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(12 APRIL 2005)**

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Nil	225
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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 April 2005, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.00pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Simon Chester	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Mark Fletcher	Journalist – Voice News (until 8.18pm)
Dan Hatch	Journalist – Guardian Express (until 8.24pm)

Approximately 24 Members of the Public

**(c) Members on Leave of Absence:**

- Cr Caroline Cohen for the period 10 to 17 April 2005 (inclusive) for personal reasons.

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

1. Mr Warren Magro of 32 Randell Street, Perth – Chair of Claise Brook Catchment Group – Item 10.2.8 – Stated that the Catchment Group appreciated the Council's support in this initiative. Gave a short background of the project. Stated that there is a lot of opportunity for the area to provide natural fauna habitat. Gave an example of the Carnaby Cockatoo. Thanked the six volunteers who undertook the bird surveys.
2. Mr Ian Bell of 30 Clement Drive, Karrinyup – Items 10.1.14 and 10.1.15 – Referred to a previous report to Council. Itemised the non-original houses in the street. Stated that the retention of the house would significantly affect the value of the property and that the house is of poor quality.

3. Ms Evelyn Wong of 4 Cuthbert Street, Shenton Park – Item 10.1.16 – Requested Council reconsider the proposed refusal. Questioned what is considered proper and orderly planning. Noted a number of subdivisions in the surrounding area. Referred to the proposed sizing of the lots and asked Council to consider the application based on 1991 R Codes as the application was submitted to DPI before the cut off date of 31 December 2004. Does not believe that a precedent would be set as there are already similar developments in the immediate vicinity.
4. Mr Sam Bruno of 6 Hearne Court, Hillarys – Item 10.1.5 – Stated that he has worked with the Town's officers for some time to address any concerns. Believes that the balcony would be an enhancement and what the Council are looking for in the café strip in Mt Lawley.
5. Ms Penelope Eagle of 51 Circe Circle, Dalkeith – Item 10.1.7 – Requested support for the 6 metre carport. Provided a diagram in support. Stated that the suggested 5 metre carport would pose problems such as being too narrow for two cars and one owner has back problems. Believes the 6 metre carport would improve the visual amenity of the streetscape and would not have any undue impact on adjoining properties.
6. Mr Wally Fryer of 48A Forrest Street, Mt Lawley – Item 10.1.7 – Stated that he is happy to reduce the width of the driveway but requested the carport remain at 6 metres. Believes that a narrower carport would have a negative impact on the current and future value of the property. Stated that the wider carport would permit them to access an existing garage and provide greater security as there were a number of cars in the street fire-bombed last year. Requested Council support this application.
7. Ms Lamattina of 2 Rush Grove, Gwellup – Item 10.1.2 – Referred to Council's previous concerns with the signage being fixed to the front of the building. Advised that the acrylic lettering on the sign can be removed in the future if needed without destroying the heritage building.
8. Mr Tony Palermo of 284 Oxford Street, Leederville – Item 10.1.22 – Requested either a meeting be held on site to discuss the noxious weeds or a deputation before the Council at its next meeting as he believes there is lot of history behind the site including the dumping of rubbish by Western Power, Alinta Gas, Main Roads and the Town of Vincent.
9. Mr Gordon Jenkins of 39 Monger Street, Perth – Item 10.2.1 – Thanked the Council for its initiative of traffic calming and rejecting the night club proposal. Believes that the proposal to plant trees in between the existing trees and eventually removing the old ones would be totally impracticable as where the new trees would be planted there are driveways and where people would be parking. Requested that Council consider carefully preserving the existing trees and placing them on the Town's Significant Tree Register.

10. Ms Catherine Doran of 4/39 Monger Street, Perth – Item 10.2.1 – Supported the previous speaker’s comments regarding the trees. Stated that she is totally opposed to the removal of the trees. Concerned that the issue of the trees was raised seven years ago and is now being raised again, requested that it not be raised periodically and that the matter be put to rest, perhaps the aborculturalist’s proposal to manage the trees over a number years would be an option. Advised that she had submitted an FOI to obtain a copy of the report which she believes builds defensiveness and this issue should be more open and accountable.
11. Ms Nicola Sorrell of 27 Anzac Road, Leederville – Petition – Advised that a petition had been submitted regarding the development at 25 Anzac Road. Stated that the neighbourhood is dismayed at the recent subdivision approval as it is undersize for a two dwelling development. Believes that it will set a bad precedent for this part of Anzac Road specifically in regard to bulk and local character of other homes in the area. Believes that the development breaches the Town’s policies.
12. Mr Dan Soanes of 6 Salisbury Street, Leederville – Item 10.1.13 – Believes that the planned proposal is extremely stylish but does not necessarily fit in to the existing streetscape. Stated that he is concerned about the request for a ceiling height of 8.9 metres. Requested that Council adheres to the 7 metre regulation with regard to the ceiling height.
13. Mr John Waddingham of 23 Anzac Road, Leederville – Petition – Made some general comments regarding the character of the area. Referred to “sensitive” design and questioned how this can be applied constantly. Requested that stricter application of the existing setback rules be applied.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.38pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 The Chief Executive Officer advised that a petition had been received from D & M Charushenko and N Sorrell of c/- 27 Anzac Road, Leederville with 17 signatories objecting to the proposed development application at 27 Anzac Road, Leederville.

The Chief Executive Officer advised that the petition be referred to the Executive Manager Environmental and Development Services for investigation and report to the Ordinary Meeting of Council to be held on 26 April 2005.

**Moved Cr Lake, Seconded Cr Torre**

*That the petition be received.*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Special Meeting of Council held on 15 March 2005**

**Moved Cr Torre, Seconded Cr Lake**

*That the Minutes of the Special Meeting of Council held on 15 March 2005 be confirmed as a true and correct record.*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**6.2 Ordinary Meeting of Council held on 22 March 2005**

**Moved Cr Doran-Wu, Seconded Cr Lake**

*That the Minutes of the Ordinary Meeting of Council held on 22 March 2005 be confirmed as a true and correct record.*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 Employee of the Month Awards for the Town of Vincent for April 2005**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For APRIL 2005, the award is presented to CON ECONOMO, Principal Supervisor Engineering Services and his team. Con and his team were nominated as a result of a letter of appreciation received from Mr Peter Somers of Milton Street, Mount Hawthorn. Mr Somers wrote in as follows;

*"I would like to record my thanks and appreciation for Mr Con Economo [and his staff and contractors] who, after I unwittingly put out more rubbish for my verge collection than was normally picked up. Somehow these Town of Vincent employees found a way to come back several days later and pick it all up at no extra cost in the rain!"*



*Thanks guys - a huge load off my mind."*

It is always pleasing to receive comments such as these, as they are a positive reflection on the Town's employees and the Town of Vincent overall.

The Employee of the Month award is in recognition of Con and his team's tremendous efforts.

Well done all - Keep up the good work!!

#### 7.2 Local Government Elections 2005

Mayor Catania advised members of the public that the Local Government Elections will be held on 7 May 2005 and that it will be carried out as a postal election conducted by the WA Electoral Commission. He reiterated the importance of having a say in who is elected to Council and urged all to vote.

### 8. **DECLARATION OF INTERESTS**

The Chief Executive Officer advised that he had received a number of declarations, however due to the number of Elected Members absent from the meeting, it would not be possible to consider these items as there would not be a quorum. He advised that these Items would need to be deferred.

8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report as at 31 March 2005. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.2 Cr Franchina declared a proximity interest in Item 10.1.21 – Leederville Masterplan Working Group. The nature of his interest being that he owns property on Oxford Street.

#### Moved Cr Doran-Wu, Seconded Cr Torre

*That Items 10.3.1 – Investment Report as at 31 March 2005 and 10.1.21 – Leederville Masterplan Working Group be DEFERRED as there would not be a quorum due to the number of Elected Members which would be absent from the meeting (and also due to the declarations of proximity interest).*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

8.3 Cr Lake declared an interest affecting impartiality in Item 10.2.8 – Vincent Habitat Report – Perth Biodiversity Projects Funding Program. The nature of her interest being that she participated in the collection of information in the preparation of the report.

### 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 10.2.8, 10.1.14, 10.1.15, 10.1.16, 10.1.5, 10.1.7, 10.1.2, 10.1.22, 10.2.1 and 10.1.13

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 and 10.1.31

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 Lake	Items 10.1.28, 10.1.29, 10.1.32, 10.1.34, 10.2.3 and 10.4.2
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Franchina	10.1.31 and 10.1.33
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 10.1.21 and 10.3.1

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

Items 10.1.1, 10.1.3, 10.1.4, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.17, 10.1.18, 10.1.19, 10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.1.27, 10.1.30, 10.1.35, 10.2.2, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.9, 10.4.1, 10.4.3, 10.4.4 and 10.4.5

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

Nil.

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 10.1.1, 10.1.3, 10.1.4, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.17, 10.1.18, 10.1.19, 10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.1.27, 10.1.30, 10.1.35, 10.2.2, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.9, 10.4.1, 10.4.3, 10.4.4 and 10.4.5

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

Items 10.2.8, 10.1.14, 10.1.15, 10.1.16, 10.1.5, 10.1.7, 10.1.2, 10.1.22, 10.2.1 and 10.1.13

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

**Moved Cr Lake, Seconded Cr Torre**

*That the following unopposed items be moved en bloc;*

*Items 10.1.1, 10.1.3, 10.1.4, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.17, 10.1.18, 10.1.19, 10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.1.27, 10.1.30, 10.1.35, 10.2.2, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.9, 10.4.1, 10.4.3, 10.4.4 and 10.4.5*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**10.1.21 Leederville Masterplan Working Group**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Leederville, P3; Oxford Centre, P4.	<b>File Ref:</b>	PLA0147
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the Leederville Masterplan Working Group;*
- (ii) *SUPPORTS the initiative of a Leederville Masterplan Working Group to meet and assist in the delivery of the Leederville Masterplan to the Council;*
- (iii) *ENDORSES the Leederville Masterplan Working Group Terms of Reference as shown in Attachment 001;*
- (iv) *NOMINATES two Councillors, Cr..... and Cr..... to participate with the Mayor and the Town's Executive Officers, Manager Planning, Building and Heritage Services and Planning Officer (Strategic) on the Working Group;*
- (v) *INVITES representatives of the East Perth Redevelopment Authority and the Western Australian Planning Commission to participate in the Working Group; and*
- (vi) *RECEIVES a further report once the Working Group has met and established a way forward.*

**(Refer to Page 5)**

**COUNCIL DECISION ITEM 10.1.21**

**Moved Cr Doran-Wu, Seconded Cr Torre**

*That the Item be DEFERRED, due to a lack of a quorum which would be created if Cr Franchina departed the Chamber, as required by his declaration of proximity interest in the Item.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to obtain the Council's consideration and authorisation of the Leederville Masterplan Working Group.

**BACKGROUND:**

- 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. Clause (iii) of the resolution reads:
- "(iii) request the CEO establish a working group, with terms of reference, to meet and assist in the delivery of the Masterplan to Council, and that the group consist of the Mayor, two councillors, the Town's Executive Officers, the consultant and an invitation of participation be offered to the CEO of the East Perth Redevelopment Authority and the Western Australian Planning Commission (WAPC);"*
- 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 AUTHORIZES 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."*

22 October 2004 A progress report relating to the Leederville Masterplan was presented to the Council.

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".*

21 December 2004 The Council at its Ordinary Meeting 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:**

In accordance with clause (iii) of the Council's resolution made at its Ordinary Meeting held 23 September 2003, the formation of a working group has commenced.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – Environment and Infrastructure  
Key Result Area 1.3 Develop, Implement and Promote Sustainable Urban Design.

Action Plans to implement this strategy include:

- "(a) Develop and implement sustainable building design guidelines and incorporate sustainability into the Building and Design Awards to raise community awareness.*
- (b) Review urban design policies and guidelines to enhance amenity, universal access, neighbourhood interaction crime prevention and aesthetics and participate in initiatives and incentives to foster sustainable building and urban design."*

**FINANCIAL IMPLICATIONS:**

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

The Council at its Ordinary Meeting held 23 November 2004 authorised a budget reallocation of \$11,800 from the Leederville Masterplan account to partially fund Community Visioning.

**COMMENTS:**

The Council's support for the Leederville Masterplan Working Group and Terms of Reference is sought. The role and structure of the Working Group is set out in the *Leederville Masterplan Working Group Terms of Reference* (Attachment 001). It is noted that a Draft Masterplan has been received by the Town, however the Consultants are required as part of the tender brief, to consult and liaise with the Working Group.

It is therefore recommended that the Council supports the *Leederville Masterplan Working Group* in accordance with the associated *Terms of Reference* and nominates two Elected Members to participate on the Group with the Mayor, the Town's Executive Officers, Manager Planning, Building and Heritage Services, a Strategic Planning Officer, and invites representatives from the East Perth Redevelopment Authority and Western Australian Planning Commission to participate.

**10.3.1 Investment Report as at 31 March 2005**

<b>Ward:</b>	Both	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 March 2005 as detailed in Appendix 10.3.1.*

**(Refer to Page 5)**

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Doran-Wu, Seconded Cr Torre**

*That the Item be DEFERRED, due to a lack of a quorum which would be created if Mayor Catania departed the Chamber, as required by his declaration of proximity interest in the Item.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

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 March 2005 were \$10,300,776 compared with \$10,300,776 at 28 February 2005. At 31 March 2004, \$9,951,125 was invested.

Total accrued interest earned on Investments as at 31 March 2005:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	253,669	84.56
Reserve	297,300	237,833	80.00



**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.

**10.1.1 FURTHER REPORT - No. 17 (Lot 25, Strata Lot No. 2) Austen Lane, Leederville - Proposed Patio Additions to Existing Grouped Dwelling**

<b>Ward:</b>	North	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO3045; 00/33/2632
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 D Cox on behalf of the owner D and RJ Cox for proposed Patio Additions to Existing Grouped Dwelling, at No. 17 (Lot 25, Strata Lot No. 2) Austen Lane, Leederville, and as shown on plans stamp-dated 22 December 2004, subject to compliance with all relevant Environmental Health, Engineering and Building requirements.*

**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 8 March 2005, considered the proposal and resolved that the item be deferred at the request of the applicant. On 21 March 2005, the objection received in regards to the above proposal was withdrawn in an email stating that there was no longer an objection to the proposed patio and the proposed location of the steel posts is supported.

Upon further assessment, and in light of the above, changes have been made to the assessment table in relation to the setbacks and to the consultation submissions.

**Assessment Table:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Setbacks:			
North	1.5 metres	Steel posts on boundary	Supported - variation is considered minor and adjacent neighbor has signed plans stating no objection.

East	1.5 metres	Steel posts on boundary	Supported - variation is considered minor and support received from adjoining neighbour.
<b>Consultation Submissions</b>			
Support (3)	No objection		Noted
Objection	Nil		Noted

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

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 D Cox on behalf of the owner D & RJ Cox for proposed Patio Additions to Existing Grouped Dwelling, at No. 17 (Lot 25, Strata Lot No. 2) Austen Lane, Leederville, and as shown on plans stamp-dated 22 December 2004, subject to:*

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

*to the satisfaction of the Chief Executive Officer.*

*COUNCIL DECISION ITEM 10.1.6*

*Moved Cr Chester, Seconded Cr Lake*

*That the Item be DEFERRED at the request of the applicant.*

*CARRIED (9-0)*

<i>Landowner:</i>	<i>D &amp; RJ Cox</i>
<i>Applicant:</i>	<i>D Cox</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Grouped Dwelling</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>582 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves patio additions to an existing grouped dwelling.  
The applicant's submission is "Laid on the Table".*

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Setbacks</i>			
<i>North</i>	<i>1.5 metres</i>	<i>0.5 metre</i>	<i>Supported - variation is considered minor and adjacent neighbor has signed plans stating no objection.</i>
<i>East</i>	<i>1.5 metres</i>	<i>0.5 metre</i>	<i>Supported - variation is considered minor and no formal submission was received by the Town.</i>
<i>Outdoor Living Areas</i>	<i>Behind the street setback area</i>	<i>Located in the street setback area</i>	<i>Supported - variation is considered minor and to not unduly impact the streetscape or amenity. The dwelling has sufficient outdoor living area in the front setback which is accessible from a habitable room.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> <li><i>No objection</i></li> </ul>		<i>Nil</i>
<i>Objection</i>	<ul style="list-style-type: none"> <li><i>Nil</i></li> <li><i>A letter suggesting that an objection would be made was received, however, no formal objection was received during the advertising period</i></li> </ul>		<i>Nil</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

*The proposal for patio additions to existing group dwelling is considered acceptable, as the variations to the Residential Design Codes (R Codes) are minor and no formal objections were received by the Town during the consultation period. The variation still performs the functionality associated with the outdoor living area.*

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

**10.1.3 No. 107 (Lot 56) Carr Street, West Perth - Proposed Carport Additions to Existing Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO3091; 00/33/2705
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 D Charles on behalf of the owners DN and JM Charles for proposed Carport Additions to Existing Grouped Dwelling, at No. 107 (Lot 56) Carr Street, West Perth, and as shown on plans stamp-dated 8 February 2005, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the minimum internal width of the carport being 4.8 metres; and*
  - (b) *the colour of the carport roof matching the colour of the existing dwelling roof.*

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

**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	DN & JM Charles
<b>Applicant:</b>	D Charles
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	2 Grouped Dwellings
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	519 square metres
<b>Access to Right of Way</b>	South side, 5.02 metres wide, sealed, Town of Vincent owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

Two dwellings exist on the subject lot, one fronting Carr Street, and the other the rear right of way. The proposal involves single carport additions to the existing grouped dwelling fronting Carr Street.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setback			
East	1.5 metres	0.4 metre	Supported - variation is considered minor and no objection from affected owner.
Car Parking Access	Car parking to be accessible from an existing right-of-way where (legally) available.	Carport accessible from the primary street.	Supported - due to site space constraints as a result of the location of the dwelling fronting the right of way, the carport for the front dwelling can only be located within the front setback with access from Carr Street.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> <li>Proposed structure should match the existing structure in materials and also roof pitch.</li> <li>Additions should be sympathetic to the area.</li> </ul>		<p>Not supported - the roof profile and timber pillars of the carport will complement the existing dwelling, however it is a recommended condition that the colour of the carport roof is to match the colour of the existing dwelling roof.</p> <p>Not supported - as above and due to site space constraints the carport for the front dwelling can only be located in the front setback.</p>

<b>Other Implications</b>	
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 to setback and car parking access requirements sought by the applicant are considered acceptable as the variations are considered minor and the site space constraints only allow a carport for the front dwelling to be located within the front setback, with access from Carr Street.

One objection was received, however these concerns have been addressed in the above Assessment Table.

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

**10.1.4 No. 160 (Lots 81 and 80) Anzac Road (Corner Kalgoorlie Street), Mount Hawthorn - Proposed Alterations and Additions to Existing Club Premises**

<b>Ward:</b>	North	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO3057; 00/33/2651
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 APV Constructions Pty Ltd on behalf of the owner Castellorizian Association for proposed Alterations and Additions to Existing Club Premises, at No. 160 (Lots 81 and 80) Anzac Road (corner Kalgoorlie Street), Mount Hawthorn, and as shown on plans stamped 28 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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;*
- (iii) 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);*
- (iv) the maximum public floor area shall be limited to 180 square metres and accommodation numbers shall be limited to 212 people (subject to compliance with the Health (Public Building) Regulations 1992), unless adequate car parking is provided for the changes in floor space area;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the building being setback a minimum of 1.5 metres from the western side boundary. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (vi) all west facing windows shall be double glazed prior to the first occupation of the development.*



**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	Castellorizian Association
<b>Applicant:</b>	APV Constructions Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Club
<b>Use Class:</b>	Club
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1072 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves alterations and additions to the existing club premises at the subject property, which are to accommodate a storeroom, a kitchen and toilet facilities. There are no proposed increases in the public floor area and therefore, no additional car parking provision is required, as per the Town's Policy relating to Parking and Access.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks - West	1.5 metres	1.0-5.0 metres	Not Supported- has been conditioned to comply.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
Comments (1)	<ul style="list-style-type: none"> <li>Requests west facing windows be double glazed.</li> </ul>		Supported- Club representative has agreed to have this matter conditioned accordingly.

	<ul style="list-style-type: none"> <li>• Requests night time functions be limit to five per calendar year with function with closing time be no later than 11pm.</li> <li>• Requests minimum building setbacks be observed.</li> <li>• Is pleased with current club's administration efforts to limit the impact of the club on neighbours.</li> </ul>	<p>Not supported- however, Club is required to comply with the Environmental Protection (Noise Regulations) Act 1997.</p> <p>Supported- has been conditioned to comply.</p> <p>Noted.</p>
<b>Other Implications</b>		
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, the proposal is recommended for approval, subject to standard and appropriate conditions to ensure the reasonable amenity of the adjoining neighbours are protected.

**10.1.6 No. 13A (Lot 4008, Strata Lot 2) Green Street, North Perth - Proposed Single House**

<b>Ward:</b>	North	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2074; 00/33/2612
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Studio 8 Builders and Designers on behalf of the owner DP Kember for proposed Single House, at No. 13A (Lot 4008, Strata Lot 2) Green Street, North Perth, and as shown on plans stamp-dated 1 December 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) subject to first obtaining the consent of the owners of No. 11 and No. 15 Green 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. 11 and No. 15 Green Street in a good and clean condition.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	DP Kember
<b>Applicant:</b>	Studio 8 Builders and Designers
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	Survey strata Lot 2 - 427 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

3 April 2002

The Western Australian Planning Commission granted conditional approval for survey strata subdivision for No. 13 Green Street, North Perth.

10 July 2002 Conditional approval was granted under delegated authority for an additional grouped dwelling to existing dwelling at No. 13 Green Street, North Perth.

**DETAILS:**

The proposal involves proposed single house on the existing rear survey strata Lot 2.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks			
North	1.5 metres	1 metre - 2.8 metres	Supported - variation is considered minor and do not unduly impact on neighbour.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 66 per cent of the length of the balance of the boundary behind the front setback.	Walls on two boundaries.	Supported - both boundary walls are compliant with the requirements of the Residential Design Codes (R Codes) in terms of height and length, and no objection from affected neighbours.
<b>Consultation Submissions</b>			
Support	Department for Planning and Infrastructure advised that there are no land requirements for the Other Regional Road which affects the proposal, and therefore have no objections to the application.		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
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:**

A letter from a neighbour was received stating they had no objection to the proposal, however the neighbour wish to be informed when the dividing fence would be removed so that preparations can be made for security, garden and containment of a cat. It is a recommended condition that subject to first obtaining the consent of the owners of No. 11 and No. 15 Green 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. 11 and No. 15 Green Street in a good and clean condition, therefore the affected neighbours' concerns can be addressed at that stage.

There is a significant tree on the Town's Interim Significant Tree Database - References, however this tree has been cut down, leaving a 1 metre high stump.

The setback and building on boundaries variations sought by the applicant are supported as they are considered minor, and do not unduly impact on neighbours, and no objections were received from affected neighbours.

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. 36 (Lot 69) Clarence Street, Mount Lawley - Proposed Two (2) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1678; 00/33/2242
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Daniel Cassettai Design on behalf of the owner M C and N Di Camillo and J A Ward for proposed Two (2) Two-Storey Single Houses, at No. 36 (Lot 69) Clarence Street, Mount Lawley, and as shown on amended plans stamp-dated 9 March 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, gates and bin stores adjacent to Clarence 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;*
- (iii) subject to first obtaining the consent of the owners of No. 32 and No. 40 Clarence 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. 32 and No. 40 Clarence Street in a good and clean condition;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating 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. The revised plans shall not result in any greater variations to the requirements of the Town's Policies and the Residential Design Codes;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Clarence Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 3 on the north-east elevation of dwellings 1 and 2, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	M C & N Di Camillo and J A Ward
<b>Applicant:</b>	Daniel Cassettai Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	463 square metres
<b>Access to Right of Way</b>	North side, 3.05 metres wide, sealed, dedicated road

**BACKGROUND:**

Conditional Approval was granted under delegated authority from the Council for the demolition of existing single house and outbuilding on 23 September 2003.

**DETAILS:**

The proposal involves two (2) two-storey single houses, including two (2) garages with access from the right of way. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R 50	2 dwellings R 50	Supported- no variation.
Plot Ratio	N/A	N/A	N/A

<p><u>Setbacks:</u> <u>Ground floor</u></p> <p>Dwelling 1 -North West (dining and storeroom)</p> <p>-North West (garage)</p> <p>- East</p>	<p>1.5 metres</p> <p>1.0 metre</p> <p>1.5 metres</p>	<p>1.2 metres</p> <p>Nil</p> <p>Nil</p>	<p>Supported- minor variation, no objections received from adjoining neighbour and staggering of setbacks.</p> <p>Supported- refer to 'Buildings on Boundary'.</p> <p>Supported- internal boundary wall.</p>
<p>Dwelling 2 - South-East (dining and storeroom)</p> <p>-South-East (garage)</p> <p>-West</p> <p><u>1st Floor</u></p> <p>Dwelling 1 - Front</p> <p>-North-West (bed 2/ ensuite)</p> <p>- East</p>	<p>1.5 metres</p> <p>1 metre</p> <p>1.5 metre</p> <p>6 metres</p> <p>3.3 metres (or 1.2 metres if the balcony was screened to full height)</p> <p>2.8 metres</p>	<p>1.2 metres</p> <p>Nil</p> <p>Nil</p> <p>4.0 metres to balcony 5.5 metres to main building</p> <p>1.5 metres</p> <p>Nil</p>	<p>Supported- minor variation, no objections received from adjoining neighbour and staggering of setbacks.</p> <p>Supported- refer to 'Buildings on Boundary'.</p> <p>Supported- internal boundary wall.</p> <p>Supported- consistent with established streetscape as No. 48 and No. 50 Clarence Street is occupied with 4 semi-detached grouped dwellings with upper floor setbacks of 4.5 metres to main building and 3.0 metres to balcony.</p> <p>Supported- the requirement to screen the balcony is not required from a privacy perspective and is considered to add to the bulk of the building.</p> <p>Supported- internal boundary wall.</p>



Dwelling 2 - Front	6 metres	4-5.5 metres	Supported- consistent with established streetscape as No. 48 and No. 50 Clarence Street is occupied with 4 semi-detached grouped dwellings with has upper floor setbacks of 4.5 metres to main building and 3.0 metres to balcony.
- South-East (bed 2/ ensuite)	3.3 metres (or 1.2 metres if balcony was screened to full height)	1.5 metres	Supported- the requirement to screen the balcony is not required from a privacy perspective and is considered to add to the bulk of the building.
- West	2.8 metres	Nil	Supported- internal boundary wall.
Outdoor Living Area	Minimum length and width dimension of 4 metres	Width of 3.8 metres	Not supported- has been conditioned to comply.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Dwelling 1 2 boundary walls: North-west wall is compliant.  North-east wall is 6.5 metres for 79.8% of the boundary.  Dwelling 2 2 boundary walls: North-east wall is compliant.  North-west wall is 6.5 metres for 79.8% of the boundary.	Supported- no undue impact on adjoining property.  Supported- internal boundary wall.  Supported- no undue impact on adjoining property.  Supported- internal boundary wall.
Privacy Setbacks	Bedrooms- 4.5 metres or suitably screened, as per the R-Codes.	Dwellings 1 and 2- Bedrooms 3 windows -2.5 metres from the north west and north east boundary.	Not supported- addressed via condition (vi) of the Officer Recommendation.

<b>Consultation Submissions</b>		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> <li>• Right of way being blocked during construction.</li> </ul>	Noted- standard engineering requirement placed on Building Licenses requires right of ways to be clear at all times.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

**COMMENTS:**

The proposal is regarded to be keeping in with the established streetscape and the variations sought by the applicant (except those relating to outdoor living area and privacy) are considered to be supportable and not to have an undue impact on the surrounding area. In light of this and no objections relating directly to the proposal being received by the neighbours, the proposal is recommended for approval, subject to standard and appropriate conditions.

**10.1.9 No. 164 (Lots 310 and 81) Lincoln Street (Corner Cavendish Street), Highgate - Proposed Two (2) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO0814; 00/33/2711
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 VN Nguyen and TT Trang for proposed Two (2) Two-Storey Single Houses, at No. 164 (Lots 310 and 81) Lincoln Street (corner Cavendish Street), Highgate, and as shown on amended plans stamp-dated 4 April 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 Lincoln and Cavendish Streets, 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 a screen wing wall extension being provided to the Unit 2 southern elevation upper floor bedroom 4 window with a minimum protrusion length of 1.1 metres and a minimum height of 1.6 metres above the respective upper floor level. The screen wing wall shall be constructed of a permanent obscure material which 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) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Lincoln Street and Cavendish Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	VN Nguyen & TT Trang
<b>Applicant:</b>	VN Nguyen & TT Trang
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	408 square metres
<b>Access to Right of Way</b>	North side, 3.34 metres wide, unsealed, privately owned

**BACKGROUND:**

9 November 2004 Council at its Ordinary Meeting, resolved to refuse proposed demolition of existing single house and construction of two (2) two-storey single houses.

7 December 2004 Council at its Ordinary Meeting, resolved to conditionally approve proposed demolition of existing single house.

**DETAILS:**

The proposal involves proposed two (2) two-storey single houses and the redevelopment of a corner lot. One of the proposed single houses has frontage to Lincoln Street in the south and the other fronts Cavendish Street to the west.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2.26 dwellings R 60 (multiple dwellings not permitted in Hyde Park Precinct)	2 dwellings R 49.01	Supported - compliant with R Codes requirements.
Plot Ratio	N/A	N/A	N/A
Vehicle Access	Access solely from right of way	Access from street frontage	Supported - right of way is privately owned, unsealed and not programmed to be sealed in 2004/2005 or 2005/2006 financial year, and the proposed garage is 0.5 metre behind the main building line (in accordance with Council resolution 27 April 2004).

Front Setback:			
Upper Floor Unit 2 - Bedroom 2 & 3	6.0 metres	4.794 metres	Supported - the Town's practice is to allow 4 metres to upper floor main building line on such sites.
Balcony	6.0 metres	3.843 metres	Supported - the Town's practice is to allow 3 metres to upper floor balcony on such sites.
Stairwell	6.0 metres	5.309 metres	Supported - the Town's practice is to allow 4 metres to upper floor main building line on such sites
Unit 1 - Balcony	6.0 metres	4.060 metres	Supported - the Town's practice is to allow 5 metres to upper floor balcony on such sites. The proposed setback matches the existing streetscape and will have no undue impact on streetscape or neighbours.
Setbacks:			
Unit 1 - Ground Floor East (Meals and Living)	1.5 metres	1.216 metres	Supported - considered minor in nature, no objections received and no undue impact on neighbours.
Upper Floor North (Bedroom 3 and 4)	2.5 metres	1.15-2.2 metres (internal boundary)	Supported - internal boundary.
Unit 2 - Ground Floor (Meals, Kitchen and L'dry)	1.5 metres	1.297 metres	Supported - considered minor in nature, no objections received and no undue impact on neighbours.
Upper Floor North (Stairwell and Master Suite)	1.5 metres	1.299 metres	Supported - considered minor in nature, no objections received and no undue impact on neighbours.

Privacy Setbacks:			
Upper Floor Windows			
Unit 1 - Northern Elevation (Bedroom 3)	4.5 metres	2.2 metres - 3.3 metres to northern boundary	Supported - internal boundary.
Eastern Elevation (Bedroom 4)	4.5 metres	2 metres to northern boundary	Supported - internal boundary.
Unit 2 - Northern Elevation (Master Suite)	4.5 metres	2 metres to northern boundary	Supported - overlooking 3 metres wide right of way and no undue overlooking into adjoining property.
Southern Elevation (Bedroom 4)	4.5 metres	3.4 - 3.7 metres to eastern boundary	Not supported - condition for screen wing wall extension included in Officer Recommendation to address overlooking into No. 162 Lincoln Street. All other overlooking over internal boundaries.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

The proposal was not advertised as a similar proposal was advertised between 26 August 2004 and 9 September 2004. The proposed variations advertised are considered to have a greater impact than those currently proposed.

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

**10.1.10 No. 104 (Lot 4) Parry Street, Perth - Proposed Partial Demolition of and Alterations, Additions and Two-Storey Single House to Existing Office Building**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3050; 00/33/2643
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 D Schapper on behalf of the owner Siac Pty Ltd for proposed Partial Demolition of and Alterations, Additions and Two-Storey Single House to Existing Office Building, at No. 104 (Lot 4) Parry Street, Perth, and as shown on plans stamp-dated 22 December 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 110 Parry 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. 110 Parry Street in a good and clean condition;*
- (iv) 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;*
- (v) doors and windows and adjacent floor areas fronting Parry Street shall maintain an active and interactive relationship with this street;*
- (vi) prior to the first occupation of the development, one (1) car parking space provided for the residential component of the development 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;*
- (vii) the maximum gross floor area for the offices shall be limited to 200 square metres;*
- (viii) 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;*
- (ix) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Parry 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);*

- (x) *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 Parry Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xi) *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;*
- (xii) *retail sale of goods of any nature shall not occur on the subject property;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the maximum external wall height of the western boundary building wall being 6.0 metres from the natural ground level;*
  - (b) *the maximum external wall height of the dwelling being 7.0 metres from the natural ground level; and*
  - (c) *the deletion of the proposed car bays, and the provision of four on-site car bays within the front setback area, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xiv) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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<b>Landowner:</b>	Siac Pty Ltd
<b>Applicant:</b>	D Schapper
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Office Building
<b>Use Class:</b>	Office Building & Single House



<b>Use Classification:</b>	"AA & P"
<b>Lot Area:</b>	685 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves partial demolition of and alterations and two-storey residential additions to existing office building. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	5 multiple dwellings- R80; or 3 single houses or grouped dwellings- R60	1 dwelling R 60	Supported- no variation.
Plot Ratio	0.65 - 445 square metres	0.17 - 119 square metres	Supported- no variation.
Privacy Setbacks	Balconies- 7.5 metres	0.4 metre to west boundary and 5.29 metres to north boundary.	Supported- overlooks car parking and bituminised area and no objections received by adjoining neighbours.
Setbacks: West (lower floor)	1.5 metres	Nil- 0.9 metre	Supported- has been conditioned to comply with 'Walls on Boundary'.
West (upper floor)	1.6 metres	Nil	
Walls on boundary	Walls on boundary for 66.7% of boundary behind street setback up to 6.0 metres.	Western boundary wall with height of 6.3 -7.65 metres.	Not supported- has been conditioned to comply.
Height	7.0 metres	Up to 7.7 metres	Not supported- has been conditioned to comply.
Mixed Residential/ Commercial Development	To contain residential component of no less than 66 per cent of floor space.	Residential component consists of 37 per cent of floor space.	Supported- commercial component is existing.
<b>Consultation Submissions</b>			
Support		Nil	Noted
Objection		Nil	Noted

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
<b>Car Parking</b>	
Car parking requirement for non- residential component (nearest whole number) • Office- 4 bays	4 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres public car park)	(0.765) 3 car bays
Minus the car parking provided on-site for non- residential component	3 car bays***
Resultant shortfall/surplus	0 car bay

\* 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.

\*\*\* While 2 car bays are required for the residential component, this requirement can be reduced to 1 car bay as per the Clause 4.2.1 of the R-Codes which allow for the reduction of up to one car bay per dwelling where on-site car parking required for others uses is available outside normal business hours. Accordingly, there are 3 car bays available for the non-residential component.

**COMMENTS:**

The Town's Technical Services have advised that the existing vehicular access driveway of 2.49 metres for new developments is not supportable. While car parking within the street setback area is discouraged by the Town and will generally have a negative impact on the streetscape, in this instance, car parking within the front setback is supportable on the basis it is the only available feasible location and there is an established streetscape which consists of carparking in the front setbacks. This matter has therefore been conditioned accordingly.

Notwithstanding the above, the planning application is considered to protect and enhance the amenity of the surrounding area and to be consistent with the Town's Policy relating to the Beaufort Policy in that it promotes the integration of the work place and residences, it retains an existing building and adequate parking can be provided. The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal.

**10.1.11 No. 590 (Lot 239) William Street, Corner Monmouth Street, Mount Lawley - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to the Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO1797; 00/33/2637
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner T H Nguyen for proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to the Existing Single House, at No. 590 (Lot 239) William Street, corner Monmouth Street, Mount Lawley, and as shown on plans stamp-dated 20 December 2004, subject to:*
  - (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (b) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main building wall of the existing dwelling; and*
  - (c) *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 Monmouth Street and Wasley 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;*
- (ii) *the Council ADVISES the owner of the subject land (Lot 239) that the property is affected by a land requirement for the future upgrading of William Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.*

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	T H Nguyen
<b>Applicant:</b>	T H Nguyen
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	942 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the partial demolition of the existing rear portion of the house, alterations to the ground floor, and two-storey additions and a carport to the existing single house.

The applicant's submission suggests that the two-storey additions should be supported as the property is located at an intersection, with only two neighbouring properties. One of which is a two-storey multiple dwelling site, that contains a parking area with carports, adjacent to the subject house (refer to aerial photograph). A single storey house is located to the south of the subject site. The proposed additions are located approximately 20 metres from the south boundary.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks:			
East (ground floor)	1.5 - 3.3 metres	1.741 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.
East (upper floor)	3.6 - 3.8 metres	1.741 metres	Supported – the proposed addition is located adjacent to the car parking area and carports of the neighbouring multiple dwelling site. No objections were received. No undue impact on neighbours.

Visual Privacy Upper Floor - Bedroom 2 & 3 (East)	4.5 metres	1.741 metres	Supported – the proposed windows overlook the neighbouring car park and no objections were received. No undue impact on neighbours.
Building Height: Wall Height	6.0 metres	6.3 – 6.8 metres	Supported - as the proposed second storey addition has a reduced ceiling height and the roof pitch is consistent with the existing roof. The building height variation is considered minor in this instance as it will not unduly impact on the streetscape and amenity of adjoining residences.
Roof Ridge Height	9.0 metres	8.7 – 10.0 metres	
<b>Consultation Submissions</b>			
Support	The application was referred to the Department for Planning and Infrastructure (DPI) as William Street is an Other Regional Road under the Metropolitan Region Scheme. DPI has advised it has no objections, subject to the applicant being advised that the subject land is affected by a land requirement for the future widening of William Street.		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
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 additions will not unduly overshadow any neighbouring properties. The height of the proposed second storey ceiling has been reduced to lower the overall building height. The roof pitch of the second storey addition is in keeping with the character of the existing residence. To lower the height of the roof ridge would result in a different roof pitch for the addition, which would make the design look awkward. As the proposed second storey is set back approximately 9.8 to 18.4 metres to the front boundary (Monmouth and Wasley Streets) it will have minimal impact on the streetscape and the extra height will not unduly impact on the adjoining properties. The secondary street setback from William Street complies with the R-Code requirements.

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

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

**10.1.12 No. 7 (Lot 3774) Morriston Street, Dual Frontage to Alto Lane, North Perth - Proposed Demolition of Existing Outbuilding (Shed) and Proposed Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO2504; 00/33/2617
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 owners TL and AM Jaine for Proposed Demolition of Existing Outbuilding (Shed) and proposed Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House, at No. 7 (Lot 3774) Morriston Street, dual frontage to Alto Lane, North Perth, and as shown on amended plans stamp-dated 28 January 2005, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that no fence exceeding 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; and the solid portion of any new front fences and gates adjacent to Morriston Street and Alto Lane being 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. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) *subject to first obtaining the consent of the owners of Nos. 5 and 9 Morriston Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 5 and 9 Morriston Street in a good and clean condition;*
- (iv) *the carports shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the garages;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Morriston Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
  - (a) *the windows to the bedrooms and the family room on the northern elevation on the first floor of Townhouse A;*
  - (b) *the roof terrace on the northern and western elevations of Townhouse A;*

(c) *the windows to the bedrooms and the study on the southern elevation on the first floor of Townhouse B; and*

(d) *the roof terrace on the southern and western elevations of Townhouse B;*

*shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*

(vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the maximum building height to the top of the concealed roof on the northern elevation of Townhouse A being 7.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

<b>Landowner:</b>	TL & AM Jaine
<b>Applicant:</b>	T Jaine
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	883 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

17 November 2003                      The Town, under delegated authority, conditionally approved garage and fence additions to existing single house.

27 September 2004                      The Western Australia Planning Commission conditionally approved survey strata subdivision of the property into three (3) lots.

**DETAILS:**

The proposal involves demolition of existing outbuilding (shed) and additional two (2) two-storey grouped dwellings to existing single house. The additional two grouped dwellings are proposed at the rear of the existing single house which has frontage to Morriston Street. The additional two grouped dwellings have direct access to a dedicated road, being Alto Lane.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	4.01 dwellings R 40	3 dwellings R 33.98	Supported - compliant with R Codes requirements
Plot Ratio	N/A	N/A	N/A
Front Setback:  Garage (Townhouse A and B)	6.0 metres or behind main building line	5.0 metres	Supported - the setback of 5.0 metres will not have an undue impact on the amenity of Alto Lane, and existing garages along Alto Lane have setbacks significantly lower than 5 metres.
Setbacks:  Townhouse A - South Storey Boundary Wall (1)	1.5 metres	Nil (internal boundary)	Supported - internal boundary
South Storey Boundary Wall (2)	2.2 metres	Nil (internal boundary)	Supported - internal boundary
Townhouse B - North Storey Boundary Wall (1)	1.5 metres	Nil (internal boundary)	Supported - internal boundary
North Storey Boundary Wall (2)	2.2 metres	Nil (internal boundary)	Supported - internal boundary



Buildings on Boundary:			
Townhouse A -	To one side boundary only	To two side boundaries	Supported - the development is on lots with a narrow width and the development will not have any undue impact on adjoining properties.
South (Bath, WC, Stairs and Family Room)	Maximum height of 3.5 metres with an average of 3.0 metres	6.5 metres (internal boundary)	Supported - internal boundary
North (Garage)	Maximum height of 3.5 metres with an average of 3.0 metres	Compliant with R Code requirements	Supported - internal boundary
Townhouse B -	To one side boundary only	To two side boundaries	Supported - the development is on lots with a narrow width and the development will not have any undue impact on adjoining properties.
North (Study, Stairs and bedroom)	Maximum height of 3.5 metres with an average of 3.0 metres	6.5 metres (internal boundary)	Supported - internal boundary
South (Garage)	Maximum height of 3.5 metres with an average of 3.0 metres	Compliant with R Code requirements	Supported - internal boundary
Building Height:			
Townhouse A - North Elevation	7.0 metres (top of concealed roof)	7.157 metres	Not supported - conditioned to comply
Privacy Setbacks:			
Townhouse A - North Elevation (Bedrooms)	4.5 metres	2.1 metres to northern boundary	Not supported - windows conditioned to have sill height of at least 1.6 metres above the finished floor level or be obscured so not considered to be a major opening.

North Elevation (Family Room)	6.0 metres	2.1 metres to northern boundary	Not supported - windows conditioned to have sill height of at least 1.6 metres above the finished floor level or be obscured so not considered to be a major opening.
North Elevation (Roof Terrace)	7.5 metres	5.1 metres to northern boundary	Not supported - condition included to screen the roof terrace to 1.6 metres above the finished floor level.
Townhouse B - North Elevation (Bedrooms)	4.5 metres	2.2 metres to southern boundary	Not supported - windows conditioned to have sill height of at least 1.6 metres above the finished floor level or be obscured so not considered to be a major opening.
North Elevation (Study)	6.0 metres	2.2 metres to southern boundary	Not supported - windows conditioned to have sill height of at least 1.6 metres above the finished floor level or be obscured so not considered to be a major opening.
North Elevation (Roof Terrace)	7.5 metres	2.2 metres to southern boundary	Not supported - condition included to screen the roof terrace to 1.6 metres above the finished floor level.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> <li>• Setbacks in excess of R Codes requirements</li> </ul>		Not supported - the development is on lots with a narrow width and the development will not have any undue impact on adjoining properties.

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

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

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

**COMMENTS:**

The proposal was advertised and one submission was received during this period. The objection related to general non-compliance with Residential Design Codes setback requirements. It is noted that the objectors' address is along Loftus Street and it is considered the development will have no undue impact on adjoining properties.

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. 21 (Lot 17) Waugh Street, Corner Magnolia Street, North Perth - Proposed Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	127250
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 application submitted by Greg Rowe & Associates on behalf of the owner DJ Fleming and PA Whitmore for proposed Subdivision, at No. 21 (Lot 17) Waugh Street, corner Magnolia Street, North Perth, and as shown on plans stamp-dated 23 December 2004, for the following reasons:*
- (a) *the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the approval of the proposed subdivision could create an undesirable precedent for subdivision of lots with similar sizes within the area; and*
  - (c) *the applicant has not demonstrated that the proposed Lot 102 is capable of being developed in compliance with the single bedroom dwelling requirements of the Residential Design Codes (R-Codes) and the Town's Town Planning Scheme No. 1 and associated Policies; and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed 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 Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	DJ Fleming & PA Whitmore
<b>Applicant:</b>	Greg Rowe & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House

<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	491 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

8 April 2003 Council at its Ordinary Meeting resolved to refuse an application for proposed alterations and additions of mezzanine floor to approved free-standing garage/studio structure and retrospective patio, to the existing single house, at the subject lot.

**DETAILS:**

The proposal involves a subdivision of the subject property into two lots as follows: Lot 101 - 347 square metres, Lot 102 - 143 square metres. The application is being assessed under the Residential R40 coding as the existing house is being retained. The applicant has requested proposed Lot 102 to be assessed as a single bedroom dwelling lot, that being two thirds the lot area of a Residential R40 lot (133.3 square metres). The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Density	1.63 multi-bedroom dwellings or 1 multi-bedroom dwelling plus 0.955 single bedroom dwelling - R30  2.23 multi-bedroom dwellings or 1 multi-bedroom dwelling plus 1.84 single bedroom dwelling - R40	2 dwellings (as it is proposed that the proposed Lot 102 will accommodate a single bedroom dwelling) - R34	Not supported - it has not been demonstrated that the proposed single bedroom dwelling Lot 102 can be developed in compliance with the Town's Town Planning Scheme No. 1 and Policies, and the R-Codes.
<b>Consultation Submissions</b>			
No consultation required for this application			
<b>Other Implications</b>			
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:**

It has not been demonstrated that the proposed single bedroom dwelling Lot 102 is capable of being developed in accordance with single bedroom dwelling requirements of the Town's Town Planning Scheme No. 1 and Policies and the R-Codes.

In light of the above, the application is recommended for refusal.

**10.1.18 No. 196 (Lot 556) Anzac Road, Corner Federation Street, Mount Hawthorn - Proposed Additional Single Storey Single House to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO2723; 00/33/2583
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by M Taylor on behalf of the owner TM Martin for proposed Additional Single Storey House to Existing Single House, at No. 196 (Lot 556) Anzac Road, corner Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 22 November 2004, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
- (iii) the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1; and*
- (iv) consideration of the objections received.*

**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	TM Martin
<b>Applicant:</b>	M Taylor
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	541 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

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



**DETAILS:**

The proposal involves an additional single storey single house to existing single house. The only variation sought by the application is in relation to density. The current plans stamp dated 22 November 2004 have been changed from the revised plans stamp dated 28 May 2004, mainly to reflect the proposed dwelling now having both of its car bays uncovered, the front setback staggered, as well as various internal changes.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	1.8 dwellings Residential R30	2 dwellings R36.97 10.9 per cent density bonus (average site area); 8.3 per cent density bonus (minimum site area for subject site).	Not supported - the proposed development does not comply with the average and minimum site area per dwelling requirements of the R30 density code, and the proposal does not warrant a density bonus under Clause 20 of the Town Planning Scheme as resolved by Council on 13 April 2004 and 22 June 2004.
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support	Nil		Nil
Objection (5)	<ul style="list-style-type: none"> <li>• Proposed lot does not comply with the site requirements of the Residential Design Codes (R Codes).</li> <li>• Approval of such a development would provide a precedent for future such developments of equally small lots resulting in undesirable degradation of the standards for housing stock in the area.</li> <li>• Tribunal dismissed a similar application.</li> </ul>		<p>Supported - non-compliance with the site area requirements of the Residential Design Codes (R Codes).</p> <p>Supported - approval of such a development would create an undesirable precedent for development of lots with similar sizes within the area.</p> <p>Supported - Previous appeal was dismissed by the Town Planning Appeal Tribunal.</p>

<b>Other Implications</b>	
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.

**COMMENTS:**

In light of the density variations and objections received, the application is therefore recommended for refusal.

**10.1.19 No. 54 (Lot 466) Fairfield Street, Mount Hawthorn - Proposed Alterations and Additions to Fencing and Garage Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	7 April 2005
<b>Precinct:</b>	Mt Hawthorn, P1	<b>File Ref:</b>	PRO3102; 00/33/2720
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Loader		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 P L Dean on behalf of the owner PL Dean & HK Gill for proposed Alterations and Additions to Fencing and Garage Additions to Existing Single House, at No. 54 (Lot 466) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 10 February 2005, 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 52 Fairfield 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 52 Fairfield Street in a good and clean condition; and*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the timber fence panel of the front/street fence being permeable with a minimum 50 per cent transparency.*

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

**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	PL Dean and HK Gill
<b>Applicant:</b>	P L Dean
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	564 square metres
<b>Access to Right of Way</b>	Rear of lot, 5 metres wide, sealed, privately owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves alterations and additions to fencing and garage additions to existing single house. The proposed fencing is adjacent to the right of way, and is adjacent to Fairfield Street. The solid portion of the proposed street fence is to be constructed of rendered brick to a height of 1-1.4 metres above the adjacent footpath level. The site currently accommodates a verandah and grassed garden within the front setback area. The proposed garage is to be constructed adjacent to an existing parapet wall with access from the right of way.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Street Walls and Fences Policy	The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level.	Solid portion of street fence is solid up to 1.4 metres high.	Supported - wall complies for majority of its length (11.2 metres of 12.23 metres (92 per cent) long wall), and nature of slope across frontage of land.
Setbacks: Garage - South	1.0 metre	Nil	Supported - compliant with R Codes Clause 3.3.2 - Buildings on Boundary and adjacent to neighbour's parapet wall
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
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 was advertised and no submissions were received during this period.

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

**10.1.23 Brisbane Hotel, No. 292 Beaufort Street, Perth – Petition Relating to Residential Parking and Patron Behaviour**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO0103
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Brits, S Teymant, J Maclean, M Wendt		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *RECEIVES the report in response to a petition received from residents of Baker Avenue and Bulwer Street Perth in relation to the Brisbane Hotel located at No. 292 Beaufort Street, Perth; and*
- (ii) *ADVISES the petitioners of the outcome of the Town's investigation and the contents of this report.*

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**COUNCIL DECISION ITEM 10.1.23**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to address matters raised in a recent petition containing 16 signatories, in relation to issues of residential parking and anti-social patron behaviour, associated with the Brisbane Hotel.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 February 2005, a petition signed by 16 residents/ratepayers was received as follows:

*“Residential Parking & Patron Behaviour*

*This is a petition signed by the owners and rate payers of the Town of Vincent regarding the parking problem due to the redevelopment of the Brisbane Hotel and the noise level, unsocial behaviour, urinating on home owners fences and reckless driving when patrons are leaving. As rate payers we demand that something be done immediately. What we ask is that 2kms around the hotel becomes zoned residential the same as around The Paddington Ale House in Mt Hawthorn. We ask that you attend to this matter urgently as no rates will be paid until it's done.”*

**DETAILS:**

**Parking**

The Manager Ranger Services and Community Safety indicates that the area around the new Brisbane Hotel does not meet the criteria for the introduction of a Residential Parking Zone. The nature of Residential Parking Zones precludes parking by anyone, other than residents and this would be totally impractical, given the large percentage of commercial premises in the vicinity of the hotel. The Residential Parking Zone, referred to in the petition, as being near the Paddington Alehouse, is on the west side of Fairfield Street, between Anzac Road and Scarborough Beach Road, a maximum distance of around 300 metres from the Alehouse.

At the Ordinary Meeting of Council held on 22 March 2005, the Council considered a report at Item 10.2.1 in relation to proposed embayed single parking in Brisbane Street, between Beaufort and Stirling Streets, Perth, where it was resolved:

*"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."*

**Noise**

A meeting was conducted with Greenway Street residents on Thursday, 3 March 2005 to discuss concerns in relation to noise, antisocial behaviour and carpark litter. In attendance were representatives of the Brisbane Hotel, Town, WA Drug & Alcohol Office, Racing Gaming & Liquor, and seven (7) Greenway Street residents. The outcome in relation to sound control is that sound monitoring of the venue would be undertaken by the Town's Health Services from inside one of the Greenway Street dwellings to determine compliance with legislation and, if justified, require the hotel to contract the services of an Acoustic Engineer/Consultant to develop suitable management and design attenuation strategies that are addressed in a subsequent review of the Hotel's Harm Minimisation Plan.

**Antisocial Behaviour**

During the 3 March 2005 meeting, antisocial behaviour was also addressed. It was agreed that the Brisbane Hotel will immediately provide an additional two (2) security personnel to patrol the adjoining car park area and Hotel surrounds wearing fluorescent night vests for greater visibility. In addition, the Hotel will set up a manned hotline to cater for resident complaints during, and for a few hours outside, standard hotel operation hours. The WA Drug and Alcohol Office also confirmed that staff will monitor the premises. Police Services agreed to address car park area and surrounds to target antisocial activity, street drinking, etcetera.

**Public Urination**

The Hotel provides sufficient toilet facilities to cater for up to 700 patrons in accordance with the Health (Public Building) Regulations 1997. The Hotel therefore provides adequate facilities for patrons, within designated areas of the Hotel. Additional security patrols and Police attendance should minimise occurrences of this nature.

**Reckless Driving**

The Hotel cannot be held responsible for the driving habits of patrons. Residents are encouraged to record vehicle and driver details for referral to the Police Services for appropriate action.

**LEGAL POLICY:**

Council resolved on 9 November 2004 as follows:

*"(iii) AUTHORISES the Chief Executive Officer to continue participation in the Western Accord and facilitate through the Manager Health Services and Manager Law and Order Services local business precinct accords to address responsible drinking and periodic assessment and review of licensed establishment management plans particularly regarding responsible drinking, unreasonable noise, litter and external security presence."*

**COMMENTS:**

It is understood that the Hotel has already addressed matters raised in the petition, however feedback to petitioners will take place during a meeting to be convened on Thursday, 7 April 2005 at 6.30pm. The meeting will be invitation only to ensure there is suitable opportunity for all attendees to express their views.

It is the Officers' intention to formally confirm outcomes with the petitioners following the meeting. Lastly, should problems persist, the Town's Managers will review the adopted Harm Minimisation Plan accordingly.

**10.1.24 Establishment of a Licensed Premises Vincent Accord**

<b>Ward:</b>	Both	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0099
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Wendt, A Bosworth		
<b>Checked/Endorsed by:</b>	J MacLean, D Brits, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the establishment of an accord to deal with local liquor and related matters, to be called the "Vincent Accord", between the Town of Vincent, the West Australian Police Service, the Town's licensed premises and other relevant stakeholders.*

**COUNCIL DECISION ITEM 10.1.24**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to establish a local accord forum, where specific liquor licensing matters, as encountered within the Town of Vincent's jurisdiction, can be addressed by relevant stakeholders.

**BACKGROUND:**

At the Ordinary Meeting of Council on 9 November 2004, it was resolved as follows:

*"(iii) AUTHORISES the Chief Executive Officer to continue participation in the **Western Accord** and facilitate through the Manager Health Services and Manager Law and Order Services **local business precinct accords** to address responsible drinking and periodic assessment and review of licensed establishment management plans particularly regarding responsible drinking, unreasonable noise, litter and external security presence."*

The Town participates in the Western Accord, which incorporates the Liquor Licensed establishments in the Council areas of the Western Suburbs. The local governments that make up the Western Accord include the Towns of Cambridge, Claremont, Cottesloe, Mosman Park and Vincent, the Cities of Subiaco and Nedlands, and the Shire of Peppermint Grove. The information from the meetings filters down to the publicans through such organisations as Australian Hoteliers Association.



Relevant State representatives, such as Police Services and Liquor Licensing Division, have identified a need to meet on a regular basis with licensees of premises located within the Town of Vincent, to address responsible drinking practices, venue management to minimise detrimental impact on nearby resident amenity, unreasonable noise and anti-social behaviour.

**DETAILS:**

A local accord would provide the Town of Vincent and the local Police, with a regular opportunity (that is, 3 monthly) to meet with the Town's licensed premises to deal with:

- ~ issues identified by representatives and the local community;
- ~ various safety and amenity issues; and
- ~ changes to the legislation and policy.

It would also provide an opportunity for the Town to develop a better working relationship with all its premises.

If approved, the "Vincent Accord" will commence in late April 2005 and will involve:

- ~ Town of Vincent representatives - Health Services, Manager of Ranger Services and Community Safety and the Safer Vincent Co-ordinator;
- ~ Licensees of local liquor licensed premises;
- ~ Officer in Charge of the Leederville Police Station; and
- ~ Relevant organisations that will have the opportunity to attend to disseminate relevant information, such as the Liquor Licensing Division representatives, other relevant agencies and the community.

It is proposed that this local accord be known as the '*Vincent Accord*'.

The Vincent Accord would also provide an opportunity to establish a range of positive and effective community-based harm reduction strategies aimed at reducing crime and violence, stemming from the excessive consumption of alcohol within the Town of Vincent.

This Accord has adopted the framework of the Western Accord and the Perth City Accord, adapting it to reflect the environment of the Town of Vincent. Strategies implemented by the Vincent Accord are intended to ensure that the Town of Vincent is a safe and comfortable environment.

The Accord and all those involved, recognise the right of operators of licensed venues to free enterprise and open competition between venues, hence the Accord must remain unrestrictive. The Accord seeks a collaborative approach in reducing the harmful effects, social disruption, crime and violence caused by rapid consumption and irresponsible service of alcohol.

Accords have proved to be a successful initiative and the Vincent Accord looks forward to a continued environment of joint co-operation with all those involved.

**CONSULTATION/ADVERTISING:**

Licensed premises will be sent a letter of invitation to be part of the Vincent Accord, and to participate in a launch of the accord.

The Officer in Charge of Leederville Police Station has also been consulted accordingly.

The Western Accord convenor, Sergeant Frank Bancilhon, Perth Alcohol & Drug Advisor, West Australian Police Services, has also been consulted and is supportive of the accord.

**LEGAL/POLICY:**

Liquor Licensing Act 1988 (as amended).

**STRATEGIC IMPLICATIONS:**

Under Key Result Area Two: Community Development:

2.2 *Provide and develop a range of community programs and community safety initiatives.*

(g) *Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*

3.1 *Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the town:*

(e) *Promote business and industry associations and foster improved liaison between community groups, precinct groups, the Town and other relevant stakeholders.*

Under Key Result Area Four: Governance and management, the Council upholds a number of objectives including:

~ *"to achieve a constructive, cooperative team approach between Elected Members, Employees and community".*

~ *"to create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks."*

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:**

In the Draft 2005/06 Budget, \$2,000 has been proposed for the running of the Accord.

**COMMENTS:**

It is expected that the *Vincent Accord* will be launched at the end of April 2005.

**10.1.25 Leederville Hotel - Extended Trading Permit for Carpark Area**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO0630 ENS0053
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Bosworth		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the application by the Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville, to host the South African Freedom Day Festival on Sunday 24 April 2005 (ANZAC Day - Long Weekend) from 10.00am until 7.00pm in the Leederville Hotel Carpark and the subsequent Extended Trading Permit, subject to compliance with the following:*
- (a) *the Event and Venue Risk Management Plan submitted to the Town's Officers (as "Laid on the Table") which details foreseen risks and treatments, including Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control;*
  - (b) *limiting the Temporary Extended Trading Permit for the Leederville Hotel Carpark to Sunday 24 April 2005 from 10.00am until 7.00pm;*
  - (c) *the removal of all temporary structures and fencing no later than seven (7) days after the expiration of the Building Permit;*
  - (d) *compliance with conditions determined by the WA Police Service, Department Racing, Gaming and Liquor, Fire and Emergency Services, and the Hotel's Crowd Control Service Provider;*
  - (e) *requiring the Leederville Hotel to advertise the temporary Extended Trading Period with relevant conditions and after-hours mobile and landline contact numbers for nearby ratepayers to contact the Duty Manager in relation to any unreasonable noise, anti-social behaviour, or other problems, in a local newspaper prior to the event;*
  - (f) *requiring the Leederville Hotel to conduct a letter drop in the 200 metres zone around the premises to inform residents and ratepayers of:*
    - (1) *the conditions imposed by the Council;*
    - (2) *measures to be taken by the Leederville Hotel to maintain the amenity of the area during the event; and*
    - (3) *mobile and landline contact details for the day and night Duty Managers for the relevant period; and*
  - (g) *requiring the Leederville Hotel to arrange on-site WA Police Service checks at the Leederville Hotel carpark during the event; and*
- (ii) *DELEGATES future approval of one day Extended Trading Permits in the carpark area of the Leederville Hotel to the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.25**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the Leederville Hotel's application for an Extended Trading Permit between the hours of 10.00am and 7.00pm in the Carpark Area for the South African Freedom Day, on Sunday 24 April 2005.

**BACKGROUND:**

The Leederville Hotel has hosted two successful events in the carpark area which has been licensed through an Extended Trading Permit by the Department of Racing, Gaming and Liquor, following Council approval. The approval has been subject to conditions, and the recommendations of this report have been based on these prior approvals.

**DETAILS:**

The South African Food and Wine Festival, also known as the Freedom Day Festival is proposed to be held at the Leederville Hotel on Sunday 24 April 2005. An application has been received for an Extended Trading Permit to license the carpark area (as per the attached plan) between the hours of 10.00am and 7.00pm. The Leederville Hotel has not applied for additional numbers for the carpark area.

The configuration of the carpark area and temporary fencing requirements are identical to the approved plans for the Rugby World Cup in 2004. The carpark area will host a flea market in addition to the barbeque stalls, bars and eating areas that the area has previously provided. In the past, this area has been used by families.

Crowd controllers at a ratio of 1 per 100 persons will be posted on entry and exit points, and the Leederville Hotel has confirmed with the Leederville Police Services that regular premises patrols will be undertaken.

The South African Food and Wine Festival, also being called "Freedom Day" will support programmes in South Africa for poor and homeless people.

**CONSULTATION/ADVERTISING:**

The Leederville Hotel have confirmed that the event will be advertised in *The West Australian* on Thursday, 7 April 2005, and closer to the event in *The Voice* newspaper, which will detail contact numbers for residents wishing to report antisocial behaviour, noise complaints and the like. In addition, a letter drop will be undertaken to residents within a 200 metres radius advising of: the conditions imposed by the Council; measures to be taken by the Leederville Hotel to maintain the amenity of the area during the event; and mobile and landline contact details for the day and night Duty Managers for the relevant period.

**STRATEGIC IMPLICATIONS:**

Vincent Strategic Plan (as amended) 2005 - 2010:

*VISION: We will foster a prosperous and dynamic business environment that serves local needs and attracts support from surrounding communities.*

Key Result Area Three: Economic Development

*3.3 (b) Promote tourist activity within the Town and review the Town's facilities in terms of attracting regional events and programs.*

**LEGAL/POLICY:**

Liquor Licensing Act 1988; Health (Public Building) Regulations 1992; and Environmental Protection (Noise) Regulations 1997.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is recommended that the Council approves the Extended Trading Permit for the South African Food and Wine Festival, also known as the Freedom Day Festival, proposed to be held at the Leederville Hotel on Sunday 24 April 2005 between the hours of 10.00am and 7.00pm, and delegates the future approval of one day events to the Chief Executive Officer.

**10.1.26 Amalgamation of Central Councils Local Emergency Management Committee and Combined Councils Local Emergency Management Committee**

<b>Ward:</b>	Both Wards	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS0071
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the amalgamation of the Combined Councils Local Emergency Management Committee with the Central Councils Local Emergency Management Committee.*

**COUNCIL DECISION ITEM 10.1.26**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to approve the amalgamation of two Local Emergency Management Committees.

**BACKGROUND:**

The Town of Vincent is a participant in the Central Councils Local Emergency Management Committee (LEMC) which comprises of representation from State Government agencies, such as the WA Police Service, WA Fire Services, WA State Emergency Services, Department of Community Development and St John's Ambulance Services. Local Government is represented on the Committee by the Town of Vincent, Town of Cambridge, Town of Subiaco and the City of Nedlands. At this time, the role of 'Executive Officer' of the Committee, rests with the Town of Cambridge, with the chair being held by City of Nedlands Deputy Mayor, Councillor Sherryl Froese.

An approach has been received from the Combined Councils Local Emergency Management Committee, comprising representatives of the Towns of Claremont, Cottesloe and Mosman Park and the Shire of Peppermint Grove, for the Central Councils LEMC to permit an amalgamation of the two Local Emergency Management Committees. Assurances have been provided by the Local Governments of the Combined Councils LEMC that they will commit to the emergency management processes, as outlined in Policy Statement Number 7.

**DETAILS:**

The Town of Vincent will take over the "Chair" and "Executive Officer" position of the Committee in late 2005 or early 2006, when the Town will be expected to provide an Elected Member as Chairperson and an Executive Officer - probably either the Safer Vincent Co-ordinator or the Manager Ranger Services and Community Safety.

Because of the partnerships between the Local Governments and the other agencies, the Committee's primary role is to assist the Local Emergency Management Coordinator to develop and maintain effective emergency management arrangements for the area. In the event of an emergency, which affects all eight Local Governments in the LEMC, the Co-ordinator would be the Officer-in-Charge [District Superintendent] Central Metropolitan District, WA Police Service. If an emergency only affected the Town of Vincent – the Co-ordinator would be the Officer-in-Charge of Leederville Police Station.

**The Local Emergency Management Committee's functions include:**

- a. Liaison with participating agencies in the development, review and testing of emergency management arrangements;
- b. Assist with the preparation of emergency management operating procedures for application in the local area/s;
- c. Prepare an Annual Report on Committee activities for submission to the District Emergency Management Committee (DEMC);
- d. Participate in the emergency risk management process; and
- e. Carry out other emergency management functions as directed by the District Emergency Management Committee.

**Internal responsibilities for emergency risk management arrangements (ERMA) at the Town of Vincent**

Emergency Risk Management is a key program area of Community Safety as outlined in the existing Local Emergency Management Plan. As such, the Town's Manager Ranger Services and Community Safety has responsibility for the co-ordination, development, implementation and facilitation of emergency risk management policies, arrangements; and advice to the community.

**The Town's Emergency Risk Management Policy**

The Town is in the process of developing a policy relating to emergency risk management and its 'arrangements'. These arrangements and procedures should align with the framework of the Central Councils Local Emergency Management Arrangements, which in turn complement the District and State arrangements.

Notwithstanding the current emergency risk management partnerships, the Town's planning arrangements are also required to be able to 'stand alone' in the event that there is some breakdown in the Central Councils arrangements.

The Town's policy, procedures and arrangements, together with those of State, District and Local Emergency Management Committee policies and 'arrangements' will, where no security sensitivities exist, be made available to the community at large.

**Commitment**

The Town is committed to ensuring that Vincent is a safe community. The Town is aware that this can only be achieved in consultation, and particularly in the case of emergency risk management, by way of adherence to Commonwealth and State strategies, concepts and principles.

Together in a consultative, co-operative and participative manner the Town is well positioned to continue its commitment in its contributions to more effective Local Government partnering in the area.

**Proposed merger/amalgamation of the Central and Combined Councils Local Emergency Management Committees' (LEMCs')**

At a State level the Metropolitan Emergency Management Co-ordination Group (MEMCG) has, for some time, advised of their strategic intent to:

1. Reduce the number of LEMCs' by mergers/amalgamations; and
2. Create 'emergency risk management economies of scale' and achieve more effective LEMCs' by such mergers/amalgamations. *(It should be noted that the Central Councils' LEMC, to which the Town belongs, is considered to be one of the most functional and efficient in the Perth Metropolitan area).*

Notwithstanding the MEMCG's intent - the Central Councils' LEMC, also for some time, has had protracted discussions with the Combined Councils' LEMC on merging/amalgamating both LEMCs'.

Those discussions *(following written commitments given by the Chief Executive Officers' (CEOs') of the Local Government Authorities (LGAs') in the Combined Councils' LEMC to any amalgamation)* were concluded by the Central Councils' LEMC voting unanimously (in November 2004) to a merger.

Following that decision, the Central Councils' LEMC wrote to the MEMCG advising of the outcome of the discussions and seeking approval of the merger.

**CONSULTATION/ADVERTISING:**

Since the Local Emergency Management Committees are the representatives of the community, it will be necessary to advertise the merger. However, there will be no change to the effectiveness of the existing arrangements and the change should be affected with minimal impact.

**LEGAL/POLICY:**

There is no legal impediment to the proposal, which is in keeping with the current and proposed structures for emergency management in Western Australia.

**STRATEGIC IMPLICATIONS:**

The above proposal is in keeping with the following areas of the Town of Vincent Strategic Plan 2005 to 2010:

- 1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*
- 2.2 *Provide and develop a range of community programs and community safety initiatives.*
  - (h) *Enhance and promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies.*
  - (i) *Actively participate in the Local and District Emergency Management Committees.*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications associated with this proposal.



**COMMENTS:**

The members of the Combined Councils LEMC have all given assurances of their commitment to the emergency management process. As a result, the Central Councils LEMC Members have voted to approve the merger. Since the LEMC consists of a number of Local Governments, it was considered appropriate to formalise the arrangements by having each Council approve the amalgamation.

The report is recommended for approval.

**10.1.27 Emergency Management Bill 2004 - WALGA Request for Comments**

<b>Ward:</b>	Both	<b>Date:</b>	23 March 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0044 & ENS0071
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Emergency Management Bill 2004; and*
- (ii) *AUTHORISES the Chief Executive Officer to write to the Western Australian Local Government Association (WALGA) advising of the Chief Executive Officer's comments contained in this report and that the Town of Vincent agrees with WALGA's comments on the Legislation.*

**COUNCIL DECISION ITEM 10.1.27**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

To provide comments to WALGA with reference to the Emergency Management Bill 2004.

**BACKGROUND:**

Unlike all the other Australian States and Territories, there is currently no Emergency Management Legislation in Western Australia and this is being addressed by the Emergency Management Bill 2004, which was introduced into the Western Australian Parliament on 27 October 2004. This Bill and the associated Explanatory Memorandum is "*Laid on the Table*".

Emergency Management in WA is currently governed by a series of State Emergency Management Committee Policy Statements. The Policy Statement, which outlines the roles and responsibilities of Local Government, as well as State Government Agencies, is Policy Statement Number 7. This Policy Statement is also "*Laid on the Table*".

For the most part, the Bill has incorporated the roles and responsibilities, contained in Policy Statement Number 7 and has expanded responsibilities to cover areas which were previously considered to be "grey areas" in the emergency management arrangement field.

WALGA has developed a Discussion Paper, which is "*Laid on the Table*", and they have made comment against the clauses that are seen as being potentially controversial to Local Government.

**DETAILS:**

The Emergency Management Bill 2004 is a comprehensive document, which legislates the roles, duties and responsibilities of the various participants in emergency management.

In general, the legislation does not create difficulties for Local Government, although there is a concern that it lacks a process whereby Local Government is consulted in issues that affect its operations. The primary areas where clarification is required are as follows:

- Clause 3 - Local Government, by virtue of their position in the community should be designated as "a Public Authority", for the purposes of Emergency Management.

***Chief Executive Officer's Comment:***

*"From a Town of Vincent perspective, this clause will have little or no effect."*

- Clause 5 - Local Government should be included as a "Combat and Support Agency" for the purposes of Emergency Management.

***Chief Executive Officer's Comment:***

*"The Town of Vincent is already an active participant in the Local Emergency Management Committee and has accepted the responsibilities associated with membership. In the event of an emergency, the Town would, as a matter of course, where appropriate, act in the role of both a Combat Agency and a support agency. As a result, this clause will not change the way the Town currently acts."*

- Clause 12 - Local Government should be represented on the State Emergency Management Committee.

***Chief Executive Officer's Comment:***

*"There is no question that Local Government should have a voice in the process of Emergency Management, at a State level and that this voice should be a representative of Local Government, rather than a State Government employee. However, it is acknowledged that there are inherent difficulties in having a representative, with an authority to negotiate on behalf of all Local Governments."*

- Clause 15 - A requirement to consult with Local Government should be included in the Legislation.

***Chief Executive Officer's Comment:***

*"The principle of consultation with Local Government is supported, but this clause will have little effect on the Town of Vincent."*

- Clause 16 - A requirement to consult with Local Government should be included in the Legislation.

***Chief Executive Officer's Comment:***

*"If the State Emergency Management Committee is authorised to develop a strategic framework for Emergency Management and to prescribe roles and responsibilities for Agencies (including Local Government), there should be a legislated requirement for consultation."*

- Clause 25 - Where an Emergency Management boundary can not align with a Local Government boundary, a requirement to consult with the affected Local Governments should be included.

**Chief Executive Officer's Comment:**

*"The Emergency Management Boundaries have traditionally aligned with the Police Districts and, since Town of Vincent occupies a place, partly in the Central Metropolitan Police District and partly in the Western Metropolitan Police District, it would be appropriate for decisions to be made after consulting with the Town."*

- Clause 33 - Commensurate with the increased level of involvement, a suitable level of funding should be provided to Local Government to participate in the Emergency Management process.

**Chief Executive Officer's Comment:**

*"With the anticipated greater involvement in Emergency management, by Local Governments, it would be appropriate for the State Government to meet the additional costs as an ongoing commitment (as opposed to one-off grant funding)".*

- Clause 34 - Local Government should have an input to the decision to appoint a person to be "Local Emergency Co-ordinator".

**Chief Executive Officer's Comment:**

*"Under Policy Statement Number 7, the Local Emergency Co-ordinator is appointed by the State Emergency Co-ordinator, who is the Commissioner for Police. The Local Emergency Co-ordinator would normally be the Officer-in-charge of the local Police Station. Since the Western Australian Police Service has the overall co-ordinating responsibility for all emergencies in the State, the current process would seem to be appropriate".*

- Clause 38 - Commensurate with the increased level of involvement, a suitable level of funding should be provided to Local Government to participate in the Emergency Management process.

**Chief Executive Officer's Comment:**

*"With the anticipated greater involvement in Emergency Management, by Local Governments, it would be appropriate for the State Government to meet the additional costs as an ongoing commitment (as opposed to one-off grant funding)".*

- Clause 39 - An annual Review of the Local Arrangements is seen as unnecessary and it is suggested that a 2 year, or even a 3 year review would be more appropriate.

**Chief Executive Officer's Comment:**

*"The time and effort, required to review the Local Emergency Management Arrangements annually, does not appear to be justified. The Local Emergency Management Plan should be seen as a dynamic document that will evolve, as emergencies occur, so an annual review would seem excessive. It is agreed that a two or three year review would be a more acceptable period."*

- Clause 78 - Local Government should be included as a member of the State Disaster Council (SDC), if it is formed. Where an emergency is spread over a number of Local Government areas, all affected councils should be able to nominate a representative to SDC.

***Chief Executive Officer's Comment:***

*"The SDC would only be formed in the event of a major event, so it is likely that this would involve a number of Local Governments. It is appropriate for Local Government to be represented on this committee."*

**CONSULTATION/ADVERTISING:**

The State Government is seeking a response to their proposed Bill, from the Community, so it would not be necessary for the Town of Vincent to seek comments. The Minutes of the Ordinary Meeting of Council will be available to the public and should they wish to make comment, the response should be forwarded to the Minister for Police and Emergency Services.

**LEGAL/POLICY:**

There are no legal implications on the Town of Vincent, relative to this report. However, if the Bill passes into Legislation, there will be responsibilities and duties legislated to all local Governments.

**STRATEGIC IMPLICATIONS:**

The above recommendation is in line with the Strategic Plan 2005 - 2010, at KRA 2.2(h) - *"Enhance and promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies."* and KRA 2.2 (i) - *"Actively participate in the Local and District Emergency Management Committees"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications relating to this report but, if the Emergency Management Bill 2004 becomes law, there will be legislated responsibilities, with an associated cost.

**COMMENTS:**

The Emergency Management Bill 2004 is seen as a comprehensive document and, provided the issues raised by WALGA are addressed, any additional impact on the Town of Vincent will be minimal. The report is recommended for approval.

**10.1.30 Request for the Town to Issue Pre-Paid Parking Permits for use in Oxford Street Car Park**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Mt Hawthorn Centre; P2	<b>File Ref:</b>	PKG0089
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the retention of the five (5) parking bays adjacent to City Business Machines, exclusively for use by City Business Machines, in Oxford Street Car Park; and*
- (ii) *APPROVES the issue of 5 Pre-paid Parking Permits, for use by City Business Machines, in the five (5) set-aside parking bays in Oxford Street Car Park, at a cost of \$55.00 per permit per month.*

**COUNCIL DECISION ITEM 10.1.30**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

To maintain a parking situation that has been in force for 5 years and to provide a facility for City Business Machines to retain exclusive use of the five (5) parking bays, immediately adjacent to their premises.

**BACKGROUND:**

In 1999, the Town was approached by the owner of the premises at No. 392 Oxford Street, Mount Hawthorn, seeking the development of five (5) additional parking bays adjacent to his premises, within the Oxford Street Car Park. The owner of the property was told that there was no funds available for the creation of the parking bays, but that, if he was prepared to pay for the development of the bays, the Town would allocate exclusive use to his tenant until 1 July 2004.

The Town recently installed parking ticket issuing machines in the Oxford Street Car Park, with a day-time and a night-time fee schedule. The day time fees were set at \$1.00 per hour to a maximum of \$5.50 per full day, between 8.00am and 8.00pm Monday to Sunday and the night-time fees were set at 80 cents per hour to a maximum of \$4.40 per full night, from 8.00pm to 8.00am Monday to Sunday.

**DETAILS:**

The current tenants of No. 392 Oxford Street have approached the Town seeking to retain their exclusive use of the five (5) parking bays immediately adjacent to their business. Since the general public that use the Oxford Street Car Park have been aware for a number of years that these bays are not available for non-permit parking, the retention of the exclusivity would not be seen as an inconvenience to other patrons.

City Business Machines have indicated that, because of the nature of the business, the staff regularly leave the car park and do not therefore park all-day in the bays.

It should be noted that there is a two hour (2P) parking restriction in the streets surrounding the Oxford Street Car Park and it would not be a major problem for the staff to move their vehicles from street to street, every two hours, thereby avoiding any parking fees.

The parking fees that would be payable for Pre-paid Parking Permits is set at \$65.00 per parking bay per month, in the current Budget Schedule of Fees and Charges. However, the business proprietors have asked that, since the business intends to pay the parking fees for their staff and since they will be purchasing five permits every month, this amount be reduced to \$55.00 per bay per month. This will result in a revenue to the Town of \$3,300 per annum, as opposed to \$3,900, if the standard \$65.00 per bay per month was charged.

It is suggested that, as a gesture of goodwill, the Town agrees to accept payment of the \$55.00 per bay per month, with a condition that this amount will be reviewed in February 2006, in time for Budget deliberations for the 2006/07 Budget.

**CONSULTATION/ADVERTISING:**

There is no need to advertise the above proposal, since the minutes will be a public document.

**LEGAL/POLICY:**

There is no legal impediment associated with the proposal.

**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/BUDGET IMPLICATIONS:**

The only financial implications, associated with this proposal will be a confirmed \$3,300 per annum from City Business Machines.

**COMMENTS:**

City Business Machines have asked the Town to continue to set aside five (5) parking bays for their use and to provide pre-paid parking permits for the Oxford Street Car Park, at a monthly fee per bay of \$55.00. It is suggested that this will have little or no impact on the availability of parking in the car park and it is therefore recommended for approval.

**10.1.35 LATE ITEM - No. 51 (Lot 102) Blackford Street, Mount Hawthorn - Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	8 April 2005
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO3082; 00/33/2689
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 L Maggi on behalf of the owner L & M Maggi for proposed Two-Storey Single House, at No. 51 (Lot 102) Blackford Street, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans being submitted and approved demonstrating the following:*
  - (a) the setback to the balcony on the upper floor being a minimum of 3.0 metres from the Blackford Street frontage; and*
  - (b) the setback to the master bedroom on the upper floor being a minimum of 4.0 metres from the Blackford Street frontage.*

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

- (iii) subject to first obtaining the consent of the owners of No. 160 Egina 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. 160 Egina Street in a good and clean condition; and*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Blackford 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.*

**COUNCIL DECISION ITEM 10.1.35**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**



<b>Landowner:</b>	L & M Maggi
<b>Applicant:</b>	L Maggi
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	270 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves proposed two-storey single house. The proposed development is located at the rear of a previously subdivided corner lot at the intersection of Blackford and Egina Streets.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Front Setback:			
Upper Floor - Main Building	6 metres	3.78 - 4.2 metres	Not supported - 4.0 metres is supportable as lot is created from a previous corner lot, and a condition is included for compliance with 4.0 metres setback. Not supported - 3.0 metres is supportable as lot is created from a previous corner lot, and a condition is included for compliance with 3.0 metres setback.
Balcony	6 metres	2.8 metres	
Setbacks:			
Ground Floor South (Dining and Kitchen)	1.5 metres	1 metre	Supported - considered minor, no objections received and no undue impact.

West (Laundry)	1.5 metres	1 metre	Supported - considered minor, no objections received and no undue impact.
West (Garage)	1.5 metres	Nil	Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
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 was advertised and no objections were received during this period.

The upper floor front setback variations are not supported as the dispensation usually given to developments at the rear of corner lots (4.0 metres to main building wall and 3.0 metres to balcony), is considered to be sufficient for the proposed development. It is noted that any further reduction in front setbacks will have an undue impact on the streetscape.

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

**10.2.2 Further report Proposed State Black Spot Improvement Project intersection of Anzac Road & The Boulevard, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	30 March 2005
<b>Precinct:</b>	Mount Hawthorn	<b>File Ref:</b>	TES0173, TES0439 & TES0382
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and The Boulevard, Mount Hawthorn as shown on attached Plan No 2196-CP-2;*
- (ii) *NOTES that funds totalling \$85,000 are allocated for the project in the 2004/2005 budget with the State's share of the cost being \$56,667;*
- (iii) *NOTES that the high cost of approximately \$50,000 associated with the relocation of services will make the project untenable unless further State funding is provided;*
- (iv) *REQUESTS Main Roads WA to fund the additional \$45,000 from the State Black Spot Program for the relocation of services to enable the project to proceed; and*
- (v) *RECEIVES a further report once a formal response has been received from Main Roads WA.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the exorbitant cost to relocate services to accommodate a roundabout at the above intersection and that the project may be jeopardised unless additional grant funding is obtained.

**BACKGROUND:**

As previously reported to the Council, 'Black Spots' are locations which have a high accident recurrence rate, resulting in significant personal and property damage. Locations designated 'Black Spots' are eligible for state and federal funding with which to undertake Main Roads WA endorsed improvements.

The Council, at its Ordinary Meeting held on 9 November 2005, was advised that the Town had State Black Spot funding to undertake improvements at the intersection of Anzac Road and The Boulevard, Mount Hawthorn, to reduce or eliminate right angle crashes.

Following consideration of the report the following decision was adopted:

*"That the Council;*

- (i) RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and The Boulevard, Mount hawthorn;*
- (ii) APPROVES the proposal as shown on attached Plan No 2196-CP-2 subject to it being amended to allow adequate pedestrian access on the south east corner;*
- (iii) ADVERTISES the proposal to the adjoining property owners giving them 14 days in which to respond; and*
- (iv) RECEIVES a further report on the matter should any adverse comments regarding the proposal be received."*

#### **DETAILS:**

The plan prepared for the black spot submission was 'conceptual only'. As requested by the Council, *clause (ii)*, the roundabout was redesigned to allow adequate pedestrian access etc.

While the original concept design and estimate allowed for some minor service relocations (\$5,000), the actual cost and magnitude of actual relocations could not have been foreseen at the concept design stage.

As a result, after formally requesting quotations based on the more detailed design, the following quotations were received:

• Telstra	\$45,800
• Western Power	<u>\$ 4,500</u>
<b>Total</b>	<b>\$50,300</b>

Total funds available are \$85,000 and the service relocation costs (over \$45,000 more than estimated) make the project untenable unless additional funds are forthcoming.

#### **CONSULTATION/ADVERTISING:**

It was considered prudent to defer consultation once the funding matter had been resolved as the project may not proceed should additional fund not be forthcoming.

#### **LEGAL/POLICY:**

N/A

#### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2004/2005 budget lists this project as the intersection of Anzac Rd and The Boulevard Roundabout with an allocation of \$85,000.

- State Funding                 \$56,667
- TOV Funding                 \$28,333

**COMMENTS:**

While there is a strong case to install a roundabout in this intersection of Anzac Road and The Boulevard, in order to reduce the accident recurrence rate without causing restrictions to the current movements of this intersection, the service relocation costs make the project untenable unless the state can contribute additional funds.

It is therefore recommended that the Council requests Main Roads WA to fund the additional \$45,000 from the State Black Spot Program for the relocation of services to enable the project to proceed and receives a further report once a formal response has been received from Main Roads WA

**10.2.4 Introduction of New 5 Minute Pick Up and Set Down Bay In Newcastle Street, Leederville**

<b>Ward:</b>	South Ward	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	PKG0012
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	C Wilson	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the introduction of a new five (5) minute “pick up or set down only” bay adjacent to 643 Newcastle Street, Leederville, as shown on attached plan 2341-PP-1; and*
- (ii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the amended parking restriction signs.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council's approval for the implementation of a short term parking bay to improve safety when exiting from the car park at 643 Newcastle Street.

**BACKGROUND:**

The tenants of 643 Newcastle Street have requested measures be implemented to improve sight lines to west bound traffic when exiting the car park at 643 Newcastle Street.

**DETAILS:**

As part of the implementation of the ticket parking in Newcastle Street, between Oxford and Loftus Streets, the bus stop immediately east of the entrance to the car park at 643 Newcastle Street was relocated to better serve the majority of those who make use of it and to improve spacing of the Transperth facility.

As a result of the bus stop relocation, a ticket parking space is now located on the east side of the crossover serving the car park at 643 Newcastle Street. As the bus stop was occupied only occasionally throughout the day, tenants from 643 Newcastle Street have complained about lack of visibility when exiting from their driveways.

The Officers are reluctant to diminish the amenity by removing any bays, and therefore it is proposed that the first bay immediately east of the crossover be made a five (5) minute pick up and drop off zone. Tenants have been consulted and have commented that the short term parking bay will also address the need for improved courier parking facilities.

**CONSULTATION/ADVERTISING:**

The Town was approached by the tenants of 643 Newcastle Street directly, and therefore no further consultation regarding this minor matter is deemed necessary.

**LEGAL/POLICY:**

There is no legal impediment to the amendment of the parking restriction.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment “*p) Develop a strategy for parking management in business, residential and mixed use precincts*”.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of installation of restriction signs and road line marking would be approximately \$100.00.

**COMMENTS:**

The Town endeavours to provide as much parking as possible to assist businesses and residents alike. The short term parking bay will improve the parking amenity in this location. The Manager Ranger Services and Community Safety supports the creation of the five (5) minute parking space.

**10.2.5 Proposed Closure of Right of Way Bounded by Hobart Street, Shakespeare Street, Scarborough Beach Road and Dunedin Street**

<b>Ward:</b>	North Ward	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Mount Hawthorn (P1)	<b>File Ref:</b>	TES0445
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposed closure of the right of way bounded by Hobart Street, Shakespeare Street, Scarborough Beach Road and Dunedin Street;
- (ii) **APPROVES** the closure of the right of way, as illustrated on attached Plan 2342-RP-1; and
- (iii) **ADVISES** the applicants of the Council's decision.

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the circumstances surrounding the application for the closure of the subject right of way and seek approval for its closure.

**BACKGROUND:**

The Town has received an application from Continental Investments Pty Ltd for the closure of the right of way (ROW) which is surrounded by three lots owned by that company, so that the lots, together with the ROW, can be amalgamated and redeveloped.

**DETAILS:**

Continental Investments Pty Ltd is the owner of Lots 1, 4 and 8 as shown on attached plan 2342-RP-1, and intends to submit a development application in the near future. The company has been advised that it will be required to amalgamate the lots into a single parcel of land. The three lots are serviced by a ROW which is appurtenant only to them, and is currently absorbed into the existing car park. Once the lots are amalgamated, the ROW will serve no useful purpose.



Therefore, Continental Investments have requested that the Town approve the closure of the ROW, which will then revert to the ownership of the Crown. The company then intends to apply to purchase the land from the Crown and include it in the new amalgamated lot.

The ROW is privately owned by a person presumed deceased. It is the only remaining land held in title Volume 416 Volume 49, issued in 1908, in the name of Thomas John Jackman. The Department for Planning and Infrastructure has indicated that they are prepared to sell the land to the applicant, however, they first require the Town to effect the closure of the ROW under Section 52 of the Land Administration Act.

**CONSULTATION/ADVERTISING:**

All service providers have been consulted and no objections have been made to the closure. As the applicants own all three properties served by the ROW, no further consultation is necessary.

**LEGAL/POLICY:**

The closure of the ROW will be carried out in accordance with Section 52 of the Land Administration Act.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 3.3 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town and develop partnerships and alliances with key stakeholders "*(a) adopt policies and practices to promote appropriate investment.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for the Town.

**COMMENTS:**

The ROW is no longer serving a useful purpose, however, its closure and amalgamation into a new lot comprising the surrounding adjacent properties will enable the site to be developed to its full potential. It is therefore recommended that the Council approves the closure of the ROW.

**10.2.6 Public Transport Authority Bus Shelter Grants Scheme**

<b>Ward:</b>	Both	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0028
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Public Transport Authority's Bus Shelter Grants Scheme;*
- (ii) *APPROVES the Town's continued participation in the scheme, and*
- (iii) *APPROVES the allocation of \$20,000 in the Draft 2005/06 Budget.*

**COUNCIL DECISION ITEM 10.2.6**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek Council's endorsement for the Town's continued participation in the Bus Shelter Grants Scheme.

**BACKGROUND:**

At its Ordinary Meeting of 28 May 2002, the Council received a report on the former Department for Planning and Infrastructure's (DPI) Bus Shelter Grants Scheme.

In March 2002, the Department's Metropolitan Infrastructure Directorate invited Local Governments to apply for funding grants under the newly introduced Bus Shelter Grants Scheme. The scheme was launched with the following objective:

*"The Bus Shelter Grants Scheme provides funding assistance of \$500,000 per year to Local Governments in the procurement and installation of bus shelters throughout Western Australia. The scheme's primary aims are to encourage the use of public transport in partnership with Local Government through the provision of suitable facilities for the community."*

The DPI advised that the State Government had committed to funding the scheme to a maximum of \$500,000 per year over four (4) years. The money is available to all Local Governments on the understanding that it is on a 50/50 shared funding basis.

To guarantee an even distribution of funds, the DPI imposed a limitation of \$10,000 per shelter (\$5,000 LA / \$5,000 DPI) based upon the cost of commercially produced shelters currently available.

To ensure an appropriate level of funding was allocated to the project, without unduly impacting upon other programs, the report proposed that the Town apply for funding to install four (4) new shelters annually over the life of the program, requiring a total expenditure by the Town of \$80,000, with matching funding from DPI.

Responsibility for the program was transferred to the Public Transport Authority (PTA) in 2003, with the PTA indicating that given the success of the scheme it is likely to be extended beyond the initial four (4) year term.

One significant change to the selection criteria, made by the PTA, was to extend the program to include replacement of existing shelters that were either inadequate or in poor condition. In the past, new shelters could only be installed at those locations without existing facilities. This concession was made on the basis that many established inner city local governments were having difficulty finding suitable locations and were seeking funding to replace old shelters.

To date the Town has installed eight (8) shelters with a further four (4) to be installed by the end of April 2005.

#### **DETAILS:**

In the aforementioned report of May 2002, the Council adopted the installation of a *Jason SignMakers* type JSc shelter, in the Town's corporate colours, as the standard shelter for the life of the program. To date the Town has installed eight (8) shelters with a further four (4) to be installed by the end of April 2005. Each shelter is fully compliant with the PTA's Universal Accessibility requirements including Tactile Ground Surface Indicators and Wheelchair Access.

Prior to 2004/05 all the nominated locations had to be for new installations (without existing shelters). With the easing of the criteria in 2004 three (3) of the four (4) shelters to be installed in 2004/05 will be a direct replacement of old cantilever metal shelters. These shelters were nominated in light of their poor condition and complaints received about anti-social activities associated with the shelter. The old shelters have half height solid panels with a low flat roof where as the JSc shelter is predominately glass and therefore allows a greater degree of on-street surveillance.

The new shelters have been installed in a variety of locations across the Town based upon the following criteria:

- Patronage (predominantly students and aged persons)
- The number of requests (for a shelter)
- Surrounding land use/attractors (schools, leisure facilities etc.)
- Proximity to private dwellings
- Road safety issues
- Able to accommodate a shelter without impinging upon pedestrian access
- Considered unsuitable (as per the above) for an Adshel Shelter

### **Installations 2002/03 to 2004/05**

In 2002/03 shelters were installed at the following locations:

- 391 Fitzgerald Street, North Perth (North Perth Plaza).
- 67 Cleaver Street, West Perth.
- 404 Bulwer Street, West Perth.
- 337 Oxford Street, Leederville.

In 2003/04 shelters were installed at the following locations:

- 282/286 Newcastle Street, Perth.\*
- Beaufort Street, Highgate, corner Harold Street.
- Guildford Road, Mt Lawley, near Stanley Street.
- Axford Park, Scarborough Beach Road, Mt Hawthorn.

\* Since relocated to 484 Beaufort Street, Highgate, as a consequence of the redirection of the No. 15 Bus Service, and as approved by Council at its Ordinary meeting of 21 December 2004.

In 2004/05 shelters are to be installed at the following locations:

- 244 Vincent Street, Leederville.
- 614/620 Newcastle Street, Leederville (replacing an existing shelter)
- 200 Bulwer Street, Perth (replacing an existing shelter)
- 496 William Street, Highgate (opposite Hyde Park to replace an existing shelter).

### **Proposed Installations 2005/06**

Submissions for the 2005/06 program closed 31 March 2005, for which the Town nominated a further four (4) locations. The following description/justification for each location is an extract from the Town's submission.

#### Lord Street, Perth.

A new site adjacent to the recently refurbished Perth Oval (Members Equity Stadium) home to Perth Glory and from 2007 the new Perth Super 14 Rugby Team. This stop services "outbound" route numbers 41, 42, 43, 44, 46, 48 and 55 to the eastern suburbs.

While there have been concerted advertising campaigns to encourage greater use of public transport to attend sporting events at the stadium, the emphasis to date has been on trains. Further, most spectators appear to be unaware of the regular bus services in Lord Street and an opportunity exists to encourage greater bus patronage for events at the stadium.

A shelter at this location would not only provide protection from the elements, but together with a timetable module, would increase the public awareness of the Lord Street services.

#### William Street, Perth.

Replacement of existing shelter located in William Street, Perth, "inbound", between Ruth and Brisbane Streets. This stop services route numbers 16, 60, 401 and should they revert to their original route at the completion of the Mandurah Rail Project, Nos. 17 and 19.

The Town, in conjunction with the City of Perth and the East Perth Redevelopment Authority, is currently developing plans to upgrade William Street. Once completed it is envisaged that it will re-establish the area as Perth's premier entertainment precinct and will attract a significant number of tourists.

Therefore while the bus shelter is one small design element within the overall concept, it is an opportunity to further aesthetically enhance the precinct whilst providing an improved level of service for bus passengers, be they residents or tourists.

#### 233 Scarborough Beach Road, Mt Hawthorn

Replacement of an existing shelter located in Scarborough Beach Road, Mt Hawthorn, "outbound", corner of Federation Street. This stop services high frequency route No. 400 as well as No. 402.

The existing cantilever shelter, which is extensively used by students and commuters catching the 400 service to Glendalough Station, is in a poor condition and in need of replacement.

#### 236 Charles Street, North Perth.

Replacement of existing shelter located in Charles Street, North Perth, "inbound", near Claverton Street. This stop services route Nos 346, 347, 354, 363, 370, 373, 400 and 870.

As can be seen from the number of services using Charles Street, this stop provides the nearby residents with a high frequency reliable service to the CBD. Further, as the density of the housing in the immediate catchment area increases (the locality is within 2kms of the CBD) the number of commuters using the stop will continue to increase.

The existing cantilever shelter is in a poor condition and in need of replacement while the stops either side (both directions, bar one) have already been replaced with an advertising shelter.

### **Cleaning & Maintenance**

To ensure that the new shelters are maintained to an appropriate standard, the Town has an existing agreement with Adshel Street Furniture, the owners of the advertising shelters within the Town, to clean the Town's shelters on a monthly basis. Adshel has its own dedicated cleaning contractor who, under the terms of the Town's current agreement with Adshel, is obliged to clean Adshel's shelters on a regular basis, and therefore cleaning of the Town's shelters is a minor extension to the contract.

However, should the proposed Precinct Cleaning Unit be established, it is envisaged the Town will take responsibility for cleaning the shelters as of the new financial year. Further, the cleaning of the remaining stock of the 'old' metal cantilever shelters has been largely ad-hoc to date and therefore the new unit will be directed to also clean these shelters on a regular basis.

With regard to maintenance of the shelters, the Town is, and will continue to be, responsible for all maintenance and removal of graffiti.

### **CONSULTATION/ADVERTISING:**

The Lord Street, Perth, site has nil impact on adjoining properties as it is bounded by Members Equity Stadium to the west and the Claisebrook Commercial area to the east (within the City of Perth).

The William Street, Perth, site is a direct replacement of an existing shelter abutting the Wade Street Reserve and, as above, has nil impact upon surrounding properties.

*Therefore for the above two (2) locations it is considered that nil consultation is required.*

The 233 Scarborough Beach Road, Mt Hawthorn, site is a direct replacement of an existing shelter located outside a doctor's surgery and will have minimal impact.

The 236 Charles Street, North Perth, site is a direct replacement of an existing shelter outside a residential property. The residents in the past have raised concerns about a sight distance obstruction of the existing shelter when exiting their property, which the proposed type JSc should address.

*If the Town's 2005/06 funding submission is successful it is proposed to liaise with the above residents and/or property owners in accordance with Council Policy No. 4.1.21 "Community Consultation" prior to proceeding with installation.*

**STRATEGIC IMPLICATIONS:**

In accordance with the aims of the Strategic Plan -Amended 2005-2010 - Key Result Areas 1.4 *"Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation of \$20,000 has been included in the Draft 2005/06 Budget for the installation of four (4) bus shelters under the PTA's Bus Shelter Grants Scheme, based upon a 50/50 equal funding arrangement.

**COMMENTS:**

For each of the nominated sites, there is a demonstrated need for a bus shelter.

In respect of the Lord Street site, it is an opportunity to enhance the use of public transport for those patrons attending events at Members Equity Stadium and to raise awareness of the existing bus services.

For the three locations at which a shelter already exists the 'old' metal cantilever shelters are reaching the end of their useful life and are all in poor condition, be it through exposure to the elements and/or vandalism, and therefore it is an opportunity to upgrade the Town's infrastructure with the aid of external funding.

**10.2.7 Assessment of Current Speed Limits - Vincent Street Between Oxford and Loftus Streets, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	TES0045
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the interim report on the investigation into lowering the speed limit on Vincent Street, between Oxford and Loftus Streets, to 50km per hour;
- (ii) **NOTES** that the traffic data contained in the report complies with the road's classification; and
- (iii) **RECEIVES** a further report once a formal response has been received from Main Roads WA.

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**COUNCIL DECISION ITEM 10.2.7**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with an update into the progress of the investigation into lowering the speed limit on Vincent Street, between Oxford and Loftus Streets, to 50km per hour.

**BACKGROUND:**

At the Ordinary meeting of Council held on 18 January 2005, the Council considered a report on proposed changes to on-road parking in Vincent Street, Leederville, between Oxford and Loftus Streets.

While the endorsed parking changes have since been implemented, the amended resolution adopted by Council required that the Town's officers '*investigate lowering the speed limit on Vincent Street, between Oxford and Loftus Streets, to 50km per hour and a report be provided to the Council no later than March 2005*'.

**DETAILS:**

Vincent Street, between Leederville Parade and Bulwer Street, including the section Oxford Street to Loftus Street, is currently classified as a District Distributor A Road in accordance with the Town's Functional Road Hierarchy and is sign posted as 60kph.

The Town deployed two (2) traffic classifiers in Vincent Street in mid March 2005 to accurately determine current traffic volumes and speeds. The classifiers were located near the Leederville Early Childhood Centre at 244A Vincent Street to determine the veracity of the parents' concerns about speeding traffic.

<b>Vincent Street Oxford St to Loftus</b>	<b>Volume (vpd)</b>	<b>85% Speed (kph)</b>	<b>Average Speed (kph)</b>
West Bound	7,739	60	51.0
East Bound	7,348	60	52.4
Combined	15,087	60	51.7

Table 1

The data indicates that Vincent Street is currently operating in accordance with its function. Therefore the only way Main Roads WA (MRWA) would countenance any reduction in the posted speed limit would be to change the road environment so that the operating speed of the road, expressed as the 85% speed, dropped to the order of 50kph. To achieve this would require physical intervention in the form of traffic calming.

Essentially this is the course of action that the Town successfully pursued in Scarborough Beach Road, through the Mount Hawthorn Centre Precinct, where the posted limit was downgraded to 50kph or less.

However, there are considerable differences between the two (2) locations. Scarborough Beach Road already operates as a single lane in either direction and the high frequency bus services and traffic generated by the retail and commercial activity naturally limits the speed of through traffic. The low profile speed humps installed essentially reinforced the above, resulting in an 85% speed of 50kph.

These constraints do not currently exist in Vincent Street and therefore some form of low impact traffic calming would be required to reduce the 85th percentile speed.

**Officer's Comments:**

It is not considered prudent to compare this section of Vincent Street with the section of Scarborough Beach Road through the Mt Hawthorn shopping precinct. This section of Scarborough Beach Road services a commercial area with high pedestrian use and alfresco dining, etc. Vincent Street, on the other hand, is a four lane undivided road with public open space (predominantly) on the north side of the street and residential on the south side of the street.

MRWA's position on down zoning Distributor Roads is that it may result in more traffic being pushed onto Local Access Roads. The rationale is that commuting and commercial traffic will be more inclined to use a road with a higher speed limit and that by removing the difference there will be no advantage in using the higher order road.

Further, of relevance to the above, is an outstanding Notice of Motion in which the Council sought to clarify MRWA's position of speed zoning of specific District Distributor Roads in the vicinity of schools and zones of high pedestrian activity.



### **Notice of Motion**

Notice of Motion from the Ordinary Meeting of Council of 24 August 2004, in which the Council adopted, in part, the following resolution:

*That the Council;*

(i) *SEEKS a review of;*

(a) *60km/h speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools. In particular, but not to the exclusion of other roads, this review should include the following:*

- *Beaufort Street, between Walcott Street and Bulwer Street - including the retail strip, St Albans Church and Highgate Primary School and Sacred Heart Primary School (which no longer has a crossing guard at Mary Street);*
- *Fitzgerald Street, between Angove Street and Raglan Road - the North Perth commercial centre;*
- *Oxford Street, but particularly the sections; 1. between Richmond Street and Leederville Parade - the Oxford Centre and 2. between Anzac Road and Scarborough Beach Road;*
- *Bulwer Street, between Beaufort Street and William Street - Highgate Primary School; and*

(b) *the placement of 60km/h signs in those locations, many of which appear to be at inappropriate locations in the heart of the activity centres; and*

The intent of the above Notice of Motion is not dissimilar to the Council's direction to investigate lowering the speed limit on Vincent Street, between Oxford and Loftus Streets, to 50km per hour.

The Town's officers have written to and met with MRWA on two separate occasions in an effort to progress the matter. The responsible MRWA officers have advised that they will endeavour to provide a detailed response to the Town by the end of April 2005, enabling a further report to be presented to Council.

### **CONSULTATION/ADVERTISING:**

Nil at this time, however, if Council resolve to implement traffic calming in Vincent Street in the future full public consultation would be undertaken in accordance with the current LATM Advisory Group process and Councils Policy No. 4.1.21 "Community Consultation".

### **LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The traffic data collected in March 2005 indicates that Vincent Street is currently operating in accordance with its function under the Town's Functional Road Hierarchy. Therefore the only way to reduce the posted speed limit on District Distributor roads, other than the Scarborough Beach Road/Mt Hawthorn Centre Precinct scenario, under MRWA current criteria is to introduce traffic calming measures. However these measures would have a significant impact upon the amenity of the street and may in fact push more traffic onto surrounding streets.

That aside, MRWA are currently assessing the Councils aforementioned Notice of Motion of which their anticipated response should provide an indication of MRWA position on the matter and that Vincent Street should be further considered in light of MRWA's response.

**10.2.9 Major Plant & Equipment Replacement Program**

<b>Ward:</b>	Both	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0222
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	J. van den Bok		
<b>Checked/Endorsed by:</b>	R. Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the updated Major Plant and Equipment Program;*
- (ii) *ADOPTS the revised Major Plant and Equipment Program as attached and lists the appropriate funding for consideration in the 2005/06 draft budget; and*
- (iii) *RECEIVES further reports on the program when revisions are required.*

**COUNCIL DECISION ITEM 10.2.9**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to update Council on any changes to the Major Plant and Equipment Program due to additional requirements or significant cost increases.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 May 2004 it was resolved:-

*"That the Council;*

- (i) *RECEIVES the report on the updated Major Plant and Equipment Replacement Program;*
- (ii) *ADOPTS the revised Major Plant and Equipment Program as shown in Attachment 10.2.3 and lists the appropriate funding for consideration in the 2004/05 draft budget; and*
- (iii) *RECEIVES further reports on the program when revisions are required."*

Furthermore, the Council resolved at its Ordinary Meeting held on 8 March 2005, to consider allocating appropriate funds, estimated to cost \$285,000 for the establishment of a precinct cleaning unit and these cost implications were to be reflected in a revised Major Plant and Equipment Program to be presented to the Council for adoption.

**DETAILS:**

**Waste Management Reserve**

In the previous program adopted by the Council in 2004, a rubbish truck was listed for replacement in the 2005/06 period. However, it has been determined that this item is in excellent working condition and is not likely to require replacement until the 2007/08 financial year. Therefore, no waste management plant items will be replaced during the 2005/06 financial year.

**Plant & Equipment Reserve**

Several changes have been made to the plant and equipment program. With the proposed establishment of the precinct cleaning unit, additional items of plant will be required and have been listed in the 2005/06 financial year as follows:-

- Single Axle Truck           \$ 75,000
- Footpath Sweeper         \$ 75,000
- Trailer                       \$ 25,000

Other additional items included in the program include an airless spray gun for the Graffiti Officer. The majority of graffiti removed is painted out and it is considered that this item will save significant time and money over the long term.

The bitumen patching truck (Flocon) which was listed for replacement during the 2005/06 financial year only requires the processing unit to be modified/upgraded. The truck body is in good working condition and therefore a saving of approximately \$60,000 will be attained.

Previously, various smaller pedestrian items such as mowers, jack hammers, plate compactors and other items, e.g. cement mixers, were included in the replacement program. Following discussions with outside works supervisors, it is obvious that many of these items can be maintained in good working condition for significantly longer than initially identified.

Therefore, these individual items have been deleted from the replacement program and the miscellaneous minor plant allocation increased to cater for replacements of these smaller items on an "as required" basis.

Other items listed for replacement during the 2005/06 financial year and unchanged from previous replacement programs presented to the Council for adoption, are as follows:-

- Roughcutter (tractor attachment)
- Aerator (tractor attachment)

Of the two items above, only the aerator has increased in the original listed cost due to the previous model being discontinued and the new model available being significantly more advanced in technology and operation.

**CONSULTATION/ADVERTISING:**

Where plant items are below \$50,000, at least three (3) written quotations will be sourced. Public tenders will be called where plant items are over \$50,000 in accordance with the Local Government (Function and General) Regulations.

**LEGAL/POLICY:**

Nil.

**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. *"a) Continually review new materials and technologies to achieve better accessibility, affordability and aesthetics for all infrastructure programs.."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The funding for the Major Plant and Equipment Replacement Program is sourced from both the Waste Management Reserve Fund and the Plant and Equipment Reserve Fund.

**COMMENTS:**

Whilst the Waste Management and Plant and Equipment Program is continually revised and amended on an annual basis to reflect changes in cost, technologies and requirements, they are valuable in providing a guide for long-term planning and budget allocations for the respective reserves set up for the replacement of major plant and equipment.

It is therefore recommended that the Council adopts the updated Major Plant and Equipment Program and lists the appropriate funding for the items listed in the 2005/06 budget.

**10.4.1 Independent Organisational Review – Implementation of Recommendations – Progress Report No. 5**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0061
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Progress Report No 5 as at 6 April 2005 concerning the implementation of recommendations of the Independent Organisational Review for the period 1 January to 31 March 2005.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide an update on the implementation of the Independent Organisational Review recommendations for the period 1 January to 31 March 2005.

**BACKGROUND:**

Implementation of the Independent Organisational Review has been progressing on an ongoing basis. Progress Report No. 4 was submitted to the Ordinary Meeting of Council held on 8 February 2005. The Council resolved as follows:

*“That the Council;*

- (i) RECEIVES the Progress Report No 4 as at 2 February 2005 concerning the implementation of recommendations of the Independent Organisational Review; and*
- (ii) REQUESTS a further report regarding the full implementation of Recommendation 8 as originally recorded including the “live” recording of declarations, motions and resolutions of meetings.”*

At the Special Meeting of Council held on 14 October 2003 the Council considered the matter of the Organisational Review Key Areas and Priorities and resolved inter alia as follows:

*"That the Council;*

- (iii) apportions the highest priority to:*
- (a) Customer Service (Recommendations 4(f), (g), (h) and 35);*
  - (b) Delegations, Discretions, Compliance and Policy (Recommendations 6, 7, 11, 13, 41 and 46);*
  - (c) followed by Parking Matters (Recommendations 48, 50 and 52); and*
  - (d) the remainder of the recommendations to be implemented as detailed in the table 'IMPLEMENTATION OF THE IOR RECOMMENDATIONS'; and ..."*

The following are the IOR Recommendations, together with the CEO's Comments. Recommendations which have previously been completed have not been included in the report.

## **GOVERNANCE**

### **RECOMMENDATION 6**

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.

#### CEO's Comment

*In progress and well advanced. This matter was considered at an Elected Member Forum held on 2 November 2004.*

*The proposed draft delegated authority is being further reviewed as a result of discussion at the above Elected Member Forum. This matter is proposed to be submitted to an Ordinary Meeting of Council by no later than in April 2005.*

*The Council at its Ordinary Meeting held on 22 March 2005 adopt the draft Policy relating to Non-Variation of Specific Development Standards and Requirements. The Council also resolved to delegate to the Executive Manager Environmental and Development Services and Manager Planning, Building and Heritage Services to refuse planning applications that involves an 'X' use (a use that is not permitted) or involves a variation to a development standard or requirement specified in the above draft Policy. Implementation of this delegation is in progress.*

### **RECOMMENDATION 8**

A suitable computer be located in the Council Chamber connected to a projector and screen enabling the Minute Secretary to project the "live" recording of declarations, motions and resolutions of meetings for simultaneous viewing by the Elected Members, Officers and members of the public.

#### CEO's Comment

*Part completed in December 2004. [Refer to Council decision for amendment.] Due to competing work priorities and staff leave, progress on this has been slower than anticipated.*

**FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES**

**RECOMMENDATION 35**

Service Level Agreements to be developed, implemented and rolled out across various areas of Council Operations, including but not limited to;

- Financial Services
- Administration Services
- Customer Service Centre

*CEO's Comment*

*In progress - Finance and Administration Service Agreements to be introduced in new financial year.*

**PROCESS AND PROCEDURES**

**Environmental and Development Services Processes**

**RECOMMENDATION 41**

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

*CEO's Comment*

*See Recommendation 6 for comments.*

**RECOMMENDATION 42**

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

*CEO's Comment*

*Part implemented. Changes to the current Approvals process have been carried out and this was presented to the Elected Member Forum held on 16 November 2004. A new computerised software program is currently being implemented. For further information, see details of development approvals in this report under the heading "Development Approvals Process".*

**RECOMMENDATION 43**

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration.

*CEO's Comment*

*Matter is currently being investigated as part of the new "Approvals" module - see Recommendation 42 for further comments.*



**Car Parking Process**

**RECOMMENDATION 50**

Council reviews the cash in-lieu car parking contribution to achieve a market related contribution to assist funding car parking capital costs.

CEO's Comment

*Completed. A report was considered at the Ordinary Meeting of Council held on 22 June 2004 relating to this matter. A further report was submitted to the Ordinary Meeting of Council to be held on 26 October 2004 in relation to the amended version of the Policy Relating to Parking and Access - modified car parking requirements for licensed premises.*

*This matter was discussed at the Elected Member Forum held on 2 November 2004. The matter is being further reviewed as a result of discussion at the above Elected Member Forum. The matter is listed on this Agenda.*

**RECOMMENDATION 52**

As part of the Town Planning Scheme Review, Council Officers research the impact of reciprocal car parking on existing car parking spaces and recommend adjustments to the reciprocal arrangements where the impact is demonstrated to be negative.

CEO's Comment

*Part completed. Investigation/research being carried out as part of the Town Planning Scheme Review.*

**Progress of Recommendations**

Forty (46) (86.8%) recommendations have already been completed, five (5) (9.5%) are part completed and two (2) (3.7%) are in progress.

The following is a summary of the recommendations:

**IMPLEMENTATION OF THE IOR RECOMMENDATIONS**

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
<b>Objective 3 – Governance</b>					
6	36	x		High	Part completed
8	36		x		Part completed
<b>Objective 6 - Financial Accountability - Business Services</b>					
35	62		x	High	In progress
<b>Objective 8 - Process and Procedures</b>					
41	83	x		High	Part completed
42	83		x	High	Part completed
43	83		x	High	In progress
50	84	x		High	<b>Completed</b>
52	85		x	High	Part Completed

**Customer Service Programme - as at 6 April 2005**

The following highlights the various matters being undertaken and their respective timeframe;

<b>Action</b>	<b>Time frame</b>	<b>Finalised</b>
<b>Development and training</b>		
Review and update procedures manuals	On going	In progress - ongoing
Train all customer service staff so they can undertake all current CSO duties (multi-skill)	On going	Training in progress
<b>Physical enhancements</b>		
Investigate placing CSO's workstations on front counter, equipped with computer screens, information products and phones	2004	Completed in December 2004 and February 2005. Additional staff placed in Customer Service Centre. February 2005.
Screen workstation to provide less distraction from noise and counter activity	Feb 2005	Completed in March 2005
Investigate appearance of reception area (eg colours, security)	Oct-Dec 2004	In progress
<b>Performance measurement</b>		
Establish enquiry patterns and volumes	Ongoing survey current	Deferred, due to staff shortages, leave and more urgent priorities.
<b>Quality Improvement</b>		
Investigate use of IDAS and Authority for electronic management of queries/complaints	Oct 2004 – June 2005	New Approvals system currently being implemented. New Customer Action Request System implemented
<b>Benchmarking</b>		
Investigate different customer service charters for different divisions/sections	2005	In progress
Set up and implement customer service standards across the organisation	June-Dec 2004	In progress
Investigate electronic staff in/out system	Feb-Apr 2005	Being investigated.

**Customer Service Centre**

- *Staff Matters*

Over the previous three (3) months there have been two resignations from Customer Service Officers (one travelling overseas and one receiving a more attractive salary with another Council). In addition, another Customer Service Officer was absent for three (3) weeks due to a personal injury suffered whilst playing sport. This has placed considerable pressure on the remaining staff to continue providing a satisfactory level of service. Two Customer Service Officers have now been recruited and commenced in late March. Training is now in progress.

- *Electronic Customer Action Request Module*

As previously reported, four new flatscreens have been installed on the Front Counter. These are swivel based, linked to the Town's computer databases and can be used to show our ratepayers' information in the electronic form. These have been implemented in late December 2004. Information can be accessed more easily and promptly. Feedback on the new screens has been positive.

A new Customer Action Request Electronic Module has been implemented throughout the organisation, effective from 1 January 2005. The majority of staff have been trained, however due to leave, etc., ongoing training is still being carried out. All requests are currently being recorded. Procedures are being refined on an ongoing basis.

### **Development Approval Process**

In November 2004, the CEO delivered a presentation to Elected Members at a Forum on the proposal to review and implement changes to the Town's Development Approval process.

A review of the Town's development approval process has been implemented as follows:

- **Objective**

To re-engineer our development approval procedures/processes using our existing resources and with our current delegations (and preferably with new or additional delegated authority) to process applications in a more simplified, concise, efficient and effective manner and within agreed acceptable "best practice" timeframes.

- **Business Process Re-engineering**

"Re-engineering is the rapid and radical redesign of strategic, value added business processes and the systems, policies, and organisational structures that support them, to optimise work flows and productivity in an organisation" (Manganelli and Klein, 1994).

- **Performance Management System**

*The following steps can be used to plan and implement a new system or to redesign an existing system.*

1. *develop or refine the objectives;*
2. *determine who will be involved and what will be examined;*
3. *allocate tasks;*
4. ***design the system;***
5. *pilot the system;*
6. *review and adjust the system;*
7. *train all those who will participate in the system;*
8. *implement the system;*
9. *maintain the system;*
10. *monitor and evaluate.*

*Documentation of the process and results is essential.*

**CEO's Comment:**

The implementation of the computerised Approvals Systems is at stage 4 - design of the system has been completed and a "clean-up" of the data is required before piloting the system.

• Changes to be implemented

The following changes have been implemented:

1. Development Applications to be categorised in accordance with:

- Complexity
- Strategic importance
- Use
- Public interest
- Value

USE CLASS	CATEGORY			
	<u>Most Important</u> 1	<u>Moderately Important</u> 2	<u>Marginally Important</u> 3	<u>Least Important</u> 4
Development involving 3 Storeys or more	①			
Development involving 3 Storeys or more (including commercial/residential mixed use)	①			
Lodging house, hotel, motel, club, tavern, private hostel, service apartment	①			
Hospital, institutional building	①			
Single house, caretaker's residence More than 2 in number		②		
Aged or dependent persons dwellings More than 2 in number		②		
Attached house, grouped dwelling More than 2 in number		②		
Multiple dwelling More than 2 in number		②		
Educational establishment		②		
Public worship - place of		②		
Theatre, cinema, commercial hall		②		
Demolition - Heritage Assessment		②		
Retrospective Approvals		②		
Single house, caretaker's residence 2 or less in number			③	
Aged or dependent persons dwellings 2 or less in number			③	
Attached house, grouped dwelling 2 or less in number			③	
Multiple dwelling 2 or less in number			③	
Consulting rooms			③	
Local shop			③	
Shop			③	
Fish shop, pet meat shop, pet shop			③	
Eating house			③	
Day nursery			③	
Recreational facilities			③	
Civic building			③	
Office building			③	
Light industry			③	
General industry			③	

Hazardous or noxious industry			3	
Warehouse, showrooms			3	
Public utilities			3	
Car park			3	
Alterations or Additions to Residential Development			3	
Alterations or Additions to Non-Residential Development			3	
Demolition - no Heritage Assessment			3	
Subdivisions			3	
Amusement centre, camping ground, caravan park, cemetery, crematorium, drive-in theatre, drive-in fast food outlet, funeral parlours, fuel depot, open air display, open air storage yard, service station, transport depot, vehicle sales premises, veterinary clinic, veterinary hospital			3	
Home Occupations				4
Outbuildings, Fences, Patios and Carports/Garages				4
Signs				4

*CEO's Comment:*  
Applications are categorised upon registration and processing in accordance with the adopted timeframes has been implemented.

2. Agenda Report Compliance table to be expanded and Category 4 reports to be made brief and concise.

*CEO's Comment:*  
Agenda reports to the Council have been amended accordingly and to date this has been positively received.

3. New Process for Applications to be Recommended for Refusal

If an application is to be refused; the Town's Officers will not advertise/consult – report to be submitted recommending “Refusal”.

*CEO's Comment:*  
Applicants are contacted by phone and advised that their application will be recommended for “Refusal” – they will be given the option to either amend or withdraw the application.  
Where the Applicant wishes to proceed with their application (without amendment), a brief report will be prepared and the application will be recommended for refusal. The matter will then be dealt with under delegated authority or reported to Council for determination.  
The Council at its Ordinary Meeting held on 22 March 2005 adopt the draft Policy relating to Non-Variation of Specific Development Standards and Requirements. The Council also resolved to delegate to the Executive Manager Environmental and Development Services and Manager Planning, Building and Heritage Services to refuse planning applications that involves an 'X' use (a use that is not permitted) or involves a variation to a development standard or requirement specified in the above draft Policy. Implementation of this delegation is in progress.

4. Review of Minor Nature Development Policy

CEO's Comment:  
 At present the Council requires planning approval for almost all development, excluding those of a "Minor Nature Development". The Town's Policy relating to Minor Nature Development defines development of a minor nature, which is exempt from the need to obtain Planning Approval under the Town's Town Planning Scheme No. 1. This Policy is currently being reviewed, with a view to include additional development that is considered to be of a "minor nature" and does not unduly affect the amenity of an area. These include:

- home businesses;
- all signs that comply with the Town's Policy relating to Signs and Advertising;
- fences and walls adjacent to secondary streets and main roads that comply with the Town's draft Policy relating to Residential Design Elements;
- patios, pergolas, verandahs, outbuildings, external fixtures and the like to all forms of residential development; and
- ancillary accommodation.

The amendments to this policy will affect approximately 60-100 applications per year.

Advantages

- This will result in a lesser amount of planning applications required to be submitted to the Town (building licences will still be required).
- The flow-on effect (such as planning officer's time, CSO's time) will enable these officers to concentrate on the more important applications.
- Faster processing of applications within the proposed new timeframes.
- Cost savings with administration (officer time, phone calls, stationery etc).
- Cost savings to applicants/ratepayers by deleting the need to pay a separate planning fee.

An agenda report and draft amended version of the Policy is listed for consideration at the Ordinary Meeting of Council to be held on 12 April 2005.

5. New Processing Time Targets

<u>Category 1</u> <b>Maximum of</b> <b>60 Days</b>	<u>Category 2</u> <b>Maximum of</b> <b>60 Days</b>	<u>Category 3</u> <b>Maximum of</b> <b>42 Days</b> <b>(6 weeks)</b>	<u>Category 4</u>
	<ul style="list-style-type: none"> <li>• Demolitions requiring Heritage Assessment Reports</li> <li>• Developments of three or more in number</li> <li>• Retrospective Approvals:                             <ul style="list-style-type: none"> <li>- Where archival search is required from PCC <b>60 Days</b></li> <li>- Where no archival search is required <b>28 Days</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Supportable Applications - Recommended for Approval <b>42 Days</b> Full Process</li> <li>• Not Supportable - recommended for Approval <b>28 Days</b> Brief Report direct to Council (without consultation)</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Not Supportable Applications</u> <b>21 Days</b> Brief Report direct to Council (without consultation) <u>Note: with Delegated Authority, processing time can be reduced to 14 days.</u></li> <li>• <u>Supportable Applications</u> - Recommended for Approval <b>28 Days</b></li> </ul>

CEO's Comment:

*Every endeavour is being made to process development applications in accordance with the above timeframes. At the time of writing this report, no assessment has been carried of the benchmarking of the Town's processing time of applications in each category - due to the priority being given to the actual processing of the applications. A benchmarking assessment will be carried out in June 2005.*

- Approvals Liaison Officers

New procedures and processes to streamline the Approvals process has been implemented. This was presented to the Forum on 16 November 2004. This has resulted in improvements and is being further refined. The CEO and relevant staff have been further reviewing the process and changes have been made where possible to further streamline the registration and approvals process.

The Town's Approvals Liaison Officer has been physically located into the Customer Service Centre and now reports to the Coordinator, Customer Service. Further training is being provided to Customer Service Officers (CSOs). The CEO is reviewing the role of the officers involved in processing development applications and this is in progress at the time of writing this report. It is proposed that additional resources and emphasis (using current staff) will be allocated to the Development Approval process. These changes will complement the introduction of the new electronic Approvals Module.

- Electronic Approvals Systems

In December 2004 the Chief Executive Officer approved the implementation of a new electronic "Approvals Module" as part of the Town's Authority computer system. This new system will replace the current Information Development Approval System (IDAS). The IDAS system is not providing the efficiencies required to assist in the processing of development applications. It is not very user friendly, is a generic software module and is not entirely suitable for the processing of applications (requiring compatibility with the Authority System) and requires substantial resources to register applications.

Advantages:

The Civica Approvals Module will allow for the following advantages:

1. development applications (which contain all the requested information) can be registered and allocated a reference number upon being received (or within 24 hours of being received).
2. Once registered (and allocated a number), the application can be allocated to a Planning Officer or Building Surveyor - the aim is to allocate within 24-48 hours of being received.
3. Upon being allocated to an officer, an electronic reply (letter or email) can be sent to the applicant, advising them of the responsible Officer who can be contacted with respect to the application.

This will hopefully overcome one of the most consistent complaints received from applicants complaining they did not have calls returned or information was inaccurate. Once "bedded down", this process can be accomplished within 48 hours of being received, instead of the 2-3 weeks it takes under the current system.

4. Electronic tracking of the application, with key dates which will prompt officers of the need to take action can be undertaken by the planning and building officers and the customer service officers.

Civica (the Town's computer providers) have been working with one of the Town's more experienced Planning Officers who has acted as the Project Coordinator and good progress has been made to date. Unfortunately, the original proposed "live date" of 18 April 2005 cannot be realistically achieved due to:

1. The Town's Planning Officer (Project Coordinator) resigning on 1 April 2005 for a more attractive offer in the private sector.
2. The need to "clean dirty data" - that is to ensure that existing data is accurate and not duplicated.
3. Insufficient time available to adequately train the various users. This is due to Civica's current workload.
4. The need to continue processing development applications currently lodged with the Town.

Civica has recommended that the "live date" be deferred until late June 2005 to enable the Module to be successfully implemented after the "dirty data" has been checked.

The above implementation matters are being addressed, using existing staff and the revised implementation "live date" is more realistic.

- Development Applications

The number of development applications received during the last quarter has been relatively high and as at 5 April 2005, the following development applications were registered with the Town.

As at 5 April 2005, a total of 151 applications had not been determined. Details are as follows:

Category	1	2	3	4	Total
Proportion of Planning Application	15 (10 %)	20 (13 %)	88 (58 %)	28 (19 %)	151 (100%)

This compares with 2 February 2005;

Category	1	2	3	4	Total
Proportion of Planning Application	8 (7%)	19 (16%)	63 (54%)	27 (23%)	117 (100%)

This compares with 9 November 2004;



Category	1	2	3	4	Total
Proportion of Planning Application	6 (4%)	30 (17%)	93 (54%)	43 (25%)	172 (100%)

The number of development applications increased by 34 (22%) from 117 on 2 February 2005 to 151 on 5 April 2005. The Town's administration is currently processing applications as expeditiously as possible and this will continue until the total number is reduced to a more manageable and acceptable level.

- Agenda Reports – Change to Format

A new heading “*Purpose of Report*” has been included in all reports (other than development application reports). This will provide a brief summation and aim of the report and will assist readers.

**CONSULTATION/ADVERTISING:**

A copy of the Independent Organisational Review Report has been placed on the Town’s Intranet (for staff) and Council’s webpage. Hard copies of the report have been provided to all of the Town’s sections, front counter and at the library and also to several precinct groups upon their request.

**LEGAL/POLICY:**

The Local Government Act 1995 prescribes the responsibilities of the Elected Council, Mayor, Councillors and Chief Executive Officer. It provides a clear distinction between governance matters which are the responsibility of the Elected Council and administrative matters which are the responsibility of the Chief Executive Officer.

**STRATEGIC IMPLICATIONS:**

The Independent Organisational Review has identified a number of matters which are of strategic importance to the Town. These are being addressed, as outlined in this report.

**FINANCIAL/BUDGET IMPLICATIONS:**

No additional funds are required for the implementation of the recommendations.

**COMMENTS:**

The implementation of the Independent Organisational Review recommendations is well advanced and good progress has been made. The implementation timeline has taken into consideration factors such as the Council’s adopted Capital Works Programme, budget, festive season holiday period, staff leave, competing priorities and the time required to further research and investigate matters. The emphasis over the previous months has been on improvements to the Town’s development approval process. This has required considerable resources by the Town’s officers (in addition to their current workload). However, the benefits of a new Approvals Module and the changes will be considerable. Quarterly reports will be submitted to Council, until all recommendations have been actioned and implemented.

**10.4.3 Economic Development Strategy - Receiving of Report**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0067
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Economic Development Strategy 2005-2010 report, submitted by Pracsys as shown in Appendix 10.4.3, "Laid on the Table" and provided separately to Elected Members;*
- (ii) *AUTHORISES the draft Economic Development Strategy 2005-2010 to be advertised for community consultation (including placing the document on the Town's webpage) for a period of two months;*
- (iii) *LISTS an amount of \$50,000 on the Draft Budget 2005/06 to allow for implementation of recommendations included in the Economic Development Strategy; and*
- (iv) *NOTES that;*
  - (a) *the consultants will present their report at the Forum to be held on 19 April 2005; and*
  - (b) *a further report will be submitted at the close of the community consultation period to consider any submissions received.*

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to receive the Economic Development Strategy 2005-2010 and seek approval to advertise it for public comment.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 November 2004, Council resolved as follows;

*"That the Council ACCEPTS the quotation submitted by Pracsys at a cost of \$11,022 as being the most acceptable to prepare an Economic Development Strategy 2005-2010, for the Town of Vincent."*

At the Council Meeting held on 24 June 2003, the Council considered a Notice of Motion and resolved as follows:

*"That the Council requests the Chief Executive Officer to;*

- (i) prepare a Marketing and Business Development Strategy for the Town (as identified in the Town's Draft Strategic Plan 2002-2007, Item 3.1 - "Promote business opportunities in the Town");*
- (ii) prepare a report detailing how to best implement the Strategy (including the possible employment of a Marketing Officer, working in conjunction with business associations, promotion of the business/commercial precincts and development of a Business Precinct Marketing Strategy);*
- (iii) liaise with the East Perth Redevelopment Authority, adjoining Local Governments, State Government and other relevant organisations to provide a co-ordinated approach to the proposed Business Strategy; and*
- (iv) approach the East Perth Redevelopment Authority and request a presentation as soon as possible on "Place Management and Promotion".*

Clause (iv) of the motion was carried out on 3 July 2003.

## **PROJECT SCOPE AND METHODOLOGY:**

### **Scope**

The scope of the project included:

1. Assess regional, state and federal economic development and related strategies that impact on the Town or provide opportunities for economic development in the future.
2. Quantify and categorise the current level of economic activity including identifying the target markets for Vincent businesses, optimal retail floor area, home occupations and home businesses.
3. Review and revise internal policies and procedures, and evaluate the Town's resourcing capacities to participate in economic development programs.
4. Identify strategies including any potential strategic alliances which the Town can implement or support which will boost economic development in the Town and Region and incorporate these into a five year strategy for 2005-2010.

### **Methodology**

The completion of the project involves the following tasks: -

- Mapping current economic activity and the Town's current position in economic development and presenting this information in a clear format using tables, graphs and matrices for ease of reading.
- Conducting interviews with relevant stakeholders including representatives involved with Economic Development from the ACC, State Government Agencies, East Perth Redevelopment Authority, and other parties deemed relevant.

- Reviewing current regional, State and Commonwealth Government policies and programs and evaluating their relevance for the Town of Vincent.
- Reviewing Town of Vincent Strategic Plan 2003-2008, internal policies and project documentation to ensure integration with the Economic Development Strategy.
- Developing a 5 year Economic Development Strategy for 2005 –2010.
- Presentation of the Strategy to the CEO and or Councillors as required with the provision of 5 hard copy colour reports and an electronic copy in word format.

#### PROJECT TIMEFRAME:

The following was the Indicative Timeframe for the project;

Item	Timeline
1. Advertise quotation brief	9 and 13 October 2004
2. Quotations Close	4pm - 25 October 2004
3. Assessment of Quotations	25-29 October 2004
4. Decision to appoint Consultant	9 November 2004
5. Initial briefing with CEO	10 - 15 November 2004
6. Carry out Project and preparation of draft interim report	15 November - 19 December 2004
7. An Interim Report is to be presented to the CEO on or before specified date	<del>20 December 2004</del> *3 March 2005
8. Submission of Report and electronic version to CEO	<del>14 February 2005</del> *5 April 2005
9. Powerpoint presentation of Report to Council	<del>28 February 2005</del> *19 April 2005

\* *Actual Dates*

The Consultants met with the Chief Executive Officer in late December 2004 and again in mid-February 2005 and on 31 March 2005.

The Economic Development Strategy was received on 5 April 2005. The report structure is as follows;

*"The report begins with an overview of the current economic activity in the Town of Vincent and compares this to other inner suburban and adjoining municipalities. This is discussed in terms of the equity and distribution of economic activity; its diversity; local employment; access and movement throughout the local authority; and local, regional and visitor retail influences.*

*The second section of the report will address the five major precincts within the Town boundaries, the issues, opportunities and strategies to maximise development.*

*Finally the report will conclude with an overview of strategy, governance and funding issues and precinct actions."*

The five major commercial precincts listed are;

1. Leederville
2. Mount Hawthorn
4. North Perth
4. William Street
5. Beaufort Street

#### **CONSULTATION/ADVERTISING:**

It is recommended that the Draft Economic Development Strategy be advertised for community consultation for a period of two months. The Draft Strategy will be sent to all Precinct/Community Groups and will be placed on the Town's webpage.

#### **LEGAL/POLICY:**

It is not a legal requirement to have an Economic Development Strategy, however, it is considered "*Best Practice*" management that a Strategy be adopted to complement and be linked and aligned to the Council's Strategic Plan 2005-2010, Principal Activities Plan and also the Annual Budget.

#### **STRATEGIC IMPLICATIONS:**

The preparation of an Economic Development Strategy is in accordance with the Town's Strategic Plan 2005-2010, Key Result Area 3.1 - Economic Development - "*Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town*" - specifically at 3.1(a) it states;

- 3.1(a) "*Develop and implement an Economic Development Strategy to promote economic vitality, the attractive features, strengths and opportunities of business in the Town.*"

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The Economic Development Strategy has not been assessed by the Town's Administration as it was only received on Tuesday 5 April 2005. The Strategy contains a number of initiatives and recommendations which will need to be considered. These will be considered by the Town's Administration, along with any public submissions received.

In order to allow for the Strategy to be progressed, it is recommended that an amount of \$50,000 be listed on the Draft Budget 2005/06 and that this be further considered during the budget preparation process.

#### **COMMENTS:**

The preparation of an Economic Development Strategy 2005-2010 will provide future direction to the Council over the next five (5) years. It is therefore recommended that the Council receive the Economic Development Strategy and advertise it for community consultation as recommended in the report.

**10.4.4 Obtaining of Legal Advice - Policy Procedure**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Town's Solicitors' costs in successfully defending the Town Planning Appeal Tribunal Appeal No. 253 of 2004 in relation to Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley; and*
- (ii) *NOTES that;*
  - (a) *the Chief Executive Officer has implemented new procedures for the obtaining of legal advice (as detailed in this report); and*
  - (b) *it has recently adopted a policy relating to dealing with matters being considered by the State Administrative Tribunal (as detailed in this report), which will enable the cost of Appeals to be more closely monitored.*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise of the Town's Solicitors' response to the costs associated with successfully defending the Appeal, also of a new procedure which has been implemented by the Chief Executive Officer for the obtaining of legal advice and of the Council's recently adopted policy for dealing with matters being considered by the State Administrative Tribunal.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 22 February 2005, the Council considered the matter of the appeal relating to 128-130 Joel Terrace and in particular, the high costs associated with successfully defending the Appeal, and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the report relating to the cost in successfully defending the Town Planning Appeal Tribunal Appeal No. 253 of 2004 in relation to the Council's Refusal for the Proposed Three (3) Two-Storey and Four (4) Three-Storey Grouped Dwellings at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley; and*

- (ii) *WRITES to the Western Australian Local Government Association, the Department of Local Government and the Minister for Planning and Infrastructure seeking information on the experiences of other Local Governments in successfully recovering the cost of appeals and how they can support Local Government addressing the high costs associated with successfully defending an appeal.*

At the Ordinary Meeting of Council held on 22 February 2005, the Council considered a report relating to the new State Administrative Tribunal and its impact on the operations of Local Government and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the report relating to establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government;*
- (ii) *AUTHORISES the Chief Executive Officer to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal; and*
- (iii) *NOTES that in the first instance, it is proposed to use the Town's senior employees to defend Council decisions in the State Administrative Tribunal, except as required by Council's previous resolution on representation in the Town Planning Appeals Tribunal where Council has overturned the Officer recommendation."*

#### **DETAILS:**

Following the Council's Meeting on 22 February 2005, the Chief Executive Officer wrote to the Town's Solicitors Minter Ellison seeking clarification on the legal costs associated with this Appeal. The Chief Executive Officer also met with the Managing Partner responsible for Local Government matters to discuss the matter. Letters were also sent to the Minister for Planning and Infrastructure and the Western Australian Local Government Association (WALGA).

Minter Ellison Solicitors have since provided a response as follows;

*"As a consequence of the concern expressed by Council regarding our fees for the Joel Terrace appeal, you have sought:*

- (a) *further details about our fees; and*
- (b) *our comments regarding measures which could be implemented to prevent a similar amount of fees being incurred in future appeals.*

#### **1. Our fees for the Joel Terrace appeal**

*We are acutely aware of the need to conduct appeals as efficiently as possible to minimise the cost to the Town. To a significant extent the costs of an appeal reflect matters beyond our direct control, such as:*

- (a) *the number and complexity of issues arising in the appeal;*
- (b) *the nature and number of witnesses to be called by the Town;*
- (c) *the nature and number of witnesses to be called by the appellants;*
- (d) *the number of days over which the hearing takes place;*
- (e) *the manner in which the appellant conducts its case;*
- (f) *the degree of assistance which the Town's witnesses require in preparing their witness statements; and*
- (g) *the amount of contact it is necessary to have with the Town's witnesses in preparing for and conducting the hearing.*

*The costs of the Joel Terrace appeal were contributed to by:*

- (a) the necessity to review a large amount of documentation possessed by the Town in order to prepare a substantial list of discoverable documents;*
- (b) the complexity of issues in the appeal, particularly many issues relating to the Residential Design Codes;*
- (c) the Town calling eight witnesses, including two elected members, three residents, a consultant planner, arboriculturist, and the Town's Principal Building Surveyor;*
- (d) many of the Town's witnesses needing substantial assistance in preparing their witnesses statements, which required numerous drafts, meetings and telephone contacts;*
- (e) the appellant calling four witnesses: a planner, architect, arboriculturist and one of the appellants. Complex evidence was provided by the planner in relation to Residential Design Code issues, which necessitated a substantial amount of work;*
- (f) the appellant attempting to introduce previously undisclosed evidence at the hearing, which led to argument and delays at the hearing;*
- (g) the hearing being conducted over four days;*
- (h) the President of the Tribunal undertaking an inspection of the site, which we were required to attend;*
- (i) the President requesting us to prepare a document containing a comparative analysis of the evidence concerning the Residential Design Code issues, which took a significant amount of time to prepare; and*
- (j) the need to respond to numerous telephone calls from residents.*

*These factors combined with the many other matters which must be attended to in preparing for and conducting an appeal, resulted in the fees which were ultimately charged to the Town.*

## **2. Measures to prevent substantial costs of planning appeals**

*As indicated above, many of the matters which affect the cost of appeals are beyond the Town's and our control. In respect of those matters it is difficult to implement strategies to contain costs.*

### **2.1 Estimates of costs for appeals**

*Before instructing us to conduct an appeal we can review the matter and provide the Town with advice as to the prospects of success and an estimate of our fees for conducting the appeal. The Town will then know in advance the likely range of the legal costs and can make a decision as to whether it wishes to proceed with the appeal.*

*... in some cases it may be possible to cap our fees so the Town is guaranteed that fees will not exceed a fixed amount unless a variation is subsequently agreed.*



## **2.2 Conducting appeals**

*Often the evidence of elected members relates to an explanation or justification of Council's decision. As hearings are a fresh consideration of the issues, this evidence is unnecessary.*

*...the practice of routinely requiring or permitting elected members, precinct group members and residents to appear as witnesses, could be altered so that such individuals are only called when necessary.*

*To date, Andrew Roberts of our office has conducted all the Town's appeals. As a partner, his charge out rate is higher than other members of our staff. In appropriate instances, less senior lawyers could conduct the Town's appeals under Mr Roberts' supervision. We have a number of other capable planning counsels at senior associate and associate level whose charge out rates would be less than that of Mr Roberts. If appeals were conducted by these individuals fees charged to the Town may be reduced.*

## **2.3 Briefing of the Council**

*After discussing these matters with you yesterday, there may be benefits in arranging for us to brief the Council, an at early stage of our involvement with each planning appeal, on issues including;*

- (a) the major issues relevant to the appeal;*
- (b) how the appeal may be progressed;*
- (c) the Town's prospects of success; and*
- (d) the likely costs of the appeal.*

*This might best be done by way of a confidential briefing, perhaps taking about half an hour, including answering any questions from Councillors. We would be happy to do this at no charge to the Town.*

*I also confirm my offer to you to provide the Council with a briefing (also free of any charge) on planning appeals generally, including changes resulting from the operation of the State Administrative Tribunal. Perhaps this may best be done shortly after the May elections."*

The Chief Executive Officer has implemented the following new procedure for obtaining of legal advice;

### **“OBJECTIVES**

*To prescribe procedures for the Town's administration for the obtaining of legal advice to ensure the most efficient and effective use of these resources.*

### **POLICY STATEMENT**

- 1. At the Ordinary Meeting of Council held on 21 December 2004 the Council approved of a tender for the Town's legal services. It approved of a panel of legal firms to provide legal services to the Town.*
- 2. The following procedure is to be follows:*
  - (i) Prior to contacting any solicitors/lawyers for any advice, the matter is to be discussed with the Chief Executive Officer.*

- (ii) *The Town will seek preliminary advice from the Panel firms (or at least two of them) as to the prospect of success of any action/appeal and an estimate of fees.*
- (iii) *After considering the legal firm's response, the Chief Executive Officer may prescribe a maximum amount which is not to be exceeded unless a variation is subsequently agreed."*

**CONSULTATION/ADVERTISING:**

As the new policy/procedures relate to administrative matters, it is recommended that they not be advertised for public comment.

**LEGAL/POLICY:**

The Policies and Procedures detailed in this report have been implemented.

**STRATEGIC IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A.

**COMMENTS:**

The new procedures relating to the obtaining of legal advice and Council policy relating to State Administrative Tribunal matters will ensure that the Town's Administration will be aware of the cost implications associated with legal matters and Appeals.

For future Appeals, the Chief Executive Officer will determine the most appropriate manner to deal with the matter and will seek quotations from the members of the Town's legal tender panel in order to ensure best value for money and services is obtained.

At present, there are nine (9) Appeals, against the Town, awaiting to be heard. Eight (8) are in the State Administrative Tribunal and one (1) is in the Supreme Court. None of those in the State Administrative Tribunal involve legal representation. These are being processed by the Town's Officers, using independent Town Planners for advice and assistance, as required.

**10.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 12 April 2005 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 12 April 2005 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from State Administrative Tribunal - Appeal 253 of 2004 - Nos. 128-130 Joel Terrace, Mount Lawley
IB02	Letter to State Administrative Tribunal - Respondent Statement - No. 1A Primrose Street, Perth
IB03	Review of School Immunisation Service provided by the Town
IB04	Register of Petitions - Progress Report - April 2005
IB05	Register of Notices of Motion - Progress Report - April 2005
IB06	Register of Reports to be Actioned - Progress Report - April 2005
IB07	Register of Legal Action
IB08	Register of State Administrative Tribunal Appeals
IB09	Forum Notes - 15 March 2005
IB10	Notice of Forum - 19 April 2005
IB11	Letter of Thanks from Beckett Family – Mrs Myrtle Beckett Celebrating her 108 <sup>th</sup> Birthday

**10.2.8 Vincent Habitat Report - Perth Biodiversity Project Funding Program**

<b>Ward:</b>	Both	<b>Date:</b>	29 March 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0114
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the "Vincent Habitat Report" resulting from the Perth Biodiversity Project Funding Program (as laid on the table);*
- (ii) *NOTES that funding from the Perth Biodiversity Project Funding Program was received by the Town in April 2003 to undertake vegetation mapping, bird surveys and the preparation of a report providing recommendations for improving/linking habitats at various sites;*
- (ii) *NOTES the comments received by the Claise Brook Catchment Group in reference to the recommendations outlined in the "Vincent Habitat Report";*
- (iii) *IMPLEMENTS the supported recommendations outlined in the "Vincent Habitat Report" where practical within existing and future works programs; and*
- (iv) *DEVELOPS appropriate policies to further enhance/protect the Town's natural environment, in consultation with the Claise Brook Catchment Group and other interested parties that incorporate the supported recommendations contained in the "Vincent Habitat Report"*

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**COUNCIL DECISION ITEM 10.2.8**

**Moved Cr Lake, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the completion of the Perth Biodiversity Project undertaken by the Town of Vincent in association with the Claise Brook Catchment Group and to consider recommendations contained in the Vincent Habitat report which was completed as part of the project.

### **BACKGROUND:**

In April 2003 the Town, in association with the Claise Brook Catchment Group, received funding of \$3,500 to undertake a project as part of the second round of the Funding Program of the Perth Biodiversity Project. The project involved vegetation mapping and bird surveys of three (3) sites within the Town - Smiths Lake Reserve, Hyde Park and Banks Reserve.

The vegetation mapping was undertaken by the Town's horticultural staff and the bird surveys were to be undertaken at Smith's Lake Reserve by Birds Australia and Claise Brook Catchment Group volunteers.

In addition to the above, a consultant was engaged to make recommendations for improving natural habitats throughout the Town and provide recommendations for the development of corridors linking the three (3) specified sites and other areas within the Town.

Quotations were sought from environmental consultants to carry out the works and Syrinx Environmental was successful, providing a detailed submission within the budget provided.

### **DETAILS:**

The vegetation mapping, bird survey data and Vincent Habitat Report have now been completed and submitted to the Perth Biodiversity Project Coordinator (WALGA) as required under the program guidelines.

In compiling the Vincent Habitat Report, Syrinx Environmental consultants met with both Council staff and the Claise Brook Catchment Group coordinator. Site visits to the three (3) specified sites were undertaken and other areas of interest were inspected where existing or potential links between parks were considered to be appropriate.

Existing policies, brochures, management plans and other relevant information was provided to the consultants to assist in preparing the report.

The completed report has listed a number of recommendations that have been prioritised from 1 to 3 as follows:

- Priority 1: Recommendation vital to achieve the overall objectives (these should be completed).
- Priority 2: Recommendation important but not vital to achieving the overall objectives (these should be completed if resources are available).
- Priority 3; Recommendation of value to achieving long-term goals but not vital to the project (to be completed if 1 and 2 recommendations have been achieved).

### **Claise Brook Catchment Group Comment**

The following comments were received from the Claise Brook Catchment Group in March 2005.

*"In considering the recommendations the catchment group would like to offer the following comments.*

- *Recommendations 1-4 supported.*

- *Recommendation 5. Currently there are not plant nurseries within the Town and residents generally have to travel a considerable distance to buy local plants. While a local nursery would be a long term objective, it may be more effective to explore partnership options with Friends of Kings Park who have a successful nursery and hold regular plant sales.*
- *Recommendation 6. Supported and the group notes that bird and bat nesting boxes have already been placed in suitable trees by the Town.*
- *Recommendation 7. The group considers that introduction of a night curfew for cats would need to be accompanied by an extensive education campaign to explain the need for a curfew and increase levels of compliance.*
- *Recommendation 8. The group considers that it is important to provide more complex multi-layers habitat wherever possible within the limitations imposed by requirements for community safety, maintaining sight-lines and access to underground services.*
- *Recommendation 9. Supported. Explanatory signage is very important.*
- *Recommendation 10. The group considers this an interesting suggestion for the deeply shaded areas under the many Moreton Bay fig trees within the Town.*
- *Recommendation 11. Supported and note that some nesting boxes are already in place. Monitoring their use is very important and the resulting information could be disseminated to promote the use of nesting boxes to the general community.*
- *Recommendation 12. Supported.*
- *Recommendation 13. Supported. Note that money is on the 2004/2005 budget for Local Plans Brochures and the group has obtained additional external funding to further support this initiative.*
- *Recommendation 14. Supported and should be implemented at the Loftus Centre carpark and other carparks under the control of the Town.*
- *Recommendations HP1-HP5. The specific recommendations for Hyde Park need to be considered within the broader management issues of the park, relating to water use, water quality and recognising the existing heritage and landscape values of the park. These recommendations should be considered by the Hyde Park Lakes Working Group.*
- *Specific recommendations for other parks and reserves. Supported, taking into account factors such as community safety and maintaining sight-lines.*

*The Claise Brook Catchment Group recommends this report to the Town and looks forward to working in partnership with the Town to progress the recommendations of the report."*

#### **Summary of Recommendations - Policy Change /Approach/Officers Comments**

<b>No.</b>	<b>Recommendation</b>	<b>Application</b>	<b>Priority</b>	<b>Officers Comments</b>
1	Adopt local policies that promote the establishment of native vegetation in existing and new parks.	Policy	1	Supported, where appropriate location can be identified.
2	Update the current list of "suitable trees for planting on suburban properties" to promote and encourage the use of local natives.	Policy and Information services	1	Supported, list reviewed and amended as required.
3	Encourage the majority of local residents to grow local native gardens through the provision of a variety of brochures and incentives.	Policy and Information services	2	Supported, local plants brochure being compiled and other initiatives introduced to promote planting of native vegetation.

No.	Recommendation	Application	Priority	Officers Comments
4	The council to undertake/promote a verge and carpark planting protocol that ensures all available open areas in the Town of Vincent are planted with local native shrubs and groundcovers.	Policy	1	Supported in principle, areas have been identified; however establishment will depend on budget allocation/approval.
5	Increase the local community's access to local native plants by developing a local Catchment Group nursery, encouraging a local existing nursery to stock natives or developing a connection with an existing native nursery to have an online ordering facility and regular delivery days.	Services	3	Supported, staff are currently investigating the setting up of a small holding area within the works depot that may serve this purpose
No.	Recommendation	Application	Priority	Officers Comments
6	Amend council policy on removing dead branches from trees in parks and reserves to ensure a portion of the branch is retained on the trunk which will enable the development of suitable hollows for breeding birds and other animals.	Policy	1	Not Supported. Retention of dead or decaying branches provides an entry point for diseases to take hold and seriously weaken the structural integrity of a tree. Nesting boxes are a suitable alternative option.
7	Introduce a night cat curfew law to reduce the potential for domestic cats to detrimentally impact on native fauna.	Policy	1	To be further investigated, maybe difficult to introduce and police.

**Summary of general recommendations applicable to parks, reserves and streetscapes in the Town of Vincent.**

No.	Recommendation	Application	Priority	Officers Comments
8	Create multi-layered plant habitat patches in parks, reserves and on street verges using a variety of local native plant species.	Parks, Reserves and Streetscapes	1	Supported, several plots have already been established throughout the Town.
9	Create a number of formal and contemporary native plant gardens in various parks and reserves with signs that provide information to the public on the species planted and their environmental advantages.	Parks, Reserves and Streetscapes (e.g. Hyde Park)	2	Supported, comments as above. Signage is being progressed at the demonstration garden located at Oxford Street Reserve.
10	Enhance deeply shaded areas (e.g. patches under Moreton Bay Fig Trees) with the use of native themed planter boxes, which can also act as informal seating.	Parks, Reserves and Streetscapes (e.g. Hyde Park, Beatty Park Reserve, etc)	3	Supported, many existing and new hybrid native grass species are now becoming available and should be suitable in heavily shaded areas. Mass planting will be trialled over the next few years. The planter box idea is noted, however tends to require more maintenance.

No.	Recommendation	Application	Priority	Officers Comments
11	Provide nesting boxes for species with limited nesting positions (e.g. birds requiring tree hollows, etc) and monitor use to determine suitability and success.	Parks & Reserves	2	Supported, nesting boxes have been installed at Hyde Park and will be trialed in other reserves.
12	Improve aquatic habitat in all parks and reserves containing lakes by placing partly submerged logs or rocks in the lakes to create sunning positions for water birds, turtles and other fauna.	Smith's Lake, Hyde Park and Robertson Park	1	Supported, can be implemented at existing sites as required, however must be securely anchored to ensure that they do not obstruct outlet during times of flood.
13	Build on the current native plant brochures (e.g. Grow Local Plants) to create a comprehensive native plant species list that identifies where a species of plant should be placed (e.g. irrigate/non-irrigated, formal/bushland, wetland/dryland, etc) and includes descriptive indices for each species (e.g. fauna food source, shrub/herb/tree etc) for both public and council use.	Parks, reserves and streetscapes	2	Supported, local plants brochures will be completed and available for distribution in the near future.
14	Install water sensitive retention systems in all carparks.	Carparks and other hard surface areas	2	Supported in principle, where appropriate possible will be installed when improvement or modification works are required.

### Summary of park specific recommendations

No.	Recommendation	Application	Priority	Officers Comments
HP1	Remove exotic plant species from both islands and replace with local native species.	Hyde Park	1	Generally supported, however this issue will be considered by the Hyde Parks Lakes Restoration Working Group.
HP2	Remove formalised walls surrounding each of the ponds and reform the banks of lakes to create naturally sloping lake edges.	Hyde Park	3	This option will be considered by the Hyde Parks Lakes Restoration Working Group.
HP3	Progressively remove some or all of the Plane trees surround the lake to assist in improving the water quality of both lakes.	Hyde Park	2	As above
HP4	Assist in improving the water quality of both lakes through the installation of sediment aeration system in each lake.	Hyde Park	1	As above



No.	Recommendation	Application	Priority	Officers Comments
HP5	Gradually replace aging Pine trees with native tree species (e.g. hakeas, grevilleas, banksias, and eucalypts) that will provide a suitable food source for Carnaby's Black Cockatoo.	Hyde Park	1	Not supported, pine trees have already been replaced with Jacarandas & Illawarra Flame trees at Hyde Pk. Other reserves within the Town would be more suitable for establishing food sources for native birds.
SL1	Build on the recent Smith's Lake improvements by reforming the remaining banks and expanding the littoral zone planting.	Smith's Lake Reserve	3	Supported and listed for consideration in the 2005/06 budget.
CV1	Develop a native demonstration and interpretive garden at the southeastern corner of the reserve (between Macedonia Pl and Bourke St).	Charles Veryard Reserve	1	Not supported, currently a dog exercise area which is considered too small. Suggest that this be developed in another location such as Royal Park.
CV2	Increase the habitat value of the entire park through creating border gardens with multiple plant structure layers around the perimeter of the playing field.	Charles Veryard Reserve	1	Supported, consultation with the local community/user groups should be undertaken prior to any change being implemented.
LNK2	Plant dense thickets of vegetation on Smith's Lake Reserve and along Kayle St through to Beatty Park to create a suitable habitat link between the two reserves.	Link between Smith's Lake and Beatty Park	1	Supported, will be completed as part of the "Greenway" or Wetlands Heritage Trail
BPR1	Increase the structural diversity of current tree plantings along Charles St.	Beatty Park Reserve	1	Supported within confines of Beatty Pk only. Existing tree planting along Charles Street to be maintained.
RP1	Create thickets of local natives under or near the current stands of Tuarts and Paperbarks in Royal Park.	Royal Park	2	Supported, will be completed as part of the "Greenway" or Wetlands Heritage Trail
LNK2	Extend the current planting from the access pathway between Victoria and Lawley St, along Lawley St to create a suitable link to Dorrien Gardens.	Link between Royal & Dorrien Gardens	2	Supported, will be completed as part of the "Greenway" or Wetlands Heritage Trail

No.	Recommendation	Application	Priority	Officers Comments
LH1	Plant an area of dense shrubs interspersed with trees in Robertson park on the eastern side of the path way near the newly created Lake Henderson.	Robertson Park/Lake Henderson	2	Supported, works recently completed.
LH2	Undertake in-pond planting which will assist with the overall park aesthetics and assist in filtering nutrients and pollutants from storm water which enters the wetland.	Lake Henderson	2	Supported, will be actioned during next financial year.
PO1	Adopt planting protocol which reflects the long-term habitat creation goals of the Town of Vincent.	All public open space	1	Supported. To be further investigated and costed.
BR1	Follow recommendation proposed by Syrinx to improve Walters Brook.	Banks Reserve	3	Subject to Council approval.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. *"c) Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote use of native vegetation by Council and residents."*

**FINANCIAL/BUDGET IMPLICATIONS:**

It is considered that the majority of recommendations can be implemented as part of specific improvement works undertaken at various reserves or part of the Greenway/Wetlands Heritage Trial works to be progressed over the next few years.

Funding may be also sourced from the "Reserve Planting" or Verge/ Street Tree budgets where areas of plantings are identified/approved and a budget surplus is available.

Where significant drainage or other major infrastructure improvements are recommended (ie. Hyde Park), specific budget allocations will have to be listed for consideration in future budgets.

**COMMENTS:**

Considering the issues raised over the past five (5) years regarding water conservation, changing weather patterns and reduced rainfall/run off into catchment areas, there has been a relatively slow change in culture or habits of Australian gardeners.

**10.1.14 No. 66 (Lot 7) Wright Street, Highgate - Proposed Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO3077; 00/33/2760
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Corrie as Executor of the Estate of the late R Sindoni, for the proposed demolition of the existing single house at No. 66 (Lot 7) Wright Street, Highgate, as shown on plans date stamped 31 March 2005, subject to:*

- (i) a Demolition Licence being obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection being submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property being submitted to, and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application not being construed as support of a Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of an existing dwelling valued by the community;*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

**Moved Cr Doran-Wu, Seconded Cr Franchina**

*That the recommendation be adopted subject to:*

1. *Clause (iv) being amended to read as follows:*

*"(vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies. The property is located within the Brigatti Locality, and the Policy relating to the Brigatti Locality requires that in narrow and/or short streets, housing development is to be designed sensitively in terms of scale, setbacks and landscaping with a maximum height of two storeys; elsewhere a range of building form and scale is appropriate although buildings should be designed to harmonise with existing character; and" and*

2. *the existing recommendation being renumbered to clause (i)(a) to (g) and a new clause (ii) inserted as follows:*

*"(ii) that Council MAY consider development bonuses for a redevelopment proposal where the place at No. 66 (Lot 7) Wright Street is retained;"*

Debate ensued.

**CARRIED (4-1)**

**For**

Mayor Catania  
Cr Doran-Wu  
Cr Franchina  
Cr Torre

**Against**

Cr Lake

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.14**

*That;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Corrie as Executor of the Estate of the late R Sindoni , for the proposed demolition of the existing single house at No. 66 (Lot 7) Wright Street, Highgate, as shown on plans date stamped 31 March 2005, subject to:*

(a) *a Demolition Licence being obtained from the Town prior to commencement of any demolition works on site;*

(b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection being submitted and approved prior to the issue of a Demolition Licence;*

(c) *a redevelopment proposal for the subject property being submitted to, and approved by the Town prior to the issue of a Demolition Licence;*

- (d) *support of the demolition application not being construed as support of a Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of an existing dwelling valued by the community;*
  - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies. The property is located within the Brigatti Locality, and the Policy relating to the Brigatti Locality requires that in narrow and/or short streets, housing development is to be designed sensitively in terms of scale, setbacks and landscaping with a maximum height of two storeys; elsewhere a range of building form and scale is appropriate although buildings should be designed to harmonise with existing character; and*
  - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) *that Council MAY consider development bonuses for a redevelopment proposal where the place at No. 66 (Lot 7)Wright Street is retained;*

<b>Landowner:</b>	The Estate of R Sindoni
<b>Applicant:</b>	M Corrie
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	860 square metres
<b>Access to Right of Way:</b>	N/A

**BACKGROUND:**

The applicant submitted a previous development application for the proposed demolition of the subject dwelling that was considered at the Ordinary Meeting of Council held on 22 February 2005. The Officers Recommendation to that Ordinary Meeting of Council was for conditional approval however, this was lost and the Council resolved to constructively refuse the application for the following reasons:

1. *The proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building.*
2. *In the Council's opinion, the streetscape is of considerable importance and contributes significantly to the character of the area, and Council has invested significant effort in retaining existing dwellings on Wright Street.*
3. *The lot is able to be developed with the retention of the existing house."*

The applicant has submitted written and verbal requests for Council to reconsider this matter.

The City of Perth Building Licences indicates that a Building Licence was first granted to a W Hawkins in 1903. The construction of the subject dwelling is likely to have occurred shortly thereafter.

The War Service Homes Commissioner purchased the property in 1919 and held it for a 5 year period. Mr A Sindoni and Mrs R Sindoni purchased the subject place in 1963 and resided there until their deaths. The place was entered onto the Interim Heritage Database in 1998.

#### DETAILS:

The subject proposal involves the demolition of the dwelling. At this stage there is no re-development application existing for the site.

An incorrect statement was made in the previous Officer's report to Council on 22 February 2005, in which it was stated that the entry of the property onto the Town's Interim Heritage Database was at the request of the owner. This was incorrect and was the result of misinterpreting data shown on the records of the Interim Heritage Data Base. According to the applicant, the now deceased owner did not consent to the Interim Heritage Database listing at the time this occurred between 1997 and 1998. No records have been indicated to clarify this matter. For this reason the Town's administration considered it appropriate for the Council to be aware of this new information and reconsider the application.

The Applicant's submissions are "*Laid on the Table*".

#### ASSESSMENT:

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
No advertising was required for this application			
<b>Other Implications</b>			
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:

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

The Policy '*Heritage Management – Municipal Heritage Inventory*', adopted by the Council at its Ordinary Meeting held on 27 March 2001, has been used to determine the cultural heritage significance of the place.

The place is not considered to meet the minimum criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory. In light of the above, the proposed demolition is supported

**10.1.15 No. 66 (Lot 7) Wright Street, Highgate - Removal from the Town's Interim Heritage Database**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO3077
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES the removal of the dwelling at No. 66 (Lot 7) Wright Street, Highgate from the Town's Interim Heritage Database.*

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Doran-Wu, Seconded Cr Lake**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the removal of the dwelling at No. 66 (Lot 7) Wright Street, Highgate from the Town's Interim Heritage Database.

**BACKGROUND:**

- At the Ordinary Meeting of Council held on 22 February 2005, the Council refused an application for the proposed demolition of the subject dwelling. (An item is on the Agenda at 10.1.14.)
- A Heritage Assessment of the dwelling has been completed by the Town's Heritage Officers and was found not to meet the criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory in accordance with the Town's Policy 3.6.2 Heritage Management - Municipal Heritage Inventory.
- The existing single house was constructed c.1900. No other relevant historic property details exist for this site.
- A further application for the demolition of the dwelling is the subject of a separate report to the Council on this Agenda at Item 10.1.14.

**DETAILS:**

- The Town's Heritage Officers have previously undertaken a Heritage Assessment of the property in response to an application for proposed demolition.
- The Interim Heritage Database (IHDB) was adopted by Council in 1998. The IHDB contains no information regarding cultural heritage significance of individual properties on the list.
- No policies exist for the removal or additions of property to and from the IHDB.

- Based on the Officer's previous assessment for cultural heritage significance under Policy 3.6.2 Heritage Management - Municipal Heritage Inventory, the property is not considered to have sufficient individual merit to warrant inclusion on the Municipal Heritage Inventory. As such, inclusion on the IHDB is also considered unwarranted and it is recommended that the property be removed from the IHDB.
- An incorrect statement was made in the previous Officer's report to Council on 22 February 2005, in which it was stated that the entry of the property onto the Town's Interim Heritage Database was at the request of the owner. This was incorrect and was the result of misinterpreting data shown on the records of the Interim Heritage Data Base. According to the applicant, the now deceased owner did not consent to the Interim Heritage Database listing at the time this occurred between 1997 and 1998. No records have been indicated to clarify this matter.

**CONSULTATION/ADVERTISING:**

There are no consultation/advertising requirements for this item in relation to the IHDB.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area 1.2 Environment and Infrastructure: *"Recognise the value of heritage in providing a sense of place and identity - Foster activities which add to the community's understanding of heritage value."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Requests for the removal of properties from the IHDB highlight the difficulties in managing a non-statutory heritage list adopted by the Council without clear grounds for how the properties were assessed and considered for inclusion on the IHDB.

Through the process of reviewing the Municipal Heritage Inventory, it is anticipated that the guidelines and policies needed to manage the IHDB and the MHI, particularly in regards to requests to add and delete items from these lists, will be addressed in the near future.

In the absence of any formalised process for considering the removal of property from the IHDB, the Officers have considered the previous Heritage Assessment undertaken for this site and recommend that the dwelling at No. 66 (Lot 7) Wright Street, be removed from the Interim Heritage Database.



**10.1.16 No. 9 (Lot 16B) Bruce Street, Dual Frontage to Ragen Alley, Leederville  
- Proposed Survey Strata Subdivision (Western Australian Planning  
Commission Reference 1915-04)**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	1915-04
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 EYM and YC Wong for No. 9 (Lot 16B) Bruce Street, dual frontage to Ragen Alley, Leederville, and as shown on plans stamp-dated 11 March 2004 (subdivision 1915-04) for the following reasons:*
- (a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the proposed survey strata subdivision does not comply with the average lot size requirement of 180 square metres as per the Residential R60 density code, inclusive of the maximum permitted variation of 5 per cent to the average lot size;*
  - (c) *the proposed survey strata subdivision does not comply with the performance criteria provision which permits subdivision to reflect surrounding like development, as the surrounding lots are generally 329 square metres in size and are single residential in nature; and*
  - (d) *approval of the proposed survey strata subdivision would create an undesirable precedent for subdivision within the area; and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed survey strata subdivision.*

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**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Doran-Wu, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Torre, Seconded Cr Franchina**

*That the Item be DEFERRED to give the applicant an opportunity to amend their application with the WA Planning Commission.*

**CARRIED (3-2)**

**For**  
Mayor Catania  
Cr Franchina  
Cr Torre

**Against**  
Cr Doran-Wu  
Cr Lake

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

<b>Landowner:</b>	EYM & YC Wong
<b>Applicant:</b>	E Wong
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	329 square metres
<b>Access to Right of Way</b>	South side, 10 metres wide, sealed, privately owned

**BACKGROUND:**

18 November 2003 The Council, at its Ordinary Meeting, resolved to refuse proposed Survey Strata Subdivision.

**DETAILS:**

The applicant seeks to subdivide the property to create two survey strata vacant lots. One lot with gazetted road access to Bruce Street and the other with frontage to Ragan Alley, which is a 10 metres wide private right of way. There is no gazetted road access for the rear Lot 2.

The subdivision will require demolition of the existing dwelling.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	1.83 dwellings R 60	2 dwellings R 60.79	Not supported - non-compliance with fundamental R Codes requirements and potential for undesirable precedent.
Plot Ratio	N/A	N/A	N/A
Lot Area	Minimum 160 square metres and an average of 180 square metres	Lot 1 - 164.5 square metres Lot 2 - 164.5 square metres	Not supported - non-compliance with fundamental R Codes requirements and potential for undesirable precedent.

<b>Consultation Submissions</b>		
Support	N/A	Noted
Objection	N/A	Noted
<b>Other Implications</b>		
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:**

### **Non-Compliance**

The Residential Design Codes (R Codes) allow for consideration of a variation to the minimum lot size requirement under the performance criteria. The Residential R60 density code requires that a minimum lot size of 160 square metres is achieved with an average of 180 square metres when considering subdivision. The proposal complies with the minimum lot size requirements for the density provision, however does not comply with the average requirement. The performance criteria contained within the R Codes provides for two relevant considerations; the first is a maximum variation of 5 per cent, and the second is to allow land to be developed with housing of the same type and form as land in the vicinity, which would not otherwise be able to be developed.

In this instance, the proposal does not comply with either provision. A 5 per cent variation from the average lot size requirement would require an initial land area of 342 square metres to consider subdivision into two lots. The site is only 329 square metres in size and is therefore non-compliant with this performance criteria provision. With respect to the second consideration which allows like development to occur, it is confirmed that the surrounding lots with dual frontage to Ragen Alley are all 329 square metres in size and they are all single residential in nature.

### **Provision of 1991 Residential Design Codes**

The applicant seeks to have the survey strata subdivision assessed in accordance with the 1991 Residential Design Codes. It is noted that the Residential Design Codes allow for grouped dwellings in the R12.5-R17.5 and R60 density areas to be assessed under the 1991 standards.

The 1991 standards require the average lot size in the R60 density area to be 166.67 square metres. The average lot size of the proposal is 164.5 square metres and due to the nature of the proposal being two single houses with no common property the dwelling type is not considered to be grouped dwellings and therefore the 1991 provisions cannot be applied to this proposal.

### **Summary**

The proposed survey strata subdivision, by reason of its non-compliance with fundamental Residential Design Codes requirements would result in an overdevelopment of the site and form an over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the locality. The proposed subdivision is therefore contrary to the provisions of the Residential Design Codes and is therefore recommended for refusal.

**10.1.5 Nos. 639-643 (Lot 1) Beaufort Street (Corner Grosvenor Road), Mount Lawley - Proposed Alterations, Additions and Balcony to Existing Tavern**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Mt Lawley Centre; P11	<b>File Ref:</b>	PRO0638; 00/33/2256
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Bruno on behalf of the owner Samic Nominees Pty Ltd for proposed Alterations, Additions and Balcony to Existing Tavern, at Nos. 639-643 (Lot 1) Beaufort Street (corner Grosvenor Road), Mount Lawley, and as shown on amended plans stamp-dated 31 January 2005, subject to:*

- (i) the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall be responsible for all future maintenance of the balcony structure contained within the Road Reserve;*
- (ii) the Town reserves the right to request the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), to repair and/ or make good the balcony structure at any time;*
- (iii) the Town being indemnified by the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being placed within the Road Reserve;*
- (iv) the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall have adequate public liability insurance to ensure they are covered against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being located within the Road Reserve;*
- (v) the owner(s) of the property, shall advise any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), of their obligations in accordance with clauses/conditions (i), (ii), (iii) and (iv) above;*
- (vi) a written undertaking signed by the owner(s) of the property that they will fully comply with clauses/conditions (i), (ii), (iii), (iv) and (v) above, shall be submitted to and approved by the Town prior to the issue a Building Licence;*
- (vii) to ensure that all footpath and road users are not adversely affected by storm water runoff from the proposed balcony structure, detailed design plans of the proposed storm water disposal are to be submitted to and approved by the Town's Technical Services 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) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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) *a detailed management plan that addresses the control of noise, traffic, car parking, litter, security, complaint handling systems (and including the provision of a telephone complaint line, manned during all hours of operation to all residents within a 200 metres radius of the venue), the house policy on the service of alcohol and anti-social behaviour (to reasonable levels) associated with the existing and proposed development and associated usage of the balcony area, shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained. The management plan shall also address that any justifiable noise issues that arise, as a result of works undertaken, must be addressed in a timely manner to ensure compliance with the Environmental Protection (Noise) Regulations 1997;*
- (xi) *no live or amplified entertainment/music/noise shall occur in the balcony area, at levels unreasonable in accordance with the Environmental Protection (Noise) Regulations 1997;*
- (xii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic access via Beaufort Street and Grosvenor Road, dust control and any other potential nuisance, shall be submitted to and approved by the Town, and thereafter implemented;*
- (xiii) *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;*
- (xiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xv) *the hours of operation of the balcony area shall be limited to 6:00am - 10:00pm Monday to Thursday inclusive, 6:00am - 1:00am the next day Friday to Saturday inclusive and 10:00am - 10:00pm Sunday. The hours of operation are approved for a period of twelve (12) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;*
- (xvi) *the total public floor area of the Tavern component, including the balcony area, shall be limited to a maximum of 466.4 square metres;*
- (xvii) *prior to first occupation of the development, the owner(s) and/or occupier(s) shall seek the approval of the Town's Health Services for confirmation of approved accommodation numbers for the upper floor component of the Tavern, with the maximum accommodation numbers being 250 people for the ground floor component of the Tavern;*
- (xviii) *prior to first occupation of the development, documentation and plans shall be submitted and approved demonstrating the following:*
  - (a) *all external glazing, including the screen on the balcony to be a minimum of 10 millimetres thick laminated glass in a fixed frame. The frame is to be either solid hardwood or commercial grade aluminium;*

- (b) *doors to balconies are to have the above mentioned glazing and frames, as well as acoustic door seals equivalent to Raven RP47 (perimeter), RP70 (bottom) and RP71 (astragal) and a self closing mechanism (design specified in Figure 5.1 of the Acoustic Assessment report dated December 2004 prepared by Lloyd Acoustics). The doors are to be manned to ensure these are not held open;*
- (c) *the roof/ceiling construction is to be sheet metal with 2 layers of 16 millimetres thick Fyrchek plasterboard suspended beneath and insulation overlaid above plasterboard. There are to be no penetration in the plasterboard (sound ceiling). If light fixtures and/or speakers are preferred in the ceiling, and additional, architectural ceiling will be required beneath where penetrations are permitted;*
- (d) *sound limiting system to be installed and initially set to a sound pressure level of 95dBA or less;*
- (e) *tables to be placed against the southern side of the balcony where there is no acoustic screen or alternatively extend the acoustic screen to cover the entire balcony' southern side;*
- (f) *the ceiling of the balcony to be lined with absorbent material to minimise reflective noise. The material can be insulation, either plain or covered with an open material (perforated plasterboard, plywood, open slates and the like); and*
- (g) *a 'Certificate of Compliance' upon completion of all the above acoustic works. The Certificate must state that all of the above conditions relating to the acoustic report have been complied with;*

*The documentation and plans shall not result in any greater variations to the Towns Policies; and*

- (xix) *prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town.*

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**Moved Cr Lake, Seconded Cr Doran-Wu**

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

- "(xv) *the hours of operation of the balcony area shall be limited to ~~6:00am~~ 8:00am - 10:00pm Monday to Thursday inclusive, ~~6:00am~~ 8:00am - 1:00am the next day Friday to Saturday inclusive and 10:00am - 10:00pm Sunday. The hours of operation are approved for a period of twelve (12) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;"*

**Debate ensued.**

**Moved Cr Torre, Seconded Cr Franchina**

*That clause (xv) be amended as follows:*

*“(xv) the hours of operation of the balcony area shall be limited to ~~8:00am~~ 7:00am - 10:00pm Monday to Thursday inclusive, ~~8:00am~~ 7:00am - 1:00am the next day Friday to Saturday inclusive and 10:00am - 10:00pm Sunday. The hours of operation are approved for a period of twelve (12) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;”*

Debate ensued.

**AMENDMENT CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Doran-Wu	
Cr Franchina	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**MOTION AS AMENDED CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Doran-Wu	
Cr Franchina	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**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 S Bruno on behalf of the owner Samic Nominees Pty Ltd for proposed Alterations, Additions and Balcony to Existing Tavern, at Nos. 639-643 (Lot 1) Beaufort Street (corner Grosvenor Road), Mount Lawley, and as shown on amended plans stamp-dated 31 January 2005, subject to:*

- (i) the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall be responsible for all future maintenance of the balcony structure contained within the Road Reserve;*
- (ii) the Town reserves the right to request the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), to repair and/ or make good the balcony structure at any time;*
- (iii) the Town being indemnified by the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being placed within the Road Reserve;*

- (iv) *the owner(s) and/or occupier(s), and any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), shall have adequate public liability insurance to ensure they are covered against any damage, injury or loss, that may be sustained, to persons or property as a result of the balcony structure being located within the Road Reserve;*
- (v) *the owner(s) of the property, shall advise any subsequent owner(s) and/or occupier(s) of the property (Nos. 639-643 Beaufort Street, Mount Lawley), of their obligations in accordance with clauses/conditions (i), (ii), (iii) and (iv) above;*
- (vi) *a written undertaking signed by the owner(s) of the property that they will fully comply with clauses/conditions (i), (ii), (iii), (iv) and (v) above, shall be submitted to and approved by the Town prior to the issue a Building Licence;*
- (vii) *to ensure that all footpath and road users are not adversely affected by storm water runoff from the proposed balcony structure, detailed design plans of the proposed storm water disposal are to be submitted to and approved by the Town's Technical Services 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) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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) *a detailed management plan that addresses the control of noise, traffic, car parking, litter, security, complaint handling systems (and including the provision of a telephone complaint line, manned during all hours of operation to all residents within a 200 metres radius of the venue), the house policy on the service of alcohol and anti-social behaviour (to reasonable levels) associated with the existing and proposed development and associated usage of the balcony area, shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained. The management plan shall also address that any justifiable noise issues that arise, as a result of works undertaken, must be addressed in a timely manner to ensure compliance with the Environmental Protection (Noise) Regulations 1997;*
- (xi) *no live or amplified entertainment/music/noise shall occur in the balcony area, at levels unreasonable in accordance with the Environmental Protection (Noise) Regulations 1997;*
- (xii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic access via Beaufort Street and Grosvenor Road, dust control and any other potential nuisance, shall be submitted to and approved by the Town, and thereafter implemented;*
- (xiii) *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;*
- (xiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*



- (xv) *the hours of operation of the balcony area shall be limited to 7:00am - 10:00pm Monday to Thursday inclusive, 7:00am - 1:00am the next day Friday to Saturday inclusive and 10:00am - 10:00pm Sunday. The hours of operation are approved for a period of twelve (12) months from date of issue of this Planning Approval and subject to review at the completion of this timeframe;*
- (xvi) *the total public floor area of the Tavern component, including the balcony area, shall be limited to a maximum of 466.4 square metres;*
- (xvii) *prior to first occupation of the development, the owner(s) and/or occupier(s) shall seek the approval of the Town's Health Services for confirmation of approved accommodation numbers for the upper floor component of the Tavern, with the maximum accommodation numbers being 250 people for the ground floor component of the Tavern;*
- (xviii) *prior to first occupation of the development, documentation and plans shall be submitted and approved demonstrating the following:*
- (a) *all external glazing, including the screen on the balcony to be a minimum of 10 millimetres thick laminated glass in a fixed frame. The frame is to be either solid hardwood or commercial grade aluminium;*
  - (b) *doors to balconies are to have the above mentioned glazing and frames, as well as acoustic door seals equivalent to Raven RP47 (perimeter), RP70 (bottom) and RP71 (astragal) and a self closing mechanism (design specified in Figure 5.1 of the Acoustic Assessment report dated December 2004 prepared by Lloyd Acoustics). The doors are to be latched to ensure these are not held open;*
  - (c) *the roof/ceiling construction is to be sheet metal with 2 layers of 16 millimetres thick Fyrchek plasterboard suspended beneath and insulation overlaid above plasterboard. There are to be no penetration in the plasterboard (sound ceiling). If light fixtures and/or speakers are preferred in the ceiling, and additional, architectural ceiling will be required beneath where penetrations are permitted;*
  - (d) *sound limiting system to be installed and initially set to a sound pressure level of 95dBA or less;*
  - (e) *tables to be placed against the southern side of the balcony where there is no acoustic screen or alternatively extend the acoustic screen to cover the entire balcony's southern side;*
  - (f) *the ceiling of the balcony to be lined with absorbent material to minimise reflective noise. The material can be insulation, either plain or covered with an open material (perforated plasterboard, plywood, open slates and the like); and*
  - (g) *a 'Certificate of Compliance' upon completion of all the above acoustic works. The Certificate must state that all of the above conditions relating to the acoustic report have been complied with;*

*The documentation and plans shall not result in any greater variations to the Towns Policies; and*

(xix) *prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town.*

<b>Landowner:</b>	Samic Nominees Pty Ltd
<b>Applicant:</b>	S Bruno
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Tavern
<b>Use Class:</b>	Tavern
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	698 square metres
<b>Access to Right of Way</b>	West side, 4 metres wide, sealed, privately owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves refurbishment of the first floor with a balcony addition facing Grosvenor Road.

The proposal includes a skillion roofed balcony extending for 23.255 metres along the Grosvenor Road frontage on the southern elevation to a height of approximately 8.6 metres to the top of the eaves and 9.7 metres to the top of the roof pitch, above the adjacent footpath level. The balcony will be supported by columns and enclosed on the west and for a portion of the south elevation.

The existing parapet wall on the upper floor is proposed to be extended along the southern boundary for 19.8 metres; it replicates the existing inter-war art deco style. New external stairs are proposed at the rear of the building. The stairs connect with an entry at the western end of the proposed balcony structure.

The new alfresco area contained within the balcony is 70 square metres in area. The interior of the existing function room is to be modified to include a bar, lounge area, additional floor space for toilets (the existing toilets are to be removed) and the stairwell will be reconfigured. These changes do not affect the exterior aesthetic of the existing building.

The applicant's submission and acoustic report are "*Laid on the Table*".

**ASSESSMENT:**

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

<b>Consultation Submissions</b>		
Support	Nil	Noted
Objection (2 - from the same person)	<ul style="list-style-type: none"> <li>Noise and anti-social behaviour</li> </ul>	Supported - It is recognised that anti-social behaviour and noise commonly occur where there are liquor outlets in close proximity to residential areas. Such problems are very difficult to eliminate altogether however, it is possible to manage and help minimise anti-social behaviour and noise through the formulation and implementation of a detailed management plan that intends to address such issues. This is reflected in the above conditions of the Officer Recommendation.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
<b>Car Parking</b>		
Car parking requirement (nearest whole number) -Tavern - 466.4 square metres requires 123 car bays		123 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.95 (secure on site and/or adjacent street bicycle parking)</li> <li>0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> <li>0.90 (within a District Centre zone)</li> </ul>		(0.581)  71.463 car bays
Minus car parking provided on-site		3 car bays
Plus the most recently approved on-site car parking shortfall.		68 car bays
**Resultant shortfall		0.463 car bay

\* 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 the shortfall.

**COMMENTS:**

**Heritage**

The Town referred the proposal to Heritage Council of WA (HCWA) for comment. The HCWA advised that the parapet wall and verandah are considered inappropriate extensions to the existing building. Amended plans have been submitted which reduced the impact of the proposal, including the removal of a bull-nosed verandah design that was considered inappropriate by HCWA. The revised plans are considered acceptable.

### **Acoustic Report**

An acoustic report (by Lloyd Acoustics), as requested by the Town, was submitted on 31 January 2005. The report notes that no speakers will be located on or within 3 metres of an opening to the balcony and found that the assigned levels of the Environmental Protection (Noise) Regulations 1997 would be complied with ("*marginally*").

The report makes several recommendations to reduce the impact of noise on the surrounding area and these are included in the Officer Recommendation.

### **Health Services Comments**

The Town's Health Services have advised that the applicant is to ensure that all of the operational and design measures contained in the acoustic report are implemented, prior to the proposed area of the building being made available for use by patrons.

In addition, the applicant must also provide the Town's Health Services with a '*Certificate of Compliance*' upon completion of all the above acoustic works. The certificate must state that all of the conditions relating to the acoustic report have been complied with.

The applicant is also required to provide the Town's Health Services with a '*Venue Management Plan*' that addresses operational matters relating to noise control, litter control (including needles and syringes), anti-social behaviour control and security, complaint handling systems (to include the provision of a complaint telephone line, manned during all hours of operation to all residents within a 200 metres radius of the venue), and the house policy on the service of alcohol.

The Town's Health Services requirements are included in the Officer Recommendation.

### **Technical Services Comments**

The Town's Technical Services advise that their preference for the balcony is for cantilever construction. Due to the nature of the use of the balcony, cantilever construction is not possible and posts will need to be located within the Road Reserve.

The Town's Technical Services is satisfied with the proposal as it stands, subject to consultation with the Department for Land Information regarding leasing of the airspace and the owner(s) and/or occupier(s) being responsible for any maintenance, repairs and adequate insurance. The Town is also to be indemnified from any claims against it.

The Town's Technical Services requirements are included in the Officer Recommendation.

### **Summary**

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.7 No. 6 (Lot 504) Alma Road, Mount Lawley - Proposed Two-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO0251; 00/33/2373
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 J Shaw on behalf of the owners W & C Fryer for proposed Two-Storey Single House, at No. 6 (Lot 504) Alma Road, Mount Lawley, and as shown on amended plans stamp-dated 9 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 Alma 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;*
- (iii) *subject to first obtaining the consent of the owners of No. 6a Alma Road and No. 105 Walcott 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. 6a Alma Road and No. 105 Walcott Street in a good and clean condition;*
- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main building wall and the east boundary (parapet) wall; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the maximum total width of the carport being reduced to 5 metres; and*
  - (b) *the maximum total width of the driveway being reduced to 4 metres;*

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

**Moved Cr Torre, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Lake, Seconded Cr Torre**

*That clause (v)(a) be deleted.*

**AMENDMENT CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Doran-Wu
Cr Franchina	
Cr Lake	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**MOTION AS AMENDED CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Doran-Wu
Cr Franchina	
Cr Lake	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.7**

*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 J Shaw on behalf of the owners W & C Fryer for proposed Two-Storey Single House, at No. 6 (Lot 504) Alma Road, Mount Lawley, and as shown on amended plans stamp-dated 9 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 Alma 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;*
- (iii) subject to first obtaining the consent of the owners of No. 6a Alma Road and No. 105 Walcott 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. 6a Alma Road and No. 105 Walcott Street in a good and clean condition;*
- (iv) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main building wall and the east boundary (parapet) wall; and*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum total width of the driveway being reduced to 4 metres;*

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

<b>Landowner:</b>	W & C Fryer
<b>Applicant:</b>	J Shaw
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	260 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

9 March 2004 Council at its Ordinary Meeting resolved to conditionally approve proposed two-storey single house.

**DETAILS:**

The proposal involves a two-storey single house. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Nil
Front Setback:  Upper Floor (Balcony)	6 metres	2.5 metres	Supported - the R Codes allow for minor incursions into front setback, and a further dispensation is supported due to the nature of the streetscape and setbacks to surrounding and adjoining dwellings. The proposal will not have an undue impact on the streetscape.
Setbacks:  Ground Floor West (Living & Entry)  East (Dining)	1.5 metres  1.5 metres	Nil  1.27 metres	Supported - adjacent to neighbour's two storey boundary wall. Supported - minor variation with no undue negative impact on neighbour.
Upper Floor West (Stairwell)	1.2 metres	Nil	Supported - adjacent to neighbours two storey boundary wall.

Carports	Width of carport not to exceed 50 per cent of the frontage	60 per cent	Not supported - conditioned to comply.
Vehicular Access	Driveways not to occupy more than 40 per cent of the frontage of a property	52 per cent	Not supported - conditioned to comply.
Privacy Setbacks:			
Upper Floor - East Elevation (Balcony)	7.5 metres	Nil to eastern boundary	Supported - neighbours support received, screen slats to 1.65 metres high and no undue impact as overlooking garage roof and adjoining building blank wall.
West Elevation (Balcony)	7.5 metres	3.1 metres to western boundary	Supported - neighbours support received, screen slats to 1.65 metres high, and no undue impact.
North Elevation (Bedroom 2 window)	4.5 metres	3.4 metres to western boundary	Supported - neighbours support received and no undue impact.
Buildings on Boundary:			
Number of Walls	To one side boundary only	To two side boundaries	Supported - lot is narrow and no undue impact on neighbours.
West (Entry, Living and Stairwell)	3.5 metres maximum height with an average of 3.0 metres for 2/3 the length of the boundary.	6.8 metres in height.	Supported - adjacent to neighbours two storey boundary wall and no negative undue impact on neighbours.
<b>Consultation Submissions</b>			
Support (2)	<ul style="list-style-type: none"> <li>• No objection to building as proposed.</li> <li>• No objection to the balcony and setbacks as shown.</li> </ul>		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
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 was advertised and no objections were received during this period. The applicant has provided two letters of support from adjoining affected landowners.

A site inspection by the Town's Officers notes that there are significant reduced front setbacks for dwellings in the vicinity of the proposal and the balcony front setback variation is supported on this basis.

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

**10.1.2 No. 322 (Lot 26) Vincent Street, Leederville - Proposed Alterations and Additions to Existing Signage to Existing Consulting Rooms (Dental Surgery)**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO2366; 00/33/2716
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Loader		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Dentists on Vincent on behalf of the owners II Lamattina and T Dhepnorarrat for proposed Alterations and Additions to Existing Signage to Existing Consulting Rooms (Dental Surgery), at No. 322 (Lot 26) Vincent Street, Leederville, and as shown on plans stamp-dated 11 February 2005, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) minimal fixings shall be used to secure any signage; and*
- (v) 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.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

<b>Landowner:</b>	II Lamattina & T Dhepnorarrat
<b>Applicant:</b>	Dentists on Vincent
<b>Zoning:</b>	Metropolitan Region Scheme: Urban, abuts Other Regional Road Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80, abuts Other Regional Road
<b>Existing Land Use:</b>	Consulting Rooms
<b>Use Class:</b>	Consulting Rooms

<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	6943 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

8 April 2003 Council granted conditional Planning Approval at its Ordinary Meeting for change of use from approved office to consulting room (dental surgery) for a period of twelve (12) months.

27 April 2004 Council granted conditional Planning Approval at its Ordinary Meeting for renewal of change of use from approved office to consulting room (dental surgery) and associated signage. The approval included a condition which required the deletion of the proposed created 'Dentists on Vincent' roof sign.

**DETAILS:**

Approval is sought for alterations and additions to existing signage to existing consulting rooms, including one (1) projecting illuminating sign and one (1) created roof sign. The current application only differs from the previous application in that the projecting illuminating sign has been increased in size from 1 metre high and 0.2 metre wide with an area of 0.2 square metre to 2 metres high and 0.4 metre wide with an area of 0.8 square metre.

Details of the proposed signs are as follows.

- Projecting illuminated sign attached directly to the building, which does not project more than 1 metre from the wall and is 0.8 square metre in area. The sign is 2.75 metres above finished ground level and projects over Vincent Street footpath.
- Created Roof Sign is fixed to the building with a maximum height above finished ground level of 7.5 metres and an area of 2.16 square metres.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Comments	<ul style="list-style-type: none"> <li>• The application was referred to the Department for Planning and Infrastructure (DPI) as Vincent Street is reserved as an Other Regional Road under the Metropolitan Region Scheme. DPI has advised it has no objections to the proposal as the proposed sign is 2.75 metres above the footpath and will not hinder the safe passage of pedestrians.</li> <li>• The previous proposal was previously referred to the Heritage Council of WA as the property is listed on the State Register of Heritage Places and the</li> </ul>		<p>Noted</p> <p>The Town considers the proposed foam acrylic letters to the front fascia acceptable.</p>

	<p>Town of Vincent Municipal Heritage Inventory. The comments received are as follows:</p> <ul style="list-style-type: none"> <li>i. That the applicant revise the proposal for the signs to be placed within the windows on the Vincent Street façade to better reflect the configuration of the window panes; and</li> <li>ii. That minimal fixings are used to secure any signage.</li> </ul>	<p>It is also noted that it is the Heritage Council's preference that the vertical projecting sign on Vincent Street be non-illuminated, however the Town of Vincent has no objection to this element of the proposal and is generally supportive of the illumination.</p>
Support	N/A	Noted
Objection	N/A	Noted
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

**COMMENTS:**

The proposed signage is considered compliant with the Town's Policy relating to Signs and Advertising, fits in with the scale of the existing building and not considered to have an undue impact on the surrounding streetscape and amenity of the area. The proposal is therefore recommended for approval, subject to standard and appropriate conditions.

**10.1.22 No. 261 (Lot 2) Charles Street, and No. 1 (Lot 1) Bourke Street, North Perth – Issue of Notices to Clean the Properties**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	ENS0025
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	A Bosworth, J van den Bok, D Brits		
<b>Checked/Endorsed by:</b>	J. Maclean, R. Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *RECEIVES the report in relation to the vacant properties located at No. 261 (Lot 2) Charles Street, and No. 1 (Lot 1) Bourke Street, North Perth, owned by Prendre Pty Ltd of Suite 5, No. 284 Oxford Street, Leederville;*
- (ii) *is of the OPINION that No. 261 (Lot 2) Charles Street and No. 1 (Lot 1) Bourke Street, North Perth contains trees, scrub, undergrowth, vegetation, tree remnants, disused asbestos cement products, litter, noxious weeds and pest vegetation which, in the opinion of the Council;*
  - (a) *is likely to adversely affect the value of any adjoining property;*
  - (b) *is likely to adversely affect the health, comfort or convenience of the inhabitants of any adjoining property; or*
  - (c) *results in that property having an appearance which does not conform with the general appearance of other properties in the locality;*
- (iii) *pursuant to clause 4 of the Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Material AUTHORISES a notice to be served on the landowners, Prendre Pty Ltd of Suite 5, No. 284 Oxford Street, Leederville, requiring the property to be cleared of trees, scrub, undergrowth, vegetation, tree remnants, disused asbestos cement products, litter, noxious weeds and pest vegetation with thirty (30) days of the service of the Notice;*
- (iv) *REQUESTS the owner of the properties to security fence the unfenced boundaries of the vacant properties;*
- (v) *ADVISES the Department of Agriculture of the presence of noxious weeds on the properties; and*
- (vi) *AUTHORISES the Chief Executive Officer to take legal action in the case of default and including the clearing of the properties and recovering the costs in a Court.*

**COUNCIL DECISION ITEM 10.1.22**

**Moved Cr Lake, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to seek the Council's approval to take action against the landowner in relation to the unsightly properties located at No. 261 (Lot 2) Charles Street, and No. 1 (Lot 1) Bourke Street, North Perth.

**BACKGROUND:**

The Town has received ongoing complaints regarding the unsightly condition of the vacant properties located at No. 261 (Lot 2) Charles Street, and No. 1 (Lot 1) Bourke Street, North Perth, owned by Prendre Pty Ltd, Suite 5, No. 284 Oxford Street, Leederville. The complainants have complained about the unsightliness, alleged fire hazard, rodent harbourage, noxious weeds and pest vegetation (overgrown bamboo) as matters of concern.

**DETAILS:**

The Town's Officers have investigated complaints received from residents, and recent Elected Members requests regarding the properties.

Recent correspondence advising the owner of the various issues currently arising from the vacant property and requesting action to clean the land resulted in the following response:

*"I will not act on heresay...*

*Development: Its not your or anyone elses business.*

*Felled tree: The remainder will be removed.*

*Bamboo: I don't consider it a nuisance. At least it's green. If it encroaches onto the footpath it will be removed after you remove that part of your tree that encroaches into our company's property.*

*Rats: When you confirm we will act. Until then don't speculate.*

*Noxious weeds: Can we meet on site so that you can show me as if you are correct they should be removed*

*Litter: It all comes from the street. Can you arrange to clean it so that it does not come onto the property.*

*Rubbish thrown on site: People cross the verge to come onto the property. Can you take steps to ensure this does not happen.*

*We will assist where possible as we have always done."*

A recent inspection of the properties revealed that there were small amounts of rubbish, disused asbestos, declared noxious weeds such as the Castor Oil Plant (*Ricinus communis*) and Caltrop (*Tribulus terrestris*) identified within the property boundaries, a large area of bamboo which is well established along the western border of the property and tree remnants from a recently felled tree which remains on the vacant block.

The Town's Parks Services have advised that the bamboo species, whilst not a declared noxious weed, is currently under assessment in Western Australia by the Department of Agriculture and is considered a significant "nuisance" particularly around wetland areas where it can become invasive. A vast amount of seed is also produced annually that readily germinates. During summer when wetland water levels are low, the plants usually become stressed, dry out and can then constitute a potential fire hazard.

An inspection by Ranger Services and Community Safety confirmed that a fire break was adequately installed at the commencement of the fire season (1 December – 31 March each year, in accordance with the Bush Fires Act 1954). As the bamboo on the property border is still green, it does not currently constitute a fire hazard, however it has been noted that it frequently encroaches into the footpath and right of way.

The Town's Health Services Section advises that asbestos cement products (sheeting) are injurious to humans as fibres can be inhaled. This can lead to the deadly mesothelioma disease. This has been dumped onto the vacant property, and as such must be removed in accordance with the Health (Asbestos) Regulations 1992. To prevent further dumping, it is recommended that the unfenced boundaries of the vacant property be fenced to minimise dumping of asbestos, and other waste materials on the property.

In relation to the general litter on the property, a request has been placed with the Town's Technical Services for the installation of a street litter bin near the bus stop which is located on the Charles Street frontage of the property, as the majority of general litter is in close proximity to this bus stop. It is anticipated that this will assist in a reduction of general litter in the area.

#### Location of Properties – General appearance of other properties in the locality

The subject properties are located on the corner of Charles and Bourke Streets, North Perth. Charles Street is a major arterial road which carries approximately 25,000 vehicles per day. Bourke Street carries approximately 3,600 vehicles per day. The unsightly appearance of the properties portrays an unacceptable image to persons passing through the Town. Furthermore, the two properties do not conform with the general appearance of other properties in the locality, which are well kept and maintained.

To the south of the properties is a house which is well kept.

To the west of the properties are relatively new two storey houses which are very well kept.

To the north of the properties is Bourke Street with well kept residences.

To the east of the properties is Charles Street, a major road.

Photos are "*Laid on the Table*".

#### Adversely affecting the value of any adjoining property

As stated above, the adjoining properties are well kept and maintained. A local real estate agent has advised that the unsightly nature of the subject properties would adversely affect the value of any adjoining property.

Adversely affecting the health, comfort or convenience of adjoining property owners

Complaints from Elected Members to the CEO has revealed that a number of adjoining property owners have expressed their dissatisfaction at the unsightly appearance of the subject properties.

The "Castor Oil Plant" (*Ricinus communis*) is also a declared noxious weed in Australia. This species can reach a height of 6 metres in 12 months and is commonly found along the western coastal districts of Western Australia. The seed contains the highly toxic phytotoxins and symptoms of poisoning include loss of appetite, abdominal pain, vomiting and diarrhoea. The potential for children to ingest the seeds exists as the properties are unfenced. If this was to occur, their health would be seriously affected and potentially a death could occur. The plant can be controlled by either removal and burning of vegetation or by applying a herbicide such as (Glyphosate).

The "Caltrop" (*Tribulus terrestris*) plant identified is a declared noxious weed in Australia. The plant is a ground covering species that occurs in all Australian States. The plants fruit or seed has many spines that damage the feet of animals, are a nuisance to humans and contaminate crops. It was declared a noxious weed in Western Australia until 1981, when it was removed from the list in acknowledgement that little control could be achieved by legislation. Nevertheless, in view of public concern about the weed, Government recommenced control measures in 1985-86. The most effective means of control is hand removal and burning of the vegetative matter. This however, must be undertaken several times as many seeds are produced that quickly germinate if left behind in the soil profile. Chemical control is effective if used when the plants are immature.

Due to the nature of the complaints and lack of co-operation from the owner, it is recommended that a Notice is served on the property owner is Prendre Pty Ltd, Suite 5, No. 284 Oxford Street, Leederville under the Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials, to remove the refuse, rubbish and disused material (including noxious, and nuisance plant life, felled timber, and disused asbestos).

**CONSULTATION/ADVERTISING:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010: Key Result Area 1.4 – Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment; (d) Work with owners of significant vacant blocks to ensure that the blocks are maintained in keeping with the statutory regulations and the amenity of the area.

**LEGAL/POLICY:**

Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials.

Clause 3 (1) states that:

*"Refuse, rubbish or disused material" includes –*

- (i) *any material which is abandoned or unwanted by its owner or the person in possession of it;*
- (ii) *any material which is not being used for its original intended purpose and which has been deposited or stored upon any property for no current purpose other than the deposit or storage;*
- (iii) ...



- (iv) Any wood, timber, lumber; or cuttings, logs or remnants of trees; or chopped, split or chipped wood, deposited, stored, located or placed on property; and
- (v) Heaps of soil, waste material, cinders, wood or metal shavings and sawdust; And any material may be refuse, rubbish or disused material notwithstanding that it may have a monetary or other value to its owner or the person in possession of it or to the owner or occupier of any property upon which it is deposited or stored; ...

Clause 4 states that:

*If there is*

- (a) *on any vacant property within the District, any refuse, rubbish or disused material or any trees, scrub or undergrowth; ...*

*the Town may cause a Notice signed by the Chief Executive Officer to be served on the owner or occupier of that property requiring that owner or occupier as the case may be to clear the property of the trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice with the time specified in the Notice.*

Clause 5 states that the Town may Act in Default:

- (a) *Where an owner or occupier who is served with a Notice under Clause 4 of this Law fails to comply with the terms of the Notice, the Town is authorised –*
  - (i) *to clear or remove from the property the trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice, and dispose of the same, without payment of any compensation; and*
  - (ii) *to recover in a court of competent jurisdiction the amount of the Town's expenses in so doing from the owner or occupier who was served with the Notice.*

Should the owner of the property not undertake the specified works within the thirty day timeframe, in accordance with Clause 5 of the Local Law, the Town may act in default and recover costs from the owner who was served with the Notice. Furthermore, in accordance with Clause 6, if the owner commits an offence to fail to comply with the Notice, he/she is liable to a penalty of not less than \$200.00, and not exceeding \$5000.00. If the offence is of a continuing nature, a daily penalty will apply, not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

An estimate to clear the properties is approximately \$3,000. The cost will be as follows:

Machinery & labour costs (\$90/hr x 7hrs)	=	\$630
Truck costs (\$92/hr)	=	\$644
Tipping fees (based on 3 truckloads)	=	<u>\$1,650</u>
		*\$2,924

(\* excludes traffic management costs and disposal of asbestos)

The asbestos removal and traffic management costs could be as high as \$2,000

Three quotations will be obtained should it be necessary to carry out the works. Any costs will be recovered from the owner of the properties.

**COMMENTS:**

It is recommended that the Chief Executive Officer serves Notice on the owner Prendre Pty Ltd, Suite 5, No. 284 Oxford Street, Leederville of the property located at No. 261 (Lot 2) Charles Street, and No. 1 (Lot 1) Bourke Street, North Perth, to remove the refuse, rubbish and disused material (including noxious, and nuisance plant life) in accordance with the Town's Local Laws, within thirty days of the Notice; and recommends that the unfenced boundaries of the vacant property are cyclone fenced.

As the complaints have been ongoing, it is recommended the CEO also be authorised to act if the owner fails to comply with the Notice.

**10.2.1 Community Consultation Results - Street Tree Management Proposal Money and Monger Street, Perth and Proposed Traffic Management Improvements Monger Street and Robinson Avenue, Perth**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	TES0258;TES0234
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	R Lotznicher; J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Report on the Community Consultation results for the Street Tree Management proposal Money and Monger Streets, Perth and the Proposed Traffic Management Improvements Monger Street and Robinson Avenue, Perth;*
- (ii) *NOTES that the results of the Community Consultation on the Street Tree Management Proposal for Money and Monger Streets revealed that the majority of respondents were against the proposal as presented;*
- (iii) *DOES NOT carry out any tree removals in either Money or Monger Streets and continues to monitor, assess and manage the existing tree stock to promote their longevity and minimise the risk, and that should the removal of any specific tree be required in the future, the matter will be reported to the Council prior to any further action being undertaken;*
- (iv) *NOTES that the results of the Community Consultation on the Proposed Traffic Management Improvements Monger Street and Robinson Avenue revealed that the majority of respondents were in favour of the proposal as presented;*
- (v) *APPROVES the implementation of the Traffic Management Improvement proposal as outlined in attached Plan No 2325-CP-1; and*
- (vi) *ADVISES all respondents of its decision.*

Moved Cr Lake, Seconded Cr Torre

*That the recommendation be adopted.*

Debate ensued.

Cr Doran-Wu requested that it be recorded in the Minutes that Catherine Doran who spoke during public question time is no relation to her.

Moved Cr Lake, Seconded Cr Torre

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

- “(vii) *REPLACES any tree that may need to be removed in the future (on expert advice), in both Money and Monger Streets, with a mature London Plane tree (Platanus acerifolia) specimen.*”

**AMENDMENT CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**MOTION AS AMENDED CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**COUNCIL DECISION ITEM 10.2.1**

*That the Council;*

- (i) ***RECEIVES the Report on the Community Consultation results for the Street Tree Management proposal Money and Monger Streets, Perth and the Proposed Traffic Management Improvements Monger Street and Robinson Avenue, Perth;***
- (ii) ***NOTES that the results of the Community Consultation on the Street Tree Management Proposal for Money and Monger Streets revealed that the majority of respondents were against the proposal as presented;***
- (iii) ***DOES NOT carry out any tree removals in either Money or Monger Streets and continues to monitor, assess and manage the existing tree stock to promote their longevity and minimise the risk, and that should the removal of any specific tree be required in the future, the matter will be reported to the Council prior to any further action being undertaken;***
- (iv) ***NOTES that the results of the Community Consultation on the Proposed Traffic Management Improvements Monger Street and Robinson Avenue revealed that the majority of respondents were in favour of the proposal as presented;***
- (v) ***APPROVES the implementation of the Traffic Management Improvement proposal as outlined in attached Plan No 2325-CP-1;***
- (vi) ***ADVISES all respondents of its decision; and***
- (vii) ***REPLACES any tree that may need to be removed in the future (on expert advice), in both Money and Monger Streets, with a mature London Plane tree (*Platanus acerifolia*) specimen.***

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the results of the Community Consultation on the traffic management improvement proposal for Monger Street and Robinson Avenue and the street tree management proposal for both Money and Monger Streets, Perth.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 February 2005, the Council considered a report on traffic management and streetscape improvements at Money and Monger Streets, Perth, where the following decision was adopted.

*"That the Council;*

- (i) ***RECEIVES the report on the Proposed Traffic Management and Streetscape Improvements in Money & Monger Streets, Perth;***
- (ii) ***ADOPTS IN PRINCIPLE the proposed 'one way' road system as outlined on attached Plan No 2325-CP-1;***

- (iii) *ADVERTISES the proposal to residents / businesses in Monger Street, Lindsay Street, Money Street and Robinson Avenue for 21 days and receives a further report on the proposal at the conclusion of the advertising period;*
- (iv) *PROCEEDS with the rehabilitation works along the full length of Money Street this financial year and considers funding the Lindsay Street (Monger to Newcastle) upgrade from the 2005/2006 Roads to Recovery allocation.*
- (v) *NOTES the comments in relation to the possible replacement of the existing trees as outlined in the report;*
- (vi) *CONSULTS with residents/businesses in Money and Monger Streets for 21 days to determine the level of support for replanting between the existing trees with a suitable species and the gradual removal of the existing trees; and*
- (vii) *RECEIVES a further report at the conclusion of the consultation period on the Traffic Management proposal for Monger Street and Robinson Avenue and feedback on the tree management proposal."*

As reported to Council, the matter was initially referred to the Local Area Traffic Management (LATM) Advisory Group meeting held on 14 June 2004 and, because of the complexity of the issues involved, was carried over to the following meeting held on 19 July 2004.

Following considerable debate and discussion, the Group endorsed the following proposal:

- Monger Street - one way west to east (William to Lindsay St)
- Robinson Ave - one way east to west (Lindsay to William St)

The proposal is outlined on attached Plan No 2325-CP-1.

#### **DETAILS:**

In accordance with Clause (vi) of the Council's decision, on 18 February 2005 a total of 136 letters, together with reply paid envelopes and comments sheets, were distributed to householders and businesses in Money and Monger Streets and Robinson Avenue as follows:

- Monger Street            27 letters
- Money Street            32 letters
- Robinson Avenue        77 letters

The consultation was split up as follows:

#### **Street Tree Management Proposal Monger & Money Streets**

Householders and businesses in Monger and Money Streets were asked whether they agreed with a 'long term' proposal to progressively replace the existing trees in their streets and replace them with a more suitable species.

They were also asked whether they preferred the existing trees (London Plane) to be progressively replaced with a similar but smaller type of plane tree such as the Cut Leaf or Oriental Plane. The survey also gave the option for the replacement trees to be a native species such as the Broad Leafed Paperbark.

### **Traffic Management Improvement Proposal Monger Street and Robinson Avenue**

Householders and businesses in the area were asked whether they concurred with the traffic management proposal. They were advised that Monger Street has a very flat longitudinal gradient with large London Plane trees located very close to the edge of the existing kerb. In addition, it was indicated the tree trunks and root systems have encroached into and lifted the existing roadway in places. This has resulted in severe stormwater ponding problems during the winter period, particularly at the William Street end.

As part of the proposed 'one way' road system, nibs would be installed at the tree locations on Monger Street and a new 'gutter' formed away from the trees to facilitate the flow of stormwater.

They were also advised that while Money Street did not form part of the Traffic Management proposal it was decided to include this proposal in the report to Council as it inter-related with Monger Street.

Money Street runs perpendicular to Monger Street and has similar issues to Monger Street in terms of stormwater ponding, due to the verge trees located adjacent to the existing kerb and encroaching into the roadway in places. The solution presented for Money Street was to remove the existing kerbing and install new kerbing 250mm - 300mm further into the roadway to ensure the stormwater runs freely and the trees are more protected.

### **Consultation Results Street Tree Management Proposal**

Of the 59 letters distributed, 33 responses were received (54% response). Twelve (36%) respondents indicated they were *in favour* of the proposal *as presented* and 20 (61%) were *against* with one respondent (3%) *partially in favour*. Of those *in favour*, 5 respondents wanted the replacement trees to be the Cut Leaf Plane and 3 wanted London Plane trees.

Details of the responses is shown on attachment 10.2.1 A.

#### Officer's Comments:

As mentioned in the report presented to Council on 8 February 2005, in 1997 residents throughout the Town were surveyed regarding the Town's (former) Street Verge Tree Upgrade/Replacement Program. At the time, the respondents from Money and Monger Streets did not agree with the proposal. It is evident from the recent consultation that the majority view in these two streets has not changed.

The officer's proposal to interplant trees and remove 'suspect' species was to ensure that the streets remained 'tree lined' in the future. It is also evident now that interplanting of trees would be difficult due to existing crossovers, etc.

In assessing the existing directional traffic volumes in Robinson Avenue, Lindsay, Monger and Money Streets, it is considered that the redirection of traffic flow in both Robinson Avenue and Monger Street to one way will not have an adverse affect on these or adjoining roads in the block.

One outcome that is envisaged by the proposed changes is that motorists accessing the area may make more use of the surrounding higher order roads.

It is also noted that should William Street be reverted to two-way in the future, the Monger/Robinson proposal will still complement this possible change

Officer's Recommendation:

It is therefore recommended that the Council refrain from carrying out any tree removals in either Money or Monger Streets and monitor, assess and manage the existing tree stock to promote their longevity and minimise the risk. Should the removal of any specific tree be required in the future, the matter will be reported to the Council prior to any action being undertaken.

**Consultation Results Traffic Management Proposal**

Of the 104 letters distributed, 47 (44%) responses were received, with 33 (70%) *in favour*, 4 (9%) *partially in favour*, and 10 (21%) *against* the proposal.

Details of the responses are shown on attachment 10.2.1 B.

Officer's Comments:

As previously mentioned, nibs are proposed to be constructed in Monger Street for the following reasons:

- Remove kerbing and bitumen around existing trees
- Define embayed parking
- Address stormwater ponding issues

The proposed one-way system, which the majority of respondents are in favour of, will improve traffic flow and address traffic safety concerns at the William/Monger Street intersection in particular.

Officer's Recommendation:

It is therefore recommended that the proposal as outlined in attached Plan No 2325-CP-1 be implemented.

**Existing Piped Drainage System Monger Street**

As previously reported to Council (9 February 2005) the existing drainage system in Monger Street *may need upgrading, however, these investigations are currently in progress.*

Investigations have revealed that the existing drainage line which runs within the carriageway along Monger Street, between Money and Lindsay Streets, has collapsed in several locations and the old ceramic pipes are cracked and in need of replacement. Funds to carry out this work have been listed for consideration in the 2005/2006 draft budget (\$50,000).

Should the traffic management proposal be approved by the Council, the road resurfacing component of the project for Monger Street (between Money and Lindsay Streets) would need to be deferred until the drainage works have been completed.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for 21 days, seeking views from the community. Respondents will be advised of the Council's decision.

**LEGAL/POLICY:**

Nil

**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. “c) *Continue to develop, enhance and implement streetscape enhancements and develop a program for appropriate treatment of Wider Streets.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

**Monger Street and Robinson Avenue**

Funds totalling \$53,000 have been allocated in the draft 2004/2005 budget for traffic management and road rehabilitation works in Monger Street, between William and Lindsay Streets. Minor traffic management works are required in Robinson Avenue to convert the road to one-way. This section of Robinson Avenue was recently resurfaced as part of the Town's long term Road Resurfacing Program and is now in very good condition.

Funds to upgrade the drainage in Monger Street, between Money and Lindsay Streets, have been listed for consideration in the 2005/06 draft budget.

**Money Street**

Funds totalling \$55,000 for road rehabilitation works in Money Street have been provided from the Federal Roads to Recovery program and the funds need to be expended prior to 30 June 2005.

**COMMENTS:**

The proposed traffic management proposal for Monger Street (and Robinson Ave) will improve safety and reduce intersection traffic congestion, particularly at the Monger Street and William Street Intersection. The proposal will also have positive benefits for the existing trees and address drainage issues and provide better protection to parked vehicles.

The existing drainage system in Monger Street, between Money and Lindsay Streets, needs upgrading, however, these works will need to be placed on hold until additional funding is allocated.

Money Street will also be upgraded as part of the proposal, including the installation of new kerbing 250 to 300 mm further away from the existing trees and road resurfacing.

With regard to the Street Tree Management Proposal, it is recommended that the Council does not carry out any tree removals in either Money or Monger Streets and continues to monitor, assess and manage the existing tree stock to promote their longevity and minimise the risk, and that should the removal of any specific tree be required in the future, the matter be reported to the Council prior to any further action being undertaken.



**10.1.13 No. 4 (Lot 36) Salisbury Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO3076; 00/33/2677
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Craig Sheiles Homes on behalf of the owners P and S Best for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 4 (Lot 36) Salisbury Street, Leederville, and as shown on plans stamp-dated 24 January 2005 (existing house plans) and amended plans stamp-dated 17 March 2005, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the maximum building height to top of concealed roof being 7 metres. The revised plans shall not result in any greater variations to the requirements of the Town's Policies and the Residential Design Codes;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) 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;*
- (v) subject to first obtaining the consent of the owners of No. 2 and No. 6 Salisbury 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. 2 and No. 6 Salisbury Street in a good and clean condition; and*
- (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 any new front fences and gates adjacent to Salisbury 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*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedrooms and gym room on the eastern and western first floor elevations, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Lake, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Doran-Wu	
Cr Franchina	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

<b>Landowner:</b>	P & S Best
<b>Applicant:</b>	Craig Sheiles Homes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	577 square metres
<b>Access to Right of Way</b>	North side, 3.01 metres wide, unsealed, privately owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

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

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

**ASSESSMENT:**

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

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Building on Boundary	One boundary wall not higher than 3.5 metres with an average of 3 metres for 66 per cent of the length of the balance of the boundary behind the front setback, and one boundary wall only.	Building wall on 3 boundaries.	Supported - each building wall on boundary is compliant with the building on boundary requirements of the Residential Design Codes (R Codes) in terms of height and length.
Building Height:			
North	7 metres	6 metres - 7.6 metres	Not supported - it is a recommended condition that the building height be no higher than 7 metres.
West	7 metres	6.8 metres - 7.9 metres	Not supported - as above.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> <li>• Building Height</li> <li>• Screening be placed on house</li> <li>• Stress adherence to comply with Building on Boundary Requirements</li> </ul>		<p>Supported - it is a recommended condition that the building height be no higher than 7 metres.</p> <p>Not supported - there are no variations to privacy requirements of the R Codes. However, screening condition is recommended to ensure compliance.</p> <p>Not supported - Wall heights of the three building walls on boundaries have been reduced so that each wall is compliant in terms of the height and length of the wall.</p>

	<ul style="list-style-type: none"> <li>• Overshadowing</li>   <li>• Streetscape</li> </ul>	<p>Not supported - there are no variations to the overshadowing requirements of the R Codes.</p> <p>Not supported - the Town's Heritage Officers have recommended approval of the demolition of the existing house at No. 4 Salisbury Street, and no undue impact on streetscape provided building height is reduced to 7 metres.</p>
<b>Other Implications</b>		
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 regards to the demolition of the existing house at No. 4 Salisbury Street, the Town's Heritage Officers made the following comments:

The proposal involves the demolition of the existing single storey brick and iron dwelling.

The place has been assessed in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory. The place has *little to some* local cultural heritage significance for the following reasons:

- The place, as a single-storey, 'Federation' style, brick and iron dwelling in an entirely single-storey section of Salisbury Street, has *little to some aesthetic value* due to its contribution to the surrounding streetscape.
- The place has *little to some representative value* as a modest, intact Federation-style dwelling constructed in the early part of the 20th century.
- The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base.

On the basis of the information that is contained in the Heritage Assessment, the place is considered to have *little to some* cultural heritage significance but does not meet the threshold for inclusion onto the Town of Vincent's Municipal Heritage Inventory in its own right. On these grounds, the application for demolition is supported.

In regards to the variations sought by the applicant, the building on boundary variations are considered supportable and it is a recommended condition that the building height be reduced to 7 metres.

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

At 7.52pm the Presiding Member called a short recess.

At 8.00pm the meeting resumed with Mayor Catania, Crs Doran-Wu, Franchina, Lake and Torre, Chief Executive Officer – John Giorgi, Executive Manager Environmental and Development Services – Rob Boardman, Executive Manager Technical Services – Rick Lotznicher, Executive Manager Corporate Services – Mike Rootsey, Minutes Secretary – Annie Smith, Journalists Mark Fletcher and Dan Hatch and 1 member of the public present:

**10.1.20 Nos. 146-150 (Lot Y226) Fitzgerald Street, Dual Frontage to Pental Lane, Perth - Proposed Demolition of Existing Office and Warehouse and Construction of Mixed Use Development Comprising Two (2) Offices and Fourteen (14) Two-Storey Single Bedroom with Studio/Office Grouped Dwellings and Associated Carparking**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0162; 00/33/2726
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	R Boardman, John Giorgi

**CEO AND EMEDS RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Bruce Arnold Architects on behalf of the owner Baltimac Pty Ltd for proposed Demolition of Existing Office and Warehouse, and Construction of Mixed Use Development Comprising Two (2) Offices and Fourteen (14) Two-Storey Single Bedroom with Studio/Office Grouped Dwellings and Associated Carparking, at Nos. 146-150 (Lot Y226) Fitzgerald Street, dual frontage to Pental Lane, Perth, and as shown on plans stamp-dated 8 March 2005, subject to:*
- (a) *compliance with all relevant Environmental Health, Building and Engineering requirements;*
  - (b) *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;*
  - (c) *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 Fitzgerald 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 Fitzgerald 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;*

- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *the visitors bay having a manoeuvring area with a minimum depth of 6.0 metres;*
  - (2) *the maximum grade of the access driveways being 1:20;*
  - (3) *a 1.2 metres wide pedestrian path along the northern boundary of the lot being paved in a contrasting colour to the vehicular access way;*
  - (4) *the vehicular accessway being one way entering from Fitzgerald Street and exiting onto Pandal Lane, and shall be signposted accordingly;*
  - (5) *lighting to the vehicular accessway being provided to the satisfaction of the Town's Technical Services;*
  - (6) *the bin storage area being provided and located to the satisfaction of the Town's Technical Services and Health Services;*
  - (7) *a permanent enclosed storage area being provided for each residential unit, in accordance with the Residential Design Codes, including each storage area being a minimum area of 4 square metres; and*
  - (8) *the building height of the proposed dwellings being a maximum height of 6.0 metres to above the eaves and 9.0 metres to the top of the pitched roof, as measured from the natural ground level.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, the Town's Policies and the Department for Planning and Infrastructure/Western Australian Planning Commission;*

- (e) *the studio/offices shall be used in accordance with the Home Occupation requirements of the Town and each limited to a maximum of 20 square metres;*
- (f) *subject to first obtaining the consent of the owners of No. 136 Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 136 Fitzgerald Street in a good and clean condition;*
- (g) *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:*
- (1) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*

- (2) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (h) *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;*
- (i) *prior to the first occupation of the development, the 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 and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (j) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (k) *prior to the first occupation of the development, one (1) class three bicycle parking rail, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (l) *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)';*
- (m) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (n) *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;*
- (o) *prior to the first occupation of the development, a minimum of three (3) car parking spaces (including one (1) disabled bay) shall be provided for the visitor component of the development, and be clearly marked and signposted for the exclusive use of the visitors of the development;*

- (p) *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*
- (q) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (r) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (s) *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 (\$12 000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$12 000, 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 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);*
- (ii) *the Council ADVISES the owner/applicant of the subject land (Lot Y226) that the property is affected by a land requirement for the future upgrading of Fitzgerald Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of upgrading the ORR; and*
- (iii) *the Council NOTES the subject proposal is considered to be an underdevelopment of the site and considers that applicants of such sites should receive direction from the Town and the Council in regard to this matter.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted subject to clause (i)(d)(2) being amended to read as follows:*

- "(i) (d) (2) the maximum grade of the access driveways being 1:20, which is to be applied to the first six metres of the access driveway from Fitzgerald Street;"*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**



**COUNCIL DECISION ITEM 10.1.20**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Bruce Arnold Architects on behalf of the owner Baltimac Pty Ltd for proposed Demolition of Existing Office and Warehouse, and Construction of Mixed Use Development Comprising Two (2) Offices and Fourteen (14) Two-Storey Single Bedroom with Studio/Office Grouped Dwellings and Associated Carparking, at Nos. 146-150 (Lot Y226) Fitzgerald Street, dual frontage to Pental Lane, Perth, and as shown on plans stamp-dated 8 March 2005, subject to:*
- (a) *compliance with all relevant Environmental Health, Building and Engineering requirements;*
- (b) *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;*
- (c) *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 Fitzgerald 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 Fitzgerald 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;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *the visitors bay having a manoeuvring area with a minimum depth of 6.0 metres;*
- (2) *the maximum grade of the access driveways being 1:20, which is to be applied to the first six metres of the access driveway from Fitzgerald Street;*
- (3) *a 1.2 metres wide pedestrian path along the northern boundary of the lot being paved in a contrasting colour to the vehicular access way;*
- (4) *the vehicular accessway being one way entering from Fitzgerald Street and exiting onto Pental Lane, and shall be signposted accordingly;*

- (5) *lighting to the vehicular accessway being provided to the satisfaction of the Town's Technical Services;*
- (6) *the bin storage area being provided and located to the satisfaction of the Town's Technical Services and Health Services;*
- (7) *a permanent enclosed storage area being provided for each residential unit, in accordance with the Residential Design Codes, including each storage area being a minimum area of 4 square metres; and*
- (8) *the building height of the proposed dwellings being a maximum height of 6.0 metres to above the eaves and 9.0 metres to the top of the pitched roof, as measured from the natural ground level.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, the Town's Policies and the Department for Planning and Infrastructure/Western Australian Planning Commission;*

- (e) *the studio/offices shall be used in accordance with the Home Occupation requirements of the Town and each limited to a maximum of 20 square metres;*
- (f) *subject to first obtaining the consent of the owners of No. 136 Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 136 Fitzgerald Street in a good and clean condition;*
- (g) *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:*
  - (1) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
  - (2) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (h) *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;*

- (i) *prior to the first occupation of the development, the 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 and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (j) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (k) *prior to the first occupation of the development, one (1) class three bicycle parking rail, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (l) *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)';*
- (m) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (n) *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;*
- (o) *prior to the first occupation of the development, a minimum of three (3) car parking spaces (including one (1) disabled bay) shall be provided for the visitor component of the development, and be clearly marked and signposted for the exclusive use of the visitors of the development;*
- (p) *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*
- (q) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (r) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*

- (s) *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 (\$12 000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$12 000, 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 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);*
- (ii) *the Council ADVISES the owner/applicant of the subject land (Lot Y226) that the property is affected by a land requirement for the future upgrading of Fitzgerald Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of upgrading the ORR; and*
- (iii) *the Council NOTES the subject proposal is considered to be an underdevelopment of the site and considers that applicants of such sites should receive direction from the Town and the Council in regard to this matter.*

**ADDITIONAL INFORMATION:**

The above amendment is to ensure that the subject access driveway complies with Clause 3.3 Gradients of Access Driveways of the Australian Standards AS2890.1. This ensures driver sight lines are maintained while exiting from a District Distributor (a) class road, turning into an access driveway. This will also cover the setback required by the road widening requirement of the Metropolitan Region Scheme.

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**CEO AND EMEDS REPORT:**

The CEO and EMEDS has changed the Officer Recommendation for the following reasons:

1. An assessment of the application and comparison of the current assessment to the previously approved plans (which are identical to the current plans) for the subject site has revealed that the application is supportable.
2. Due consideration is given to the Council's previous decision and comments (which were recorded in the Minutes of the Council Meeting held on 11 March 2003, noting that the proposal was considered to an underdevelopment of the site and the proposal being identical to the previously approved plans. The Minutes record the following:  
  
*"Cr Chester requested that it be placed on record that he considered this development to be an underdevelopment of the site. Mayor Catania concurred with this comment and considered that applicants of such sites should receive direction from the Town and the Council in this regard."*
3. The proposal is supportable as it does not unreasonably nor adversely affect the amenity of the adjacent properties, the locality or the streetscape.

The assessment and comparison is summarised in the table below:

<b>Non-Compliant Requirements</b>				
<b>Requirements</b>	<b>Required</b>	<b>Current Proposal</b>	<b>Previously Approved Proposal</b>	<b>CEO &amp; EMEDS Comments</b>
Density	19 single bedroom grouped dwellings or 13 multi-bedroom dwellings R 60	14 single bedroom dwellings R 39.7	14 single bedroom dwellings R 39.7	Supported - proposal is considered to be an underdevelopment of the site as indicated by Elected Members when Council approved the previous application for an identical proposal at the OMC on 11 March 2003.
Plot Ratio Floor Area	Plot Ratio- 60 square metres per dwelling	Plot Ratio- 85 square metres per dwelling	Was not considered to be a variation in the previous assessment due to different interpretations of the requirements at the time.	Supported in light of the above.
Minimum Site Area	106.7 square metres	Approximately 87 square metres	Minimum site area was not a specific requirement under the previous R-Codes.	Supported - as the proposal has been previously approved and the previously approved plans were considered to be an underdevelopment of the site by some Elected Members.
Pedestrian Access	1.2 metres wide path	No path proposed	No path proposed	Recommended condition that the pedestrian access path is provided as per the previous approval.

Height	Wall- 6 metres Roof Pitch- 9 metres	Wall- up to 6.6 metres Roof Pitch - up to 9.7 metres	Was not considered to be a variation in the previous assessment due to different interpretations of the plans at the time.	Has been conditioned to comply as redesign is possible without significant amendments to plans.
Privacy Setbacks	Bedrooms- 4.5 metres  Outdoor habitable spaces-7.5 metres	Bedrooms- 1.85 metres from south boundary.  Decks- 6.0 metres from north boundary.	Bedrooms- 1.85 metres from south boundary.  Decks- 6.0 metres from north boundary.	Supported - while this matter was conditioned to comply in the previous approval, upon further assessment, this variation is considered to be supportable as overlooking is to commercial premises.
Storerooms	Minimum dimension of 1.5 metres and area of 4 square metres.	Dimension of 1.3 metres and area of 1.69 square metres.	3.0 square metres (variance due to different interpretations of the plans at the time)	Recommended condition that storeroom requirement is met, as per the previous approval
Outdoor Living Area	Minimum dimension of 4 metres and area of 16 square metres.	Provision of 1.85 x 6.2 metres courtyard with total area being 11.5 square metres; and  Deck of 5.6 x 2.4 metres with total area being 13.5 square metres.	Was not considered to be a variation in the previous assessment due to different interpretations of the requirements at the time.	Supported - as the provision of the courtyard and deck in aggregate exceeds the requirements of the R-Codes.

Under the previous 1991 Residential Planning Codes (R Codes), the minimum site required for grouped dwellings for lots zoned Residential R60 was 1660.67 square metres. In the case of single bedroom dwellings, the number of dwellings permitted may, at the discretion of Council, be up to 50 percent greater than provided for by the Code applying to the site.

Under the current Residential Design Codes (R Codes), the minimum site area for grouped dwellings for lots zoned Residential R60 is 160 square metres with the average of 180 square metres. For the purpose of single bedroom dwellings, the minimum site area may be reduced by up to one third.

Notwithstanding the above, Clause 3.1.3 of the current R Codes, allow the minimum site area to be determined under Table 1 of the previous 1991 R Codes in the case of grouped dwellings in areas zoned R12.5-R17.5 and R60 and where applications are made prior to 31 December 2004, as outlined above.

It is recommended that the Council approves the subject application subject to standard and appropriate conditions and notes that the proposal is still considered to be an underdevelopment of the site.

***OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owner Baltimac Pty Ltd for proposed Demolition of Existing Office and Warehouse, and Construction of Mixed Use Development Comprising Two (2) Offices and Fourteen (14) Two-Storey Single Bedroom with Studio/Office Grouped Dwellings and Associated Carparking, at Nos. 146-150 (Lot Y226) Fitzgerald Street, Dual Frontage to Pandal Lane, Perth, and as shown on plans stamp dated 8 March 2005, for the following reasons:*

- (i) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) — the non-compliance with the plot ratio, minimum site area, pedestrian access, building height, outdoor living area and storerooms requirements of the Residential Design Codes.*

<b>Landowner:</b>	Baltimac Pty Ltd
<b>Applicant:</b>	Bruce Arnold Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Office/Warehouse
<b>Use Class:</b>	Office Building & Grouped Dwelling
<b>Use Classification:</b>	"AA" & "P"
<b>Lot Area:</b>	2350 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

The Council at its Ordinary Meeting held on 11 March 2003 resolved to approve an identical proposal on the subject land, subject to standard and appropriate conditions, including compliance with privacy, pedestrian accessway and store room requirements. The following was also noted in the Minutes in relation to the previous proposal:

*"Cr Chester requested that it be placed on record that he considered this development to be an underdevelopment of the site. Mayor Catania concurred with this comment and considered that applicants of such sites should receive direction from the Town and the Council in this regard."*

**DETAILS:**

The proposal involves the demolition of existing office and warehouse and construction of mixed use development comprising of two (2) offices and fourteen (14) two-storey single bedrooms with studio/office grouped dwellings and associated carparking. The Assessment Table differs from the previous Table due to the adoption of the new Residential Design Codes (R-Codes) in 2002, which included the provision of a minimum site area and different interpretations of the R-Codes, which have been further developed and consistently applied since consideration of the previous application. The applicant's submission is *"Laid on the Table"*.

The application was referred to the Department for Planning and Infrastructure (DPI) as Fitzgerald Street is an Other Regional Road under the Metropolitan Region Scheme. DPI has advised it has no objections, subject to the applicant being advised that the subject land is affected by a land requirement for the future upgrading of Fitzgerald Street.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	22 single bedroom grouped dwellings or 13 multi-bedroom dwellings R 60	14 single bedroom dwellings R 39.7	Supported- no variation.
Plot Ratio Floor Area	Plot Ratio- 60 square metres per dwelling	Plot Ratio- 85 square metres per dwelling	<del>Not supported- overdevelopment of site.</del>
Minimum Site Area	106.7 square metres	Approximately 87 square metres	<del>Not supported- overdevelopment of site.</del>
Pedestrian Access	1.2 metres wide path	No path proposed	<del>Not supported- required for the safe and comfortable access of pedestrians.</del>
Height	Wall- 6 metres Roof Pitch- 9 metres	Wall- up to 6.6 metres Roof Pitch - up to 9.7 metres	<del>Not supported- variation sought considered excessive; opportunity to redesign for compliance.</del>
Privacy Setbacks	Bedrooms- 4.5 metres  Outdoor habitable spaces-7.5 metres	Bedrooms- 1.85 metres from south boundary. Decks- 6.0 metres from north boundary.	Supported- overlooks commercial premises. Supported- overlooks commercial premises.
Storerooms	Minimum dimension of 1.5 metres and area of 4 square metres.	Dimension of 1.3 metres and area of 1.69 square metres.	<del>Not supported- variation sought considered excessive; opportunity to redesign for compliance.</del>



Outdoor Living Area	Minimum dimension of 4 metres and area of 16 square metres.	Provision of 1.85 x 6.2 metres courtyard with total area being 11.5 square metres; and  Deck of 5.6 x 2.4 metres with total area being 13.5 square metres.	<del>Not supported-variation sought considered excessive, opportunity to redesign for compliance.</del>
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection	Nil		Noted.
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	
<b>Car Parking</b>			
Car parking requirement for non- residential component (nearest whole number) <ul style="list-style-type: none"> <li>• 185 square metres of office requires 3.7 car parking bays</li> </ul>		4 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (mixed use development with 45 percent residential)</li> </ul>		(0.68)  2.72 car bays	
Minus the car parking provided on-site. *6 car bays provided in a tandem arrangement (3 pairs) but only three of these bays included for the purpose of calculating commercial car parking requirement		3 car bays	
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) (Nil - existing development to be demolished)		0 car bay	
Resultant surplus		0.28 car bay	

\* 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:**

~~While it is noted that the same proposal has previously been conditionally approved, it is considered the proposal should be assessed according to the current requirements of the R-Codes and its interpretations which have been updated to reflect the evolving environment and changing expectations of the general community, Elected Members and the Town's Officers.~~

~~In this instance, the nature and number of variations sought is considered to be excessive and to result in a development, which is inconsistent with the orderly and proper planning and the preservation of the amenities of the locality. In light of this and there being opportunity for appropriate redesign, the proposal is recommended for refusal.~~

***CEO & EMED'S COMMENTS:***

The CEO and EMEDS have changed the Officer's Recommendation and report to take cognisance of the Council's previous approval and also of the Council's notation recorded in the Council Minutes of the Ordinary Meeting of Council held on 11 March 2003.

This report has been amended in accordance with the Town of Vincent Local Law Relating to Standing Orders clause 2.21 and the Local Government Act 1995, Section 5.41(b), which states:

*"The CEO's functions are to:*

*(b) ensure that advice and information is available to the Council so that informed decisions can be made."*

**10.1.28 Nyoongar Patrol and Town of Vincent - Draft Memorandum of Understanding**

<b>Ward:</b>	Both	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0097
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Wendt		
<b>Checked/Endorsed by:</b>	J MacLean, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ENDORSES the draft Memorandum of Understanding between the Nyoongar Patrol and the Town of Vincent as shown in Appendix 10.1.28.*

**Moved Cr Torre, Seconded Cr Doran-Wu**

*That the recommendation be adopted subject to clauses (i) and (ii) being added and the preamble amended as follows:*

*“That the Council ENDORSES the draft Memorandum of Understanding between the Nyoongar Patrol and the Town of Vincent as shown in Appendix 10.1.28 subject to.*

- “(i) deleting the final heading “Funding” on page 3 and replacing with 'Funding Review';*
- (ii) adding additional clauses after the first paragraph under the heading 'Funding Review' as follows:*

**“Payments**

*The Town's payments will be in quarterly instalments and paid on the 1st day of July, October, January and April.*

**Termination for Any Reason**

*The Town reserves its right to terminate this Memorandum of Understanding at its own absolute discretion, by giving three (3) months written notice to the Nyoongar Patrol.*

**Termination for Non Performance**

*The Town may terminate this Memorandum of Understanding by giving three months written notice to the Nyoongar Patrol for non performance or non observance of the provisions of this Memorandum of Understanding and there is a failure to remedy such non performance or non observance within fourteen (14) days after written notice by the Town requiring the same to be remedied.”.*

Debate ensued.

**Moved Cr Lake, Seconded Cr**

*That a new clause (iii) be added as follows:*

- “(iii) adding an additional clause under 'Obligations', 'Nyoongar Patrol will:' as follows:*
  - ~ “provide a contact number by which local residents and businesses can contact the Nyoongar Patrol to request assistance during its hours of operation.”*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**Moved Cr Torre, Seconded Cr Doran-Wu**

*That a new clause (iii) be added as follows:*

*“(iii) adding a new clause under the heading “The Town of Vincent will:” as follows:*

*~ advertise to its residents, ratepayers, businesses and visitors, the scope and limitations of the Nyoongar Patrol’s role and obligations in relation to addressing Indigenous issues with the Town. ”*

Debate ensued.

**AMENDMENT CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Franchina
Cr Doran-Wu	
Cr Lake	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED CARRIED (4-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Franchina
Cr Doran-Wu	
Cr Lake	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.28**

*That the Council ENDORSES the draft Memorandum of Understanding between the Nyoongar Patrol and the Town of Vincent as shown in Appendix 10.1.28 subject to.*

- (i) deleting the final heading “Funding” on page 3 and replacing with 'Funding Review';*
- (ii) adding additional clauses after the first paragraph under the heading 'Funding Review' as follows:*

**“Payments**  
**The Town's payments will be in quarterly instalments and paid on the 1st day of July, October, January and April.**

**Termination for Any Reason**  
**The Town reserves its right to terminate this Memorandum of Understanding at its own absolute discretion, by giving three (3) months written notice to the Nyoongar Patrol.**

**Termination for Non Performance**

**The Town may terminate this Memorandum of Understanding by giving three months written notice to the Nyoongar Patrol for non performance or non observance of the provisions of this Memorandum of Understanding and there is a failure to remedy such non performance or non observance within fourteen (14) days after written notice by the Town requiring the same to be remedied**"; and

(iii) adding a new clause under the heading "The Town of Vincent will:" as follows:

~ **"advertise to its residents, ratepayers, businesses and visitors, the scope and limitations of the Nyoongar Patrol's role and obligations in relation to addressing Indigenous issues with the Town. "**

**ADDITIONAL INFORMATION:**

The Town of Vincent Officers will promote and advertise the Nyoongar Patrol's role and obligations in relation to addressing Indigenous issues with the Town. To formalise this arrangement, Maria McAtackney from the Nyoongar Patrol has requested that the above clause be included in the Memorandum of Understanding.

**PURPOSE OF REPORT:**

The purpose of the report is to formalise the relationship between the Town of Vincent and the Nyoongar Patrol System, through the establishment of a draft Memorandum of Understanding.

**BACKGROUND:**

The Nyoongar Patrol System has been in operation since 1998, providing a mediation/patrol service to the City of Perth to assist Indigenous youth and adults and to reduce their incidence of negative contact with the Criminal Justice System and Law Enforcement Agencies generally.

On 1 September 2000, the Nyoongar Patrol Service commenced a limited service within the Town of Vincent to address the deteriorating situation with indigenous people, causing considerable disturbance in Birdwood Square, Highgate. The patrol days and times were Thursday between 11am and 7pm, Friday between 1pm and 10pm and Saturday between 6pm and 2am.

Within a very short time of the patrol commencing, the problems decreased noticeably. The amenity of the area and the relationship between the residents, the Town and park dwellers improved and, in general, all stakeholders have found the intervention of the patrol has been an invaluable resource in managing a very difficult and complicated issue. However, this has proved to be only a short term intervention. Subsequently, the levels of antisocial behaviour in the parks have again risen to unacceptable levels, and have spread to surrounding residents and businesses.

The Patrol's hours have been adjusted to address the demand and are now Monday to Friday, 1pm to 8.30pm, in combination with the City of Perth. The antisocial behaviour in 2005 has again increased in the parks.

The Council, at its Ordinary Meeting held on 8 February 2005, resolved as follows:

*"That the Council;*

(ii) *APPROVES of the following initiatives being implemented:*

(e) *the Town to review the current service provided by the Nyoongar Patrol and develop a Memorandum of Understanding between the Town and Aboriginal Advancement Council of WA;*

**DETAILS:**

To date, there has been no formalised agreement between the Nyoongar Patrol Service and the Town of Vincent. To that end, a draft Memorandum of Understanding has been developed (Attachment 001). The draft Memorandum of Understanding outlines the mutual and individual obligations of the Nyoongar Patrol Service and the Town of Vincent to address and resolve antisocial behaviour issues, alcohol consumption issues and littering issues, occurring in the Town's parks, reserves and surrounding areas.

A number of outcomes are also identified in the draft Memorandum of Understanding that will enable a review of the effectiveness of the strategies employed by the Town and the Patrol.

**CONSULTATION/ADVERTISING:**

The Nyoongar Patrol and the West Australian Police Service have both reviewed the draft Memorandum of Understanding.

**LEGAL/POLICY:**

The Noongar Patrol has no legal standing as far as enforcement is concerned, although they receive support and encouragement from the Police Service, as well as most Aboriginal Agencies.

**STRATEGIC IMPLICATIONS:**

Under Key Result Area Two: Community Development:

2.2 *Provide and develop a range of community programs and community safety initiatives.*

(g) *Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*

Under Key Result Area Four: Governance and Management, the Council upholds a number of objectives including

~ *"to achieve a constructive, cooperative team approach between Elected Members, Employees and community".*

~ *"to create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks."*

*"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:**

For the 2004/5 Budget, an amount of \$38,500 was allocated to the Nyoongar Patrol.

An amount of \$40,000 has been included for consideration in the 2005/06 Draft Budget.

**COMMENTS:**

It is important that the Town of Vincent, the Nyoongar Patrol Service and various State organisations work together to actively develop a more comprehensive strategy in dealing with these social issues, as the impact on the community is substantial and more than ever there is an expectation that the Town responds.

The Nyoongar Patrol is one part of the overall strategy to decrease the antisocial behaviour occurring in the Town's parks, reserves and surrounding areas.

**10.1.29 Birdwood Square, Perth – Itinerant Persons and Anti-Social Behaviour**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	ENS0102
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Wendt		
<b>Checked/Endorsed by:</b>	J MacLean, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on itinerant persons and anti-social behaviour at Birdwood Square, Perth; and*
- (ii) *ENDORSES the reviewed 'Looking after the Community' brochure wording as shown in Appendix 10.1.29).*

**COUNCIL DECISION ITEM 10.1.29**

**Moved Cr Doran-Wu, Seconded Cr Lake**

*That the recommendation be adopted subject to new clauses (iii) and (iv) being added as follows:*

*"(iii) amends the wording in the 'Looking after the Community' brochure, as shown in Appendix 10.1.29, as follows:*

*Delete the following words on page 1, paragraph 3:*

~~*Vincent Rangers can:-  
patrol the area  
collate information  
issue infringements for park drinking  
issue infringements for littering  
issue infringements for camping  
report offences to Police*~~

~~*They cannot arrest or ask anyone to move out of the park.*~~

*And replace them with:*

*Vincent Rangers do not have the authority to address:  
antisocial behaviour  
fighting  
noise  
urinating and defecating on private property  
street and park drinking  
arresting anyone  
confiscation of property or alcohol."*

(iv) *amends the wording in the 'Looking after the Community' brochure, as shown in Appendix 10.1.29, as follows:*

*~ Delete the following words on page 2, first heading:  
'What you can do'*



*And replace them with:  
'Private Property - what you can do'*

- ~ *Delete the following words on page 2, under 'What you can do', dot point 5:  
~~'target harden your property to dissuade squatters from camping there'~~*

*And replace them with:  
'make your property secure to dissuade squatters from camping there'*

- ~ *Delete the following words at the bottom of page 2, last heading:  
~~'What you can do'~~*

*And replace them with:  
'What you can do to help keep our Town clean and safe'*

- ~ *Delete the following words at the bottom of page 2, under 'What you can do',  
last dot point:  
~~'Report issues regarding public health to council'~~*

*And replace them with:  
'Report issues regarding public health to the Town of Vincent Environmental  
Health Services'*

- ~ *Add the following words at the bottom of page 3, between 'Rangers' and  
'Emergency After Hours':  
'Environmental Health Services Town of Vincent 9273 6533'*

The Presiding Member ruled that he would not accept the recommendation with the amendments and that the amendments would be dealt with separately.

The Presiding Member called for the original recommendation to be moved again.

Moved Cr Doran-Wu, Seconded Cr Lake

*That the recommendation be adopted.*

Debate ensued.

Journalist Mark Fletcher left the meeting at 8.18pm.

Moved Cr Doran-Wu, Seconded Cr Lake

*That the Item be DEFERRED for further consideration of the proposed "Looking after the Community" brochure.*

**CARRIED (4-1)**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Franchina
Cr Doran-Wu	
Cr Lake	
Cr Torre	

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

## PURPOSE OF REPORT

The purpose of the report is to provide an update on the anti-social behaviour at Birdwood Square and seek endorsement for a joint Town of Vincent and Nyoongar Patrol brochure for the public on the responsibilities of the two organisations with regard anti-social behaviour.

## DETAILS:

### Complaints Received

Feedback from the proprietor of a business on Brisbane Street indicates that a group of park dwellers have been frequenting the playground on Birdwood Square, but that generally, any groups who gather on Birdwood Square move on fairly quickly to other parks. He did report that the park was being used in a more positive way by residents and visitors.

A resident's concerns have been passed onto the Town regarding:

- the temporary toilet on Birdwood Square. *The existing toilet block has been locked from 3.30pm on weekdays and all weekend for a long time and it has been completely closed since 14 February 2005, which has given the majority of regular users time to be aware of the closure. There has been evidence of use of the temporary toilet situated at the opposite end of the park and the Nyoongar Patrol has been informing users of the park of the availability of the "porta-loo".*
- the Street Doctor is still visiting the Baker Avenue car parking area fortnightly. *A letter has been sent to the Deputy CEO of the Perth & Hills Division of General Practice indicating that the Street Doctor is not authorised to attend any of the Town's parks, and requesting that the service be stopped immediately. A provision has been put in the letter that, if Perth & Hills Division of General Practice considers it necessary to provide "Street Doctor" services within the Town, it would be appropriate to discuss suitable locations with the Town's staff to formulate strategies and a management plan.*
- the nominations for the Birdwood Square Working Party. *An acknowledgement letter was sent by the Safer Vincent Co-ordinator to all nominees for the Birdwood Square Working Party on 9 March 2005. The Co-ordinator of the Birdwood Square Working Party has selected members from the applications and sent out letters to all the nominees informing them of the final decision.*

Complaints have been received from residents regarding increased antisocial behaviour by park dwellers in Hyde Park, Banks Reserve and Robertson Park. *All complaints have been forwarded to the Police, the Town of Vincent Rangers, the Nyoongar Patrol and the Department of Community Development Birdwood Square Working Party Co-ordinator.*

## COMMENTS:

The temporary toilet is locked each evening at 7.30pm. Nyoongar Patrol is locking the temporary toilet at 7.30pm during week nights. Rangers are locking and unlocking the temporary toilet on the weekends for the time being. TOV Park staff are unlocking the temporary toilet each morning during the week.

Listed below are statistics provided by the Nyoongar Patrol for the period from 2 to 31 March 2005:

<b>Date</b>	<b>Parks</b>	<b># in Park</b>	<b># Homeless</b>	<b># Intoxicated</b>
2/3/05	Birdwood Square	12	-	5
	Hyde Park	-	-	-
3/3/05	Birdwood Square	1	-	-
	Hyde Park	18	-	6
4/3/05	Birdwood Square	3	-	1
	Hyde Park	20	-	-
9/3/05	Birdwood Square	-	-	10
	Hyde Park	17	-	-
10/3/05	Birdwood Square	-	-	-
	Hyde Park	17	-	12
11/3/05	Birdwood Square	1	-	1
	Hyde Park	-	-	-
12/3/05	Birdwood Square	5	-	4
	Hyde Park	-	-	-
14/3/05	Birdwood Square	-	-	-
	Hyde Park	14	-	6
16/3/05	Birdwood Square	4	-	3
	Hyde Park	10	1	5
17/3/05	Birdwood Square	8	-	5
	Hyde Park	12	-	4
	Robertson Park	2	-	-
18/3/05	Birdwood Square	-	-	-
	Hyde Park	8	-	-
23/3/05	Birdwood Square	-	5	-
	Hyde Park	10	1	10
24/3/05	Birdwood Square	7	2	5
	Hyde Park	-	-	-
29/3/05	Birdwood Square	-	-	-
	Hyde Park	9	-	5
30/3/05	Birdwood Square	-	-	-
	Hyde Park	12	-	9
31/3/05	Birdwood Square	2	-	-
	Hyde Park	7	-	-

**Meetings**

A meeting of the Birdwood Square Working Group was held on Thursday, 3 March 2005. A copy of the minutes will be provided to the Council.

The Nyoongar Patrol Advisory Management Committee monthly meeting was held on Tuesday, 5 April 2005.

The next meeting of the Birdwood Square Working Party will be held at 3pm, 21 April 2005 at the Town of Vincent. The appointed business and resident representatives have been invited to the meeting, as has Councillor Doran-Wu, the Council representative.

**Council Resolutions status:**

**22 February 2005 Council Resolution**

(iii) APPROVES the following:

- (a) rental of a temporary toilet, at an estimated cost of \$2,368, to be trialled over a four (4) month period in a variety of locations in Birdwood Square and the Brisbane Street Car Park to determine the best location for a possible replacement toilet and to determine whether anti-social behaviour decreases;

***TRIAL CONTINUING***

- (b) keeping the permanent toilets located on Birdwood Square locked for the duration of the trial of the temporary toilets, but making them available to people who hire the park;

***NO FURTHER ACTION REQUIRED***

- (c) the Town urgently write to the Department of Health (Street Doctor) to indicate that they are not authorised to attend any of the Town's parks and request that they immediately cease the provision of their services within the Town of Vincent. If they wish to deliver their services within the Town that they submit a request and management plan to the Town for approval;

***Action taken***

*A letter was sent on 30 March 2005 to the Perth & Hills Division of General Practice and copied to the Director General of the Health Department of Western Australia.*

**8 February 2005 Council Resolution**

(ii) APPROVES of the following initiatives being implemented:

- (a) the Town urgently write to the Premier and the Ministers for Community Development (Hon Sheila McHale); Housing and Works (Hon Nick Griffiths); Indigenous Affairs (Hon John Kobelke); and Police and Emergency Services (Hon Michelle Roberts) to express the Town's strong concerns about the continuing unsatisfactory situation and request additional State Government assistance to resolve the problem in Birdwood Square;

***NO FURTHER ACTION REQUIRED***

- (b) the Town write to the Western Australia Police Service thanking them for their continued co-operation and support, and requests the continuation of increased regular patrols around Birdwood Square;

***NO FURTHER ACTION REQUIRED***

- (c) the Town urgently writes to the State Government Minister for Police and Emergency Services requesting that funding be provided for the Nyoongar Patrol to increase its patrol services and enable them to operate all day on weekends;

***NO FURTHER ACTION REQUIRED***

- (d) the Town urgently writes to the Department of Health requesting them to review the role of carers of people travelling to Perth for medical treatment through the Patient Assisted Transport Scheme;

Action taken

*A draft letter is currently being prepared.*

- (e) the Town to review the current service provided by the Nyoongar Patrol and develop a Memorandum of Understanding between the Town and Aboriginal Advancement Council of WA;

Action taken

*A draft Memorandum of Understanding has been prepared and a report has been submitted to the Ordinary Meeting of Council to be held on 12 April 2005.*

- (f) the Town to review the opening hours and use of the public toilets located at Birdwood Square but in the interim provide notice that from 14 February 2005 until further notice (as determined by the Chief Executive Officer) the toilets will only be open on weekends on a trial basis to minimise current congregation and anti-social behaviour as the park/reserve facilities were not intended to be used for accommodation;

**NO FURTHER ACTION REQUIRED**

- (g) cleaning frequencies be delegated to the Chief Executive Officer to determine;

**NO FURTHER ACTION REQUIRED**

- (h) approves the temporary removal of the heritage plaque located on the eastern side of Birdwood Square, adjacent to the bus shelter until further notice;

**NO FURTHER ACTION REQUIRED**

- (i) the Department of Health be requested to review the service provided by the "Street Doctor"; *This has been superseded by the Council resolution from the Ordinary Meeting of Council Meeting held on 22 February 2005.*

**NO FURTHER ACTION REQUIRED**

- (j) the Birdwood Square Working Group (interim) be formed, including representatives of local residents and businesses, and be requested to develop strategies regarding rough sleepers on parks;

Action taken

*These nominations have been assessed by the Department of Community Development Co-ordinator of the Birdwood Square Working Party and the following have been chosen:*

*Resident representative: Bev Bastian  
Resident proxy: Angelo Merlacco  
Business representative: Barry Garonne  
Business proxy: Barbara Gold*

- (k) the Town to review the 'Looking after the Community' brochure;

Action taken

*The revised wording for the 'Looking after the Community' brochure is attached for endorsement. To date, the Superintendent of the Perth Police Station, Nyoongar Patrol and Town of Vincent staff have all been consulted, and changes have been made accordingly.*

*Once the copy has been approved, the new brochure will be printed and distributed to areas surrounding the hot spots within the Town of Vincent, such as Birdwood Square, Hyde Park, Robertson Park, Stuart Reserve and Banks Reserve.*

- (l) investigate the accuracy of the information displayed on the signage in the park;

***NO FURTHER ACTION REQUIRED***

- (m) conduct a Crime Prevention Through Environmental Design (CPTED) review of Birdwood Square with the assistance of the Office of Crime Prevention;

***NO FURTHER ACTION REQUIRED***

- (n) erect larger 'no drinking in the park' signage in the park;

***Action taken***

*This has been deferred while the Town of Vincent Local Law relating to Parks and Public Reserves is being reviewed to identify the possibility of prohibiting the possession and/or use of alcohol in Birdwood Square. A draft of an amendment has been passed to the WA Police Service for comment and will be presented to Council in due course. Once this has been finalised, an appropriate sign will be erected.*

- (o) replace current bins in the Park with steel bins that restrict people from removing items from the bin;

***Action taken***

*Four steel bins have been ordered and will be located in the park on each of the four corners. It is expected that the bins will take up to six weeks to arrive.*

- (p) develop an accord with the Western Australia Police Service, Nyoongar Patrol and Rangers for the intensive patrolling of the park;

***Action taken***

*Discussions are continuing with the Nyoongar Patrol, the WA Police and the City of Perth.*

- (q) review the Town of Vincent Local Law relating to Parks and Public Reserves to prohibit the possession and/or use of alcohol in Birdwood Square;

***Action taken***

*A draft amendment has been passed to the WA Police Service for comment. It has been established that there is existing legislation that empowers Police Services to address the issue. Police are currently exploring further options associated with the legislation.*

- (r) the Town to investigate options including costs relating to the park toilet building, for example, additional public toilet(s) and location(s), alterations and repairs to existing toilets, demolition of existing toilets and provision of one unisex disabled toilet appropriately located in the Brisbane Street Car Park and providing temporary toilets when the park is used by schools; and

***NO FURTHER ACTION REQUIRED***

- (s) invites an Elected Member to also attend meetings headed by the Department of Community Development in relation to Birdwood Square Working Group;

***NO FURTHER ACTION REQUIRED***

- (iii) writes to all complainants advising them of the Council's decision;

***NO FURTHER ACTION REQUIRED***

- (iv) receives monthly information reports regarding the status of Birdwood Square and the Birdwood Square Working Group as well as other reports for decision as required; and

***ON GOING***

- (v) RECEIVES a further report at the Ordinary Meeting of Council to be held on 22 February 2005 identifying an amount of money commensurate with the implementation of strategies and actions identified by the Working Group.

***NO FURTHER ACTION REQUIRED***

**10.1.31 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 - Change of Council Decision**

<b>Ward:</b>	Both Wards	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0141
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Godwin		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Ordinary Meeting held on 22 March 2005 (Item 10.1.21);*
- (ii) *Councillor ..... MOVES a motion to CHANGE the decision by amending the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

**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>	<i>Small Lot Subdivision ..... Construction to plate height is required for resultant lots that are <del>no</del> less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

- (iii) *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*
- (iv) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by:*
  - (a) *amending the Assessment Table of Element 9 –Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*



<b>ASSESSMENT TABLE</b>	
<b>Performance Criteria</b>	<b>Acceptable Development</b>
<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</i> .... <i>Construction to plate height is required for resultant lots that are <del>no</del> less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

**COUNCIL DECISION ITEM 10.1.31**

**Moved Cr Franchina, Seconded Cr Lake**

*That the Item be DEFERRED for further debate.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to correct an anomaly in the adopted policy relating to the Residential Design Elements.

**BACKGROUND:**

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 further amendments.

On 16 March 2005, Councillor Chester submitted a Motion to change a part of the Council decision, 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 deferred action to implement the Council's decision of the Special Meeting of Council held on 15 March 2005, until Councillor Chester's Motion was considered and determined at the Ordinary Meeting of Council held on 22 March 2005.

At the Ordinary Meeting of Council held on 22 March 2005, Council resolved to reconsider the resolution adopted by the Council at its Special Meeting held on 15 March 2005 by amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements.

**DETAILS:**

It is suggested that the Assessment Table of Element Nine – Subdivision of the Draft Policy relating to the Residential Design Elements be amended. Under the Acceptable Development standards of the Assessment Table, there are provisions relating to the requirement for construction to plate height for small lot subdivision. At present the provision stipulates that:

*“Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area.”*

The provision in its current form identifies that construction to plate height is required for lots that are more than 8 metres in width. This was not the intention of the clause and was an oversight that needs to be corrected. Accordingly, the provision should state:

*“Construction to plate height is required for resultant lots that are less than 8 metres in width and/or comprise less than 300 square metres in area.”*

The Town of Vincent Local Law relating to Standing Orders clause 3.20.2, states the following:

*“3.20.2 Revoking or changing decisions at a subsequent meeting (section 5.25(e))*

- (1) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported:-*
  - (i) in the case where an attempt to revoke or change the decision had been made within the previous three (3) months but had failed, by an absolute majority; or*
  - (ii) in any other case, by at least one third (1/3) of the number of offices (whether vacant or not) of Members of the Council or committee; inclusive of the mover.*
- (2) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made:-*
  - (i) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
  - (ii) in any other case, by an absolute majority.*
- (3) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Given the above, it is suggested that the Council moves a motion to change a Council decision by amending the Assessment Table of Element Nine – Subdivision.

**CONSULTATION/ADVERTISING:**

Nil.

**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/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The provisions relating to small lot subdivision should state that construction to plate height is required for lots that are less than 8 metres in width. It is suggested that the Council amend the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements to reflect this.

**10.1.32 Planning and Building Policies – Application of Draft Policies Relating to the Residential Design Elements, Non-Residential/Residential Development Interface and Communal Space for Lodging Houses, Serviced Apartments and Hostels**

<b>Ward:</b>	Both Wards	<b>Date:</b>	4 April 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0151, PLA0146, PLA0141
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Godwin		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the application of Draft Policies relating to the Residential Design Elements, Non-Residential/Residential Development Interface and Communal Space for Lodging Houses, Serviced Apartments and Hostels;*
- (ii) *ADOPTS the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied in the interim to those planning, building and subdivision applications received after the date the Draft Policy was adopted by Council on 15 March 2005;*
- (iii) *ADOPTS the Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim to those planning and building applications received after the date the Draft Policy was adopted by Council on 15 March 2005; and*
- (iv) *ADOPTS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments to be applied in the interim during the advertising period and up to formal adoption of the Draft Policy to those planning and building applications received after the date the Draft Policy was adopted by Council on 8 March 2005.*

**COUNCIL DECISION ITEM 10.1.32**

**Moved Cr Franchina, Seconded Cr Torre**

*That the item be DEFERRED for further debate.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

### **PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's clarification that the application of the newly adopted policies is applicable from the date at which the respective policy was approved by the Council.

### **BACKGROUND:**

The Council at its Ordinary Meeting held on 8 March 2005 and the Special Meeting of Council held on 15 March 2005 resolved to adopt a number of policies (as detailed in the recommendation). A copy is "*Laid on the Table*".

### **DETAILS:**

The Council at its Ordinary Meeting held on 8 March 2005 and at the Special Meeting held on 15 March 2005 resolved to adopt the Draft Policies relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments; the Residential Design Elements; and Non-Residential/Residential Development Interface.

#### **Clarification of the Application of Draft Policies**

Clause 38 (5) (b) of the Town Planning Scheme No. 1 stipulates that:

*"(5) Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to –*

*(b) any relevant planning policy".*

Given the above, it could be interpreted that the three new Draft Policies should apply to all applications the Town is currently dealing with, including those that were received before the Policies were adopted by the Council. The Officer Recommendation from the subject Special and Ordinary Meetings of Council stated that the Draft Policies be applied in the interim; however, no clarification was given to specify what applications the Draft Policies should apply to. Accordingly, clarification is required to specify how the Draft Policies will be applied in the interim.

#### **Implications on Applicants**

The three new Draft Policies are vast and complex in nature and their provisions will potentially have a significant impact on planning, building and subdivision applications within the Town. It is considered that the application of these three Draft Policies to all development and subdivision applications the Town is currently dealing with, will potentially raise a number of issues for applicants, owners, adjoining property owners, Officers and Elected Members. For example, all applications the Town is currently dealing with (including those received before the Policies were adopted) will have to be reassessed in accordance with the new Draft Policies; this will significantly slow the application process down, ultimately causing difficulties and potential frustration for the applicants, owners and adjoining property owners.

Applicants submitting applications prior to the Draft Policies being adopted would have designed proposals to comply with existing Policies at that time. Potentially amendments may have to be made to applications (in order for them to comply with the new Draft Policies). These applications may have been submitted to the Town weeks ago and may have been going through the application process for extended periods of time. Assessing applications (against the new Draft Policies) that were received before the Draft Policies were adopted will result in a significant amount of time and resources from the point of view of both Officers and applicants.

**Conclusion**

It is considered that the implementation process of the new Draft Policies should be as efficient as possible. Clarification must be provided to specify how the Draft Policies will be applied in the interim. It is suggested that the Officer Recommendation be amended so that the Draft Policies apply in the interim to any planning, building and subdivision applications received after the date the respective Draft Policies were adopted by the Council. This will ensure that the applications the Town is currently dealing with (that is, those applications received before the Policies were adopted) are dealt with and processed in the most efficient, timely and fair manner.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

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

*Action Plans to implement this strategy include:*

...

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The Town currently has a significant amount of applications affected by the Draft Policies, especially relating to the Residential Design Elements, which have not yet been determined. In this instance, it is considered inappropriate to apply these Draft Policies to those outstanding applications. To clarify how the Draft Policies relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, Non-Residential Residential Development Interface and the Residential Design Elements will be applied in the interim, it is suggested that the Draft Policies only apply to those applications received after the interim adoption of the respective Draft Policies by Council.

**10.1.33 Planning and Building Policies - Amendment No. 21 Relating to the Provisions for Cash-in-lieu of Car Parking within the Parking and Access Policy**

<b>Ward:</b>	Both	<b>Date:</b>	6 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0154
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Godwin, C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES this report and the draft amended version of the Policy relating to Parking and Access, as shown in Attachment 001;*
- (ii) *ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*
- (iii) *ADVERTISES the draft amended version of the Policy relating to Parking and Access 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 amended 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 amended Policy; and*
  - (c) *forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
  - (a) *reviews the draft amended version of the Policy relating to Parking and Access, having regard to any written submissions; and*
  - (b) *determines the draft amended version of the Policy relating to Parking and Access, with or without amendment, to or not to proceed with them; and*
- (v) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 27 April 2004 relating to cash-in-lieu of car parking, as listed in this report, has been addressed and finalised in the draft amended version of the Policy relating to Parking and Access.*

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**COUNCIL DECISION ITEM 10.1.33**

**Moved Cr Franchina, Seconded Cr Lake**

*That the recommendation be adopted.*

**Debate ensued.**

**Journalist Dan Hatch left the meeting at 8.24pm.**

**Moved Cr Lake, Seconded Cr**

*That the Item be DEFERRED for further debate.*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**MOTION CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to present to the Council the outcome of the review of the Cash-in-lieu of carparking provisions and associated amendments to the Town's policy relating to parking and access.

**BACKGROUND:**

**Independent Organisational Review**

Recommendation No. 50 of the adopted Independent Organisational Review outlined the following:

*"Council reveiws the cash-in-lieu car parking contribution to achieve a market related contribution to assist funding car parking capital costs."*

**Ordinary Meeting of Council 27 April 2004**

A Notice of Motion was resolved by Council at its Ordinary Meeting held on 27 April 2004 as follows:

*"That the Council AUTHORIZES the Chief Executive Officer to;*

- (i) conduct a review of the cash-in-lieu provisions in the Policy and the amount charged;*
- (ii) explore the Cash-in-lieu policies of other Councils;*
- (iii) include the review as part of the Town's Budget process, as per the Policy; and*
- (iv) prepare a report for the consideration of Council on 8 June 2004."*

**Ordinary Meeting of Council 8 June 2004**

Subsequently, the Council at its Ordinary Meeting held on 8 June 2004 considered Item IB08, relating to Cash-in-lieu Policy Review and Car Parking and Access Policy Review and resolved the following:

*"That the Information Bulletin dated 8 June 2004 as distributed with the Agenda, be received."*

**Ordinary Meeting of Council 22 June 2004**

The report relating to the review of cash-in-lieu of car parking considered by the Council at its Ordinary Meeting held on 22 June 2004 outlined that:

*"... Various factors have been identified within the review of cash-in-lieu, including:*

- The actual parking needs in different areas.*



- *Concern with basing the cash-in-lieu contribution on the value of land within the Town is that it may preclude small business from establishing within the Town, due to prohibitive costs of providing for car parking that traditionally was not provided for due to historical development patterns.*
- *The market cost of land value allows for purchase of land without financial loss for the Town.*
- *Developer contribution; a percentage of the cost of development is required to contribute for the lack of required car parking bays, instead of an identified amount.*
- *Cash-in-lieu contributions be restricted to District Centre areas and adjacent surrounding commercially zoned areas.*
- *Sliding scale of contributing amount based on number of car parking bays that are not provided.*
- *Available and appropriate land within the Town to purchase for public car parks.*
- *Sustainability factors of increasing vehicle patronage by providing more public car parks versus the tangibility of increasing State public transport systems and sustainable transport practices....”*

The report to Council concluded that:

*“.... there are varying opinions and contexts within Local Governments toward cash-in-lieu of parking contributions, it is considered that the Town requires this provision to be kept within the Town. Nevertheless the Town is a diverse inner city locality that has limited availability of land, due to historical factors and modern development, therefore it is further considered that cash-in-lieu contribution is required in order to allow the Town to have the ability to apply this provision and the ability to provide additional public parking when made available or the upgrading of existing facilities.*

*Additionally, the review of the cash-in-lieu of car parking provisions has highlighted the importance and complex nature of establishing effective and functional provisions for the Town. What has evolved from the review is a number of questions and considerations the Town should aim to address and research, including a more strategic focus with a whole of governance approach to examine parking difficulties as faced by the Town at present, and more importantly identification of possible future car parking issues.*

*The questions and considerations raised in the review, include the following:*

- *Should the contribution of cash-in-lieu be based on the value of the land, if so what means of defining this value should be undertaken, such as market value determined on an annual basis or indexing the value by the CPI, using the Value Generals Office.*
- *Should cash-in-lieu contributions be established solely in District Centres and adjoining commercial areas?*
- *Identification of where public car parks should be placed, and once established what sites can be further developed for or purchased for these car parks.*
- *Who are the users of existing public car parks within the Town?*
- *Should existing public car parks be upgraded to allow for multi- storey car parks?*
- *The existing and future car parking needs.*
- *Factors such as public transport and other alternative transport provisions, with or without collaborative partnerships between the Town and other government agencies and the private sector.*
- *Control, enforcement and regulations relating to public parking, such as ticket parking machines.*

*In light of the above and in the interim it is considered that the existing car parking provisions relating to cash-in-lieu should remain until the above issues are further investigated and addressed. It is also considered valuable that this matter should be considered and discussed at an Elected Members Forum.”*

### **Elected Members Forum**

An Elected Members Forum was held on 2 November 2004 to present and discuss issues relating to cash-in-lieu of car parking. The discussion focused on the following:

- Cash-in-lieu contribution;
- The need for more specific guidelines to identify when cash-in-lieu of parking is appropriate;
- The need for more specific guidelines to identify how the Town can use cash-in-lieu contributions;
- The consistency with which the cash-in-lieu provision is applied within the Town;
- The location of car parking areas; and
- Legal logistics when purchasing car parking areas at the rear of developments.

The discussion highlighted the need to review the provisions of the Town's Parking and Access Policy relating to cash-in-lieu. As such, amendments have been proposed to the existing Policy.

### **DETAILS:**

#### **Introduction**

The Town's Parking and Access Policy includes provisions relating to cash-in-lieu of car parking. An alternative to providing on-site parking in accordance with the requirements of the Town's Parking and Access Policy, the Council may use its discretion and allow cash-in-lieu of car parking. Cash-in-lieu of parking is usually in the form of a monetary contribution by the applicant to compensate for the shortfall of parking, this contribution is put in a Trust Fund of the Town to enable it to provide and upgrade public car parking facilities.

#### **Justification for Keeping the Cash-in-lieu Provisions**

The intention of cash-in-lieu of parking contributions is not to replace the developer's responsibility to provide adequate on-site parking, but to give flexibility, where appropriate, to support desirable development where parking cannot be provided on-site. The Town is a diverse inner city locality that has limited availability of land due to historical factors and contemporary development. Cash-in-lieu can facilitate the use of original building stock and can allow for flexibility in determining development applications where there are site limitations.

The provisions relating to cash-in-lieu of parking are necessary to give the Town and applicants the option to apply the provision where appropriate and enables the Town to provide additional public parking and upgrade existing facilities where needed.

#### **Cash-in-lieu of Car Parking Contribution**

##### Current Policy and Practice

Clause 11 (iii) of the Town's Parking and Access Policy stipulates that "*the contribution rate per bay is to be based on the estimated cost of the construction of the bay and any other related costs such as for access ways, manoeuvring areas, landscape areas, landscaping, lighting etc.*" Clause 11 (v) specifies that "*the amount of cash-in-lieu to be paid is to be calculated at the rates determined annually by the Council when adopting the Fees and Charges set out in the Annual Budget*".

During the financial year of 2003/2004, the Town required a cash-in-lieu contribution of \$2500 per bay. The average construction cost of a bay was calculated to be approximately \$1500, where lighting was incorporated, the approximate cost was calculated to be \$1800-\$2000 per bay.

Surrounding Local Governments

The policies and practices relating to cash-in-lieu contributions for car parking of Local Governments were examined as part of the Town's cash-in-lieu review. A number of Local Governments do not have policies or practice relating to cash-in-lieu as it was not considered appropriate in the context of the areas.

The table below illustrates how the cash-in-lieu contribution is calculated in other Local Governments who have policies in place relating to cash-in-lieu. Generally, land values per square metre are multiplied by the "shortfall area" that the car parking bays would have occupied (that is, land value per square metre x [area of standard car parking bay + manoeuvring space]). A number of Local Government's calculate the area of land on the car parking bay and manoeuvring space while others calculate the area of land on the car parking bay only. These varying calculations have a significant impact on the contribution rates. In contrast to the current policy and practice of the Town, most of the cash-in-lieu contributions of the Local Governments listed below are based on both the land value and construction costs.

<b>Local Government</b>	<b>Contribution to Cash-in-lieu of Parking is based on:</b>
Victoria Park	Construction cost + land value (as determined by Council)
South Perth	Construction cost (determined by Council) + land value (as determined by Valuer General)
Stirling	Construction cost (determined by Council) + land value (determined by valuer – all costs borne by applicant)
Nedlands	Construction cost + land value (as determined by Valuer – all costs borne by applicant)
Joondalup	Set values determined by Council (based on construction cost and land component): Residential: \$4300 Commercial: \$4450 Light/Service Industrial: \$2950 General Industrial: \$2200
Fremantle	Contribution / bay within the MRS Central City zone: \$6,000
Cottesloe	Construction cost + land value (determined by Council)

Recommendations of the Town's Car Parking Strategy

The Town's Car Parking Strategy which was adopted in February 2002 recommended that the provisions relating to cash-in-lieu of the Parking and Access Policy be amended to specify that the contribution per bay should be based on the cost of the land. The Strategy identified *"that the purpose of this amendment is to reflect the true cost of providing a public car bay – should the Town require more land for car parking, it should be paid for using funds raised through the cash-in-lieu of parking provision. By only charging for the construction of the cost, the real cost of the car park, that is, the land that needs to be bought, will need to be acquired using other Town funds"*.

Outcome

Given the above, to more appropriately reflect the real cost of providing a car parking bay (where the land value is taken into consideration), and to ensure that excessive costs are not borne by the Town (when acquiring land for the provision of public car parking), the Policy amendments more closely base the cash-in-lieu contribution on value of land.

The Town recognises that due to historical factors, the provision of adequate parking is sometimes not possible. It also recognises smaller businesses may be discouraged to locate themselves within the Town due to the increased cash-in-lieu contribution. This is not the intention of the Policy however, it is still recognised that cash-in-lieu contributions should more closely reflect the real cost of providing additional public car parking.

The proposed contribution rate has taken the above into consideration. The cash-in-lieu of car parking contribution is based on 50 per cent of the value of land per car parking bay plus construction costs based on the cost of constructing the parking bay and manoeuvring areas, landscaping etc. The land value is to be determined by the Valuer General (where land values are based on the unimproved value of land).

Consideration was given to only applying the cash-in-lieu provisions in certain areas (for example the District Centre where numerous public car parking areas exist), however, given that a key direction of the Town is to revitalise the District Centre, it was not considered appropriate that only this area have the cash-in-lieu provision applicable. Furthermore, clause i) of the Parking and Access Policy stipulates that the cash-in-lieu provisions are only permitted in localities where the Town already provides (or is proposing to provide) public car parking areas within 400 metres of the subject development. This provision ensures that cash-in-lieu of car parking is only considered where adequate public car parking exists (or will exist) within the area.

Consideration was also given to basing the cash-in-lieu contributions on set values for each zoning, however difficulties arose in determining what set value was 'fair' for all areas (so as not to disadvantage areas of lower values). Accordingly, cash-in-lieu contributions are required for all areas, where the contributions more closely reflect the value of land.

#### **Discretionary Clause**

An additional clause has been added to the Parking and Access Policy, which stipulates that the option to provide cash-in-lieu of parking is at the discretion of the Town and that Council may decide to require full provision of car parking in accordance with Policy standards where appropriate. This provision ensures that the option to provide cash-in-lieu of parking is only utilised in situations where it is considered appropriate by the Town.

#### **Car Parking Strategy Required**

A number of questions and considerations were highlighted in the report to Council on 22 June 2004 relating to the location, users and control of public car parking areas; community needs; and alternative means of transport. Given the transient nature of traffic and parking demands; the need for a 'whole of government' approach to parking issues; and the vast and complex nature of parking, it is considered that an up-to-date Car Parking Strategy is required to thoroughly address, and review all these parking issues. It was not considered appropriate or possible to address these issues in the context of this review given that it specifically (and only) relates to cash-in-lieu of car parking.

#### **Location of Public Car Parks**

During the Elected Members Forum, a number of issues were discussed regarding the location of public car parking areas and the legal logistics involved in acquiring parcels of land at the rear of developments. Given the complex and interrelated nature of these issues, further examination is required that should be apart of an up-to-date Car Parking Strategy. Furthermore, these issues relate to internal practices within the Town. It is not within the realms of this cash-in-lieu review that these issues could be addressed; as such provisions have not been incorporated into the amended Policy.

#### Adjustment Factors

It has also been identified that further review of the Parking and Access Policy may be required relating to the Adjustment Factors. It has been highlighted that the current Adjustment Factors may not appropriately reflect or adequately account for sites that are well supplied with public transport routes and accordingly, further adjustments may need to be applied. Furthermore, it has been identified that alternative means of transport should be further encouraged within the Town to reduce the demand for parking. It is considered that this would require further examination and review that should be part of an up-to-date Car Parking Strategy.

#### Multi Storey Car Parking

The Town was preparing a Draft Policy relating to Multi Storey Car Parking, however further review of this Draft Policy may be required dependant on the future direction of the Town; the preparation of the Draft Policy has therefore been put on hold.

#### **Consistency**

To ensure that the cash-in-lieu provision is being consistently applied to all applications within the Town, an additional clause has been added to the Policy stipulating that the cash-in-lieu component of the Policy should apply to all applications for non-residential development which cannot meet the Town's parking requirements.

#### **Reserve Fund**

Clause 11 (vii) of the existing Parking and Access Policy has been amended to provide specific guidance as to the appropriate ways the cash-in-lieu contributions can be utilised. It was considered this provision was necessary to provide more guidance and flexibility in the way the funds are utilised.

#### **LEGAL/POLICY:**

The Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure: 1.3  
*"Develop, implement and promote sustainable urban design."*

#### **FINANCIAL/ BUDGET IMPLICATIONS:**

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

#### **COMMENTS:**

In light of the above, it is recommended that the Council approves and advertises the draft amended Parking and Access Policy relating to the provisions of cash-in-lieu of car parking and acknowledges that the Notice of Motion resolved at the Ordinary Meeting of Council on 27 April 2004 relating to cash-in-lieu of car parking has been addressed and can now be finalised.

**10.1.34 LATE ITEM – Planning and Building Policies - Amendment No. 22  
Relating to the Draft Amended Version of the Minor Nature  
Development Policy**

<b>Ward:</b>	Both Wards	<b>Date:</b>	8 April 2005
<b>Precinct:</b>	All Precinct	<b>File Ref:</b>	TBA
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the draft amended version of the Policy relating to Minor Nature Development, as shown in Attachment 001;*
- (ii) *ADOPTS the draft amended version of the Policy relating to Minor Nature Development, to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy;*
- (iii) *ADVERTISES the draft amended version of the Policy relating to Minor Nature Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *reviews the draft amended version of the Policy relating to Minor Nature Development, having regard to any written submissions; and*
  - (b) *determines the draft amended version of the Policy relating to Minor Nature Development, with or without amendment, to or not to proceed with them.*

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**COUNCIL DECISION ITEM 10.1.34**

**Moved Cr Franchina, Seconded Cr Lake**

*That the recommendation be adopted subject to a new clause (v) as follows:*

- "(v) *AMENDS the draft amended version of the Policy relating to Minor Nature Development by amending clauses 1) v) and 2) xviii) of the draft Policy as follows; prior to clauses (i), (ii), (iii)(a), and (iv) (a) above being actioned:*

- 1) v) not located in a place that is:
- a) in the Register of Places under the Heritage of Western Australia Act 1990;
  - b) the subject of an Order under Part 6 of the Heritage of Western Act 1990; or
  - c) listed in the Town of Vincent Heritage List or Municipal Heritage Inventory;

unless it is a home occupation that fully complies with clause (xviii) of this Policy.

- 2) ~~xiii~~ xviii home occupations that:
- a) does not entail the retail sale, display or hire of goods of any nature;
  - b) does not cause injury to or prejudicially affect the amenity of the immediate area;
  - c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
  - d) does not entail employment of any other person;
  - e) does not occupy an area greater than 20 square metres;
  - f) does not display any advertising signage;
  - g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
  - h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
  - i) does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;
  - j) does not involve the servicing or repair for gain of motor vehicles; and
  - k) in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put.”

Debate ensued.

Moved Cr Franchina, Seconded Cr Doran-Wu

*That the Item be DEFERRED for further debate.*

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

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#### **PURPOSE OF REPORT:**

The purpose of this report is to provide the outcome of the review of the Policy relating to Minor Nature Development, and seek the Council's adoption of the amended version of the Policy.

## DETAILS:

The objective of the Policy relating to Minor Nature Development

*“To define development of a minor nature which, although complying with provisions of the Town of Vincent Town Planning Scheme No. 1, is exempt from the need to obtain planning approval in accordance with Clause 33(d) of the Town of Vincent Town Planning Scheme No. 1. A Building Licence is required for minor uses where this is appropriate.”*

The amended Policy relating to Minor Nature Development has been reviewed to further streamline the development application process in relation to minor nature development. This is further addressed in Item 10.4.1 on this Agenda at page 173, "4. Review of Minor Nature Development Policy".

### Home Occupation

The Town recognises that the intensity of home occupations vary within the Town depending on the nature of the use. The impact the home occupations will have on the surrounding locality will mainly depend on the number of non-resident employees, the type of business, the area within the dwelling that the home occupations occupies and the presence of customers. Home occupations can range from an office use whereby there are no employees or clients visiting the premises, to a beautician use whereby there may be employees, and clients visiting the premises. Low intensity home occupations (such as a home office use) generally have no undue impact on the surrounding locality where, for example, there are no employees and where client meetings are conducted away from the premises.

In recognition of the above, it is considered that planning approval should not be required where home occupations, can meet certain criteria as they will have no undue impact on the amenity of the neighbourhood. Accordingly, it is suggested that the Policy relating to Minor Nature Development be amended to include low intensity home occupations that meet the following criteria:

- a) *does not entail the retail sale, display or hire of goods of any nature;*
- b) *does not cause injury to or prejudicially affect the amenity of the immediate area;*
- c) *does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- d) *does not entail employment of any other person;*
- e) *does not occupy an area greater than 20 square metres;*
- f) *does not display any advertising signage;*
- g) *does not attract customers or regular and frequent deliveries of goods or equipment to the site;*
- h) *will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
- i) *does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;*
- j) *does not involve the servicing or repair for gain of motor vehicles; and*
- k) *in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put.”*

Should a resident require acknowledgement from the Town that they are permitted to conduct a home occupation that comply with the above criteria, the Town will send an acknowledgement letter specifying that provided that the above criteria is met, the business may be conducted from the premises.



### **Signs and Advertising**

It is considered that the signs and advertising, that is compliant with the Town's Policy relating to Signs and Advertising will facilitate ease of application for both commercial premises and residential properties.

### **Street Walls and Fences, Retaining Walls and Filling and Excavation**

The Town's draft Policy relating to Residential Design Elements has tailored residential development provisions to that of the Town's requirements, and it is considered that coupled with the provisions of the Residential Design Codes, the Town has sufficient mechanisms to ensure compliance.

### **Other Matters**

Additionally, within the amended Policy relating to Minor Nature Development, there are a number of other changes, including the following:

- An updated policy statement to include Minor Nature Development is not considered on places on; the Register of Places under the Heritage of Western Australia Act, 1990; subject to an Order of Part 6 of the Heritage of Western Australia Act, 1990; and listed in the Town of Vincent Heritage List or Municipal Heritage Inventory.
- The Policy objective now clearly indicates that a Building Licence is required for building works of a minor nature.
- Part two, clauses four and five, apply to residential single storey pergolas, porches, patios, verandahs, garages, carports, outbuildings and external fixtures, and ancillary accommodation and require applications to be fully compliant with the acceptable development provisions of the Residential Design Codes and the Town of Vincent Policies.
- Part two includes works to a building in a dangerous state or emergency requirements. This allows for immediate safety works to be carried out.
- Part two additionally includes temporary offices and sheds used by builders and contractors.

### **LEGAL/POLICY:**

The Town Planning Scheme No. 1 and associated Policies.

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure: 1.3  
*"Develop, implement and promote sustainable urban design."*

### **FINANCIAL/ BUDGET IMPLICATIONS:**

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

### **COMMENTS:**

In light of the above, it is recommended that the Council approves and advertises the draft amended version of the Minor Nature Development Policy.

**10.2.3 Traffic Management – Various Matters**

<b>Ward:</b>	Both	<b>Date:</b>	31 March 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0334
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on *Traffic Management - Various Matters*;
- (ii) **REFERS** the following eight (8) traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;
  - (a) *Anzac Rd - Traffic calming;*
  - (b) *Fairfield St - Safety improvements north of Scarborough Bch Rd;*
  - (c) *Lincoln / Wright Sts - Through traffic;*
  - (d) *Smith St - Embayed parking / traffic calming;*
  - (e) *Claverton and Alfonso St - Traffic calming;*
  - (f) *View St - Road narrowing, streetscape improvements;*
  - (g) *Lacey St - Parking and traffic Issues; and*
  - (h) *Road Safety messages on Mobile Garbage Bins (MGBs); and*
- (iii) **RECEIVES** a further report on each of the matters listed following consideration by the Town's Local Area Traffic Management Advisory Group.

**Moved Cr Lake, Seconded Cr Doran-Wu**

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

- (ii) **REFERS** the following ~~eight (8)~~ nine (9) traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;
  - (a) *Anzac Rd - Traffic calming;*
  - (b) *Fairfield St - Safety improvements north of Scarborough Bch Rd;*
  - (c) *Lincoln / Wright Sts - Through traffic;*
  - (d) *Smith St - Embayed parking / traffic calming;*
  - (e) *Claverton and Alfonso St - Traffic calming;*
  - (f) *View St - Road narrowing, streetscape improvements;*
  - (g) *Lacey St - Parking and traffic Issues;*
  - (h) *Road Safety messages on Mobile Garbage Bins (MGBs); and*
  - (i) *Lincoln St - Lord St to Smith St; and*

Debate ensued.

**CARRIED (5-0)**

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

**COUNCIL DECISION ITEM 10.2.3**

*That the Council;*

- (i) ***RECEIVES the report on Traffic Management - Various Matters;***
- (ii) ***REFERS the following nine (9) traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;***
- (a) ***Anzac Rd - Traffic calming;***
  - (b) ***Fairfield St - Safety improvements north of Scarborough Bch Rd;***
  - (c) ***Lincoln / Wright Sts - Through traffic;***
  - (d) ***Smith St - Embayed parking / traffic calming;***
  - (e) ***Claverton and Alfonso St - Traffic calming;***
  - (f) ***View St - Road narrowing, streetscape improvements;***
  - (g) ***Lacey St - Parking and traffic Issues;***
  - (h) ***Road Safety messages on Mobile Garbage Bins (MGBs);***
  - (i) ***Lincoln St - Lord St to Smith St; and***
- (iii) ***RECEIVES a further report on each of the matters listed following consideration by the Town's Local Area Traffic Management Advisory Group.***

***ADDITIONAL INFORMATION***

**9. Lincoln St**

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

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

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

*FINANCIAL/BUDGET IMPLICATIONS:*

No	Traffic matter	Funds 2004/2005	Funds Listed draft 2005/2006
1	Anzac Rd - Traffic calming	\$15,000	nil
2	Fairfield St - Safety improvements north of Scarborough Bch Rd	\$7,500	\$10,000
3	Lincoln / Wright St - Through traffic	nil	\$15,000
4	Smith St - Embayed parking / traffic calming	nil	\$25,000
5	Claverton and Alfonso St - Traffic calming	nil	\$15,000
6	View St - road narrowing, streetscape improvements	nil	\$45,000
7	Lacey St - Parking and traffic Issues	nil	nil
8	Road Safety messages on Mobile Garbage Bins (MGBs)	nil	\$10,000
9	<i>Lincoln St – Lord St to Smith St</i>	<i>Nil</i>	<i>\$10,000</i>

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval to refer various traffic matters to the Local Area Traffic Management (LATM) Advisory Group for consideration.

**BACKGROUND:**

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

**DETAILS:**

It is recommended that the following matters be referred to the LATM Advisory Group for consideration:

1. Anzac Rd - Traffic calming
2. Fairfield St - Safety improvements north of Scarborough Bch Rd
3. Lincoln / Wright Sts - Through traffic
4. Smith St - Embayed parking / traffic calming
5. Claverton and Alfonso St - Traffic calming
6. View St - Road narrowing, streetscape improvements
7. Lacey St - Parking and traffic Issues
8. Road Safety messages on Mobile Garbage Bins (MGBs)

A brief outline of each matter is outlined below:

**1. Anzac Rd - Traffic calming**

Section: Oxford St to Buxton St  
Request: Traffic Calming  
Posted Speed: 50kph  
Traffic Data: (2004 - 2005 data)

<b>Section</b>	<b>Volume (vpd)</b>	<b>85% Speed (kph)</b>
<i>Coogee - Flinders</i>	5,879	57
<i>Buxton - Kalgoorlie</i>	5,679	54
<i>Buxton - Egina</i>	5,132*	50*
<i>Egina - Federation</i>	5,424	57

Note\* This section of Anzac Rd was recently traffic calmed with low profile speed humps.

Classification: District Distributor B

Budget: \$15,000

Comments: Anzac Rd provides a link between Oxford St and Brady St. The posted speed is 50 kph and the 85% speed is approximately 7 kph above the posted speed. The police have been requested to monitor the street on several occasions to change driver behaviour. Residents are still concerned with traffic issues in the street.

## 2. **Fairfield St - Safety improvements north of Scarborough Beach Rd**

Section: Scarborough Beach Rd - Woodstock St

Request: Council decision 8 March 2005

*That;*

- (i) *the Town's Officers carry out an investigation into measures to improve safety and visibility for access and egress from properties in Fairfield Street, in the vicinity of the proposed Mount Hawthorn Shopping Centre; and*
- (ii) *a report concerning this matter be submitted to the Council no later than May 2005.*

Posted Speed: 50kph

Traffic Data: (2003 data)

<b>Section</b>	<b>Volume (vpd)</b>	<b>85% Speed (kph)</b>
• Scarb Bch Rd - Shopping Ctr entrance	1,453	44
• Shopping Ctr entrance - Woodstock St	1,321	39

Classification: Access Road

Budget: \$7,500

Comments: Fairfield St forms part of a residential road grid network and runs north south between Green St and Anzac Rd. At the intersection of Scarborough Beach Rd, for a portion north and to the south, Fairfield St adjoins commercial properties including the Mount Hawthorn shopping centre. The shopping centre has conditional approval for a major redevelopment which will include alterations to access onto the adjoining portion of Fairfield St. At a recent street meeting with residents the following concerns were raised:

- Speed of traffic
- Volume of traffic
- Heavy vehicles, delivery times noise.
- Safe egress / access from shopping centre and adjoining properties
- *Residential Only* parking.

Options need to be investigated to address these concerns.

**3. Lincoln / Wright St - Through Traffic**

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

**Lincoln St**

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

**Wright St**

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

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

**4. Smith St - Embayed parking / traffic calming**

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

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

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

**5. Claverton St and Alfonso St - Traffic calming**

Section: All  
Request: Concerned about speed and volume of traffic in both Claverton and Alfonso St especially during peak hour  
Posted Speed: 50 kph

Traffic Data:**Claverton** (2000 data)

<b>Section</b>	<b>Volume (vpd)</b>	<b>85% Speed (kph)</b>	<b>AM peak v/h</b>	<b>PM peak v/h</b>
• Camelia - Leake	568	47	45	67
• Charles - Alfonso	630	48	57	64

**Alfonso** (2002 data)

<b>Section</b>	<b>Volume (vpd)</b>	<b>85% Speed (kph)</b>	<b>AM peak v/h</b>	<b>PM peak v/h</b>
• Claverton - Charles	278	47.5	N/A	N/A

Classification: Access Roads

Budget: Nil

Comments: Residents are concerned that the street is being used as a short cut during the peak periods.

Classifiers need to be redeployed to determine whether there has been any increase in traffic and traffic speeds prior to the matter being considered by the LATM advisory group. The above results indicate that both streets function well within acceptable limits.

**6. View St - Road Narrowing, Safety Improvements**

Section: Charles to Leake

Request: Safety improvements

Posted Speed: 50 kph

Traffic Data (2001-2002 data)

<b>Section</b>	<b>Volume (vpd)</b>	<b>85% Speed (kph)</b>
• Charles - Vine	2,258	49
• Vine - Persiman	2,690	59
• Persiman - Leake	2,133	63

Classification: Local Distributor

Budget: N/A

Comments: View St is 10.0m wide and grades from to Leake St to Charles St. Due to the geometry of the street, the 85% speed of vehicles travelling west are above the posted speed. Residents have indicated that the geometry of the road (grade and width) make it difficult to cross at times.

**7. Lacey St - Parking and traffic Issues**

Section: All

Request: Improve parking and traffic management - possible one way.

Posted Speed: 50 kph

Traffic Data (2001 data)

Section	Volume (vpd)	85% Speed (kph)
• Brewer - Brisbane	273	32

Classification: Access Road

Budget: N/A

Comments: Lacey St is a narrow inner City (predominantly) residential street. It has a carriageway width of 7.0m contained in a 12.0m wide road reservation. The two verges (2.50m wide) both contain a footpath which prohibits verge parking. At times when cars are parked on both sides of the street two way access is compromised.

#### 8. Road Safety messages on Mobile Garbage Bins (MGBs)

RoadWise has developed and promoted the innovative road safety project "*Please Slow Down - Consider Our Kids*" wheelie bin sticker signage, of which the wheelie bin stickers form a part of the entire available program (refer attached).

RoadWise has been the conduit for Local Governments to access the bin stickers associated with this project and has been involved in promoting the stickers as a means of enabling community participation in road safety and raising awareness of the "Slow Down" message on the basis that speeding is a major contributing factor in road trauma.

Following a great deal of discussion and consultation with the Office of Road Safety and Main Roads Western Australia, the campaign of "*Please Slow Down - Consider Our Kids*" wheelie bin stickers has been supported by the community in various local government areas, including the City of Stirling and City of Wanneroo.

The message "*Please Slow Down - Consider Our Kids*" is aimed at promoting slower speeds on local roads by:

- Raising awareness of the issue of speeding
- Directing motorists to slow down on local roads
- Enhancing compliance with the built up speed limit of 50 kph
- Encouraging social responsibility by requesting consideration of the children of Western Australia

It is considered the "*Please Slow Down - Consider Our Kids*" wheelie bin sticker project may contribute to a reduction in travel speeds on local roads and foster community support for the default 50 kph built-up speed limit. The bin stickers, in raising awareness of the issue of speeding, act as a visual cue to encourage motorists to change their behaviour in the short term, by assisting in the decision making process to "Slow Down", and in the long term, contributing to the attitude that speeding is socially unacceptable behaviour.

#### Officer's Comments:

It is considered that this initiative should be considered by the LATM Advisory Group prior to being further determined by the Council.

As a community-based project, it is relatively easy and inexpensive to implement, it encourages community ownership and participation, which is considered to be an essential element in efforts to reduce road trauma and improve road safety.



**Recommendation:**

It is recommended that all the above matters be referred to the Town's LATM Advisory Group and that, where appropriate, community representatives for each of the respective matters be invited to attend the meeting/s.

**CONSULTATION/ADVERTISING:**

Once the matter/s have been considered by the LATM Advisory Group and are referred to the Council, consultation with the wider community may be recommended.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

No	Traffic matter	Funds 2004/2005	Funds Listed draft 2005/2006
1	Anzac Rd - Traffic calming	\$15,000	nil
2	Fairfield St - Safety improvements north of Scarborough Bch Rd	\$7,500	\$10,000
3	Lincoln / Wright St - Through traffic	nil	\$15,000
4	Smith St - Embayed parking / traffic calming	nil	\$25,000
5	Claverton and Alfonso St - Traffic calming	nil	\$15,000
6	View St - road narrowing, streetscape improvements	nil	\$45,000
7	Lacey St - Parking and traffic Issues	nil	nil
8	Road Safety messages on Mobile Garbage Bins (MGBs)	nil	\$10,000

**COMMENTS:**

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

The matters listed in this report either require further investigation, will be funded in the 2004/2005 budget, or have been listed for consideration in the 2005/2006 draft budget

It is therefore recommended that the eight (8) traffic matters listed in the report be referred to the Town's LATM Advisory Group for their consideration and a further report on each of the matters listed be referred to the Council once they have been considered

In Western Australia during the 1970s drought period, many European style gardens were removed and replaced with native gardens. Unfortunately many of the species available were unsuitable and grew either too large or were unsuitable to Western Australian conditions. With this in mind, many Australian gardeners may be reluctant to try natives again, however the species available today are much more suitable and colourful than what was available during the 1970s.

In addition, many Western Australian natives have now been hybridised, resulting in a fantastic array of small to medium shrubs and trees that are available in a range of different forms, foliage, and flower types.

The Town has introduced a subtle change to natives over the past years which has been well accepted by the local community and visitors to our area.

The majority of the recommendations outlined in the Vincent Habitat Report have merit and in most instances are being incorporated within projects or have already been implemented.

**10.4.2 Strategic Plan 2005-2010 (Amended) – Progress Report for the Period 1 January 2005 – 31 March 2005**

<b>Ward:</b>	Both	<b>Date:</b>	5 April 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0038
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Managers, Executive Managers, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the progress report on the Strategic Plan 2005-2010 (Amended) for the period 1 January 2005 – 31 March 2005 as shown in Appendix 10.4.2.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January to 31 March 2005.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 21 December 2004, the Council considered the matter of its Strategic Plan resolved *inter alia* as follows:

*“That the Council;*

- (i) ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 ...*
- (ii) USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*
- (iv) REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

**DETAILS:**

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

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2005 – 2010.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.30pm with the following persons present:**

Cr Doran-Wu	North Ward
Cr Basil Franchina	North 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)

2 Members of the public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 April 2005.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2005