ***from Chatsworth Street to Mary Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty-two metre bus zone followed by a two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturday.***
 - (g) ***from Mary Street to Harold Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty metre two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturday, followed by a six metre ten minute restriction outside Clearway times, followed by a six metre loading zone from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays, converting to a taxi zone at all other times outside of the Clearway restriction.***
 - (h) ***from Broome Street to Harold Street (East side, Clearway from 7.30am until 9am Mon- Fri) - a twenty metre bus zone followed by six metre ten minute restriction outside Clearway times, followed by an eighty-five metre two hour restriction between 9am and 5.30pm Monday to Friday and 8am until 12noon Saturdays, followed by a ten metre fifteen minute restriction at all times outside Clearway restrictions, followed by a loading zone from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays, converting to a taxi zone at all other times outside the Clearway restriction.***

- (i) *from Harold Street to Vincent Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a sixty eight metre two hour parking restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays, followed by a twelve metre ten minute restriction at all times outside the Clearway time, followed by a twenty one metre bus zone.*
- (j) *from Harold Street to Clarence Street (East side, Clearway from 7.30am until 9am Mon to Fri) - a twenty five metre bus zone, followed by a forty-six metre 2 hour restriction from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays.*
- (k) *from Chelmsford Road to Grosvenor Road (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a forty-two metre two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays, followed by a twenty metre bus zone.*
- (l) *Barlee Street to Walcott Street (East side, Clearway from 7.30am until 9am Mon-Fri) - a seventy-one metre two hour parking restriction from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays.*
- (v) *DOES NOT proceed with the wholesale implementation of parking restrictions in the remainder of the study area until the scope for the provision of adequate all day paid public parking is further investigated;*
- (vi) *APPROVES the following for a twelve (12) month trial period commencing in March 2005:*
 - (a) *an amended fee-structure for the ticket machines in The Stadium Car ark, situated at No. 310 Pier Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public;*
 - (b) *an amended fee-structure for the ticket machines on the north side of Brewer Street, between Lord Street and Pier Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public;*
 - (c) *an amended fee-structure for the ticket machines in Pier Street, between Brisbane Street and Brewer Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public;*
 - (d) *an amended fee-structure for the ticket machines in the median area of Stirling Street, between Parry Street and Brisbane Street, Perth, from the current \$1 per hour to a maximum daily fee of \$4.40, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public; and*
- (vii) *NOTES that a further report on the matter as outlined in clause (vi) will be submitted at the conclusion of the twelve (12) month trial period in March 2006.*
- (viii) *NOTES that a further report on the introduction of time restrictions in both Smith and Wright Street south of Lincoln Street will be submitted once the householders/businesses in the streets have been further consulted; and*

- (ix) *NOTES that a further progress report on the feasibility of providing additional paid public parking including angle parking in the vicinity of the Beaufort Shopping Strip will be submitted prior to further considering the adjoining streets parking proposal.*
-

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

That the existing clause (v) be deleted and a new clause (v) inserted as follows:

- "(v) *APPROVES the introduction of time restrictions in the following streets, as shown on attached Plan No. 2121-CP-5 subject to a twelve (12) month review and an urgent study of the scope for provision of all day paid public parking in the area:*
- (a) *Grosvenor Rd between Beaufort and Hutt Sts on the north side, a Taxi Zone, followed by a 2 hour limit from 8.00 am to 6.30pm Monday to Friday, and 8.00am to 12noon Saturdays;*
 - (b) *Grosvenor Rd between Beaufort St and Hutt St on the south side, a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays, followed by a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
 - (c) *Chelmsford Rd between Beaufort St and Hutt St on the north side, a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays, followed by an unrestricted zone;*
 - (d) *Chelmsford Rd between Beaufort St and Hutt St on the south side, a Loading Zone followed by a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays, followed by an unrestricted zone;*
 - (e) *Vincent St between Beaufort St and Harold St on the north side, a 1 hour limit from 8.00am and 6.30pm Monday to Friday and 8.00am to 12noon on Saturdays;*
 - (f) *Vincent St between Beaufort St and Harold St on the south side, a 15 minute limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 3 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
 - (g) *Harold St between Beaufort St and Vincent St on the north side, a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*

- (h) Harold St between Beaufort St and Vincent St on the south side, a Loading Zone followed by a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour restriction from 8.00am to 6.30pm Monday to Friday and 8.00am and 12noon Saturdays followed by a 3 hour limit from 9.00am to 6.30pm and 8.00am to 12noon Saturdays which converts to a 5 minute pick up drop off zone between 8.00am and 9.00am Monday to Friday and 2.30pm to 3.30pm Monday to Friday, followed by a 3 hour limit from 8.00am and 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (i) Mary St between Beaufort St and William St on the north side a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 3 hour limit from 9.00am to 6.30pm and 8.00am to 12noon Saturdays which converts to a 5 minute pick up drop off zone between 8.00am and 9.00am Monday to Friday and 2.30pm to 3.30pm Monday to Friday, followed by a 15 minute limit, followed by a 3 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturday follows by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (j) Mary St between Beaufort St and William St on the south side, a 3 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (k) Chatsworth Rd between Beaufort St and William St on the north side, a 15 minute zone followed by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (l) Chatsworth Rd between Beaufort St and William St on the south side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (m) St Albans Ave between Beaufort St and Cavendish St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (n) St Albans Ave from Beaufort St to Cavendish St on the South side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (o) Broome St between Beaufort St and Stirling St on the north side, a 3 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (p) Broome St between Beaufort St and Stirling St on the south side, a 3 hour limit from 8.00am to 5.30pm Monday to Friday, 8.00am to 12noon Saturdays followed by a 1 hour limit 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays;
- (q) Broome St between Stirling St and Smith St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;

- (r) *Broome St between Stirling St and Smith St on the south side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays;*
- (s) *Broome St between Smith St and Wright St on the north side, a 2 hour limit 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (t) *Broome St between Smith St and Wright St on the south side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (u) *Broome St between Wright St and Lord St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday followed by a fifteen minute limit followed by a 2 hour limit 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (v) *Broome St between Wright St and Lord St on the south side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (w) *Harold St between Beaufort St and Smith St on the north side, a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour restriction from 8.00am to 6.30 pm Monday to Friday, 8.00am to 12noon Saturdays ;*
- (x) *Harold St between Beaufort St and Stirling St on the south side, a 3 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays*
- (y) *Harold St between Stirling St and Smith St on the south side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (z) *Harold St between Smith St and Lord St on the north side, a 3 hour limit from 8.00am to 8.00pm Monday to Friday followed by an unrestricted motorcycle zone followed by a Loading Zone from 8.00am until 5.30pm Monday to Friday and 8.00am to 12noon Saturday, followed by a 1 hour limit from 8.00am to 8.00pm Monday to Friday followed by a fifteen minute zone from 8.00am to 8.00pm Monday to Friday;*
- (aa) *Harold St between Smith St and Lord St on the south side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour limit from 8.00am to 8.00pm Monday to Friday;*
- (bb) *Clarence St between Beaufort St and Curtis St on the north side, a 15 minute limit followed by 1 hour limit 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (cc) *Clarence St between Beaufort St and Curtis St on the south side, 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays*

- (dd) *Barlee St between Beaufort St and Roy St on the north side, a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 1 hour zone from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (ee) *Barlee St between Roy St and Gerald St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (ff) *Barlee St between Gerald St and Curtis St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays;*
- (gg) *Barlee St between Beaufort St and Curtis St on the south side, a 1 hour limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday followed by a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (hh) *Roy St between Barlee St and Walcott St on the west side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays;*
- (ii) *Roy St between Barlee St and Walcott St on the east side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays;*
- (jj) *Gerald St between Barlee St and Walcott St on the west side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (kk) *Gerald St between Barlee St and Walcott St on the east side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (ll) *Stirling St between Broome St and Harold St on the west side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by Bus Zone followed by 1 hour limit 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (mm) *Stirling St between Broome St to Stirling St on the east side, 1 hour limit 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays followed by 2 hour limit 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays followed by 1 hour limit 8.00am to 6.30pm Monday to Friday, 8.00am to 12noon Saturdays;*
- (nn) *Stirling St between Lincoln St and Broome St on the west side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (oo) *Stirling St between Lincoln St and Broome St on the east side, a 1 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (pp) *Stirling St between Bulwer St and Lincoln St on the west side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*

- (qq) *Stirling St between Bulwer St and Lincoln St on the east side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays*
- (rr) *Smith St between Broome St and Harold St on the west side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (ss) *Smith St between Broome St and Harold St on the east side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (tt) *Smith St between Lincoln St and Broome St on the west side, a 2 hour limit from 8.00am and 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (uu) *Smith St between Lincoln St and Broome St on the east side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (vv) *Lincoln St between Beaufort St and William St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 30 minute limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a fifteen minute limit from 8.00am to 5.30 Monday to Friday and 8.00am to 12noon Saturdays;*
- (ww) *Lincoln St between Beaufort St and William St on the south side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by 15 minute school zone between 8.00am and 9.00am and 2.30pm to 4.00pm Monday to Friday followed by a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (xx) *Lincoln St between Beaufort St and Wright St on the north side, 2 hour limit 8.00am to 6.30pm Monday to Friday followed by 8.00am to 12noon Saturdays;*
- (yy) *Lincoln St between Beaufort St and Wright St on the south side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (zz) *Lincoln St between Wright St and Lord St on the north side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by a 30min limit from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (aaa) *Lincoln St between Wright St and Lord St on the south side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays followed by Loading Zone from 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays;*
- (bbb) *Harley St between Lincoln St and Chatsworth St on the west side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;*

- (ccc) Harley St between Lincoln St and Chatsworth St on the east side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;
- (ddd) Cavendish St between Lincoln St and Chatsworth St on the west side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays; and
- (eee) Cavendish St between Lincoln St and Chatsworth St on the east side, a 2 hour limit from 8.00am to 6.30pm Monday to Friday and 8.00am to 12noon Saturdays;

Debate ensued.

At 8.36pm Moved Cr Chester, Seconded Cr Farrell

That Standing Orders be suspended to permit the Mayor to speak.

CARRIED (7-0)

(Cr Franchina was an apology. Cr Lake was absent from the Chamber and did not vote.)

At 8.45pm Moved Cr Ker, Seconded Cr Doran-Wu

That Standing Orders be resumed.

CARRIED (7-0)

(Cr Franchina was an apology. Cr Lake was absent from the Chamber and did not vote.)

Cr Ker withdrew his amendment.

Moved Cr Ker, Seconded Cr Farrell

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

“(v) ~~DOES NOT proceed~~ **DEFERS** the wholesale implementation of parking restrictions in the remainder of the study area ~~until the scope for the provision of adequate all day paid public parking is further investigated to allow officers to further consider objections received as a result of the community consultation process.~~”

AMENDMENT CARRIED (7-0)

(Cr Franchina was an apology. Cr Lake was absent from the Chamber and did not vote.)

Moved Cr Ker, Seconded Cr Chester

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

“(vi) **APPROVES** the following for a twelve (12) month trial period commencing in March 2005:

- (a) *an amended fee-structure for the ticket machines in The Stadium Car ark, situated at No. 310 Pier Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to ~~35~~ 50 cents per hour to a maximum of ~~\$2.00~~ \$3.00 per day, to encourage better usage by the public;*
- (b) *an amended fee-structure for the ticket machines on the north side of Brewer Street, between Lord Street and Pier Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to ~~35~~ 50 cents per hour to a maximum of ~~\$2.00~~ \$3.00 per day, to encourage better usage by the public;*
- (c) *an amended fee-structure for the ticket machines in Pier Street, between Brisbane Street and Brewer Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to ~~35~~ 50 cents per hour to a maximum of ~~\$2.00~~ \$3.00 per day, to encourage better usage by the public;*
- (d) *an amended fee-structure for the ticket machines in the median area of Stirling Street, between Parry Street and Brisbane Street, Perth, from the current \$1 per hour to a maximum daily fee of \$4.40, to ~~35~~ 50 cents per hour to a maximum of ~~\$2.00~~ \$3.00 per day, to encourage better usage by the public; and”*

AMENDMENT CARRIED (7-0)

(Cr Franchina was an apology. Cr Lake was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the results of the Community Consultation on the proposed on-street parking proposal for Beaufort Street and adjoining streets in the Mount Lawley and Highgate localities;*
- (ii) *NOTES the variety of comments received on a street by street basis and on the overall parking proposal;*
- (iii) *APPROVES the introduction of time restrictions in the following streets in the close proximity of the Barlee Street Carpark to compliment the recent reintroduction of paid parking in the carpark as shown on attached Plan No. 2121-CP-5 and attached schedule;*
 - (a) *Barlee Street, on the South side adjacent to the Barlee Street car park - a one hour time restriction from 8am until 5.30pm Monday to Friday and 8am until 12noon Saturdays. For a further sixty metres - a one hour time restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays, and a two hour time restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the South side. On the North side a one hour restriction between Beaufort Street and Roy Street from 8am to 6.30pm Monday to Friday and 8am until 12noon Saturdays. A two hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the north side of the street.*

- (b) *Roy Street, a one hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays on both sides of the street.*
- (c) *Gerald Street, a two hour restriction from 8am until 6.30pm Monday until Friday and 8am until 12 noon Saturdays on both sides of the street.*
- (d) *Vincent Street, on the south side, a fifteen minute restriction for twenty metres from 8am until 5.30pm Monday to Friday and 8am until 12noon Saturdays - a three hour restriction for thirty metres from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays and a one hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the South side.*
- (iv) ***APPROVES** the introduction of following time restrictions in the sections of Beaufort Street as outlined below;*
- (a) *from Bulwer Street to Lincoln Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty five metre bus zone followed by fifty five metre two hour time restriction 8am until 4.15pm Monday to Friday and 8am -12noon Sat, an eight metre ten minute restriction at all times outside of the Clearway period, and a two hour restriction from 8am until 4.15pm Monday to Fridays and 8am until 12noon Saturday on the remainder of the West side of the street.*
- (b) *from Bulwer Street to Lincoln Street (East side, Clearway from 7.30am until 9am Mon-Fri)- a fifteen metre ten minute parking zone from at all times outside of the afternoon Clearway followed by a 10metre Loading Zone from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays followed by a two hour restriction from 9am until 5.30pm Monday to Friday in the remainder of the East side.*
- (c) *from Lincoln Street to St Alban's Avenue (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty metre bus zone followed by a two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays*
- (d) *from St Alban's Avenue to Chatsworth Road (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a two hour restriction from 8.30am until 4.15pm Monday to Friday and 8am until 12noon Saturdays.*
- (e) *from Lincoln Street to Broome Street (East side, Clearway from 7.30am until 9am Mon-Fri) - a twenty metre two hour parking zone from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays followed by a twenty- eight metre bus zone, followed by a two hour restriction from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturday on the remainder of the East side.*
- (f) *from Chatsworth Street to Mary Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty-two metre bus zone followed by a two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturday.*

- (g) *from Mary Street to Harold Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a twenty metre two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturday, followed by a six metre ten minute restriction outside Clearway times, followed by a six metre loading zone from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays, converting to a taxi zone at all other times outside of the Clearway restriction.*
- (h) *from Broome Street to Harold Street (East side, Clearway from 7.30am until 9am Mon- Fri) - a twenty metre bus zone followed by six metre ten minute restriction outside Clearway times, followed by an eighty-five metre two hour restriction between 9am and 5.30pm Monday to Friday and 8am until 12noon Saturdays, followed by a ten metre fifteen minute restriction at all times outside Clearway restrictions, followed by a loading zone from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays, converting to a taxi zone at all other times outside the Clearway restriction.*
- (i) *from Harold Street to Vincent Street (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a sixty eight metre two hour parking restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays, followed by a twelve metre ten minute restriction at all times outside the Clearway time, followed by a twenty one metre bus zone.*
- (j) *from Harold Street to Clarence Street (East side, Clearway from 7.30am until 9am Mon to Fri) - a twenty five metre bus zone, followed by a forty-six metre 2 hour restriction from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays.*
- (k) *from Chelmsford Road to Grosvenor Road (West side, Clearway from 4.15pm until 6pm Mon-Fri) - a forty-two metre two hour restriction from 8am until 4.15pm Monday to Friday and 8am until 12noon Saturdays, followed by a twenty metre bus zone.*
- (l) *Barlee Street to Walcott Street (East side, Clearway from 7.30am until 9am Mon-Fri) - a seventy-one metre two hour parking restriction from 9am until 5.30pm Monday to Friday and 8am until 12noon Saturdays.*
- (v) *DEFERS the wholesale implementation of parking restrictions in the remainder of the study area to allow officers to further consider objections received as a result of the community consultation process;*
- (vi) *APPROVES the following for a twelve (12) month trial period commencing in March 2005:*
- (a) *an amended fee-structure for the ticket machines in The Stadium Car ark, situated at No. 310 Pier Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to 50 cents per hour to a maximum of \$3.00 per day, to encourage better usage by the public;*
- (b) *an amended fee-structure for the ticket machines on the north side of Brewer Street, between Lord Street and Pier Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to 50 cents per hour to a maximum of \$3.00 per day, to encourage better usage by the public;*

- (c) *an amended fee-structure for the ticket machines in Pier Street, between Brisbane Street and Brewer Street, Perth, from the current \$1 per hour to a maximum daily fee of \$5.50, to 50 cents per hour to a maximum of \$3.00 per day, to encourage better usage by the public;*
- (d) *an amended fee-structure for the ticket machines in the median area of Stirling Street, between Parry Street and Brisbane Street, Perth, from the current \$1 per hour to a maximum daily fee of \$4.40, to 50 cents per hour to a maximum of \$3.00 per day, to encourage better usage by the public; and*
- (vii) *NOTES that a further report on the matter as outlined in clause (vi) will be submitted at the conclusion of the twelve (12) month trial period in March 2006.*
- (viii) *NOTES that a further report on the introduction of time restrictions in both Smith and Wright Street south of Lincoln Street will be submitted once the householders/businesses in the streets have been further consulted; and*
- (ix) *NOTES that a further progress report on the feasibility of providing additional paid public parking including angle parking in the vicinity of the Beaufort Shopping Strip will be submitted prior to further considering the adjoining streets parking proposal.*

BACKGROUND:

Since the Town's inception issues regarding parking in and around Beaufort Street have been raised by business proprietors, elected members and some residents.

The development of a satisfactory over-all parking plan for the area has been in progress for some time and is summarized below:

- The Council at its Ordinary Meeting held on 12 February 2002 received a report on the Barlee Street car park parking fee structure and alteration and additions to Parking restrictions on roads perpendicular to Beaufort Street, between Barlee and Chatsworth Streets, *Proposal 1*, and resolved to consult with the community.
- Also at its meeting of 12 February 2002 the Council approved the introduction of a Residential Parking Zone, to the south side of Mary Street (*commencing 66 metres west of Beaufort Street and ending 6 metres east of William Street*). At the time this resulted in a very vocal outcry from business proprietors in the area, who presented a petition of objection to the Town with seventy seven (77) signatures.
- The subsequent consultation for the Beaufort Street "Proposal 1" drew ninety (90) submissions from 300 letters delivered, with approximately 67% of respondents opposing the proposed restrictions and only one third 33% in favour. Those *in favour* were generally residents who wanted the restrictions applied to evenings and weekends. Those *against* were residents who did not perceive a significant problem with parking and some business proprietors who felt that restrictions would be detrimental to their business.
- A Working Group was formed in the endeavour to modify the proposal to meet community expectations (*both residential and commercial*) as fairly and practically as could be achieved.

- At the time further submissions were received from The Hyde Park Precinct Group, Highgate Traders Group (later known as Beaufort Traders Group), the Sacred Heart School Board, Forrest Park Precinct Group, and several concerned individuals. The proposal to introduce a comprehensive parking strategy for the area had generated significant interest and anxiety within the community and highlighted the disparate perceptions of a “correct” solution.
- Following assessment of the consultation and feedback a new proposal, *Proposal 2*, was developed which, while still introducing time restrictions in residential side streets, aimed to introduce “zones” which would accommodate the variety of needs identified in the consultation submissions. These zones would carry a variety of time restrictions ranging from fifteen (15) minute, to three (3) hour, depending on the requirements of the dominant activities in the adjacent areas, and would be extended to cover the area within approximately 300m of the centre of the strip.
- Following a *notice of motion* adopted by the Council at its Ordinary Meeting held on 10 September 2002, another working group was convened to consider the wide ranging issues raised in the *notice of motion*.
- A progress report was presented to the Ordinary Meeting of Council held on 17 December 2002 where it was stated it had been the Town’s practice to address each complaint regarding parking matters on its 'own merits' where it was recommended that this approach be continued as consultation yielded differing results in each area. Time restrictions could be an effective measure in deterring “all day” parking by non-residents, however they also had an adverse affect on the amenity of residents, who, if eligible, were restricted to limited exemptions.
- In accordance with the Council's decision (OMC 17 December 2002) a public meeting was held at the Forrest Park Clubrooms on 10 February 2003. Those in attendance (*approximately 60*) had the opportunity to view draft parking *Proposal 2* and present their views. Response sheets were made available to attendees so that they could provide written comment on the proposal as presented at the meeting. Sixteen (16) sheets were returned to the Town, constituting seven (7) people in favour of the plan, seven (7) against and two (2) with alternative suggestions.
- The revised proposal together with the information gathered from written responses to public consultation and the minutes of the public meeting were reviewed by the Town’s LATM Group (Local Area Traffic Management Group) on 15 April 2003.
- A new "*Proposal 3*" was developed and at the Ordinary Meeting of Council held on 25 May 2004, the Council again considered a report on the proposed on-street parking on Beaufort Street and adjoining streets and resolved to *defer* the matter to allow for an *Elected Members Forum* to ensure that issues previously raised by the community had been adequately considered.
- The *Elected member's Forum* was convened on Tuesday, 15 June 2004 where the progress of the Beaufort Street and adjoining streets parking management plan was detailed in a Power Point presentation, with a further revision (*Proposal 4*) of the proposed management strategy presented for discussion. Elected Members were strongly supportive of a *further public meeting* being convened so that affected residents and business proprietors could view *proposal 4*, and make further comment.

- Following the elected members forum the area under consideration was extended as follows
 - The full length of Chatsworth Street to William Street.
 - The full length of Harley, Cavendish, St Albans and Lincoln Streets
 - Stirling Street between Bulwer and Broome Streets
 - Smith Street extended between Lincoln and Broome Streets
 - Wright Street between Lincoln and Broome Streets
- A further report was presented to the Council at its meeting held on 13 July 2004 where it was recommended that the Council adopt “*in principle*” Proposal 4, subject to amendment if necessary following review of comments received during the consultation period. It was further recommended that once these amendments had been finalised, residents and Businesses would be consulted on a *street by street basis* to comment on the changes proposed for their street, and a final report will be presented for the consideration of the Council.

The following decision (in part) was adopted at the 13 July 2004 meeting:

That the Council;

- (i) *RECEIVES the report on the proposed on-street parking amendments - Beaufort Street and adjoining streets in the Mount Lawley and Highgate localities;*
- (ii) *ADOPTS IN PRINCIPLE the introduction and/or amendment of on-road parking restrictions called Proposal 4 as illustrated on the updated attached Plan No 2121-CP-4 and detailed in the attached updated Schedule 2;*
- (iii) *CONVENES a public meeting in August 2004 to inform residents and business proprietors of the amended proposal 4;*
- (iv) *CONSULTS with ALL affected residents and Business proprietors in the Area bounded by Walcott, William, Lincoln and Smith Streets advising them of the proposed parking changes for their street and allowing them 21 days in which to provide comments regarding the updated proposal and for this to be carried out following the public meeting outlined in clause (iii) above;*
- (v) *RECEIVES a further and final report on the matter at the conclusion of the consultation period;*

DETAILS

Development of the Parking Plan

As previously reported to the Council, in the development of the original parking management plan for the Beaufort Strip and surrounds, the following points were considered:

- The nature of the business activity is predominantly hospitality.
- The demand for parking is present during normal business hours as well as evenings and weekends.
- There is limited off street public parking available in the area (*Town owned car parks can only accommodate 139 vehicles- and it is considered these car parks should be tailored to cater for staff of the establishments in the area, thereby keeping them from parking for extended periods in residential streets*).
- It has been estimated that at least 170 staff are employed by the twenty five (25) plus hospitality establishments alone in Beaufort Street.

- Approximately 2,130 patrons can be accommodated at food premises, bars and hotels in Beaufort Street, between St Alban's Avenue and Walcott Street.
- The total number of kerb side parking places within 300m of the centre of the strip is approximately 966.
- The early 20th century housing stock in the vicinity of the strip frequently lacks garaging from the front however most have rear access via a right of way (ROW).
- There has been a considerable increase in the number of establishments in the strip however the area has historically been the site of recreation and entertainment premises as well as other commercial concerns.
- Consideration of residents needs must be balanced with the other demands on parking in what are "public streets" in a mixed residential and commercial area.

Public Meeting

In accordance with clause (iii) of the Council's decision of 13 July 2004, a public meeting was held on 20 September 2004. Notice of the meeting was advertised in the Guardian and Voice newspapers.

The meeting was attended by the Mayor, Councillors Ker, Lake, Cohen, Executive Manager Technical Services, Manager Engineering Design Services, other staff members and 40 members of the public.

The following matters were raised at the meeting:

- Concerns regarding the utilization of the Barlee Street car park and the need for further public parking places in the vicinity.
- Why kerbside parking could not be allocated for the use of the adjacent resident.
- One resident claimed that the City of Fremantle had bays marked outside properties specifically for the use of the adjacent resident.
- Other issues raised were the apparent rigidity of the Town's requirements in regard to carports and plot ratios which hindered residents' attempts to provide off-street parking. Cr Ker urged residents to proceed with applications for carports which may not strictly be compliant but could in some instances still be approved under discretionary powers.

Officers' Comments

Inquiries were made with the City of Fremantle and the claim that *individually assigned kerbside parking spaces were provided* proved to be untrue.

The City of Fremantle advised that in only three (3) locations, in the centre of the City, two (2) bays at the end of the street were marked "Residents Only" however these were available for the use of *all* residents in the street, and this could sometimes be cause for competition between neighbours.

The City of Fremantle advised further that it did not intend to introduce any further "Residents Only" parking. Prospective purchasers of properties close to the centre of the City were advised that kerbside car parking was problematic when they made their property inquiries and it was expected that residents ensured their parking needs, should they have a vehicle, could be accommodated on site.

Residents requested the Town investigate the possibility of introducing more angle parking wherever possible, in locations adjacent to commercial premises so that an increased number of parking spaces could be made available in a manner that would not impact on residents.

Officers' Comments

Angle parking in the commercial portion of Mary Street was approved in principle at the Ordinary Meeting of Council held on 22 February 2005. The proposal is now out to public consultation and should be implemented by mid year. Angle parking in other locations is also being considered.

The proprietor of the dental surgery in Vincent Street asked whether the time restriction could be extended beyond the proposed one (1) hour, as patients frequently required more time than that.

Officers' Comments

"Proposal 4" has been modified accordingly so that part of the south side of Vincent Street has a three(3) hour restriction.

Community Consultation

On 12 November 2004, 1,432 individual letters with reply paid envelopes, plans for each individual street and the overall proposal were distributed to residents / businesses in the area covered by the proposal.

At the close of the consultation period, of the 1,432 letters distributed only 282 responses were received representing a (20%) response.

Recipients were asked to respond *YES* or *NO* to the following two statements:

- Do you support the proposed restrictions for your street?
- Do you support the overall parking initiative?

The consultation letter also provided information regarding the Town's policy governing residential parking permits.

For each individual street the number sent out and the number returned have been noted in the attached table.

The majority of respondents in favour ticked the YES box while those against had many comments to make. A summary of the main comments 'against' are summarised below.

- Can additional visitors permits be issued for parties etc
- No restrictions are necessary
- Bad for business- not necessary/Staff will be very badly affected
- Too restrictive/Signs are ugly
- Businesses should have permits too/staff will leave their employment
- Residents are not making any effort to accommodate their parking on site
- There is no problem in the street
- Council should provide more parking
- There are too many signs around already- it's unattractive
- I have carers who would be unable to park near my house
- This would not be convenient. Residents are having too many restrictions placed on them
- There may be a problem, but that's part of city living!!
- Parking for guests is limited
- There is no parking issue here and we don't want the Glory restrictions either
- This is wasteful
- Problem is in the evenings. Restrictions should be until midnight

- Not enough permits for the household
- More Council owned parking should be provided
- There is no parking problem here- restrictions would be an inconvenience
- This will prevent me from entertaining at home
- Having to use permits will be very awkward and inconvenient
- I do not want my street changed in this way- residents are coping well
- There is plenty of parking during the day time- this is just revenue raising
- I'm happy with the current arrangements
- This will cause hardship for my family who visit often and stay all day
- There is no problem in the street- it'll be a hassle
- Night times are the worst, particularly Fri and Sat
- Please have as few signs as possible
- A three hour restriction would be better
- Why Saturday morning restrictions
- Remove all restrictions from the street
- Strongly opposed - has a large family who visit frequently for long periods
- No restrictions after 6pm
- Doesn't want restrictions and wants Glory restrictions removed as well
- There is no problem here at present (*repeated many times*)
- Not fair to residents- no real problem in the street
- Would like weekend and night restrictions to eliminate patron parking at Luxe
- It will be inconvenient and will deter visitors
- There is no problem in this street
- Will have a negative impact on business in the area
- Suggest a multi story car park in the area
- Continue until 10pm Fri and Sat
- There is no problem in this street
- Staff will have no where to park and patients need up to 4 hours
- More visitors passes required
- What about the students at TAFE
- I have not seen any problem in this street
- This is going overboard- let people park where they want to

Officers' Comments

The response to the consultation yielded some surprising results.

Only 11% of those canvassed were supportive of the introduction of time restrictions.

About 9.5% opposed the proposal however the weight of sentiment was not evenly spread across the entire consultation area, with some areas feeling more of the affects of parking in their streets than others.

Streets that historically have drawn the greatest number of complaints from residents, such as Mary Street and Harold Street drew only 10% and 11.5% "Yes" responses respectively and only about *one in four* residents in these two streets was motivated to return the questionnaires.

Several of the responses from Harold Street residents expressed concerns about how the needs of TAFE students would be addressed if time restrictions were introduced.

From the comments received, the following issues represent a common thread of concern:

- Where will staff from the various businesses be able to park?
- There will be a negative impact on business in the area.
- There is not enough public parking available (should restrictions be implemented).
- There is not a problem now.
- Against the proliferation of signs.
- Too restrictive.
- Not a problem in the day only at night and weekends.
- Should restrictions be implemented there are not enough residential and visitors permits made available

Staff Parking / Public Parking

Currently, staff from the various businesses need to park somewhere. While public transport may be an option for some it is not for others. Some minimal parking is available on site however the majority of employees park on streets. Wholesale restrictions without the provision of additional all day parking facilities (paid) would be untenable for the majority of business in the area.

Barlee Street Carpark

At the Ordinary Meeting of Council held on 8 March 2005, the Council approved the re-introduction of a day time parking fee in the Barlee Street carpark. The Manager for Ranger Services and Community Safety has confirmed that monthly tickets will be made available for the sum of \$65.00 however no more than 40% of this car park will be made available for the issue of such permits. This equates to about 19 bays out of the 47bays.

Similarly, 14 bays out of the 95 bays are available for monthly permits in the Raglan Road Car Park, and 23 bays out of the 56 bays are available for monthly permits in the Chelmsford Road Car Park.

Since the majority of these permits have already been allocated, staff or students relying on vehicular transport during the 'day time' restriction period, will be competing for the 19 spaces that will be made available in the Barlee Street Car Park.

Night time / Weekend restrictions

The need for night time and weekend restrictions was raised by some respondents. This would have an adverse affect on the Beaufort traders and could only seriously be considered, again, should adequate additional public parking be provided in the area.

Residential and Visitor parking permits

Some respondents indicated that not enough permits would be provided should restrictions be implemented. The following conditions apply to the issue of exemption permits.

In the case of a single dwelling

- *All residents/visitors/businesses must comply with the restrictions. Where there are no facilities to park a vehicle within the property boundary, residents will be eligible to apply for Residential Parking Permits, which will exempt them from the time restriction*

- *Generally, a maximum of two (2) Residential Permits will be issued to any property with no off-street parking. If off-street parking can be provided for one vehicle, only one Residential Parking Permit will be issued.*
- *A maximum of two (2) Visitors Parking Permits can be issued to each property.*
- *Businesses are precluded from issue of exemptions from restrictions.*
- *Exemptions will not be issued where residents could provide off street parking but choose not to.*

In the case of a unit development

- *All residents/visitors/businesses must comply with the restrictions. Where there are no facilities to park a vehicle within the property boundary, residents will be eligible to apply for a Residential Parking Permit, which will exempt them from the time restriction*
- *Generally, a maximum of one (1) Residential Permit will be issued to any property with no off-street parking. If off-street parking can be provided for one vehicle, no Residential Parking Permit will be issued.*
- *A maximum of one Visitors Parking Permit can be issued to each property.*

Enforcement

Enforcement of the proposed restrictions will be undertaken by Rangers as part of their normal duties. However, since enforcement of these restrictions will be in addition to their existing workload, there is likely to be a corresponding slight reduction in the frequency of their attendance at all restricted areas. Initially, there will be a need to spend a substantial amount of time in these newly restricted areas, but this will be reduced as drivers become aware of the restrictions.

Pier Street, Brewer Street and the Stadium Car Park

This matter was considered by the Council at its Ordinary Meeting held on 13 July 2004 where the amendment to the fee structure was deferred pending further information and that other means of promotion of the car park "eg signage" was to be adopted. Additional signage, was implemented

The recommendation for the Ordinary meeting of Council held on 13 July 2004, was as follows:

That the Council;

- (i) *APPROVES the following for a twelve (12) month trial period commencing in July 2004:*
 - (a) *an amended fee-structure for the ticket machines in The Stadium Car Park, situated at No. 310 Pier Street, Perth, from the current 80 per hour to a maximum daily fee of \$4.40, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public;*
 - (b) *an amended fee-structure for the ticket machines on the north side of Brewer Street, between Lord Street and Pier Street, Perth, from the current 80 per hour to a maximum daily fee of \$4.40, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public;*

- (c) *an amended fee-structure for the ticket machines in Pier Street, between Brisbane Street and Brewer Street, Perth, from the current \$1 per hour to a maximum daily fee of \$4.40, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public;*
 - (d) *an amended fee-structure for the ticket machines in the median area of Stirling Street, between Parry Street and Brisbane Street, Perth, from the current 80 cents per hour to a maximum daily fee of \$4.40, to 35 cents per hour to a maximum of \$2.00 per day, to encourage better usage by the public; and*
 - (e) *an amended fee-structure for the ticket machines on the north side of Stuart Street, Perth, from the current 80 cents per hour to a maximum daily fee of \$4.40, to 35 cents per hour to a maximum of \$2.00 per day, to address the concerns from the businesses in Stuart Street and to encourage usage; and*
- (ii) *RECEIVES a further report on the matter at the conclusion of the twelve (12) month trial period in July 2005.*

It is proposed that the fees in some of the above parking areas be implemented for a one year trial period.

The reduction in the fees in these carpark, should result in an increased usage rate, but many of the "new" patrons are likely to be staff from businesses in the City of Perth Area.

It may also encourage some staff, who currently use Stirling Street paid parking areas and Brisbane Street Car Park, to relocate to Pier St, Brewer St and the Stadium Car Park, because it will be cheaper. Over time, in the same way as did the free parking in Barlee Street Car Park, this may generate complaints from local businesses and the matter will need to be re-visited.

Smith and Wright Streets

Smith and Wright Streets will be assessed in conjunction with public consultation following resolution of the Beaufort Street proposal and the effects of any proposed amendments to the maximum daily parking fee in Pier Street and Brewer Street. These ticket parking areas are currently barely patronized, and it has been suggested that a reduced maximum fee may assist in attracting parkers who are now prepared to walk the additional distance from Smith and Wright Streets.

CONSULTATION/ADVERTISING:

Because this proposal recommends an alteration to the advertised fee structure for the Pier Street, Brewer Street and the Stadium Car Park, there will be a need to advertise the changes.

LEGAL/POLICY:

There are no legal impediments associated with this proposal and Rangers would enforce the Parking Restrictions as they do in all other areas of the Town. The Town will need to advertise the changed fee structure, because the existing structure was advertised as part of the 2004/5 Budget process.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2005-2010 Key Result Area 1.4(i) *"Develop a strategy for parking management in business, residential and mixed use precincts.*

FINANCIAL IMPLICATIONS:

The cost to implement the proposal as recommended is estimated to be \$4,500. The cost to implement the entire proposal as outlined on Plan No. 2121-CP-5 and the attached schedule, is in the order of \$15,000 to \$20,000.

COMMENTS:

The 'Beaufort Parking Plan' has been on the agenda for some considerable period of time and has been subjected to various reports to Council, public meetings, community consultation and a Council forum.

The most recent community consultation revealed that not all residents are in favour of time restrictions with various comments stating that things should be left as they are. Other comments related to problems in the evening and weekends only, while businesses raised concerns regarding staff parking and the adverse impact of their businesses. Other residents raised the issue of residential parking permits and a few raised residential only parking.

However the Town did not receive a response from the majority of letters distributed i.e. of the 1,432 letters (with reply paid envelopes attached) 1,150 letters were NOT responded to.

Of the responses received there was almost a 50/50 split in those for and against.

After considering the responses and issues raised the officers have recommended that restrictions are appropriate in certain locations i.e. in the vicinity of paid public parking facilities i.e. Barlee Street carpark, however at present, they would not be appropriate in other streets until the provision of additional paid public parking is further investigated as it is considered that the need of residents and others must be balanced with the demands on parking in what are "public streets" in a mixed residential and commercial area.

Attachment 1 - Community consultation results

Column A

This indicates the streets surveyed with:

- number of letters sent out / number of responses received.

Columns B and C

These relate to whether the respondent was *in favour* of the restrictions in their street. The number of "Yes" and "No" responses is also expressed as a percentage of households/premises in that particular street.

Columns D and E

These relate to the respondents response to the over all (O/A) proposal, and are also expressed as percentages in the same manner as B and C.

Column F

This shows the return rate expressed as a percentage of letters distributed in that street.

A	B	C	D	E	F	G
STREET NAME	YES	NO	YES overall	NO overall	% return	COMMENTS
Barlee Street 31/10	6(19%)	4(13%)	6(19%)	3(10%)	32%	Can additional visitors permits be issued for parties etc visitors permits have been abused in other districts No restrictions are necessary
Beaufort Street (Lincoln/Bulwer) 10/2	2(20%)	nil	1(10%)	1(10%)	20%	Staff will be very badly affected
Beaufort Street (Broome/Lincoln) 51/6	4(8%)	2(4%)	3(6%)	2(4%)	12%	Bad for business- not necessary Too restrictive
Beaufort Street (Harold/Chatsworth) 36/5	1(3%)	4(11%)	1(3%)	nil	14%	Businesses should have permits too- staff will leave their employment will staff have free parking in Barlee Street car park
Beaufort Street (Barlee/Harold) 28/3	2(7%)	1(4%)	3(11%)	nil	11%	Commuters fill the Barlee St car park
Beaufort Street (Walcott/Barlee) 26/3	2(8%)	1(4%)	2(8%)	nil	12%	Residents are not making any effort to accommodate their parking on site
Broome Street (Smith/Lord) 53/10	4(8%)	6(11%)	6(11%)	3(6%)	19%	Where will students park? There is no problem in the street Council should provide more parking

A	B	C	D	E	F	G
STREET NAME	YES	NO	YES overall	NO overall	% return	COMMENTS
						There are too many signs around already- it's unattractive
Broome Street (Beaufort/Smith) 19/1	nil	1(5%)	1(5%)	nil	5%	Bureaucratic inconvenience- far too restrictive
Cavendish Street 19/12	7(24%)	5(17%)	8(28%)	4(14%)	41%	I have carers who would be unable to park near my house this would not be convenient. Residents are having too many restrictions placed on them There may be a problem, but that's part of city living We want Sunday restrictions
Chatsworth Road 55/15	6(11%)	8(15%)	12(22%)	1(2%)	27%	Parking for guests is limited There is no parking issue here and we don't want the Glory restrictions either This is wasteful The Hyde Park festival is the only time we have problems with parking Night parking is the problem- a three hour restriction in place until 9.30 would be better Restrictions should be until midnight About time
Clarence Street 43/13	7(16%)	6(14%)	5(12%)	5(12%)	30%	Problem is in the evenings Not enough permits for the household Wants residents only on one side Concerned about soccer at Forrest Park
Court Street 14/6	5(36%)	1(7%)	5(36%)	1(7%)	43%	This is a problem for residents More Council owned parking should be provided
Gerald Street 8/4	2(25%)	2(25%)	2(25%)	2(25%)	50%	I often have trouble finding close parking There is no parking problem here- restrictions would be an inconvenience

A	B	C	D	E	F	G
STREET NAME	YES	NO	YES overall	NO overall	% return	COMMENTS
						This will prevent me from entertaining at home Saturdays and Sundays are the problem times It would cost me money to provide off street parking Having to use permits will be very awkward and inconvenient Signs are ugly
Grant Street 9/1	nil	1(11%)	nil	1(11%)	11%	I do not want my street changed in this way- residents are coping well
Harley Street 34/11	7(21%)	4(12%)	8(24%)	3(9%)	32%	No problem in this street wants night and weekend restrictions
Harold Street (Vincent/Beaufort) 13/3	1(8%)	1(8%)	2(15%)	nil	23%	We want our side of the street to be residents only We require one more permit than is allocated
Harold Street (Beaufort/Curtis) 47/11	5(11%)	4(9%)	7(15%)	3(6%)	23%	Would prefer weekend and evening restrictions there is no problem in daytime
Harold Street (Curtis/Lord) 25/6	4(16%)	2(8%)	4(16%)	2(8%)	24%	There is plenty of parking during the day time- this is just revenue raising I'm happy with the current arrangements
Lincoln Street (Beaufort/Smith) 30/11	8(27%)	3(10%)	8(27%)	1(3%)	37%	There is no parking problem in the street This will cause hardship for my family who visit often and stay all day
Lincoln Street (William/Beaufort) 131/15	10(8%)	4(3%)	10(8%)	3(2%)	11%	The time is too short My flat doesn't have parking x 2 Why include Saturdays

A	B	C	D	E	F	G
STREET NAME	YES	NO	YES overall	NO overall	% return	COMMENTS
Lincoln Street (Smith/Lord) 30/14	8(27%)	5(17%)	8(27%)	2(7%)	46%	There is no problem in the street- it'll be a hassle Will there be more signage
Mary Street 60/14	6(10%)	7(12%)	10(17%)	3(5%)	23%	Night times are the worst, particularly Fri and Sat Residents restrictions are not solving the problem Restrictions should be every day of the week Please have as few signs as possible Sacred Heart School needs 10 permits Athree hour restriction would be better Why Saturday morning restrictions Remove all restrictions from the street
McCarthy Street 5/3	2(44%)	1(20%)	2(40%)	nil	60%	There is no problem in this street
Roy Street 20/4	3(15%)	1(5%)	2(10%)	1(5%)	20%	Strongly opposed - has a large family who visit frequently for long periods
Smith Street (Harold/Broome) 40/12	5(13%)	7(17%)	4(10%)	3(7%)	30%	No restrictions after 6pm There is no problem here in this street Doesn't want restrictions and wants Glory restrictions removed as well This is inconvenient for cleaning and gardening employees
Smith Street (Broome/Lincoln) 211/21	16(8%)	5(2%)	16(8%)	3(14%)	10%	I would prefer a 3 hour restriction There is no problem here at present
St Albans Avenue 16/7	5(31%)	2(12%)	5(31%)	2(12%)	43%	Not fair to residents- no real problem in the street Would like weekend and night restrictions to eliminate patron parking at Luxe

A	B	C	D	E	F	G
STREET NAME	YES	NO	YES overall	NO overall	% return	COMMENTS
Stirling Street (Broome/Lincoln) 90/6	3(3%)	3(3%)	4(4%)	2(2%)	7%	It will be inconvenient and will deter visitors
Stirling Street (Harold/Broome) 32/5	2(6%)	3(9%)	4(12%)	nil	16%	Our church will be adversely affected. We need at least 3 hour limit. Please introduce angle parking
Stirling Street (Lincoln/Bulwer) 91/10	9(10%)	1(1%)	10(11%)	nil	11%	No restrictions on weekends, and no restrictions on residents permits there is no problem in this street
Turner Street 11/3	2(18%)	nil	3(27%)	nil	27%	TAFE students are the biggest problem
Vincent Street 59/23	13(22%)	8(14%)	13(22%)	5(8%)	39%	will have a negative impact on business in the area suggest a multi story car park in the area continue until 10pm Fri and Sat there is no problem in this street staff will have no where to park and patients need up to 4 hours
Wright Street (Broome/Lincoln) 61/8	6(10%)	2(3%)	7(11%)	nil	11%	more visitors passes required what about the students at TAFE There are no parking problems in this part of Wright Street I have not seen any problem in this street
Wright Street (Harold/Broome) 14/4	2(14%)	2(14%)	2(14%)	2(14%)	29%	This is going overboard- let people park where they want to

Attachment 2

Proposal 5:

BEAUFORT STRIP PARKING PLAN 5 – SCHEDULE				
Street	Section	Existing	Proposed	Comment
Beaufort Street	Bulwer to Lincoln (West)	Bus Zone + unrestricted zone + 10minute zone + unrestricted pm Clearway	Bus Zone + 2 hour restriction + 10minute zone + 2 hour restriction pm Clearway	Extension from Proposal 4
	Bulwer to Lincoln (East)	Unrestricted + 10 minutes zone + loading zone + unrestricted Am Clearway	2 hour restriction + 10 minutes zone + loading zone + 2 hour restriction Am Clearway	Extension from Proposal 4
	Lincoln to St Albans (West)	Unrestricted + Bus Zone + Unrestricted pm Clearway	2 hour time limit 8am until 4.15pm Mon-Fri. 8am -12noon Sat + Bus Zone + 2 hour limit 8am – 4.15 Mon-Fri, 8am -12noon Sat am Clearway	Extension from Proposal 3
	Lincoln to Broome (East)	Unrestricted + Bus Zone + Unrestricted am Clearway	2 hour time limit 9am until 5.30 Mon- Fri. 8am -12noon Sat + Bus Zone + 2 hour limit 9am – 5.30 Mon-Fri, 8-12noon Sat am Clearway	Extension from Proposal 3
	St Albans to Chatsworth (West)	Unrestricted + pm Clearway	2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + pm Clearway	
	Chatsworth to Mary (West)	Bus Zone + 1 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + pm Clearway	Bus Zone + 2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + pm Clearway	
	Mary to Harold (West)	1 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Loading Zone/Taxi + pm Clearway	2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Loading Zone/Taxi + pm Clearway	
	Broome to Harold (East)	Bus Zone + 15min + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Loading Zone/Taxi + 15 min limit + am Clearway	Bus Zone + 15min + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Loading Zone/Taxi + 15 min limit + am Clearway	
	Harold to Vincent (West)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Bus Zone + pm Clearway	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Bus Zone + pm Clearway	
	Harold to Clarence (East)	Bus Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	Bus Zone + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	
	Vincent to Chelmsford (West)	No Stopping	No Stopping	
	Clarence to Barlee (East)	No Stopping	No Stopping	
	Chelmsford to Grosvenor (West)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Bus Zone + pm Clearway	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Bus Zone + pm Clearway	
	Barlee to Walcott (East)	1 hour limit 8am-5.30pm Mon-Fri,	2 hour limit 8am-5.30pm Mon-Fri,	

BEAUFORT STRIP PARKING PLAN 5 – SCHEDULE				
Street	Section	Existing	Proposed	Comment
		8am-12noon Sat + am Clearway	8am-12noon Sat + am Clearway	
	Grosvenor to Walcott (West)	No Stopping	No Stopping	
Grosvenor Road	Beaufort to Hutt (North)	Taxi Zone + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	Taxi Zone + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Hutt (South)	1 hour limit + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Chelmsford Road	Beaufort to Hutt (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	
	Beaufort to Hutt (South)	Loading Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	Loading Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	
Vincent Street	Beaufort to Harold (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Harold (South)	15 min limit + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	15 min limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 3 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Harold Street	Beaufort to Vincent (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-5.30pm & 6.30 Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent commercial and 6.30 adjacent residential
	Beaufort to Vincent (South)	Loading Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	Loading Zone + 1 hour limit 8am-5.30pm & 6.30 Mon-Fri, 8am-12noon Sat + 3 hour limit/pick up drop off zone + 3 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Mary Street	Beaufort to William (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted + 15 min limit + unrestricted	1 hour limit 8am-5.30pm & 6pm Mon-Fri, 8am-12noon Sat + 3 hour limit/pick up drop off zone 8am-6.30pm Mon-Fri, 8am-12noon Sat + 15 min limit + 3 hour limit + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
	Beaufort to William (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Residents Only Zone	1 hour limit 8am-5.30pm & 6pm Mon-Fri, 8am-12noon Sat + Residents Only Zone	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Chatsworth Road	Beaufort to William (North)	15 min limit + unrestricted	15 min + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Extended from proposal 3
	Beaufort to William (South)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Extended from proposal 3
St Albans Avenue	Beaufort to Cavendish (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	

BEAUFORT STRIP PARKING PLAN 5 – SCHEDULE				
Street	Section	Existing	Proposed	Comment
	Beaufort to Cavendish (South)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Broome Street	Beaufort to Stirling (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Stirling (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Acrod Parking + unrestricted	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Stirling to Smith (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Stirling to Smith (South)	unrestricted	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Smith to Wright (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Additional to from proposal 4
	Smith to Wright (South)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Additional to proposal 4
	Wright to Lord (North)	Unrestricted + fifteen min 8am - 5.30pm Mon -Fri + 2 hour limit 8am-5.30pm Mon-Fri 8am-12noon Sat	2 hour limit 8am - 6.30pm Mon-Fri + fifteen min + 2 hour limit 8am-5.30pm Mon-Fri 8am-12noon Sat	Additional to proposal 4
	Wright to Lord (South)	unrestricted	2 hour limit 8am - 6.30pm Mon- Fri + 8am - 12noon Sat	Additional to proposal 4
Harold Street	Beaufort to Smith (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted + ½ hour limit	1 hour limit 8am-5.30pm & 6.30 pm Mon-Fri, 8am-12noon Sat + ½ hour limit	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
	Beaufort to Stirling (South)	unrestricted	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Stirling to Smith (South)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Smith to Lord (North)	3 hour at all times + 3 hour limit 8am-5.30pm Mon-Fri 8am-12noon Sat, + loading zone + 1hour limit 8am-5.30pm Mon-Fri + fifteen min 8-5.30 Mon-Fri	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Smith to Lord (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Clarence Street	Beaufort to Curtis (North)	15 min limit + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	15 min limit + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Curtis (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-5.30pm & 6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Barlee Street	Beaufort to Roy (North)	unrestricted	1 hour limit 8am-5.30pm & 6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential

BEAUFORT STRIP PARKING PLAN 5 – SCHEDULE				
Street	Section	Existing	Proposed	Comment
	Roy to Gerald (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Gerald to Curtis (north)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Curtis (South)	unrestricted	1 hour limit + 2 hour limit 8am-5.30pm & 6.30 Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Roy Street	Barlee to Walcott (West)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Barlee to Walcott (East)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Gerald Street	Barlee to Walcott (West)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Barlee to Walcott (East)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Stirling Street	Broome to Harold (West)	unrestricted + Bus Zone + unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + Bus Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Broome to Stirling (East)	unrestricted + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Lincoln to Broome (West)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Lincoln to Broome (East)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Bulwer to Lincoln (West)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Additional to Proposal 4
	Bulwer to Lincoln (East)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Extension from Proposal 4
Smith Street	Broome to Harold (West)	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Broome to Harold (East)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Lincoln to Broome (West)	unrestricted	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Lincoln to Broome (East)	unrestricted	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	

BEAUFORT STRIP PARKING PLAN 5 – SCHEDULE				
Street	Section	Existing	Proposed	Comment
Lincoln Street	Beaufort to William (North)	Unrestricted + 30 min 8am-5.30pm Mon-Fri, 8am-12noon Sat+ unrestricted + 15 min, 8am-5.30pm Mon-Fri, 8am-12noon Sat	2 hour limit 8am-6.30pm Mon-Fri, 8am – 12noon Sat + 30 Min 8am – 5.30pm Mon – Fri + 8am – 12noon Sat + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + fifteen Min 8am-5.30 Mon-Fri, 8am-12noon Sat	Proposal 4 inclusion
	Beaufort to William (South)	Unrestricted + 15min pick up and drop off(school zone) + unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am – 12noon Sat + 15 Min (school zone) at + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Proposal 4 inclusion
	Beaufort to Wright (North)	unrestricted	2 hour limit 8am - 6.30pm Mon-Fri + 8am-12noon Sat	Additional to Proposal 4
	Beaufort to Wright (South)	unrestricted	2 hour limit 8am - 6.30pm Mon-Fri + 8am-12noon Sat	Additional to Proposal 4
	Wright to Lord (North)	Unrestricted + 30 min Zone	2 hour from 8am - 6.30pm Mon-Fri + 8am-12noon Sat + 30min from 8am-5.30pm Mon-Fri + 8am-12noon Sat	Additional to Proposal 4
	Wright to Lord (South)	Unrestricted + 1 Hour From 8am - 5.30pm Mon - Fri + 8am - 12 noon Sat + Loading Zone from 8am-5.30pm Mon-Fri + 8am-12noon Sat	2 hour from 8am-6.30pm Mon-Fri + 8am-12noon Sat + Loading Zone 8am - 5.30pm Mon-Fri + 8am-12noon Sat	Additional to Proposal 4
Harley Street	Lincoln to Chatsworth (West)	Unrestricted	2 hour parking 8am-6.30pm Mon-Fri, 8am-12noon Sat	Proposal 4 inclusion
	Lincoln to Chatsworth (East)	Unrestricted	2 hour parking 8am-6.30pm Mon-Fri, 8am-12noon Sat	Proposal 4 inclusion
Cavendish Street	Lincoln to Chatsworth (West)	Unrestricted	2 hour parking 8am-6.30pm Mon-Fri, 8am-12noon Sat	Proposal 4 inclusion
	Lincoln to Chatsworth (East)	Unrestricted	2 hour parking 8am-6.30pm Mon-Fri, 8am-12noon Sat	Proposal 4 inclusion

At 8.50pm the Presiding Member adjourned the meeting for 5 minutes.

At 8.59pm the meeting resumed with Mayor Catania, Crs Chester, Cohen, Doran-Wu, Farrell, Ker and Lake, Chief Executive Officer – John Giorgi, Executive Manager Environmental & Development Services – Rob Boardman, Executive Manager Technical Services – Rick Lotznicher, Executive Manager Corporate Services – Mike Rootsey, Minutes Secretary – Annie Smith and 1 member of the public in attendance.

Cr Torre was absent from the Chamber.

10.2.3 Review of Current Policies Pertaining to the Use and Obstruction of Footpaths

Ward:	Both	Date:	16 March 2004
Precinct:	All	File Ref:	TES0141 & TES0310
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the review of the Town's current Policies pertaining to the use and obstruction of footpaths;*
- (ii) *NOTES that an in-house working group will be convened to review the Town's current policies; and*
- (iii) *RECEIVES a further report at the conclusion of the review, to be presented no later than May 2005.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to a new clause (iv) being inserted as follows:

“(iv) CONSIDERS the restriction of access created by the installation of signage barriers around alfresco areas.”

Debate ensued.

CARRIED (7-0)

(Cr Franchina was an apology. Cr Torre was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report on the review of the Town's current Policies pertaining to the use and obstruction of footpaths;*
- (ii) *NOTES that an in-house working group will be convened to review the Town's current policies;*

- (iii) *RECEIVES a further report at the conclusion of the review, to be presented no later than May 2005; and*
- (iv) *CONSIDERS the restriction of access created by the installation of signage barriers around alfresco areas.*
-

BACKGROUND:

At its Ordinary Meeting of 13 May 2003 the Council adopted the following notice of motion seeking a review of the Town's various footpath related policies.

"That the Chief Executive Officer be requested to provide a report to Council on the following;

- (i) *Council policies relating to the use of footpath space;*
- (ii) *the effectiveness of these policies, including their implementation and enforcement, with particular reference to the maintenance of the primary movement function of footpaths for all users including people with disabilities; and*
- (iii) *potential improvements to Council's policies, implementation and enforcement."*

The Town currently has a range of Policies, Local Laws, Engineering Development Approval Conditions and Permit Conditions governing the use and obstruction of footpaths.

DETAILS:

Policies

The Town currently has six (6) adopted Policies which relate specifically to footpaths, and two (2) *Access and Equity* (1.1.9) and *Crossovers* (2.2.10) which have either a direct, implied, and in the case of *Access and Equity*, legal implications, upon the use, obstruction and accessibility of footpaths.

Corporate Services

- 1.1.9 Access and Equity. Adopted June 2002.

Technical Services

- 2.2.6 Memorial Footpath Plaques. Reviewed October 2003.
- 2.2.7 Footpaths - Upgrading of: Reviewed November 2003.
- 2.2.8 Footpath Protection Adjacent to Open Car Sales Yards. Reviewed August 2003.
- 2.2.9 Reinstatement of Roads & Footpaths. Reviewed October 2003.
- 2.2.10 Crossovers. Reviewed November 2003.

Environmental Development Services

- 3.8.1 Alfresco Dining. Reviewed September 2002.
- 3.9.11 Display of Items on a Footpath. Amended February 2001.

Policies 2.2.6 Memorial Footpath Plaques, 2.28 Footpath Protection Adjacent to Open Car Sales Yards, 3.8.1 Alfresco Dining and 3.9.11 Display of Items on a Footpath are subject specific and (other than Memorial Footpath Plaques) are further protected by provisions in the Local Laws.

In respect of Memorial Footpath Plaques (2.2.6) the Town receives very few applications to install memorial footpath plaques and the impact (of installing a plaque), which can only be done under the Town's supervision, on pedestrian access and/or safety is minimal.

Developments

While the Town imposes all, or some of the following, standard Engineering condition on all approved Development Applications (each application is assessed individually) it has become apparent that many developers/builders either deliberately or inadvertently ignore the basic requirement to maintain safe pedestrian access.

Further, while there is a requirement for the applicant to lodge a bond to ensure that the path of travel is maintained during construction and/or reinstated at the conclusion of the works, in many instances if the developers renege on their obligations, the bond is not enough to reinstate the footpath to the required standard. This has lead to occasions where the developers have deliberately forfeited their bond in the knowledge that the Town will be left to fund the difference.

E 12 *A non refundable footpath upgrading fee of \$..... to cover half the cost of construction of a new concrete/brickpaved footpath adjacent to the subject land shall be paid prior to the issue of a Building Licence.*

E 13 *In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$..... shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing.*

E 14 *A Road and Verge security bond or bank guarantee of \$550/\$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable.*

E 15 *All pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels.*

E 16 *All new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's Standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be*

constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to crossover approval. Application for the refund of the bond must be submitted in writing.

- E 20 *The movement of all path users, with or without disabilities, within the road reserve shall not be impeded during building works. The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised by either construction damage or a temporary obstruction then appropriate warning signs (in accordance with AS1742.3) are to be erected. If a continuous path cannot be maintained, temporary pedestrian facilities suitable for all users shall be installed. Prior approval must be obtained from the Town's Technical Services Division if scaffolding, site fencing or the like is to be erected, or building materials stored, within the road reserve.*
- E 24 *Standard visual truncations, in accordance with the Town's policy and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised.*

Permits for Works/Placement in the Road Reserve

Once a Development has been approved by Council and the applicant has commenced construction, it is common practice for builders to apply for a permit to utilise the verge and/or obstruct the footpath, usually on the pretext of public safety.

When a permit application is received, a site inspection is undertaken and some, or all, of the following conditions (specific to footpaths and pedestrian access) are applied. The applicant is required to provide a written acceptance of the imposed conditions prior to a permit being issued.

- *24 hours notice between Monday and Friday must be given prior to the operation due date.*
- *The area of operation must be adequately signed and barricaded from vehicles and pedestrians. Full temporary signage is to be in place when lane is obstructed in accordance with AS 1742.3 1996.*
- *The Town is to be indemnified against any claim or action arising from the operation.*
- *Barricades must be used to provide safe movement of pedestrians, together with safe access for pedestrians being provided at all times.*
- *The movement of all path users, with or without disabilities, within the road reserve shall not be impeded during building works.*
- *The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.5 metres) shall be maintained for all users at all times during construction works.*

Note: *If the safety of the path is compromised by either construction damage or a temporary obstruction, then appropriate warning signs (in accordance with AS1742.3) are to be erected. If a continuous path can not be maintained, temporary pedestrian facilities suitable for all users shall be installed. Prior approval must be obtained from the Executive Manager Technical Services if scaffolding, site fencing or the like is to be erected, or building materials stored, within the road reserve.*

- *The requirement of the Police Traffic Branch **must** be complied with.*
- *The requirements of the Work Safe Western Australia **must** be complied with at all times.*
- *Full protection to footpath under outriggers must be provided.*
- *Bin must be placed adjacent to kerbline on verge with footpath to remain clear of obstruction and available for pedestrian use at all times.*
- *The bin must have flashing amber lights or other approved reflective device placed at either end and be lit from dusk to dawn every night.*
- *No material is to be placed adjacent to the bin, all rubbish must be contained within the bin, the bin is to be immediately emptied once full.*
- *Any damage to road or footpath must be repaired at the applicant's expense in accordance with the Town's specifications within 24 hours.*
- *The Town reserves the right to request immediate removal of the bin without prior notice at anytime.*

The Role of the Development Liaison Officer

The Development Liaison Officer's responsibilities in respect of Engineering Outcomes is very succinct:

Ensure Compliance with the following matters:-

- Engineering Development Approval and Building Licence Conditions (in liaison with Technical Services)

The role of the Development Liaison Officer has evolved over the past twelve months and the incumbent has been far more proactive in pursuing errant builders. Further, the power of the position to issue Infringement Notices has recently been established which will in future ensure improved compliance.

However, with the recent resignation of the incumbent, Environmental Development Services are currently reviewing the Position Description and Matrix for the Development Liaison Officer.

CONSULTATION/ADVERTISING:

N/A

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.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

With the significant amount of development currently occurring within the Town, it has become apparent that some developers and/or builders show scant regard for maintaining safe pedestrian access in the vicinity of their sites. Further, while Local Government has powers, under various Local and State Laws, to safe guard against errant practices, those who disregard the Engineering Development Approval Conditions and Permit Conditions are aware that Local Government are reluctant to use these powers as litigation can be costly and time consuming.

However, it is generally agreed that the Town needs to establish a more effective mechanism and framework to ensure full pedestrian access is maintained in the vicinity of developments.

While many of the Development Approval conditions are imposed as *Engineering Conditions*, Technical Services has very few direct powers under the Local Government Act and Road Traffic Act to ensure compliance and is largely reliant upon the legislative powers of Environmental Development Services, i.e. Local Laws, Building Codes and Environmental Health legislation as well as Commonwealth and State legislation in relation to Equal Opportunity and Disability Access.

Therefore, it is recommended that an in-house working group be established to review the existing Policies (in respect of footpaths) and look at developing new polices. Specifically Technical Services, so as to enshrine the existing Engineering Development Approval Conditions and Permit Conditions in policy and ultimately develop an over arching Policy Document linking all the existing and proposed footpath related policies. Further, to consider establishing new Local Laws, with appropriate penalties, and which empower relevant officers to issue infringement notices.

Code of Practice / Code of Conduct

Given that many industries now subscribe to self regulation to govern work practices and endeavour to be more receptive in response to community expectations and concerns, the in-house working group could also look at developing a voluntary **Code of Practice** or **Code of Conduct** governing builders, developer and service authority contractors working within the Town.

While it may not carry the same weight as the threat of legal action, be it infringement notices or fines, it may be a more effective means of ensuring they meet their moral and legal obligations.

10.4.2 Town of Vincent Local Law Relating to Dogs - Proposed Amendment to Create a Specific Dog Exercise Area in Les Lilleyman Reserve - Gazettal

Ward:	North	Date:	9 March 2005
Precinct:	P8	File Ref:	RES0001/LEG0009
Attachments:	001		
Reporting Officer(s):	J MacLean, A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That;

- (i) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Dogs as follows:*

**"DOG ACT 1976
TOWN OF VINCENT LOCAL LAW RELATING TO DOGS
AMENDMENT**

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 2004 to amend the principal Town of Vincent Local Law Relating to Dogs, published in the Government Gazette on 23 May 2000 and its amendment published in the Government Gazette on 5 December 2000 as follows:

1. *the Seventh Schedule being amended as follows:*
 - (i) *by inserting in column 1, the word "7"; and*
 - (ii) *by inserting in column 2, the words "The south portion of Les Lilleyman Reserve bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve "*

 2. *the Eighth Schedule being amended at item 3, by inserting in column 2, after the words "North Perth", the words "Except that portion of the reserve roughly bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve."; and*
- (ii) *the amendment be published in the Government Gazette.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Torre returned to the Chamber at 9.02pm.

CARRIED BY A SPECIAL MAJORITY (8-0)

(Cr Franchina was an apology.)

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved to amend the Town of Vincent Local Law Relating to Dogs to implement an “*all times*” dog free exercise area in Les Lilleyman Reserve.

DETAILS:

At the Ordinary Meeting of Council on 14 September 2004, Plan 2277-CP-1A (as shown in Appendix 10.4.2), showing a proposed 6,000 square metre portion of the reserve is proposed to be set aside as a dog exercise area.

To facilitate the creation of an unrestricted dog exercise area, it is necessary to add the proposed portion of the reserve to the Seventh Schedule and to annex the proposed portion of the reserve from the existing location description, in the Eighth Schedule of the Local Law.

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in the West Australian newspaper on 12 January and in a local paper on 15 January 2005. Letters were sent to all Precinct Group. At the close of consultation period on 4 March 2005 no submissions were received.

LEGAL/POLICY:

There will be no impediment to an amendment to the Local Law Relating to Dogs and the proposal complies with the Council decision on 14 September 2004.

STRATEGIC IMPLICATIONS:

The above is in keeping with KRA 2.5(f) of the Strategic Plan 2003 – 2008 “*Provide services for the control of animals within the Town*”.

FINANCIAL/BUDGET IMPLICATIONS:

Other than advertising costs, there will be no financial implications associated with this report.

COMMENTS:

This report ensures that the decision of the Council to approve an all-times dog free exercise area in Les Lilleyman Reserve can be implemented and enforced.

It is recommended that the proposed amendment be gazetted.

10.4.4 Confidential Report - Melbourne 2006 Commonwealth Games - Queen's Baton Relay - Town of Vincent Involvement

Ward:	Both	Date:	15 March 2005
Precinct:	All	File Ref:	CMS0104
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items to consider the confidential report, circulated separately to Elected Members for the Melbourne 2006 Commonwealth Games - Queen's Baton Relay - Town of Vincent Involvement.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

(Refer to page 185)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains commercially sensitive information and a requirement that a Confidentiality Agreement be entered into prior to information being considered by the Council.

LEGAL:

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

"2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –

- (i) to be treated as strictly confidential; and*
- (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

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

10.4.5 Confidential Report - No. 516 (Lot 5) Fitzgerald Street, North Perth - Variations to Planning Approval and Building Licence for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.

Ward:	North	Date:	16 March 2005
Precinct:	Norfolk; P10	File Ref:	PRO2368
Attachments:	-		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for No. 516 (Lot 5) Fitzgerald Street, North Perth - Variations to Planning Approval and Building Licence for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

(Refer to page 190)

DETAILS:

The Chief Executive Officer is of the opinion that this report is confidential due to the nature of the matters relating to the variations. A party involved in this matter has requested that their names remain confidential.

LEGAL:

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

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officers and Executive Managers.

10.4.8 Information Bulletin

Ward:	-	Date:	15 March 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 22 March 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Franchina was an apology.)

DETAILS:

The items included in the Information Bulletin dated 22 March 2005 are as follows:

ITEM	DESCRIPTION
IB01	Acknowledgement letter from the office of the Minister for Housing and Works in relation to Birdwood Square, Perth
IB02	Letter from Main Roads WA - Intersection of Oxford and Vincent Streets, Leederville
IB03	Department of Environment – Historical and Active Landfills and Waste Disposal Sites
IB04	State Administrative Tribunal - Respondent Statement - No. 28 (Lot 56) Monger Street, Perth
IB05	State Administration Tribunal - Respondent Statement - No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in Item 10.3.2. Mayor Catania departed the Chamber at 9.11pm and did not speak or vote on the matter.

Deputy Mayor – Cr Ker assumed the Chair.

10.3.2 Investment Report as at 31 January 2005

Ward:	Both	Date:	9 February 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2005, as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.2. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

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

DETAILS:

Total Investments for the period ended 31 January 2005 were \$10,300,617 compared with \$12,800,853 at 31 December 2004. At 31 January 2004, \$9,951,125 was invested.

Total accrued interest earned on Investments as at 31 January 2005:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	203,217	67.74
Reserve	297,300	215,776	72.58

COMMENT:

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

Mayor Catania returned to the Chamber at 9.12pm and assumed the Chair.

At 9.12pm Moved Cr Torre, Seconded Cr Ker

That the meeting proceed behind closed doors to consider the following Confidential Items:

- *10.4.4 Confidential Report - Melbourne 2006 Commonwealth Games - Queen's Baton Relay - Town of Vincent Involvement*
- *10.4.5 - Confidential Report - No. 516 (Lot 5) Fitzgerald Street, North Perth - Variations to Planning Approval and Building Licence for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House*
- *10.4.6 - Proposed Stage 2 Redevelopment - Members Equity Stadium, 310 Pier Street, Perth - Progress Report No. 4 - Part Confidential Report - To Consider the Town's Requirements, Conditions and Expectations*

CARRIED (8-0)

(Cr Franchina was an apology.)

(Refer Page 178)

10.4.4 Melbourne 2006 Commonwealth Games - Queen's Baton Relay - Town of Vincent Involvement

Ward:	Both	Date:	15 March 2005
Precinct:	All	File Ref:	CMS0104
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the Melbourne 2006 (M2006) Queen's Baton Relay will travel through the Town of Vincent in February 2006;*
- (ii) *AUTHORISES the Chief Executive Officer to carry out all necessary works and promotions (in liaison with the Mayor) to facilitate the M2006 Queen's Baton Relay by authorising the purchase of promotional materials such as official banners, additional bins, and road closures where necessary, for the benefit of the local community; and*
- (iii) *NOTES that an amount of \$5,000 will be included in the Draft 2005/2006 Budget under "Street Parades and Festivals".*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Franchina was an apology.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

BACKGROUND:

The Town's Chief Executive Officer has recently received confidential correspondence that the M2006 Queen's Baton Relay will be travelling through the Town of Vincent in February 2006.

The M2006 Commonwealth Games Corporation (M2006) will be responsible for this event and has requested that all persons involved with this project sign a "Deed of Confidentiality" agreement and that all information relating to this event remain confidential until approval has been granted for it to be made public.

Whilst the Town has been advised that the Queen's Baton Relay will be coming through the Town of Vincent in February, the specific route and times have not been disclosed at this stage. An indicative date has been set at 18 February 2006, however this is subject to confirmation.

The baton will be carried around Australia and will visit all States and Territories by approximately 3,500 runners.

Role of M2006

M2006 is responsible for staging the Australian sector of the Queen's Baton Relay in 2006. M2006 undertakes to stage the Queen's Baton Relay within the Council's local government area with the principle objectives of showcasing the local government area and surrounding region, involving the community and promoting the Games.

Responsibilities of M2006

M2006 is responsible for staging the Games and Queen's Baton Relay and is therefore responsible for;

- (a) route selection and mapping support;
- (b) providing the necessary convoy vehicles and relevant retrofitting of vehicles;
- (c) providing the necessary runner shuttle/buses for the carriage of runners;
- (d) administering the runner selection processes for approximately 3,500 runners;
- (e) establishing State/Territory Planning Groups and Local Planning Groups to advise on various aspects of the Queen's Baton Relay;
- (f) designing, developing and producing a hand held baton;
- (g) custody and transport of the baton;
- (h) providing a centralised planning team and regional coordinators to assist local communities with planning;
- (i) providing event planning advice to local communities including on-site consultation and the production of detailed City Planning Guides for host Towns;
- (j) working with each Council to maximise opportunities for showcasing the heritage, cultural and sporting attributes of each local area;
- (k) promoting widespread community enjoyment and involvement in the Queen's Baton Relay.

Council's Responsibilities

In consultation with M2006, the responsibilities of the Council (at no cost to M2006) include;

Safe Passage of the Queen's Baton Relay

- (a) the development and implementation of traffic management plans for the safe and uninhibited passage of the Queen's Baton Relay through the Council's local government area; and
- (b) the development and implementation of a traffic management plan to maximise community safety.

Permits and Approvals

- (a) to issue or obtain all necessary permits and authorisations for road closures and road usage for roadways under the control of the Council at least 6 months prior to the conduct of the Queen's Baton Relay;
- (b) to arrange all necessary permits and approvals to travel through the Council's local government area at least 6 months prior to the event, including the waiving of all tolls and normal vehicle weight restrictions for convoy;
- (c) to provide written notice, in the first instance, of all likely conditions which may affect the passage of the Queen's Baton Relay; and
- (d) to issue (at no charge) to M2006 or M2006's approved merchandise concessionaires (as M2006 directs) a permit to trade from temporary locations on or adjacent to any part of the route in the Council's local government area for the period the Queen's Baton Relay is in the Council's local government area.

Road Closures

- (a) the provision of necessary personnel to assist with any relevant crowd management, road closure (if necessary) and barricades in the Council's local government area;
- (b) the provision of necessary personnel required to support road closures (if necessary) through the Council's local government area;
- (c) to display in such media and on such routes as appropriate, the customary community notices regarding changes to transportation roadways and thoroughfares during the Queen's Baton Relay.

Road Works

- (a) the provision of timely advice concerning potential road works which may interfere with the staging of the Queen's Baton Relay within the Council's local government area;
- (b) the provision of ongoing advice and information concerning roads and highways under the control and administration of the Council; and
- (c) wherever possible, and in support of community planning, provide barricades and other equipment as necessary for the safe and uninhibited passage of the convoy and community safely along the Queen's Baton Relay route.

Waste Management Services

- (a) the provision of all necessary cleaning and waste management services along the proposed route (if necessary).

Personnel and Support

- (a) the allocation of appropriate personnel resources and facilities, as necessary, to assist in providing the above support services;
- (b) assistance in identifying areas for runner assembly points.

Marketing

The Council acknowledges that marketing rights in relation to the Queen's Baton Relay are controlled by M2006 and are only granted to sponsors and/or partners of the Queen's Baton Relay.

The Council agrees;

- (a) that it will not engage in any form of Ambush Marketing;
- (b) it will cooperate with M2006 in its endeavours to minimise unauthorised use of Commonwealth Games marks, logos and designations or Ambush Marketing activities in its local government area; and
- (c) it will promptly notify M2006 if it becomes aware of any suspected unauthorised use of Commonwealth Games marks, logos and designations or Ambush Marketing activities of other parties.

Liability and Insurance

M2006 and the Council will be responsible for their own actions in relation to the Queen's Baton Relay and, accordingly, M2006 and the Council agree to maintain insurance as appropriate to cover their own public liability, workers compensation and employers liability exposure. The parties will provide each other with details of their insurance on request.

Route Marking

To assist with community crowd building and the massive logistical exercise of placing 3,500 runners along the route, the Council agrees that M2006 is permitted to temporarily mark utility poles and footpaths with baton runner information and route information to within the two (2) day period before the Queen's Baton Relay. The Council will also permit M2006 to erect promotional signage and banners along the route.

Confidentiality

M2006 and the Council will keep confidential the terms of this agreement and all confidential information provided to it by the other party and only use the confidential information for the purpose for which it has been provided. The Council acknowledge that the street level route for the Queen's Baton Relay is confidential information and will take all necessary steps to keep the street level route information protected at all times from any unauthorised access or release.

Selection of Baton Runners

No information has been provided on the proposed method of selecting baton runners.

CONSULTATION/ADVERTISING:

Nil required.

LEGAL/POLICY:

The M2006 Commonwealth Games Corporation has required that the Town enter into a Deed of Agreement. This Deed outlines the roles and responsibilities of both parties in relation to this event.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 Key Result Area 2.2 - *"Provide and develop a range of community programs and safety initiatives."*

FINANCIAL/BUDGET IMPLICATIONS:

An indicative amount of \$5,000 is recommended to be placed on the Draft 2005/2006 Budget under "Street Parades and Festivals".

COMMENTS:

This event will have National and International exposure and the Town is privileged to have it come through the Town of Vincent.

As more details become available, further reports will be submitted to the Council. In the interim as required by the Confidentiality Deed of Agreement, this information is to remain confidential.

(Refer page 180)

10.4.5 No. 516 (Lot 5) Fitzgerald Street, North Perth - Variations to Planning Approval and Building Licence for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House

Ward:	South	Date:	16 March 2005
Precinct:	Norfolk; P10	File Ref:	PRO2368
Attachments:	-		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) *RECEIVES the report relating to variations to Planning Approval and Building Licence for partial demolition of and alterations, additions, triple garage with cellar and loft to existing single house at No. 516 (Lot 5) Fitzgerald Street, North Perth;*
- (ii) *REQUESTS the owners of No. 516 (Lot 5) Fitzgerald Street, North Perth to submit the following information to the satisfaction of the Town, within 28 days of the date of notification:*
 - (a) *planning application, including relevant plans and payment of the relevant fees, for the existing development and all amendments made to the Planning Approval issued on 20 August 2003;*
 - (b) *structural engineers certification confirming the structural adequacy of the existing development; and*
 - (c) *licensed surveyors certification confirming the existing development is located entirely on the subject lot; and*
- (iii) *REGARDS as unacceptable the internal administrative processes and practices that provided the Building Licence approval dated 17 December 2003 for alterations and additions to 516 Fitzgerald Street, North Perth with significantly greater variations than the conditional planning approval provided by Council dated 12 August 2003.*

(Note: This report is confidential due to the nature of the matters relating to the variations. In addition, a party involved in this matter has requested their names remain confidential.)

10.4.6 Proposed Stage 2 Redevelopment - Members Equity Stadium, 310 Pier Street, Perth - Progress Report No. 4 - Part Confidential Report - To Consider the Town's Requirements, Conditions and Expectations

Ward:	South	Date:	16 March 2005
Precinct:	Beaufort, P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 4 as at 16 March 2005 relating to the proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) *APPROVES IN PRINCIPLE of the draft Preliminary Agreement as detailed in this report;*
- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the finalisation of the Preliminary Agreement to the Town's satisfaction;*
- (iv) *APPROVES IN PRINCIPLE the Town's requirements, conditions and expectations, as detailed in Confidential Appendix 10.4.6(C);*
- (v) *AUTHORISES the Mayor and Chief Executive Officer to negotiate the finalisation of the Town's Requirement, Conditions and Expectations, subject to;*
 - (a) *the Requirements, Conditions and Expectations identified by the Chief Executive Officer in Confidential Appendices 10.4.6(A) and 10.4.6(C), being resolved to the satisfaction of the Town;*
 - (b) *a further report being submitted to the Council for final approval;*
- (vi) *PURSUANT to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential information, circulated separately to Elected Members, relating to the Town's Requirements, Conditions and Expectations relating to the Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth; and*
- (vii) *NOTES that the details in the Confidential Appendices are to remain confidential until approved for public information.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

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

“(viii) REITERATES its position that development of the Stadium shall be at no net cost to the Town and its ratepayers.”

AMENDMENT CARRIED (8-0)

(Cr Franchina was an apology.)

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

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

“(ii) ~~APPROVES IN PRINCIPLE~~ of NOTES the draft Preliminary Agreement as detailed in this report;”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Franchina was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Franchina was an apology.)

COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) RECEIVES the Progress Report No. 4 as at 16 March 2005 relating to the proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) NOTES the draft Preliminary Agreement as detailed in this report;*
- (iii) AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the finalisation of the Preliminary Agreement to the Town's satisfaction;*
- (iv) APPROVES IN PRINCIPLE the Town's requirements, conditions and expectations, as detailed in Confidential Appendix 10.4.6(C);*
- (v) AUTHORISES the Mayor and Chief Executive Officer to negotiate the finalisation of the Town's Requirement, Conditions and Expectations, subject to;*
 - (a) the Requirements, Conditions and Expectations identified by the Chief Executive Officer in Confidential Appendices 10.4.6(A) and 10.4.6(C), being resolved to the satisfaction of the Town;*
 - (b) a further report being submitted to the Council for final approval;*

- (vi) *PURSUANT to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential information, circulated separately to Elected Members, relating to the Town's Requirements, Conditions and Expectations relating to the Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
 - (vii) *NOTES that the details in the Confidential Appendices are to remain confidential until approved for public information; and*
 - (viii) *REITERATES its position that development of the Stadium shall be at no net cost to the Town and its ratepayers.*
-

BACKGROUND:

The purpose of this report is to provide information to the Council on the progress of the proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth and to approve of the Town's requirements, conditions and expectations.

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved as follows;

"That the Council;

- (i) *RECEIVES the Progress Report No. 2 as at 15 December 2004 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) *NOTES that;*
 - (a) *the Australian Rugby Union Licence for Super 14's (2004) has been awarded to Perth; and*
 - (b) *the State Government of Western Australia has publicly announced that it will provide \$25 million for the upgrade of facilities at Members Equity Stadium (MES); and*
- (iii) *CONDITIONALLY APPROVES;*
 - (a) *to ACCEPT the \$25 million for the upgrade of Members Equity Stadium subject to the Council receiving a further report on the proposed Financial Assistance Agreement (FAA) between the State Government of Western Australia and the Town; and*
 - (b) *the construction/upgrade of Members Equity Stadium, Stage 2 works, subject to the Council receiving a further report on the proposed details and plans as indicatively shown in Appendix 10.4.11, subject to a further report being submitted to the Council."*

A previous report was submitted to the Ordinary Meeting of Council held on 26 October 2004.

On Friday 10 December 2004, the Australian Rugby Union (ARU) allocated an additional licence to Perth to host a team in the ARU Super 14s Rugby Union Tri-Nation competition which involves Australia, New Zealand and South Africa. The competition starts in February 2006. It is envisaged that the new team will play at Subiaco Oval during 2006.

The State Government has announced that it will upgrade Members Equity Stadium (MES) which is considered the most suitable venue, as it has been specifically built for sports requiring a rectangular pitch (e.g. rugby, soccer, lacrosse, etc.). As Elected Members are aware, the Stage 1 redevelopment involved a complete upgrade of all services and the construction of part of the pitch and surrounding seating. The existing grandstand was also substantially refurbished. The existing grandstand was also substantially refurbished. In order for Stage 2 Redevelopment to comply, it will be necessary to construct a new grandstand on the eastern side and this will incorporate corporate suites, coteries, additional changerooms and seating. The actual size of this new grandstand would ultimately depend on the capacity specified by ARU. The current capacity of 18,500 will need to be increased to 22,500.

The estimated cost is approximately \$25 million.

Meetings

The Chief Executive Officer has held the following meetings since December 2004;

Date	Item/Attendees	Reason for Meeting
6 January 2005	WARU	<ul style="list-style-type: none">• To discuss preliminary Licence Agreement conditions and specific requirements for the Stadium upgrade.
10 February 2005	DSR	To discuss; <ul style="list-style-type: none">• Draft Preliminary Agreement No. 4• Draft Project Budget• State Government, Terms and Conditions and Expectations for the proposed Financial Assistance Agreement• Draft Tender for Architectural Services
15 February 2005	DSR	<ul style="list-style-type: none">• To progress matters discussed at 6 January 2005 meeting to request specific requirements
28 February 2005	WARU	<ul style="list-style-type: none">• To follow up on matters of concern relating to "clean stadium" and supplier rights.• Discuss licence conditions of use.• To follow up on specific Stadium requirements

State Government Position

On 8 March 2005 the DSR wrote to the Town and provided a list of their conditions and expectations. A draft of the Preliminary Agreement (Draft 7) was also included.

The State Government's Conditions and Expectations, together with the CEO's comments are shown in Confidential Appendix 10.4.6(A).

On 14 March 2005, the Town responded in writing to the DSR. A copy of the CEO's letter is shown at Confidential Appendix 10.4.6(B).

DRAFT PRELIMINARY AGREEMENT

The DSR have proposed a draft Preliminary Agreement. This document;

1. provides for a Project Control Group, comprising of Town and DSR Officers to consider tenders for the appointment of architects and consultants for the redevelopment;
2. allows the DSR to pay the Town \$500,000 to cover the Town's costs in appointing architects, consultants and other preliminary matters;
3. requires the Town to satisfactorily negotiate with WARU and Allia to satisfy the State Government's conditions and expectations (issued in Confidential Appendix 10.4.6(B));
4. states that the State Government is not obliged to provide the Town with any further assistance to complete Stage 2 redevelopment;
5. has a "sunset clause" for the Project Control Group.

In the main, the Draft Preliminary Agreement is acceptable and providing the Council is agreeable to other matters details in this report, the CEO should be authorised to negotiate the finalisation of the document.

Town's Requirements, Conditions and Expectations

In order to effectively negotiate with the various stakeholders, it is necessary for the Council to determine its requirements, conditions and expectations. In this regard, the CEO wrote to all Elected Members on 10 March 2005, seeking comments. At the time of writing this report, only Mayor Catania and Cr Cohen have provided comments.

The CEO has therefore prepared a list of requirements, conditions and expectations for the Council to formally consider. These are included at Confidential Appendix 10.4.6(C).

Stage 2 - Indicative Timeline

A revised indicative timeline is shown below. The CEO is of the opinion that unless matters are progressed, the completion of the project by January 2007 may not be realistically achievable. This information has been sent to the DSR.

Date	Item
10 December 2004	<ul style="list-style-type: none"> • ARU announces site for new Super 14s licence
22 December 2004	<ul style="list-style-type: none"> • Meeting with DSR to discuss general terms and conditions for redevelopment
6 January 2005	<ul style="list-style-type: none"> • Town/WARU initial meeting to discuss Licence Agreement conditions and Stadium requirements
7 February 2005	<ul style="list-style-type: none"> • WARU provides Town with letter of requirements
10 February 2005	<ul style="list-style-type: none"> • Meeting with DSR to discuss Preliminary Agreement - Draft 5 provided
16 February 2005	<ul style="list-style-type: none"> • Town provides comments on Draft 5
18 February 2005	<ul style="list-style-type: none"> • Town of Vincent to write to WARU and Allia re: commence licence
28 February 2005	<ul style="list-style-type: none"> • Town's second meeting with WARU concerning Licence Agreement and Stadium conditions - Draft Licence provided
1 March 2005	<ul style="list-style-type: none"> • Prepare report for Council Meeting of 8 March 2005 for approval of Preliminary Agreement signed by Town of Vincent/State Government
8 March 2005	<ul style="list-style-type: none"> • Town receives DSR conditions and expectations and Draft 7 of Preliminary Agreement
14 March 2005	<ul style="list-style-type: none"> • Town provides DSR with comments on Preliminary Agreement and outlines concerns
14-18 March 2005	<ul style="list-style-type: none"> • Town and DSR to negotiate on Preliminary Agreement and finalise conditions/expectations
26 March 2005*	<ul style="list-style-type: none"> • Advertise "Request for Tender" document - Architectural Services
5 April 2005	<ul style="list-style-type: none"> • Agenda closing date for OMC 12 April 2005.
12 April 2005*	<ul style="list-style-type: none"> • Tender closes for Architectural Services
12 April 2005*	<ul style="list-style-type: none"> • Council Meeting to approve Preliminary Agreement
13-20 April 2005	<ul style="list-style-type: none"> • Evaluation/Assessment of Tenders - preparation of Report
13 April 2005 - onwards	<ul style="list-style-type: none"> • Town to commence negotiations with WARU re Licence Agreement • Town/DSR to commence negotiations with Allia • Town/DSR to negotiate FAA requirements
14 April 2005	<ul style="list-style-type: none"> • Town to sign Preliminary Agreement
20 April 2005	<ul style="list-style-type: none"> • Agenda closing date for OMC 27 April 2005
20 April 2005	<ul style="list-style-type: none"> • DSR to pay \$500,000 to Town
27 April 2005*	<ul style="list-style-type: none"> • Council Meeting to approve of tender for Architectural Services
28 April 2005*	<ul style="list-style-type: none"> • Appoint Architects and commence Preliminary Design, discussions with WARU/Allia/Stakeholders
May-June 2005	<ul style="list-style-type: none"> • Consultation and design
4 May 2005	<ul style="list-style-type: none"> • Agenda closes for OMC 10 May 2005 • Town/WARU to approve Licence Agreement • Town/DSR/Allia to approve final conditions
10 May 2005*	<ul style="list-style-type: none"> • Council Meeting to approve FAA
17 May 2005*	<ul style="list-style-type: none"> • Town to sign FAA
23 May 2005*	<ul style="list-style-type: none"> • DSR pays balance of money (plus accrued interest) to Town

Date	Item
June 2005	<ul style="list-style-type: none"> Preparation of Major Land Transaction - Business Plan document
5 July 2005	<ul style="list-style-type: none"> Agenda closes for OMC 12 July 2005
12 July 2005*	<ul style="list-style-type: none"> Council to approve Major Land Transaction
15 July-31 August 2005	<ul style="list-style-type: none"> Advertise Major Land Transaction Business Plan (6 weeks)
31 August 2005	<ul style="list-style-type: none"> Major Land Transaction - Public Submissions closing date
1-16 September 2005	<ul style="list-style-type: none"> Consideration of Public Submissions and preparation of Agenda Report
21 September 2005	<ul style="list-style-type: none"> Agenda closes for OMC 28 September 2005
28 September 2005*	<ul style="list-style-type: none"> Council to consider Public Submissions and approve (or discontinue) with Major Land Transaction
28 September 2005*	<ul style="list-style-type: none"> Council approval of "Request for Tender - Construction of Stadium" documentation
1 October 2005*	<ul style="list-style-type: none"> Advertise "Request for Tender - Construction of Stadium" (30 days)
1 November 2005	<ul style="list-style-type: none"> Construction Tender closes
1-14 November 2005	<ul style="list-style-type: none"> Evaluation of Construction Tender
16 November 2005	<ul style="list-style-type: none"> Agenda closes for OMC 22 November 2005
22 November 2005*	<ul style="list-style-type: none"> Council to approve Construction Tender
23 November 2005*	<ul style="list-style-type: none"> Appointment of Builder
23 November-23 December 2005	<ul style="list-style-type: none"> Builder Mobilisation
9 January 2006*	<ul style="list-style-type: none"> Construction commences
31 December 2006*	<ul style="list-style-type: none"> 2nd Stage complete and opened
January 2007	<ul style="list-style-type: none"> Finalisation of "snag list".
31 January 2007*	<ul style="list-style-type: none"> Building handover.
February 2007	<ul style="list-style-type: none"> Opening of Stage 2 in time for Super 14 games at Stadium

* *Critical Dates*

PROJECT BUDGET

The Town did not have any input into the draft construction budget. Information is submitted in Confidential Appendix 10.4.6(C).

Concern is expressed that the draft budget proposed by the DSR does not include a number of essential matters - the additional cost is considerable and should form part of the Town's conditions.

Furthermore, the Town has obtained advice from a recognised turf management supplier. This advice states that it is essential that the turf and subsoil drainage be upgraded, as it will not cope with both soccer and rugby playing on the pitch, all year round.

A decision is required in this regard as the turf can be replaced between March-June 2006, without causing major disruption. If it is not carried out during this period, serious disruption will be caused to the Australian Soccer League and/or Rugby WA's fixtures. Further information is contained in Confidential Appendix 10.4.6(D).

FINANCIAL/BUDGET IMPLICATIONS:

The Town does not have any funds for the upgrade of MES in the current budget. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade through another Financial Assistance Agreement.

LEGAL/POLICY IMPLICATIONS:

Council Decision

At a Special Council Meeting on 16 December 2002, the Council approved of the redevelopment of Perth Oval, subject to (inter alia);

"(b) the State Government of Western Australia entering into a legal agreement to build Stage 2 of the redevelopment project at an estimated cost of \$4,950,000 at a date mutually agreed between the state Government of Western Australia and the Town, or within five years of the agreement being signed, subject to a feasibility development being carried out; ..."

Financial Assistance Agreement (FAA)

The DSR has requested to meet with the Town's CEO to discuss the terms and conditions of the FAA.

The FAA allows the State Government of Western Australia to prescribe the terms and conditions it requires and to declare an event as a *"significant event"* which in essence gives the Government control of the venue for that event.

Heads of Agreement (HOA)

1. Redevelopment Clause

The HOA between the Town, Managing Agent, Allia Holdings Pty Ltd (Allia), Nicola (Nick) Tana and David George Rodwell, Guarantors, contains numerous provisions referring to the redevelopment of the Stadium. In essence, the HOA specifies the following;

- (i) the Town has the right to *"redevelop, develop, remodel, add to or alter the Stadium or any part thereof"*;
- (ii) the Town must give not less than six months' notice to Allia that it has entered into a licensing agreement with a major operator and *"then Allia and the Town must as soon as reasonably practicable confer and renegotiate the provisions of this Agreement"*;
- (iii) the Heads of Agreement remain in force whilst the re-negotiations take place;
- (iv) the renegotiations and any new Agreement *"must not materially and adversely affect the rights and obligations of any or all of Allia, the guarantors, the Town and the State Government, as set out in the HOA"*; and
- (v) contains a dispute resolution mechanism.

2. Negotiations for a Licence Agreement

- (i) The Town has tendered the management of the Stadium to Allia Holdings Pty Ltd (Allia) - a subsidiary company of Perth Glory Soccer Club Pty Ltd (PGSC), who operate under a Heads of Agreement (HOA).
- (ii) Persons wishing to use the Stadium do so under a Deed of Licence.
- (iii) The HOA contains a Redevelopment clause, which entitles the Town to negotiate a Licence Agreement with a Major Operator. Rugby WA should negotiate with the Town of Vincent for a Licence Agreement. The Town will then confer with the Management Company.
- (iv) A Management Committee is in place to control the Stadium. The Town's Mayor is the chair and holds the casting vote. Australian Rugby Union (ARU) have been offered a position on the Management Committee.

3. Negotiation of Conditions

Rugby WA will be able to negotiate its conditions of use (including rent) with the Town of Vincent.

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal and "commercially sensitive" information.

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)."*

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable, at this stage, however it will be required when details become more available.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2(g) - *"Implement and upgrade Perth Oval in liaison with all stakeholders"*.

COMMENT:

The securing of the ARU Super 14's licence is a major coup for Perth. It is estimated it will generate \$10 million annually into the local economy. Furthermore, it will provide Perth with international exposure through televised games. This will no doubt boost the tourism economy. The Town of Vincent will also be able to benefit from this publicity, as owner of the Stadium.

However, the Stage 2 Redevelopment should not adversely or materially impact on the Town. Furthermore, no stakeholder should be disadvantaged by the project. Therefore, it is appropriate that the Council consider its position and determine appropriate requirements, conditions and expectations and advise the DSR accordingly.

14. CLOSURE

Mayor Catania wished all present a safe and happy Easter.

The Presiding Member, Mayor Catania JP, declared the meeting closed at 11.05pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 March 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005