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(8 FEBRUARY 2005)

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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 8 February 2005, commencing at 6.03pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.03pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Maddalena Torre South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Caroline Cohen	South Ward
Cr Simon Chester	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	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)
Megan Wendt	Acting Safer Vincent Co-ordinator – Award Recipient (until 7.50pm)
Beverly Ligman	Journalist – Guardian Express (until 8.12pm)
Mark Fletcher	Journalist - Voice News (until 8.15pm)

Approximately 52 Members of the Public

(c) Members on Leave of Absence:

- Cr Helen Doran-Wu for the Ordinary Meeting of Council held on 8 February 2005 for personal reasons.

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

1. Mr Carlo Penirschke of 21 Brewer Street, Perth – Item 10.1.22 – Stated that the application is inconsistent with the Town Planning Scheme and the Beaufort Precinct and his reasons for objection have not changed. Requested Council support the officer's recommendation
2. Ms Brigit Silvestri of 6 Duchess Court, Bayswater – Item 10.1.22 – Referred to Council's previous decision in 2004. Disappointed that this matter cannot and has not been resolved.

3. Mr Tony Walton of 77 Eton Street, North Perth – Item 10.1.19 – Stated that they purchased the property on the understanding that strata and Council approval had been given. Advised that the front courtyard is their only entertaining and dining area and is well above the footpath level and without screening they would be on show. Stated that they are willing to lower the height of the fence on the southern end of the property if required.
4. Mr Eric Bombardieri of 1 Simeon Close, Kalamunda – Item 10.1.21 – Stated that the house has been in the family for 50 years and has had many modifications made to it over the years. Believes the development will enhance the area. Requested Council approve the application.
5. Mr Dudley Bastian of 3 Baker Avenue, Perth – Item 10.1.26 – Expressed concerns of the residents around Birdwood Square over the anti-social issues. Requested the report and initiatives be rejected until changes are made. Stated that their properties and lifestyle have been degraded and that the residents demand strong and immediate action by the Council.
6. Mr Lyall of 260 Bulwer Street, Perth – Item 10.1.18 – Stated that the entire fence is not newly built, the brick fence, pickets and pylons were in existence when they purchased the property. Also stated that the contemporary design is used with traditional elements and is consistent with the Town's policy. Believes the fence enhances rather than detracts from the streetscape. Advised that they have submitted a compromise of with regards to the visual sight lines and truncations aspects.
7. Mr Payam Goleilane of 567 Beaufort Street, Perth – Item 10.1.13 – Stated that there is no building in Beaufort Street that can provide 27 car parking bays and that it is neither fair nor reasonable to expect this number of bays from a building that was built over 50 years ago. Advised that the plans provide 9 bays, that there is a public carpark adjacent to the property and public transport available. Requested that the cash-in-lieu provision be removed.
8. Ms Theresa Tierney on behalf of the Street Doctor of 48A James Street, Guildford – Item 10.1.26 – Provided a background of the Street Doctor service. Stated that they have positive support from the Police Service and government and non government bodies.
9. Mr Angelo Melacco of 122 Bulwer Street, Perth – Item 10.1.26 – Does not believe the Street Doctor is required and that Council should request the relevant government authority to enforce the issue of drinking in a public place. Submitted a petition regarding the anti-social behaviour in Birdwood Square. Requested that the swings be cleaned and repaired.
10. Mr Julian Rose of 85A Hobart Street, Mt Hawthorn – Item 10.1.12 – Stated that they are not opposed to the development but requested that their privacy issues be addressed.
11. Ms Virginia Luglio of 116 Bulwer Street, Perth – Item 10.1.26 – Stated that the toilets are a disgrace and there is a large hole in the swing area which she notified the Town about two weeks ago and nothing has been done to fix this as yet.

12. Mr Maurice Ryan of 7 Barker Avenue, Perth – Item 10.1.26 – Stated that he has written to Council many times requesting that the toilet block be demolished. Advised of his issues regarding the anti-social behaviour.
13. Mr Barry Garron of 286 Brisbane Street, Perth – Item 10.1.26 – Supports the Street Doctor but questions the location of it. Advised that his business is suffering due to the anti-social behaviour. Does not believe that the toilet block should be taken away but should be modernised.
14. Ms Heidi Spaniel of 87 Hobart Street, Mt Hawthorn – Item 10.1.12 – Advised that she is not opposed to the development but does have concerns regarding privacy, security and the boundary wall.
15. Ms Laura Christian of 22 Windsor Street, Perth – Item 10.1.10 Submitted photos and a plan. Requested that conditions (iii)(a) and (b) and (iv)(b), be removed. Believes requiring vertical screening to a minimum of 1.6 m on the south and east sides of the balcony will not only obscure the city views from the balcony, but it will create a box like space making the balcony unattractive. Requested a variation on the setback for the first floor to allow some northern sunlight into the house and so that the front of the house is not flat giving it more visual appeal thus enhancing the streetscape. Advised that the dining room northern window is the only window on the living floor that allows northern sunlight into that floor.
16. Mr John Paton of 54 Grosvenor Road, Mt Lawley – Item 10.1.10 – Stated that they are in favour of appropriate development on the site but has concerns about the negative effect of the proposal on their quality life. Concerned about the overshadowing and privacy. Advised that the plans are incorrect as they do not have a covered patio. Believes the boundary wall will be an eye sore and further reduce the light reaching their patio and living room. Requested that Council refuse the application.
17. Mr Ken Bird of 183 West Coast Highway, Scarborough on behalf of Kidz Galore – Item 10.3.5 – Provided some background on Kidz Galore.
18. Mr Peter Cole of 17 Pennant Street, North Perth – Item 10.1.11 – Believes the request for the additional 1 metre setback will have very little affect on the streetscape but would impact on the house. Requested that this condition be removed.
19. Mr Richard Pontafex of 53 Galwey Street, Leederville – Item 10.1.8 – Advised that he had submitted objections to the development. Believes that the development will impact on the neighbours' privacy.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.55pm.

(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 Mr Angelo Melacco of 122 Bulwer Street, Perth with 20 signatories stating that owners and ratepayers are annoyed and disgusted with the lack of action taken by the Council to rectify the problem in Birdwood Square and as a result no rates will be paid until the problem is rectified.
- 5.2 The Chief Executive Officer advised that a petition had been received from Mr Angelo Melacco of 122 Bulwer Street, Perth with 16 signatories regarding parking problems due to the redevelopment of the Brisbane Hotel and requested that 2 kms around the Hotel becomes zoned residential (the same as around the Paddington Ale House). Stated that no rates will be paid until this is done.

The Chief Executive Officer recommended that the petitions be forwarded to the Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Ker, Seconded Cr Farrell

That the petitions be received.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Cr Franchina departed the Chamber at 6.55pm.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 18 January 2005

Moved Cr Ker, Seconded Cr Lake

That the Minutes of the Ordinary Meeting of Council held on 18 January 2005 be confirmed as a true and correct record.

Cr Franchina returned to the Chamber at 6.56pm.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Awards for the Town of Vincent for January and February 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 January 2005, the award is presented to Megan Wendt, Safer Vincent Co-ordinator. Megan was nominated by a number of persons, including Senior Ranger Peter Cicanese and Mr Dudley Maier, Secretary of the Hyde Park Precinct Group.

Megan has been dealing with difficult and sensitive matters relating to safety and security in the Town and more recently, with respect to incidents occurring at Birdwood Square. Megan has been instrumental in co-ordinating action between the Town's residents and the various agencies involved, including the Police Service, Rangers and Government departments. Many residents have provided very positive feedback with Megan's assistance in this matter.

The Employee of the Month award is in recognition of Megan's tremendous efforts.

Well done Megan - Keep up the good work!!

For February 2005, the award is presented to Frank Poli, of the Technical Services Section Outside Workforce. Frank was nominated by the Executive Manager Technical Services for his excellent work ethos and strong commitment to maintaining the Town's Parks and Gardens to the highest possible standard - in particular, the grounds of the Administration and Civic Centre.

Many positive comments are received by the Town concerning the high standard of the Admin Centre's gardens and surrounding area.

Frank's work ethic is considered to be extemporary and the effort he puts in to maintaining the Town's infrastructure is highly commended.

Well done Frank - Keep up the good work!!

Cr Chester departed the chamber at 6.58pm.

7.2 Minister's Financial Management Awards

I have pleasure in drawing your attention to Information Bulletin Item IB10 which refers to the Minister's Financial Management Awards 2004.

The Department of Local Government and Regional Development has written to the Town to advise that it has achieved a high ranking in the 2003/04 Budget Assessment Phase and the Town has met the criteria to participate in the Minister's Financial Management Awards. The Award "recognises excellence in Local Government Financial Management".

I wish to extend my appreciation to the CEO and Executive Managers and my fellow Councillors for their outstanding work. You will recall that last year, we also achieved a high ranking and in previous years have been awarded with a Certificate of Merit.

Cr Chester returned to the chamber at 6.59pm.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 31 December 2004. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Mayor Catania declared a proximity interest in Item 10.1.8 – NO 86B (Lot 9) Bourke Street, Leederville – Proposed Additional Two-Storey Grouped Dwelling to Existing Single House and Approved Grouped Dwelling. The nature of his interest being that a relative of his lives in close proximity.
- 8.3 Cr Franchina declared a proximity interest in Item 10.4.2 – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 3 Relating to Australian Rugby Union Super 14's. The nature of his interest being that his daughter owns property in close proximity.
- 8.4 Cr Farrell declared an interest affecting impartiality in Item 10.3.5 – Tender No 309/04 – Lease or Licence of 13 Haynes Street, North Perth. The nature of his interest being that his daughter attends Kidz Galore.
- 8.5 Chief Executive Officer – John Giorgi declared an interest affecting impartiality in Item 10.1.15 – No 124 (Lot 2) Loftus Street, North Perth – Proposed Change of Use from Single House to Consulting Rooms (Physiotherapy Practice) and Associated Alterations, and Signage and Alterations to Front/Street Fence, and Demolition of Existing Outbuilding. The nature of his interest being that he is a client of the Physiotherapy practice (applicant). He declared that he did not have any involvement in the application.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.22, 10.1.19, 10.1.21, 10.1.26, 10.1.18, 10.1.13, 10.1.12, 10.1.10, 10.3.5, 10.1.11 and 10.1.8

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:

Nil.

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

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

Cr Ker	Items 10.1.15, 10.1.17, 10.1.25, 10.2.2, 10.2.4 and 10.4.4
Cr Lake	Items 10.2.1 and 10.4.3
Cr Chester	Item 10.2.5
Cr Farrell	Nil
Cr Cohen	Item 10.1.20
Cr Franchina	Nil
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 10.1.8, 10.3.2 and 10.4.2

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

Items 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.14, 10.1.16, 10.1.23, 10.1.24, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.3.6, 10.3.7 and 10.4.1

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, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.14, 10.1.16, 10.1.23, 10.1.24, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.3.6, 10.3.7 and 10.4.1

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

Items 10.1.22, 10.1.19, 10.1.21, 10.1.26, 10.1.18, 10.1.13, 10.1.12, 10.1.10, 10.3.5, 10.1.11 and 10.1.8

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

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.14, 10.1.16, 10.1.23, 10.1.24, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.3.6, 10.3.7 and 10.4.1

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

10.1.1 No(s). 19 & 21 (Lot 101) Wright Street (Corner Lincoln Street), Highgate - Proposed Signage Additions to Existing Institutional Building (Aged Care Facility)

Ward:	South	Date:	31 January 2005
Precinct:	Forrest; P14	File Ref:	PRO0523; 00/33/2545
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Artek Signs on behalf of the owner Silver Chain Nursing Association for proposed Signage Additions to Existing Institutional Building (Aged Care Facility), at No(s). 19 & 21 (Lot 101) Wright Street (corner Lincoln Street), Highgate, and as shown on plans stamped 15 December 2004 and 17 January 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) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*
- (v) the signage will advertise only the name of the owner or occupier of the premises, and/or the nature of the business and/or activities to which it relates and carried on therein;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	Silver Chain Nursing Association
Applicant:	Artek Signs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Aged Care Facility
Use Class:	Institutional Building
Use Classification:	"SA"
Lot Area:	1000 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves signage additions to existing institutional building (aged care facility). The proposal involves one monolith sign and one ground based sign. The signage text demonstrated on the plans is an example and not the actual text that will be on the signs at Nos. 19 and 21 Wright Street. This is addressed in recommended condition/clause (v).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Proposed Monolith Sign ("B")	To be the only freestanding sign permitted on the lot	Two freestanding signs (proposed monolith sign and proposed ground based sign)	Supported - due to the limited size of the signage in relation to the large size of the lot and the monolith sign is 13.0 metres away from the ground based sign, it is considered that there is no undue impact on the streetscape and amenity.
Proposed Ground Based Sign ("C")	Be displayed only during the normal business hours of the business to which the sign relates	Permanent fixed ground based sign	Supported - the sign is un-obtrusive and will not unduly impact the streetscape or amenity.
	Be predominately displayed as an 'A' frame sign that opens and closes	Permanent fixed sign with dimensions of 1.0 metre by 2.0 metres	Supported - due to the nature and size of the site, it is considered that the sign is more in keeping with the streetscape and amenity than an 'A' frame sign.

	Advertise only the name of the owner or occupier of the premises, and/or the nature of the business and/or activities to which it relates and carried on therein	Not indicated on plans	Noted - addressed as a recommended condition.
	Have a maximum vertical or horizontal dimension of 1.0 metre and area of 0.8 square metre	Maximum vertical dimension of 1.0 metre and a horizontal dimension of 2.0 metres	Supported - the increased signage area and dimension is considered minimal in context to the size of the site and will not unduly impact the streetscape or amenity.
Consultation Submissions			
No consultation was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed monolith sign and ground based sign are considered acceptable, as the variations to the Town's Policy on Signs and Advertising is considered minor and will not unduly impact the streetscape and amenity.

Approval is recommended, subject to standard and appropriate conditions.

10.1.2 No(s). 179 - 181 (Lot 5) Lord Street (Corner Edward Street), Perth - Proposed Removal of and Construction of New Awning to Existing Shops

Ward:	South	Date:	31 January 2005
Precinct:	Beaufort; P13	File Ref:	PRO0607; 00/33/2482
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Awnings WA Pty Ltd on behalf of the owner Wai Mun Nominees Pty Ltd for proposed Removal of and Construction of New Awning to Existing Shops, at No(s). 179 - 181 (Lot 5) Lord Street (corner Edward Street), Perth, and as shown on plans stamp-dated 20 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iii) the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the road reserve is required. This Agreement is to be registered as a Caveat on the relevant Certificate of Title prior to the issue of a Building Licence;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	Wai Mun Nominees Pty Ltd
Applicant:	Awnings WA Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Shops
Use Class:	Shop
Use Classification:	"AA"
Lot Area:	554 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves removal of and construction of new awning to existing shops.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Local Law Relating To Verandahs and Awnings over Streets	Not part of any verandah or awning shall be less than 2.4 metres above the footpath, and the lowest edge of the fascias thereof shall be not more than 3.15 metres above the footpath.	The lowest edge of the awning is 3.4 metres above the footpath.	Supported - the awning is not considered to have an undue impact on the streetscape or amenity.
Consultation Submissions			
<p>No consultation was required for this application.</p> <p>The Department for Planning and Infrastructure in letter dated 11 October 2004 made the following comments: The property is affected by a land requirement for a standard truncation (6m x 6m) at the corner of Edward Street and Lord Street, (reserved Primary Regional Road in the Metropolitan Region Scheme). The Department has no objections to the proposed development subject to condition/clause (iii) recommended in this report.</p>			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed removal and construction of new awning to existing shops at Nos. 179 - 181 Lord Street, North Perth, is considered acceptable as the awning is not considered to have an undue impact on the streetscape or amenity.

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

10.1.3 No. 62 (Lot(s) 26, 27 & 28) Frame Court, Leederville - Proposed Free Standing Outdoor Stage to Existing Youth Facility

Ward:	South	Date:	1 February 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO0946; 00/33/2553
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Dundas on behalf of the owner Town of Vincent for proposed Free Standing Outdoor Stage to Existing Youth Facility, at No(s). 62 (Lot(s) 26, 27 & 28) Frame Court, Leederville, and as shown on plans stamp-dated 28 October 2004 (floor plan and elevations) and amended plans stamp-dated 25 January 2005 (site plan), 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) the use of the outdoor stage shall not commence prior to 7:00am and not operate later than 11:00pm;*
- (iv) the outdoor stage use shall be ancillary, incidental and associated with the youth facility;*
- (v) all stage structures shall be safe, sound and constructed of fire retardant material. The stage structures should be approved by a structural engineer after erection, and should not create tripping, slipping or falling risks or wind/storm hazards;*
- (vi) sufficient Public Liability Insurance cover shall be obtained prior to the first commencement of the of the outdoor stage use, and maintained for this use;*
- (viii) a debriefing meeting shall occur between organisers and the Town's officers after the first outdoor event to consider safety and health matters and outcomes from this meeting shall be implemented accordingly;*
- (ix) a detailed management plan that addresses the following;*
 - (a) the control of noise - sound levels shall be in accordance with Environmental Protection Noise Regulations (1987);*
 - (b) on-site management during events including crowd control and security. A manager is to be available on-site at all facility event times and readily contactable by mobile telephone and all organised events to be assessed from a risk management perspective by the facility manager;*
 - (c) first aid - a qualified senior first aid attendant, who is fully equipped, shall be in attendance during facility event times;*

- (d) *the provision of clean drinking water and safe food;*
- (e) *litter control and sufficient lighting of all areas within the Headquarters Youth Facility;*
- (f) *car parking and traffic; and*
- (g) *anti-social behaviour associated with the development;*

shall be submitted and approved prior to first commencement of use of the development, and thereafter implemented and maintained; and

- (x) *no removal of, or alterations to, the significant fabric associated with the former Cullity Timber Administration and Yard Office Buildings;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	Town of Vincent
Applicant:	B Dundas
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Recreational Facilities and Educational Establishment
Use Class:	Recreational Facilities and Educational Establishment
Use Classification:	"AA" and "AA"
Lot Area:	5134 square metres
Access to Right of Way	N/A

BACKGROUND:

There are numerous and varied reports relating to the Headquarters Youth Facility put before Ordinary Meetings of Council for its consideration and determination. It is noted that no previous reports directly relate to the proposal for a free standing outdoor stage.

DETAILS:

The proposal involves a free standing outdoor stage to existing youth facility. The stage is proposed to be located in a covered area near the bin store in the central south section of the Headquarters Youth Facility.

The stage is approximately 25 square metres in area (not including the ramp) and is proposed to be used for theatre and musical performance. The stage is designed to accommodate ten (10) musicians or performers and staff at any one time.

It is noted that no performances are currently programmed for the outdoor stage and the applicant intends to use it approximately four (4) times annually. Equipment on stage will include instruments used in the playing and production of contemporary band music and theatre productions including guitars, drums, amplifiers, microphones and speakers.

The applicant notes that all performances will be in accordance with the Town's noise regulations.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Concerns about security and supervisory aspects of development 		Supported - conditioned accordingly
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Heritage

It is noted that the subject property is listed on the Town's Municipal Heritage Inventory. The proposal is considered acceptable providing there is no removal of, or alterations to, the significant fabric associated with the former Cullity Timber Administration and Yard Office Buildings.

Car Parking

In the report to the Ordinary Meeting of Council held on 11 October 1999, Council required 80 car bays for the Headquarters Youth Facility. It is noted that the proposal is not considered by the Town's Officers to require any additional carparking bays than those previously required and approved. Any increase in parking demand will be addressed in recommended clause/condition (ix) (f), requiring a Management Statement that addresses parking and traffic issues.

It is noted that the previously approved parking shortfall, as resolved at the Ordinary Meeting of Council held on 11 October 1999 was 59 carparking bays.

In light of the above, and noting that the carparking calculations do not specifically take into account the demographics of the users of the Headquarters Youth Facility facilities, which would be predominantly public transport users, pedestrians, skaters or cyclists, it is considered there is no resultant shortfall created by the proposed free standing outdoor stage.

Summary

In considering the application for a freestanding outdoor stage at the Headquarters Youth Facility, the Town's Officers consider that: it will increase the usage of the facility for the Town's youth; further enhance the Headquarters Youth Facility as Perth's premier youth facility and skate park (and also enhance Leederville as one of Perth's pre-eminent district centres); and will potentially create employment for the Town's youth (even when only on a temporary basis) and flow on fiscal benefits to the Oxford District Centre on the day or night of events.

It is considered that its location, close to Leederville train station and Oxford Street, is ideal for a proposed outdoor stage as many potential users are expected to be dependants and without vehicular transport. The location will also ensure that there is no undue impact onto any residential areas as it is significantly buffered by commercial uses and the Mitchell Freeway.

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

10.1.4 No. 39 (Lot 2) Cowle Street, West Perth - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	South	Date:	28 January 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3038; 00/33/2624
Attachments:	001		
Reporting Officer(s):	F Rubio		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by NJ Bennett on behalf of the owner N & L Bennett for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 39 (Lot 2) Cowle Street, West Perth, and as shown on plans stamp-dated 8 December 2004 subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the "clear glass louvre window" to the living/entertainment room, and the windows to the north-east bedroom, and the east, north-east and south-east elevations of the balconies 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 floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling main building wall(s); and*
 - (b) 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. The solid portion of any new front fences and gates adjacent to Cowle 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.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

REFER TO PAGE 142 AS THE ITEM WAS RECOMMITTED

Landowner:	N & L Bennett
Applicant:	NJ Bennett
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	599 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed partial demolition of and alterations and two-storey additions to existing single house on No. 39 (Lot 2) Cowle Street, West Perth.
The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Privacy Setback: First Floor- Bedroom-North-East	4.5 metres	2.6 metres to 3.75 metres to eastern boundary.	Not supported - conditioned to comply.
Balcony-North-East	7.5 metres	1.5 metres to eastern boundary.	Not supported - conditioned to comply.
Balcony- South-East	7.5 metres	6.5 metres to southern boundary and 1.5 metres to eastern boundary.	Not supported - conditioned to comply.
Ground Floor-			

Deck - North-East	7.5 metres	1.6 metres to 1.75 metres to eastern boundary.	Supported - privacy on front setback of adjacent property.
Setbacks: Ground Floor: - North-West (Sauna	4.5 metres	2.75 metres	Supported - follows the existing building line and no objections received.
- North-West (Patio)	1.8 metres	1.25 metres - 6.8 metres	Supported - a small portion of building without major opening is on setback.
- North-West (Carport)	1.5 metres	0.25 metre	Supported - no objections received, and no undue impact provided the carport is one hundred (100) per cent open on all sides except where it abuts the dwelling main building wall(s).
- South-West (Patio)	1.8 metres	1.25 metres - 6.65 metres	Supported - a small portion of building without major opening is on setback.
- South-East (Existing House- Informal Meal Room)	3.8 metres	1.1 metres	Supported - follows the existing building line and no objections received.
- East (Workshop)	4.8 metres	2.6 metres - 4.4 metres	Supported - back from the existing building line and no objections received.
First Floor - East (Living, Balcony, Bedroom)	3.8 metres	1.1 metres - 2.6 metres	Supported - follows and back from the existing building line, and no objections received.
- East (Bedroom 2)	2.8 metres	1.5 metres - 13.5 metres	Supported - back from the existing building line and no objections received.
Building Height: North-West Elevation	6.0 metres.	5.85 metres - 6.3 metres.	Supported - a portion of the building above

South-East Elevation	6.0 metres	5.7 metres - 6.1 metres.	6 metres is on a top of the existing building. Supported - a small portion of building without major opening is on setback.
Front/Street Fence	A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level and the upper portion of the wall above 1.2 metres being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Solid fence with a height of 2.5 metres.	Not supported - the solid fence will unduly affect the amenity, streetscape and safety (casual surveillance) of the area.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above and considering no objections were received during the advertising period the proposal is considered supportable subject to standard and appropriate conditions to address the above matters.

10.1.5 No. 6 (Lot 17) Dover Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North	Date:	31 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1938; 00/33/2610
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Leithead on behalf of the owner PA Leithead & CK Fitzgerald for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 6 (Lot 17) Dover Street, Mount Hawthorn, and as shown on plans stamp-dated 30 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the western elevation of the verandah shall be screened for a length of at least 1 metre from the adjoining laundry wall with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (b) the bedroom window on the eastern elevation shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window 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 window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dover 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*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and additions, to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: Ground Floor Eastern	3.6 metres	1.2 metres	Supported - follows existing building line and no submission was received from affected property owner.
Privacy Setback: Ground Floor Verandah	7.5 metres	2.1 metres to western boundary	Not supported - it is a recommended condition that the western elevation of the verandah be appropriately screened.

Bedroom	4.5 metres	1.2 metres to eastern boundary	Not supported - it is a recommended condition that the eastern window of the bedroom be appropriately screened.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is not considered to unduly affect the amenity of the adjoining neighbours or the surrounding area in general, provided the non-compliant overlooking major openings are appropriately screened. Therefore it is recommended for approval subject to standard and appropriate conditions.

10.1.6 No. 99 (Lot 127) East Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North	Date:	1 February 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2997; 00/33/2565
Attachments:	001		
Reporting Officer(s):	B Tran		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner PM Jones for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No(s). 99 (Lot(s) 127) East Street, Mount Hawthorn, and as shown on plans stamp-dated 29 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to East Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) subject to first obtaining the consent of the owners of No. 97 East 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. 97 East Street in a good and clean condition; and*
- (iv) the finished floor level of the verandah area shall not exceed 500 millimetres above the existing ground level;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	PM Jones
Applicant:	PM Jones
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	377 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of rear portion of existing single storey 'lean to', and alterations and ensuite, kitchen and lounge room additions to existing house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: South	1.0 metre or less	Nil	Supported - compliance with clause 3.3.2 A2 of the R-Codes.
North	1.5 metres	1.165 metres	Supported - minor variation and no undue impact on neighbour.
Consultation Submissions			
Support	N/A		N/A
Objection (1)	<ul style="list-style-type: none"> • Height and length of proposed wall on the boundary. • Over shadowing • Depreciation of property value 		<p>Not supported - compliance with clause 3.3.2 A2 of the R-Codes.</p> <p>Not supported – compliance with clause 3.9.1 A1 of the R-Codes.</p> <p>Not supported – not a valid planning matter and no supportive evidence.</p>

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

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

COMMENTS:

The proposal will not unduly affect the amenity of the adjacent neighbours. The variations are considered minor and supportable, subject to appropriate conditions being recommended, including condition (iii) addressing the final finished appearance of the proposed parapet wall on the southern elevation. The proposal is therefore supported subject to standard and appropriate conditions.

10.1.7 No. 110 (Lot 14) Lincoln Street, Highgate - Alterations to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	31 January 2005
Precinct:	Forrest; P14	File Ref:	PRO3037; 00/33/2662
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T A Atkinson on behalf of the owner Geegaela Pty Ltd for Alterations to Existing Single House (Application for Retrospective Approval), at No(s). 110 (Lot(s) 14) Lincoln Street, Highgate, and as shown on plans stamp-dated 4 January 2005, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	Geegaela Pty Ltd
Applicant:	T A Atkinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	230 square metres
Access to Right of Way	Northern side, 5.0 metres wide, unsealed, privately owned

BACKGROUND:

10 January 2004

Site inspection of the subject property revealed that a portion of an internal wall had been removed and that the rear glass door and the louvers surrounding the door had been replaced with a new glass door and solid glass windows.

DETAILS:

The proposal involves the partial removal of an internal wall and the replacement of an external glass door and louvers. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
The changes to the dwelling were not advertised as the alterations do not involve any variations to requirements.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

The owners on completion of the works discovered that the subject alterations to the existing dwelling are considered as unauthorised development. The owners apologised for the oversight and on advice from the Town of Vincent submitted an application for retrospective Planning Approval for the subject works.

It is noted that the proposal did not require advertising and that the alterations to the dwelling complies with the Town's relevant Policies and the Residential Design Codes.

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

10.1.9 No. 130A (Lot 4084, Strata Lot No. 2) Eton Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House - Reconsideration of Condition

Ward:	North	Date:	1 February 2005
Precinct:	North Perth; P8	File Ref:	PRO2727; 00/33/2652
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners D Spivey & S Parnell for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 130A (Lot 4084, Strata Lot No. 2) Eton Street, North Perth, and as shown on plans stamp-dated 17 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:*
 - (a) *the north side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (b) *subject to first obtaining the consent of the owners of No. 128 Eton Street and Nos. 523 Charles Street, a screen fence with a minimum height of 2.1 metres and a maximum height of 2.4 metres shall be erected on the southern and eastern boundaries within the 6.0 metres cone of vision from the doors and windows (major openings) of the dining room and living room, as prescribed by the Residential Design Codes 2002; OR 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*

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

- (iii) *subject to first obtaining the consent of the owners of No.130 Eton 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. 130 Eton Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	D Spivey & S Parnell
Applicant:	D Spivey & S Parnell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	911 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 21 December 2004 resolved to conditionally approve a similar application at the subject lot.

DETAILS:

The proposal involves the request for reconsideration of condition of development approval for additional two-storey grouped dwelling to existing single house at the subject lot. The current application differs from the proposal previously determined and conditionally approved by Council at its Ordinary Meeting held on 21 December 2004 in that the storeroom is now accessible from the garage.

In this application, the applicant requests Council to amend sub-clause (b) and delete sub-clause (c) of the following condition from the previous approval:

- "(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) the north side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height 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;*
 - (b) subject to first obtaining the consent of the owners of No. 132 Eton Street and Nos. 523 and 525 Charles Street, a screen fence with a minimum height of 2.1 metres and a maximum height of 2.4 metres shall be erected on the southern and eastern boundaries within the 6.0 metres cone of vision from the doors and windows (major openings) of the dining room and living room, as prescribed by the Residential Design Codes 2002; OR 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*

- (c) *the provision of a enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling or through the garage, with a minimum dimension of 1.5 metres and an internal area of at least 4 square metres.*

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 dwellings R 30/40	2 dwellings R 22	Supported - no variation.
Plot Ratio	N/A	N/A	N/A
Setbacks: 1st Floor - West	1.8 metres	1.6 metres	Supported - has previously been addressed.
Privacy-Cone of Vision Encroachment	Balconies setback 7.5 metres from boundary or suitably screened. Rooms other than bedrooms setback 6.0 metres from boundary or suitably screened.	Balcony is setback 6.0 metres from north boundary and 4.8 metres to east boundary Dining room is 1.5 metres (windows) and 2.5 metres (sliding door) to the east boundary and living room 4.85 metres (sliding door) to south boundary.	Not supported - applicant has agreed for these matters to be conditioned to comply.
Consultation Submissions			
Support	N/A		N/A
Objection (1)	<ul style="list-style-type: none"> Privacy 		Supported - refer to above
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

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

COMMENTS:

In order to screen the cone of vision encroachment from the dining and living room, a screen fence is required to the dividing boundary of the subject lot and No.523 Charles Street and No. 128 Eton Street, and not as in correctly stated (No. 132 Eton Street and No. 525 Charles Street) in condition (ii) (b) of the previous approval.

With reference to condition (ii) (c), the applicants have submitted amended plans which indicated that storage is now accessible from the garage.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters, including the amendment to condition (ii) (b) and deletion of condition (ii) (c) of the previous approval.

10.1.14 No. 26 (Lot 37) Brentham Street, Leederville - Proposed Change of Use from Single House to Educational Establishment (Primary School) and Associated Alterations

Ward:	North	Date:	1 February 2005
Precinct:	Leederville; P3	File Ref:	PRO2979; 00/33/2541
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Baker on behalf of the owner The St Brigids Convent of Mercy Perth Inc for proposed Change of Use from Single House to Educational Establishment (Primary School) and Associated Alterations, at No. 26 (Lot 37) Brentham Street, Leederville, and as shown on plans stamp-dated 21 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the first commencement of the approved use, three (3) car bays shall be provided on the subject land (being Lot 37) and all car parking bays shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking" OR the subject land (being Lot 37) shall be amalgamated with No. 20 (Lot 100) Brentham Street into one lot on Certificate of Title OR alternatively, prior the first commencement of the use 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 first commencement of the subject use. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) the hours of operation shall be limited to 9:00am - 3:10pm Monday to Friday inclusive;*
- (iv) a maximum total of two (2) teachers shall be working on-site at any one time;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Brentham 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*
- (v) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	The St Brigids Convent of Mercy Perth Inc
Applicant:	K Baker
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	539 square metres
Access to Right of Way	North side, 5.03 metres wide, sealed, Council owned

BACKGROUND:

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

DETAILS:

The proposal involves proposed change of use from single house to educational establishment (Primary School). The main building will be used for music lessons, using primarily wind and string instruments and piano and keyboards, for children attending the primary school. The hours of operation are proposed to be between 9:00am and 3:10pm weekdays only.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

Car Parking	
Car Parking Requirement (nearest whole number) (1.25 spaces per classroom) (Lots 37, 38, 39, pt 75 and 100) **	24 car bays (19 classrooms)
Apply the adjustment factors	(0.85)
▪ 0.85 (within 400 metres of a bus stop)	20.4 car bays
Minus car parking on site (Lots 37, 38, 39, pt 75 and 100)	20 car bays
Minus the most recently approved on site parking shortfall	Nil
Resultant shortfall	0.4 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.

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

COMMENTS:

The parking shortfall for the primary school, including the proposal is 0.4 carbay and, in accordance with the Town's Parking and Access Policy, no cash-in-lieu contribution is required to be paid.

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.

10.1.16 Unit 16/No. 267 (Lot 5, Strata Lot 16) Scarborough Beach Road (Corner Birrell Street), Mount Hawthorn - Proposed Change of Use from Showroom to Eating House and Associated Signage

Ward:	North	Date:	31 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1048; 00/33/2641
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Duric on behalf of the owner S & E Liaros for proposed Change of Use from Showroom to Eating House and Associated Signage, at Unit 16/ No. 267 (Lot 5, Strata Lot 16) Scarborough Beach Road (Corner Birrell Street), Mount Hawthorn, and as shown on plans stamp-dated 22 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all car parking bays shall be dimensioned and comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iii) the proposed eating house shall only operate between the hours of 8.00am and 10.00pm Monday to Friday, and 4.00am and 11.00pm Saturday and Sunday, inclusive;*
- (iv) the eating house public floor area is limited to a maximum of 93 square metres, including internal and external seating;*
- (v) the signage shall not have flashing or intermittent lighting;*
- (vi) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (vii) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (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) prior to the issue of a Building Licence or Sign Licence, whichever occurs first, revised plans shall be submitted and approved demonstrating the signage not exceeding 10 percent of the total area of the respective building wall or 10 square meters whichever is the lesser. The revised plans shall not result in any greater variation to the requirements of the Town Policies; and*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	S & E Liaros
Applicant:	N Duric
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Showroom
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	6471 square metres
Access to Right of Way	N/A

BACKGROUND:

17 March 1978 The subject site was approved by the City of Perth as showrooms.

DETAILS:

The proposal involves the change of use from a showroom to an eating house and associated signage. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Proposed Wall Signs	The total signage area is not to exceed 10 percent of the total area of the building wall in which that signage is located, and not to exceed 10 square metres in area in aggregate on any one wall, unless a sign strategy is approved.	Signage fronting Birrell Street - 15% and 9.19 square meters Signage fronting Scarborough Beach Road - 20% and 13.6 square meters	Not Supported - it is a recommended condition that revised plans shall be submitted and approved demonstrating that the signage not exceeding 10 percent of the total area of the building wall or 10 square meters (whichever is the lesser).

Consultation Submissions	
No advertising was required for this application as the application is being referred to Council for determination.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Requirements	Required
Eating House: 1 space per 4.5 square metres of public area	20 car bays
Total car parking required before adjustment factor (nearest whole number)	48 car bays
Apply the parking adjustment factors.	(0.65025)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more car parking places with excess of 50 car bays) 	31.212 car bays
Minus car parking provided on-site (total of 61 bays on-site)	29.788 car bays
Minus existing car parking shortfall after applying adjustment factors	Nil
Resultant surplus	29.788 car bays

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

COMMENTS:

The proposed wall signs if compliant with the Town's Signs and Advertising Policy are considered acceptable in the context of the relative scale to that of the building, and are not considered to have an undue impact on the streetscape or amenity of the area.

The proposal is considered to comply with the Town's Policy relating to the Mount Hawthorn Centre Precinct, accordingly it is recommended that the application be approved subject to standard and appropriate conditions to address the above mentioned concerns.

10.1.23 No. 24 (Lot 63) Mary Street, Highgate - Proposed Strata Subdivision

Ward:	South	Date:	28 January 2005
Precinct:	Hyde Park; P12	File Ref:	1912-04
Attachments:	001		
Reporting Officer(s):	F Rubio		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the proposed strata subdivision application submitted by IC & AC Mirmikidis for No. 24 (Lot 63) Mary Street, Highgate, and as shown on plans stamp-dated 23 December 2004 (subdivision 1912-04) 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 non-compliance with the Residential Design Codes, as there is a significant variation to the minimum car parking, open space and outdoor living area requirements under the R60 density coding of the property; and*
 - (c) *the approval of the proposed subdivision could create an undesirable precedent for subdivision of lots with similar sizes within the area; and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed strata subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	IC & AC Mirmikidis
Applicant:	IC & AC Mirmikidis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Lot 1- Single House; Lot 2- Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 63- 392 square metres
Access to Right of Way	N/A

BACKGROUND:

20 December 2004 Application received for additional two-storey grouped dwelling to and partial demolition of and alteration and addition to existing single house. This application is currently being processed by the Town's Officers.

DETAILS:

The proposal involves a strata subdivision of the subject property to create two lots. One lot will have an area of 186 square metres and the other an area of 206 square metres (with an effective area of approximately 122 square metres).

ASSESSMENT:

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Car Parking - Lot Pt 1	2 carbay on site	No carbays	Not supported - over-development of site.
Open Space - Lot Pt 1	45%	43%	Not supported - over-development of site.
Outdoor Living Area - Lot Pt 1	Minimum dimension of 4.0 metres and at least 2/3 of the area without permanent roof.	Length of 2.0 metres and 100% of the area with permanent roof.	Not supported - over development of site.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The 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:

The proposal does not require advertising. In light of the above, the proposal is considered to be over-development of the subject site and is therefore recommended for refusal.

10.1.24 Proposed Extension of the East Perth Redevelopment Area to Include the 'Perth Cultural Centre'

Ward:	South Ward	Date:	1 February 2005
Precinct:	Beaufort; P8	File Ref:	
Attachments	001		
Reporting Officer(s):	C Godwin		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** correspondence relating to the "Proposed Extension of the East Perth Redevelopment Area to include the 'Perth Cultural Centre' "; and
- (ii) **ADVISES** the East Perth Redevelopment Authority (EPRA) that the Council has **NO OBJECTION** to the proposed extension of the East Perth Redevelopment Area to include the 'Perth Cultural Centre', as shown in the attachment to this report.

COUNCIL DECISION ITEM 10.1.24

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

The Town of Vincent received correspondence and an accompanying site map from the East Perth Redevelopment Authority (EPRA) on 2 December 2004 seeking comment for the 'Proposed Extension of the East Perth Redevelopment Area to include the Perth Cultural Centre'. The closing date for all submissions to be received is 11 February 2005.

DETAILS:

Background

EPRA correspondence states as follows:

"On the 25th October 2004, The Minister for Planning granted approval for the East Perth Redevelopment Authority (EPRA) to consult with the community on the proposal to expand EPRA's boundaries to include the 'Perth Cultural Centre'...

The decision follows Cabinet's approval earlier this year for EPRA to examine the feasibility of an integrated urban renewal strategy to revitalise the Perth Cultural Centre. For EPRA to undertake this project, the formal extension of EPRA's boundaries need to occur, which involves an amendment to Regulations and associated Ministerial approval to extend the redevelopment area."

Relevance to the Town of Vincent

Pursuant to section 4(2) of the East Perth Redevelopment Act, before any land is added to the redevelopment area, the Minister for Planning is required to consult with the community. The Town of Vincent is considered to be a stakeholder to this area of the City and EPRA therefore seeks comment on the proposed boundary extension.

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:

Nil.

COMMENTS:

- Perth Cultural Centre is bounded by William, Roe, Beaufort and Francis Streets, Northbridge. The subject area does not abut the Town's boundaries.
- Given that the extension of EPRA's boundaries is to enable the Authority to examine the feasibility of an integrated urban renewal strategy to revitalise the Perth Cultural Centre it is not considered this will have any adverse impacts on the Town of Vincent who therefore has no objection to the boundary extension.
- Should the integrated urban renewal strategy be adopted, it is likely that EPRA would seek further comment from the Town.
- In light of the above, it is recommended that the Council advises EPRA that it does not object to EPRA formally extending its boundaries to include Perth Cultural Centre.

10.2.3 Proposed Taking of Rights of Way Bounded by Ebsworth, Pakenham, and Stanley Streets, and the Right Of Way Bounded by Zebina and Westralia Streets, Joel Terrace and Gardiner Streets, Mt Lawley

Ward:	South	Date:	1 February 2005
Precinct:	Banks Reserve P15	File Ref:	TES0226, TES0359
Attachments:	001:		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed taking of the right of way bounded by Ebsworth, Pakenham, and Stanley Streets, and the right of way bounded by Zebina and Westralia Streets, Joel Terrace and Gardiner Streets, Mt Lawley, as highlighted on attached Plan 2326-RP-1; and*
- (ii) *APPROVES the commencement of the taking process in accordance with section 52 of the Land Administration Act 1997.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

At the Ordinary Meeting of Council held on 27 May 2003, the Council resolved to acquire two rights of way in the Banks Precinct to facilitate their listing within the upgrade programme as soon as possible. The ROWs are vested in the Australian Securities and Investments Commission (ASIC), who have to date not been able to ascertain whether they are able to dispose of the asset. It is therefore recommended that the Town pursue the "Taking" process so that the Town's control of the ROW can be expedited, and the upgrades carried out as soon as possible.

DETAILS:

Investigation of the ownership of these two private ROWs, subsequent to the Council's resolution to acquire them, revealed that the legal owner, according to the titles was "The Perth (WA) Estate Company", which is no longer in existence. In these circumstances, any assets owned by a defunct company are vested in ASIC.

The Town's agent has approached ASIC to negotiate the purchase of the ROWs, however ASIC is unsure whether they have the legal right to sell these assets. As a decision on this matter does not appear to be forthcoming in the near future, it is now proposed that the Town instigate the "Taking" process in order to expedite the upgrading of the ROWs.

Taking:

"TAKING" is the term used under the Land Administration Act 1997 in lieu of "resumption" or "compulsory acquisition". When a ROW is "taken", it reverts from private land with an access easement conferred on certain parties (those with an implied or expressed right), to Crown Land, vested in the Local Authority for the purposes of access way.

CONSULTATION/ADVERTISING:

Should the Council approve the taking of the ROW, the process will be carried out in accordance with the Land Administration Act 1997. Section 52(3) requires the Town to give 30 days notice to all suppliers of public utilities, all adjacent property owners and, if possible, the owner of the freehold of the ROW, in this case ASIC. Any comments or objections received within that period must be presented to the Minister together with the application to "take".

LEGAL/POLICY

As outlined above.

FINANCIAL/BUDGET IMPLICATIONS:

The costs involved in the "taking" of the ROWs are limited to Department of Land Information costs, the requirement to place an advertisement in the *West Australian* having been lifted by the Land Administration Amendment Act 2000. It is estimated that these will be approximately \$200.00.

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. *"(b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

COMMENTS:

The Council resolved to acquire these ROWs in May 2003, however, progress of the purchase has halted until ASIC has clarified its legal rights in respect of vested assets. As there is no clear timeframe as to when a decision will be made, or in fact what the likely decision will be, it seems prudent that the Town pursue an alternative means of gaining care and control of the ROWs. Therefore it is recommended that the Council approve the "taking" of the ROWs.

10.3.1 Financial Statements as at 31 December 2004

Ward:	Both	Date:	18January 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 December 2004 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 December 2004.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 82 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 95 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 163% of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 137 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 94%, this is due to 260 Health Licences being issued for Lodging Houses, Eating Houses and alfresco dining.

Community Amenities (Page 6)

Community Amenities is 72 % of the budget, this is as a result of 342 planning applications have been processed year to date.

Recreation & Culture (Page 9)

Recreation and Culture is 47% of the total budget. Beatty Park is also 44 % of the total budget but tracking along with the year to date budget.

Economic Services (Page 12)

Economic Services is 66% of budget which is the 254 building licences issued to the month of December.

Operating Expenditure

Operating expenditure for the month of December is slightly under budget at 48%

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for December an amount of \$4,583,272 which is 41% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	34,797	26%
Plant & Equipment	1,249,972	433,237	23%
Land & Building	2,746,610	2,665,659	97%
Infrastructure	6,997,900	1,449,579	21%
Total	11,125,792	4,583,272	41%

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

The statement shows the current assets of \$18,798,177 less current liabilities of \$2,974,550 for a current position of \$15,823,627. The total non current assets amount to \$115,370,187 less non current liabilities of \$10,957,928 for the total net assets of \$120,235,887.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$940,212 are outstanding at the end of December. Of the total debt \$625,756 (66%) relates to debts outstanding for over 60 days. The majority of the debt is an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

The notices for rates and charges levied for 2004/05 were issued on the 3 August 2004.

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

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

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

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

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

Rates outstanding are \$2,683,760 which represents 19 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 December 2004 the operating deficit for the Centre was \$284,200 in comparison to the budgeted annual deficit of \$612,852.

The cash position showed a current cash deficit of \$85,197 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

10.3.3 Authorisation of Expenditure for the Period 01 December - 31 December 2004

Ward:	Both	Date:	14 January 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 December – 31 December 2004 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.3

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$2,506,941.25
Total Municipal Account		\$2,506,941.25
Advance Account		
Automatic Cheques	49914-50007, 50009-50317	\$712,316.40
Manual Cheques		
Transfer of Creditors by EFT Batch 327-336		\$906,722.80
Transfer of PAYG Tax by EFT	December 2004	\$239,185.41
Transfer of GST by EFT	December 2004	\$0.00
Transfer of Child Support by EFT	December 2004	\$773.84
Transfer of Superannuation by EFT City of Perth	December 2004	\$26,363.12
Local Government	December 2004	\$70,486.15
Total Advance Account		\$1,955,847.72
Transfer of Payroll by EFT	December 2004	\$520,886.79
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,855.26
Lease Fees		\$1,976.45
Corporate Master Cards		\$6,407.82
Australia Post Lease Equipment		\$86.61
2 Way Rental		-
Loan Repayment		\$30,835.13
B/Park ATM Cash Agreement		\$165.00
Reject Fees		\$27.50
Total Bank Charges & Other Direct Debits		\$43,353.77
Less GST effect on Advance Account		-
Total Payments		\$5,027,029.53

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

**10.3.4 Capital Works Program 2004/2005 - Progress Report No 2 as at
31 December 2004**

Ward:	Both	Date:	25 January 2005
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman, D Abel		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No 2 for the period 1 July - 31 December 2004, for the Capital Works Program 2004/2005, as detailed in Appendix 10.3.4.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 10 August 2004. Quarterly reports are presented to Council to advise of the schedule and progress of the Capital Works Program. This is the second Progress Report for this financial year covering the period ending 31 December 2004.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report specifically should refer to the works scheduled to be carried out in the period up to 31 December 2004. However additional comments on the status of the works outside this period have been made, where the timing and current position of the item is known.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

“1.4 Maintain and enhance the Town’s Infrastructure to provide a safe, healthy, sustainable and functional environment.”

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to the funding in the Annual Budget 2004/2005.

COMMENTS:

The Capital Works Program is currently progressing according to the Council approved schedule.

10.3.6 Proposed Artwork for 258-268 Newcastle Street, Perth

Ward:	South	Date:	11 January 2005
Precinct:	Beaufort	File Ref:	PRO0078
Attachments:	001		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the proposed artwork 'Heart' by Stuart Green located in front of the Caledonia Northbridge Apartments, 258-264 Newcastle Street, Perth as shown in Appendix 10.3.6.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

As part of the Town of Vincent's Percent for Art Scheme, Sizer Developments, the developers of the Caledonia Northbridge Apartments, have commissioned a free standing sculpture by artist Stuart Green. Northbridge Apartments is a mixed use building consisting of one eating house, three offices and thirty five multiple dwellings.

DETAILS:

The artwork will be a free standing metal sculpture located in the footpath in the front of Caledonia Northbridge on the corner of Newcastle and Lake Street. The outside dimensions will be 6.7 metres high, and at its broadest width it will be 2.7 metres tapering to less than one metre at its base. As can be seen by the artist's impression the sculpture is an open structure consisting of mild steel SHS tubing that is 150mm square.

The walls of the tubing are 4mm thick and coated to Australian Standard (blast, zink coating, intermediate coat and two pack polyurethane top coat paint), the work will be painted red..

The plans of the sculpture and its location have been reviewed by Planning and Technical Services Division and they have approved it in regards to visual sight lines for traffic and safety for pedestrians, and acknowledge the developer has identified locations of underground services and the footing of the sculpture will not interfere.

At this location there will be no interference to power lines, as they are underground. A letter is on file from Stuart Green's engineers (Scott Smalley Partnership) confirming they have "performed structural design checks to test the strength, stiffness of this proposal and found these to be adequate." The letter continues "We have also made preliminary calculations on the footing for the sculpture and are satisfied that it is practicable to construct a footing which will properly support the sculpture."

CONSULTATION/ADVERTISING

The community consultation process will abide by the guidelines set out by the Town's Community Consultation Policy.

LEGAL/POLICY

The artwork has been commissioned in accordance with the Town of Vincent's Percent for Art Policy which states that for a "commercial, non-residential, and/or mixed residential/commercial developments over the value of \$500,000 are to set aside a minimum of one percent of the estimated total project cost for the development of public art works which reflect the place, locality and/or community."

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010

Key Result Area 2 Community Development

2.1 *"Celebrate and acknowledge the Town's cultural diversity"*

FINANCIAL/BUDGET IMPLICATIONS:

As a condition of the percent for art policy, the artwork's budget of \$55,000 is the responsibility of Sizer Developments. The Developer has also agreed to carry out any cleaning or maintenance to the work. Therefore there would no financial implications for the Town.

COMMENTS:

Stuart Green is one of Western Australia's leading public artists with numerous major commissions as well as being represented in art collections throughout the State including the Art Gallery of Western Australia. The Town's Percent for Art policy states the artwork should reflect "the place, locality and/or community". The proposed artwork 'Heart' will clearly be in keeping with the policy as it has a vibrancy and dynamism that complements not only the building for which this project was commissioned, but also reflects the energy of the streetscape and its urban context. The sculpture 'Heart' will greatly add to the permanent cultural assets of the Town and will potentially be seen as an excellent example of the benefits the Percent for Art Scheme can deliver.

10.3.7 Cultural Development Seeding Grant Application

Ward:	Both	Date:	31 January 2005
Precinct:	All	File Ref:	CMS0008
Attachments:	-		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the application of Skadada Youth Runway for \$500 under the Cultural Development Seeding Grants Programme.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

DETAILS:

Skadada Youth Runway is running a circus performance called Circus and The Bird for community groups and schools in 2005. It will feature movement derived from bird watching in Hyde Park including aerials on trapeze, cloud swing, bungees and use of materials such as silks. Located at the Len Fletcher Pavilion, North Perth for the last two years Skadada are looking at deepening links with the local community and building awareness of their youth programme Skadada Youth Runway. The fifteen young people in this program train four times a week and will be introduced to the residents at the performances and gain a sense of ownership whilst developing a support group amongst the local community.

The funding will go towards associated costs for marketing and promoting the event.

STRATEGIC IMPLICATIONS:

The Cultural Seeding Grants and the submitted application address the following section of the Town's Strategic Plan-Amended 2005-2010:

2.1 Celebrate and acknowledge the Town's cultural diversity.

“(a) Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/05 budget includes \$5,000 for the Cultural Development Seeding Grant Programme of which \$2,150 remains unallocated.

COMMENTS:

Skadada Youth Runway meets the criteria for the Cultural Seeding Grants. They will acknowledge Town's support during the performances and in their promotion. Skadada will provide an acquittal report after the events, detailing how the Cultural Development Seeding Grants were expended.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	2 February 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
21/01/05	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta 6021 (Manager) and Total Event Management, C/o Total House, Cnr Belmont Avenue and Fulham Street, Belmont re: Total Events Sausage Sizzle in Gareth Naven Room at Members Equity Stadium on 23 January 2005.
31/01/05	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta 6021 (Manager) and Michael Chugg Entertainment Pty Ltd, 603 Elizabeth Street, Surry Hills, NSW 2010 re: Moonlight Music and Wine Festival at Members Equity Stadium on 19 February 2005.

Date	Document	No of copies	Details
31/01/05	Deed of Novation	1	Town of Vincent and CCD Australia Pty Ltd of Level 4, 600 Murray Street, West Perth and Sinclair Knight Merz Pty Ltd of 100 Christie Street, St Leonards, NSW 2065 re: Novation of the Agreement Contract for the Department of Sports and Recreation Building, Leederville (<i>CCD Australia merged with Sinclair Knight Merz effective from 22/11/04</i>)

10.1.22 No(s). 100-102 (Lot 46) Edward Street, Perth - Proposed Change of Use from Grouped Dwelling and Office Building to Consulting Rooms (Massage) (Application for Retrospective Approval)

Ward:	South	Date:	1 February 2005
Precinct:	Beaufort; P13	File Ref:	PRO1908; 00/33/2536
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by D Flatman on behalf of the owner Civitella Holdings Pty Ltd & VD Civitella for proposed Change of Use from Grouped Dwelling and Office Building to Consulting Rooms (Massage) (Application for Retrospective Approval), at No(s). 100-102 (Lot 46) Edward Street, Perth, and as shown on plans stamp-dated 19 October 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access;*
 - (c) *the non-compliance with the Town's Policy relating to Beaufort Precinct;*
 - (d) *approval of the subject use would create an undesirable precedent for other similar use developments encroaching into the Beaufort Precinct; and*
 - (e) *in consideration of the objections received;*
- (ii) *ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town; and*
- (iii) *AUTHORISES the Chief Executive Officer to instigate legal action in relation to the unauthorised consulting room (massage) use at No(s). 100-102 (Lot(s) 46) Edward Street, Perth should the use not cease operation within 14 days of the date of notification by the Town.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	Civitella Holdings Pty Ltd & VD Civitella
Applicant:	D Flatman
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Consulting Rooms
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	407 square metres
Access to Right of Way	North side, 3 metres wide, unsealed, privately owned

BACKGROUND:

The subject site has an extensive history relating to its previously approved remedial and stress massage clinic use, alleged unauthorised use and unauthorised patio additions.

The Minutes of the City of Perth Council Meeting held on 17 May 1993 indicates that Planning Approval was granted '*for a period of 12 months ... to establish a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993*'.

The Minutes of the City of Perth Council Meeting held on 26 May 1994 indicates that Planning Approval was granted '*for a period of 12 months ... for a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993*'.

The Town's records indicate that no further Planning Approval was issued after the expiry date of 26 May 1995, and no Planning Approval was granted for consulting rooms at No. 100 Edward Street.

An identical application to the subject application was lodged with the Town on 24 May 2004. This application was subsequently withdrawn by the applicant.

The Council resolved the following at its Ordinary Meeting held on 24 August 2004 in relation to the unauthorised use:

- "(i) ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- (ii) AUTHORIZES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- (iii) WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*
- (iv) NOTES that a further report will be submitted to the Council after the investigations have been carried out."*

DETAILS:

The proposal involves the change of use from grouped dwelling and office building to consulting rooms (massage) (application for retrospective planning approval) at the subject site. A submission on behalf on the applicant is "*Laid on the Table*".

The submission indicates that the site has been used for a remedial and stress massage clinic by the current operators since January 2004.

The proposed hours of operation are as follows:

- 10am to 4am the following day, except for Sunday
- Closed 4am to 10am the same day, except for Sunday
- Closed on Sunday from 4am to 10am (Monday)

In relation to the previous Council resolution as detailed above, these matters are addressed below.

Investigations conducted by the Town's Officers included a number of unannounced site inspections on various days/times and revealed the following:

- the unauthorised use did not cease within 14 days of notification by the Town;
- external neon 'OPEN' sign on in most instances;
- sign on door advising of operating hours (Sunday to Tuesday:10am-4am, Wednesday to Thursday: 10am-5am, Friday to Saturday: 10am-6am);
- staff working on-site; and
- confirmation from the proprietor on each occasion that they were open for business.

Correspondence has since been sent to the applicant's solicitors advising of this breach of condition and the potential penalties.

The Western Australian Police Service have advised that Police Service has had no direct dealings or undertaken any investigations with regard to the subject premises and that they have no knowledge of any illegal activity emanating from or associated with the premises. A copy of this letter is '*Laid on the Table*'. A copy of the response letter by the Western Australian Government Premier is also '*Laid on the Table*'. In summary, because the Prostitution Control Bill 2003 does not have the support of the opposition parties who hold balance of power in the Legislative Council, it is unlikely that the Bill will be passed during the current term of Parliament.

In relation to the response from the Minister for Police and Emergency Services, Justice and Community Safety, a reply is yet to be received by the Town.

ASSESSMENT:

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

Consultation Submissions		
The proposal does not require to be advertised as an identical proposal was advertised in the past twelve (12) months. The submissions received in the previous advertising period is summarised below.		
Support (1)	<ul style="list-style-type: none"> • Applicant has been good neighbours and any activity occurring at the subject site has not affected staff or users of their services. • Use is representative of "rich diversity" existing in the Town. 	<p>Noted.</p> <p>Noted.</p>
Objection (11)	<ul style="list-style-type: none"> • Use is not consistent with Town Planning Scheme No. 1. and Beaufort Precinct Policy. 	Supported - use is in conflict with Beaufort Precinct Policy which requires residential component.
	<ul style="list-style-type: none"> • Precedent of recent refusals of similar applications in the area should be followed. • The business fails to demonstrate that it is legitimate. • Bill relating to prostitution has not been passed by Parliament, and as such is still an illegal activity. • Noise is generated late at night due to the inappropriate hours the business is open. • Use would attract other illegal activities such as illicit drug use, organised crime, street-walking and kerb crawling. • Many complaints have gone unregistered due to 'stand over' tactics used by the management of the business. • Incompatible with the significant recreational facility with the redevelopment of the Perth Oval. 	<p>Not supported - each planning application is assessed based upon it own merits.</p> <p>Supported - proposed hours of operation is considered excessive.</p> <p>Noted.</p> <p>Not supported - proposal required to comply with Environmental Protection (Noise) Regulations 1997 in event of approval.</p> <p>Not supported - comments speculative, no evidence provided to substantiate that use will result in these outcomes.</p> <p>Not supported - not a planning consideration.</p> <p>Supported - use not considered compatible with general surrounding area.</p>

	<ul style="list-style-type: none"> Inadequate parking and access. Inappropriate hours for the purported purpose of a massage activity. There are existing residential homes within 5 metres and more planned for the area. Residents living in the area have indicated distress and frustration. Town should not be approving developments that do not have a residential component. 	<p>Supported - refer to 'Car Parking ', and right of way to be sealed, drained and line marked in event of approval.</p> <p>Supported - proposed hours considered excessive.</p> <p>Noted.</p> <p>Supported - proposal is in conflict with Beaufort Precinct Policy.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Consulting Rooms: 3 car bays per consulting room (4 existing consulting rooms)		12 car bays
Apply the parking adjustment factors.		(0.7225)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 		8.67 car bays
Minus car parking provided on site		3 car bays
Minus the car parking shortfall currently applying to site (after taking into account relevant adjustment factors) i.e. 4 car bays x 0.7225 = 2.89 carbays Previously, 2 car bays provided for commercial component, resulting in an existing shortfall of 0.89 car bay		0.89car bay
Resultant shortfall		4.78 car bays

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

COMMENTS:

The proposal represents an inappropriate use for the above site, and as such would set an undesirable precedent in the locality for further commercial style development of a similar scale and nature in the future. Accordingly, it is recommended that the proposal be refused.

It is further recommended that the owners and occupiers be given 14 days to cease operation the unauthorised consulting room (massage) use from the date of notification by the Town, and that the Chief Executive Officer is authorised to commence legal proceedings should the use not cease within 14 days of this notification.

10.1.19 No. 77A (Lot 185, Strata Lot No. 1) Eton Street, North Perth - Alterations and Additions to Street/Front Fence to Existing Grouped Dwelling (Application for Retrospective Approval)

Ward:	North	Date:	31 January 2005
Precinct:	North Perth; P8	File Ref:	PRO0957; 00/33/2647
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners AC Walton & CA Rainbird for Alterations and Additions to Street/Front Fence to Existing Grouped Dwelling (Application for Retrospective Approval), at No. 77A (Lot 185, Strata Lot No. 1) Eton Street, North Perth, and as shown on plans stamp-dated 29 December 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; and*
- (ii) the non-compliance with the Town's Policy relating to Street Walls and Fences.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	AC Walton & CA Rainbird
Applicant:	AC Walton & CA Rainbird
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

27 July 1998 The Council, at its Ordinary Meeting, resolved to approve demolition of existing dwelling and development of three grouped dwellings at No. 77 Eton Street, North Perth. Condition (viii) of the Planning Approval stated as follows:

(viii) The front fence and retaining wall within the front setback area adjacent to Eton Street shall be open infill fencing.

9 April 2002 The Council, at its Ordinary Meeting resolved to refuse the application dated 25 March 2002 for the proposed front fence to existing group dwelling at No. 77 Eton Street, North Perth.

18 November 2004 Building Notice under Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (c), and Planning Written Direction under section 10 (3) of the Town Planning and Development Act 1928, were issued requiring the unauthorised timber infill slats, steel framed screens and gates that have been constructed abutting the existing approved boundary front fence, to be removed within 35 days and 60 days, respectively.

22 December 2004 Copy of Notice of Appeal lodged against Building Notice and Planning Written Direction received by the Town.

18 January 2005 Statement by Respondent issued by the Town.

DETAILS:

The application involves alterations and additions to fencing to street/front fence to existing grouped dwelling (application for retrospective approval for unauthorised portion of fence). The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Front/Street Fence	A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level.	Fence height ranges from 2.25 metres to 3.25 metres.	Not supported - non compliant with the Town's Policy relating to Street Walls and Fences and the fence is considered to have an undue impact on streetscape, amenity and safety (casual surveillance).

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
	The upper portion of the wall being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Approximately 5 per cent visually permeable.	Not supported - as above.
Consultation Submissions			
No consultation was required for this application as the existing front fence is non compliant with the Town's Policy relating to Street Walls and Fences, and is being referred to Council for determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The street/front fence at No. 77A Eton Street, North Perth is non compliant with the Town's Policy relating to Street Walls and Fences and is considered to have an undue impact on the streetscape, amenity and safety.

In view of the above, it is recommended that the application be refused due to the nature of the variations involved.

10.1.21 No. 20 (Lot 38) Stuart Street, Perth - Proposed Demolition of Existing Single House and Outbuildings

Ward:	South	Date:	1 February 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2995; 00/33/2562
Attachments:	001		
Reporting Officer(s):	R Jarman-Walker		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by L Bombardier on behalf of the owners, E Bombardieri, A Sutton and M Perrone, for proposed demolition of existing single house and outbuildings at No. 20 (Lot 38) Stuart Street, Perth, and as shown on plans stamp-dated 8 November 2004, for the following reasons:*
- (a) *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; and*
- (b) *the existing place has cultural heritage significance in terms of its aesthetic and representative value; and*
- (ii) *the Council ADVISES the landowners of No. 20 (Lot 38) Stuart Street, Perth, that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing dwelling and that such a proposal may attract development bonuses.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Lake, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

CARRIED (6-1)

For
Mayor Catania
Cr Chester
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake

Against
Cr Cohen

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	E Bombardieri, A Sutton, M Perrone
Applicant:	L Bombardieri
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80 (Multiple Dwellings not permitted)
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	481 square metres
Access to Right of Way:	N/A

BACKGROUND:

- The place forms part of the original Brooking Park Estate, developed in 1896 to the east of present day Robertson Park. The Estate was named after surveyor JS Brooking, whose home was located within the Estate.
- The City of Perth Building Licences indicates that a Building Licence was first granted to McHarvie in 1905. The construction of the subject dwelling is likely to have occurred shortly thereafter.
- M and L Bombardieri purchased the property after 1953 and it appears that members from the Bombardieri family have resided in the dwelling continuously until recently.
- The place was entered onto the Interim Heritage Database in 1998.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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 has been found to have local cultural significance for the following reasons:

Primary Significance

The place has *some aesthetic value* because of its ability to contribute to the cultural landscape of its immediate environs. As part of a 'Federation' precinct incorporating the Joe White Maltings Plant, the Electricity Sub-Station, Baker's Terrace and the surrounding Federation-style residential dwellings, the place has *some aesthetic significance*.

The place is considered to have *some aesthetic value* as a modest dwelling displaying elements of the Federation Queen Anne style.

Secondary Significance

The place is *highly representative* of the style of domestic architecture that occurred in Perth during the early twentieth century. It forms part of the building stock which was constructed following the Gold Rush and the subsequent expansion of the city to the north.

In light of the above, proposed demolition is recommended for refusal.

10.1.26 Birdwood Square, Perth – Itinerant Park Dwellers and Anti-social Behaviour

Ward:	South	Date:	3 February 2005
Precinct:	Hyde Park, P12	File Ref:	RES0022
Attachments:	001		
Reporting Officer(s):	M Wendt, P Cicanese		
Checked/Endorsed by:	J McGee R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report as at 3 February 2005 relating to itinerant park dwellers and anti-social behaviour at Birdwood Square, Perth;*
- (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 requests additional State Government assistance to resolve the problem in Birdwood Square;*
 - (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;*
 - (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;*
 - (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;*
 - (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;*
 - (f) *the Town to review the opening hours and use of the public toilets located at Birdwood Square;*
 - (g) *the Town to conduct a forum, to be held in late February 2005, and invitations be sent to the residents and businesses surrounding Birdwood Square;*
 - (h) *the Town to develop an antisocial behaviour survey and disseminate to residents and businesses surrounding Birdwood Square;*

- (i) *approves the temporary removal of the heritage plaque located on the eastern side of Birdwood Square, adjacent to the bus shelter until further notice;*
 - (j) *the Department of Health be requested to review the service provided by the "Street Doctor";*
 - (k) *the Birdwood Square Working Group (interim) be formed and be requested to develop strategies regarding rough sleepers on parks;*
 - (l) *the Town to review the 'Looking after the Community' brochure; and*
- (iii) *writes to all complainants advising them of the Council's decision.*
-

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted subject to clause (ii)(f) being amended, clause (ii)(h) being renumbered to (ii)(s) and new clauses (ii)(h), (m), (n), (o), (p), (q), (r), (t) and (iv) being added as follows:

- "(ii) (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;*
- (h) cleaning frequencies be delegated to the Chief Executive Officer to determine;*
- (m) investigate the accuracy of the information displayed on the signage in the park;*
- (n) conduct a Crime Prevention Through Environmental Design (CPTED) review of Birdwood Square with the assistance of the Office of Crime Prevention;*
- (o) erect larger 'no drinking in the park' signage in the park;*
- (p) replace current bins in the Park with steel bins that restricts people from removing items from the bin;*
- (q) develop an accord with the Western Australia Police Service, Nyoongar Patrol and Rangers for the intensive patrolling of the park;*
- (r) 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;*

~~*(h) (s) the Town to develop an antisocial behaviour survey and disseminate to residents and businesses surrounding Birdwood Square investigate options including costs relating to the park toilet building e.g. 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;*~~

(t) invites an Elected Member to also attend meetings headed by the Department of Community Development in relation to Birdwood Square Working Group;

(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."

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That;

- 1. clause (ii)(g) be deleted and the remaining subclauses renumbered; and*
- 2. existing clause (ii)(k) being amended to read as follows:*

“(k) 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;

Debate ensued.

Mayor Catania ruled that the amendment would be considered in two parts.

Part (1) of the amendment was put.

AMENDMENT CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Franchina	Cr Cohen
Cr Ker	Cr Farrell
Cr Lake	

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Part (2) of the amendment was put.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Moved Cr Chester, Seconded Cr Farrell

That a new clause (v) added as follows:

“(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.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Mayor Catania spoke for 5 minutes.

Moved Cr Cohen, Seconded Cr Farrell

That Mayor Catania be permitted, in accordance with Standing Orders, to speak for up to a further 5 minutes.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.26

That the Council;

- (i) RECEIVES the report as at 3 February 2005 relating to itinerant park dwellers and anti-social behaviour at Birdwood Square, Perth;*
- (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 requests additional State Government assistance to resolve the problem in Birdwood Square;*
 - (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;*
 - (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;*

- (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;*
- (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;*
- (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;*
- (g) *cleaning frequencies be delegated to the Chief Executive Officer to determine;*
- (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;*
- (i) *the Department of Health be requested to review the service provided by the "Street Doctor";*
- (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;;*
- (k) *the Town to review the 'Looking after the Community' brochure;*
- (l) *investigate the accuracy of the information displayed on the signage in the park;*
- (m) *conduct a Crime Prevention Through Environmental Design (CPTED) review of Birdwood Square with the assistance of the Office of Crime Prevention;*
- (n) *erect larger 'no drinking in the park' signage in the park;*
- (o) *replace current bins in the Park with steel bins that restricts people from removing items from the bin;*
- (p) *develop an accord with the Western Australia Police Service, Nyoongar Patrol and Rangers for the intensive patrolling of the park;*
- (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;*
- (r) *the Town to investigate options including costs relating to the park toilet building e.g. 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*

- (s) *invites an Elected Member to also attend meetings headed by the Department of Community Development in relation to Birdwood Square Working Group;*
- (iii) *writes to all complainants advising them of the Council's decision;*
- (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*
- (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.**

ADDITIONAL INFORMATION:

On 5 February 2005, Councillor Helen Doran-Wu provided the following information;

'These are in response to my meeting with residents on Baker Avenue. The reasoning behind the different locations for the toilets is that patrons of the Brisbane have apparently been urinating in the park. Obviously it is worth investing putting a toilet nearer to the pub.

Item 10.1.26

- i) (add) and investigate the accuracy of the information displayed;*
- m) the Town to investigate the existing toilet block, options of new toilets, and the possibility of different locations within the park; and*
- n) As an interim measure, until the end of summer, that rubbish collection and cleaning of toilets occur twice daily.'*

It is appropriate to amend the recommendation and to alter the hours facilities are open for use, as the toilets are being abused for non-compliant accommodation purposes and subsequent anti-social behaviour.

The current cost of cleaning the toilets and subsequent rubbish amounts to around \$75 - \$150 per day. The additional toilet cleaning service would amount to \$15.00 per day and the additional rubbish removal to \$50.00 per day. The total daily cost including the requested additional services would be around \$140 - \$210 per day dependant on amount of rubbish. The cleaning frequencies should be delegated to the Chief Executive Officer to determine.

BACKGROUND:

Since the formation of the Town, Rangers and Town staff have been attending to complaints in and around the vicinity of Birdwood Square. Some of the complaints include loitering, littering, fighting, drinking, camping, indecent and offensive behaviour by itinerant persons, who comprise predominantly indigenous people and also Caucasians.

Commercial and residential property owners from Brisbane Street, Beaufort Street and Baker Avenue have repeatedly lodged complaints with the Town. These range from:

- urinating in front of customers on the front window near the restaurant;
- faeces regularly found out the front and rear of residential and commercial properties;
- burning of mattress in the car park;
- begging from customers and passers-by;

- spitting on customers and passers-by;
- indecent exposure by park dwellers;
- drunken behaviour, including fighting;
- lighting fires;
- littering, rubbish of all description left on the reserve; and
- damage to Town of Vincent property.

The intensity of the complaints has increased over the past few months and many persons have expressed their extreme frustration about the unsatisfactory matter. Most of the businesses spoken to about the use of their private property by the Park Dwellers in the area have said that they have allowed the Park Dwellers to use their verandas for shelter etc, particularly during the Winter months, as long as they remove their rubbish and refuse. The same businesses then contact the Town with complaints about the amount of refuse and bodily waste that are being left on their premises, with expectations that the Town will provide a clean up service. The message that is being given to these businesses and to residential properties is that, as a local government authority, the Town has no authority to enter onto private property for this purpose. The Town will occasionally remove larger items such as mattresses from private property to deter the Park Dwellers from returning, but have put the responsibility back on the businesses.

Businesses and residents are visited by the Safer Vincent Coordinator and are given numbers for the Nyoongar Patrol and the Western Australia Police Service Aboriginal Police Liaison Officers. They are also encouraged to keep the Town up to date with the number of incidents occurring on their property, and also in the Park.

Strategies which have been implemented to date include:

- trimming vegetation in Parks;
- installation of additional lighting in Parks;
- the Nyoongar Patrol. This service is partially funded by the Town. In 2004/05, the Town contributed \$38,500 to the running of a park patrol. The Patrol offers a link to park dwellers with health services, intervenes and defuses situations and acts as a liaison between the Police, the Town of Vincent, Residents, Businesses and the people in the park. Nyoongar Patrol does not have any authority to remove people unwillingly from the Park. They can, at the request of the person, drop them at a sobering centre or at a specific home address. The Nyoongar Patrol works with the Western Australia Police Service to address any disturbances in the Park;
- locking of the toilets to deter the Park Dwellers using them to sleep in. Initially the toilets were being locked at 3pm by the Town's Parks Services. As a result, the Park Dwellers were going to the toilet on the park itself, or knocking on residents' doors asking to use their toilets, with some unfortunate consequences. The keys were given to the Nyoongar Patrol to enable the toilets to be locked at 6pm, and allow the Nyoongar Patrol to unlock the toilets after that time if required. The toilets are not unlocked during the weekend as the Nyoongar Patrol is not funded to operate on the weekends;
- development of a brochure, *'Looking after the Community'*, outlining the roles and powers of the TOV Rangers, Nyoongar Patrol and the Aboriginal Police Liaison Officers, and their relevant contact details. The numbers given are direct contacts to both the WA Police Service Aboriginal Police Liaison Officers and the Nyoongar Patrol;
- distribution of the above brochure to surrounding residents and businesses;
- discussion of issues at the monthly Integration Meetings. This meeting enables current issues to be addressed by the parties involved. Stakeholders attending the Integration Meeting held by TOV include:

- Department of Health
 - Department of Community Development
 - Department of Housing & Works
 - City of Perth Ranger Services
 - David Jones Security
 - Killara Youth Services
 - Nyoongar Patrol
 - WA Police Service
 - WAPS Central Metropolitan DO
 - WAPS Juvenile Action Group
 - Town of Vincent; and
 - Department of Indigenous Affairs
 - Department of Community Services
 - Botanic Gardens & Parks Authority
 - City of Perth Security
 - Investing Communities
 - NASAS
 - Perth Hills Division of GP
 - Perth Police Station
 - WAPS Crime Prevention Office
 - The Salvation Army
- working closely with the WA Police Services, specifically the Aboriginal Police Liaison Officers and the Bikes on the Beat.

Other suggestions for the Town of Vincent have included:

- moving the bench in the south west corner of the park;
- demolishing the toilet block to discourage people sleeping in it;
- more lighting; and
- the erection of a larger sign reiterating that drinking is not allowed on the park.

DETAILS:

Current Strategies

Birdwood Square Interim Working Group

The Department of Community Development is chairing a working group following a meeting between the Town's Mayor and the Ministers for Community Development (Hon. Sheila McHale); Housing and Works (Hon. Nick Griffiths); Indigenous Affairs (Hon John Kobelke) and a representative for the Minister for Police and Emergency Services' office (Hon. Michelle Roberts). Hon. Sheila McHale has been given the responsibility to co-ordinate the State Government's response to the issues associated with rough sleepers camping in Birdwood Square. Following on from this, the Minister has given the responsibility for the progression of this work to the Department of Community Development, and appointed a project officer to co-ordinate key stakeholders to develop sustainable strategies to address the issue.

The Interim Working Group has already met four times since it was established. Currently, the following organisations are involved:

- Department of Community Development (Chair)
- Nyoongar Patrol
- Ruah Health Support
- City of Perth
- WA Police Service (APLOs)
- Town of Vincent (Manager Ranger Services & Community Safety, Safer Vincent Co-ordinator)
- Derbarl Yerrigan
- NASAS
- Street Doctor

It is proposed that a project working group comprising key government and non-government representatives will convene their first meeting in the next few weeks.

This preliminary group is responsible for identifying the issues, and identifying the stakeholders that will be sitting on the Working Group

Services and Birdwood Square

Red Cross Soup Kitchen

After many requests through the Department of Community Development, the Red Cross Soup Kitchen will no longer be attending Birdwood Square and feeding the group there. It is hoped that this will decrease the amount of litter that is left after their visit, and that the Park Dwellers will be encouraged to utilise the Manna Kitchen facilities on Lindsay Street (Aboriginal Advancement Council building).

Street Doctor

Discussions are being held with the Street Doctor to determine a more appropriate location for their services. There is some resistance to moving from the Park.

The Stakeholders

WA Police Service

The Square is being attended by more Police Patrols, which has been directed by the new Police Superintendent for Perth, Brian Cunningham. They are intensively patrolling the Park, taking a harder line on drinking, antisocial and illegal behaviour. A number of recent arrests have been made.

Nyoongar Patrol

The Patrol continues to liaise with the Park Dwellers and transport them to medical services and accommodation. They liaise with Derbarl Yirrigan Aboriginal Services and the WA Police to address any medical and antisocial issues. This Patrol is not full time, and runs from Monday to Friday, from 1 - 9pm. The Patrol is not funded to operate on weekends.

Park numbers

- Of the core group of 5-6 itinerant sleepers in the Park, four of them have been referred to long term services and accommodation. Through the Birdwood Square Interim Working Group, the core group has been closely case managed by Derbarl Yirrigan and the Department of Community Development. This strategy has been successful in accommodating several of the chronic, long term park dwellers into secure, supported accommodation.
- Various groups are still visiting the park during the day, but return to their accommodation in various suburbs around Perth.
- Patients who are from the country are also visiting Perth to receive medical attention. They are often accompanied by relatives who travel with them as carers. Often these carers and patients end up in the parks. Accommodation is usually provided for them. The Department of Health is reviewing the procedures surround the Patient Assisted Transport Scheme patients and are endeavouring to establish better support for the patients. The project officer from Department of Community Development is liaising with the Health Department including Royal Perth Hospital to ensure that strategies are developed for these people to be case managed by their carers whilst receiving medical treatment and to ensure they return back home immediately the treatment has ceased. Also, investigations are being made into recommending in the future that appropriate carers be nominated.
- Prior to Christmas there has been a noticeable increase in the number of Park dwellers on Birdwood Square, varying between twenty and thirty. Investigations have revealed that a large number of these people have come from remote communities, such as Wiluna, Kalgoorlie and Jigalong, visiting for the Christmas period. Currently, the Western Australia Police Service Aboriginal Police Liaison Unit is endeavouring to identify the significant leaders within those remote communities to discuss this on-going issue.

Committees

A number of committees are in existence to deal with various aspects of the Park Dwellers problem at a State level.

The Department of Housing and Works has established an Indigenous Homelessness Working Party to progress priorities identified by the Aboriginal Peoples Working Group. This group reports back to the State Advisory Committee, which is a Ministerial appointed committee through the Department of Community Development. The State Advisory Committee also reports on Supported Accommodation Assistance Program issues eg, homelessness. Another sub-committee has been formed to develop recommendations for strategies to address the issue of rough sleepers. This group has been temporarily suspended and will join the Birdwood Square Working Group to develop strategies.

The Office of Aboriginal Health is chairing a committee to discuss the issues experienced by the Aboriginal Hospital Liaison Group when clients from remote and rural regions come to Perth for medical treatment. Their strategies include:

- development of a resource package for Aboriginal clients;
- meet and Greet service at Perth airport;
- escorts to accompany the patients to and from Perth; and
- on-going support when in accommodation.

Recent activity in the Park has varied.

The Nyoongar Patrol has the responsibility for locking the toilets at the end of the day. Recently the female toilet lock was missing, and the male toilet lock had been cut with bolt cutters.

Next Steps

In order to brief the businesses and residents on the current strategies and recommendations, a public meeting is being convened for late February 2005 for the businesses and residents flanking Birdwood Square. The date is yet to be confirmed. Presentations will be made by key stakeholders such as Police, Nyoongar Patrol etc to outline their roles and responsibilities. One business and one resident will be invited to attend the project working group.

A survey is also being sent out to the businesses and residents. This will establish a benchmark of the current situation in and around Birdwood Square, and will enable the group to evaluate the success of future strategies.

Complaints have recently been received from Baker Avenue residents regarding the historic plaque in Birdwood Square. The plaque outlines the history of the area, which incorporates information about the Nyoongar people. The Town of Vincent Heritage Officer and Safer Vincent Coordinator have visited the location and observed the plaque has been desecrated. It was agreed that the plaque should be removed because of the defacement. This will also provide an opportunity to review the wording, which has provoked a lot of contention.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town's Local Law Relating to Parks and Reserves controls the use of parks. However, the Local Law is not effective for control of the unacceptable anti-social and illegal behaviour which is a Police Service responsibility.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area Two – Community Development:

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

- b) Undertake social research and a community needs survey and review existing projects in light of survey results..*
- f) Investigate and implement mechanisms to improve community participation.*
- 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.”*

FINANCIAL/BUDGET IMPLICATIONS:

The Nyoongar Patrol was funded by the Town in 2004/05 for \$38,500.

The Safer Vincent Co-ordinator has been utilising the services of the Town of Vincent rubbish truck and Graffiti Removal Officer in an effort to address the impact of the antisocial behaviour by itinerant park dwellers in and around Birdwood Square. Increasing bedding, food, rubbish and bodily fluids are evident, causing litter in the immediate perimeter of the Square, this area is slowly widening. This expenditure is being factored into the 2005/06 Budget as an individual expenditure. This will provide an overall picture and enable the Town to determine the success of various strategies in Birdwood Square.

COMMENTS:

The problems associated with the itinerant Park dwellers on Birdwood Square have been traditionally less of a problem during the winter months. During the past months, the number of persons on Birdwood Square has increased, and with this increase in numbers, the associated problems have also escalated.

There is a varied section of social problems relating to the people that frequent Birdwood Square. There appears to be no "quick fix" solution to the problem.

However, the range of initiatives recommended will go a long way to providing both a short and long term solution to the problems.

10.1.18 No. 260 (Lot 7, Strata Lot No. 1) Bulwer Street, Dual Frontage to Primrose Street, Perth - Alterations to Street Fence/Wall to Existing Single House (Part Application for Retrospective Approval)

Ward:	South	Date:	31 January 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3042; 00/33/2628
Attachments:	001		
Reporting Officer(s):	F Rubio		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by R Lyall on behalf of the owner RE Lyall & JE Leon for Alterations to Street Fence/ Wall to Existing Single House (part application for Retrospective Approval), at No. 260 (Lot 7, Strata Lot No. 1) Bulwer Street, dual frontage to Primrose Street, Perth, and as shown on plans stamp-dated 17th December, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policies - Street Walls and Fence, and Visual Sight Line Truncations-Driveways and Rights of Way (ROW); and*
- (ii) *the Council ADVISES the owner of No(s). 260 (Lot(s) 7, Strata Lot No.1) Bulwer Street, dual frontage to Primrose Street, Perth, that the unauthorised street fence/wall is to be removed within 28 days of the date of notification by the Town, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owner of No(s). 260 (Lot(s) 7, Strata Lot No.1) Bulwer Street, Perth, if this unauthorised street/wall still remains after the 28 days period.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.58pm.

Moved Cr Ker, Seconded Cr Lake

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

CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology. Cr Farrell was absent from the Chamber and did not vote.)

Cr Farrell returned to the Chamber at 8.00pm.

Landowner:	RE Lyall & JE Leon
Applicant:	R Lyall
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 7 - 405 square metres
Access to Right of Way	N/A

BACKGROUND:

2 December 2004 Letter sent to the owners by the Town requiring the subject street fence/ wall to comply with the Town's Policies, within 14 days.

DETAILS:

The owners of No. 260 Bulwer Street have altered a front/street fence such that it does not comply with the Town's Policies relating to Street Walls and Fences, and Visual Sight Line Truncations-Driveways and Right of Way (ROW),) mainly in relation to the height of the fence and sightlines.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Fence to District Distributor Road	Not to exceed a maximum of 1.8 metres above the adjacent footpath level.	1.9 metres high.	Not supported - due to undue impact on the amenity, including visibility between pedestrians and motorists of the driveway.
Visual Sight Line Truncation	A 1.5m x 1.5m sight line shall be provided at the property line to ensure adequate visibility by pedestrians and driver of the motor vehicle. The area within the sightline shall be maintained clear of obstructions above the height of 750mm. Slender columns of less than 355mm square or 500mm diameter will be permitted. Open fences will also be permitted in the construction.	11% visual permeable wall above 750mm, and, column wider than 355mm.	
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A

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

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

COMMENTS:

The Town's Policy relating to Street Walls and Fences states that the solid portion of a wall/ fence to a district distributor road may increase to a maximum height of 1.8 metres, provided that the wall/ fence has at least two appropriate design features to reduce the visual impact. The existing street fence at No. 206 Bulwer Street is 1.9 metres above the adjacent footpath, therefore being 0.1 metre higher than the requirements stated in the Town's Policy.

The above variations can not be supported as the street fence is considered to unduly impact the amenity of the area, including visibility between pedestrians and motorists of the driveway.

In light of the above, it is recommended that the application be refused.

10.1.13 No. 582 (Lot(s) 123 & 47) Beaufort Street, Mount Lawley - Proposed Change of Use to Shop and Hairdressing Salon and Associated Alterations

Ward:	South	Date:	1 February 2005
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO3022; 00/33/2607
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by GL Jaeger & JD Greatbatch on behalf of the owner VC Kha for proposed Change of Use to Shop and Hairdressing Salon and Associated Alterations, at No. 582 (Lot(s) 123 & 47) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 3 November 2004 (floor plan) and 31 January 2005 (site plan), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirement;*
- (ii) *prior to the first commencement of the approved use of the upper floor, the subject land shall be amalgamated into one lot on Certificate of Title, OR alternatively, the owner(s) shall enter into a legal agreement with and 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 retain the subject land under the same ownership. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *prior to the first occupation of the development, a minimum of six (6) bicycle parking rails, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the retail premises on the Beaufort Street verge. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating:*
 - (a) *a minimum of eight (8) car bays with adequate vehicular manoeuvrability being provided in accordance with the Town's Parking and Access Policy and Australian Standards AS2890; and*
 - (b) *the provision car parking, access, toilet facilities, and the services available upstairs being provided downstairs, for people with disabilities in accordance with the Building Code of Australia and Australian Standard AS14281.*

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

- (v) *the applicant/owner shall pay a cash-in-lieu contribution of \$8680 for the equivalent value of 3.472 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*

- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (vii) *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;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Cohen

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

- "(iii) *prior to the first occupation of the development, a minimum of ~~six (6)~~ one (1) class 1 or 2 and two (2) class 3 bicycle parking facilities, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the retail premises on the Beaufort Street verge. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;"*

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.13

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 GL Jaeger & JD Greatbatch on behalf of the owner VC Kha for proposed Change of Use to Shop and Hairdressing Salon and Associated Alterations, at No. 582 (Lot(s) 123 & 47) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 3 November 2004 (floor plan) and 31 January 2005 (site plan), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirement;*
- (ii) *prior to the first commencement of the approved use of the upper floor, the subject land shall be amalgamated into one lot on Certificate of Title, OR alternatively, the owner(s) shall enter into a legal agreement with and 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 retain the subject land under the same ownership. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (iii) *prior to the first occupation of the development, a minimum of one (1) class 1 or 2 and two (2) class 3 bicycle parking facilities, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the retail premises on the Beaufort Street verge. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating:*
 - (a) *a minimum of eight (8) car bays with adequate vehicular manoeuvrability being provided in accordance with the Town's Parking and Access Policy and Australian Standards AS2890; and*
 - (b) *the provision car parking, access, toilet facilities, and the services available upstairs being provided downstairs, for people with disabilities in accordance with the Building Code of Australia and Australian Standard AS14281.*

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

- (v) *the applicant/owner shall pay a cash-in-lieu contribution of \$8680 for the equivalent value of 3.472 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (vii) *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;*

to the satisfaction of the Chief Executive Officer.

Landowner:	VC Kha
Applicant:	GL Jaeger & JD Greatbatch
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop (vacant) on part ground floor and vacant on upper floor
Use Class:	Shop
Use Classification:	"P"
Lot Area:	708 square metres
Access to Right of Way	East side, 3 metres wide, sealed, Crown owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a change of use to shop on part of the ground floor and hair dressing salon on the upper floor.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Retail Premises: Shop - 1 car bay per 15 square metres of gross floor area (existing 207.3 square metres, proposed 190.2479 square metres = total 397.5479 square metres) 			27 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.80 (within 400 metres of a bus stop/station) 0.90 (within 400 metres of one or more existing public car parking places with excess of 25 car parking spaces) 0.95 (bicycle parking facilities)** 			(0.684) 18.468 car bays
Minus the car parking provided on-site (An assessment by the Town's Technical Services indicates that only eight car bays are feasible on site)			8 car bays
Minus the most recently approved on site car parking shortfall (after taking into account adjustment factors)			6.996 car bays
Resultant shortfall			3.472 car bays

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

** This adjustment factor derives from clause (iii) of the Officer Recommendation.

COMMENTS:

There were no submissions received for the change of use application to shop and hairdressing salon at No. 582 Beaufort Street.

The car parking calculation indicates that there is a resultant shortfall of 3.472 car bays. It is a recommended condition that cash-in-lieu be paid to accommodate this shortfall. The plans indicate that there are nine car bays on site, however an assessment by the Town's Technical Services suggest that eight car bays are feasible in regards to space and manoeuvrability. It is a recommended condition that revised plans are submitted and approved demonstrating a minimum of 8 compliant car bays (including one car bay for people with disabilities).

Car parking, access, toilet facilities, and the services available upstairs being provided downstairs, for people with disabilities should be provided in accordance with the Building Code of Australia and Australian Standard AS14281.

The proposed change of use spans across Lot(s) 123 and 47 Beaufort Street. It is a recommended condition that the lots be amalgamated or a legal agreement is entered into requiring that the two lots remain under the same ownership. In light of the above, approval is recommended subject to standard and appropriate conditions to address the above matters.

10.1.12 No(s). 98-100 (Lot(s) 390 & 391) Scarborough Beach Road (Corner Shakespeare Street), Mount Hawthorn - Proposed Additional Two (2) Two-Storey Single Houses to Existing Office Building and Single House, and Carport Additions to Existing Single House.

Ward:	North	Date:	2 February 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO0978; PRO1384; 00/33/2506
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Quinn on behalf of the owner DJ & AE Upstone & A & LS Burton for proposed Additional Two (2) Two-Storey Single Houses to Existing Office Building and Single House, and Carport Additions to Existing Single House, at No(s). 98-100 (Lot(s) 390 & 391) Scarborough Beach Road (corner Shakespeare Street), Mount Hawthorn, and as shown on plans stamp-dated 28 September 2004 (existing site and overshadowing plan) and 31 January 2005 (proposed site, carport, floor and elevations plans), 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 Scarborough Beach Road and Shakespeare 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) the whole length of the north side of the balcony on the upper floor of Unit 4 shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level;*
 - (b) screen wing wall extensions on the northern elevation of unit 4 of the upper floor balcony shall be provided and have a minimum protrusion length of 0.3 metre and a minimum height of 1.6 metres above the respective upper floor level. Alternatively, the east side of the balcony 0.3 metre from the northern end shall be screened; and*
 - (c) screen wing wall extensions on the western elevation of unit 4 of the upper floor bedroom 3 window shall have a minimum protrusion length of 1.0 metre, and a minimum height of 1.6 metres above the respective upper floor level.*

The screens are to be of permanent obscure material does not include a self-adhesive material or other material that is easily removed.

- (iv) *subject to first obtaining the consent of the owners of No.85A and 87 Hobart 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 .85A and 87 Hobart Street in a good and clean condition;*
- (v) *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);*
- (vi) *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 main dwelling;*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Shakespeare 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*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor of unit 4 being setback a minimum of 1.2 metres from the northern side boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

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

“(ix) any front security gates proposed are to be designed to ensure unobstructed access at all times to the tandem bays for both single houses fronting Shakespeare Street;”

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

“(x) the height of the fences being extended to a maximum of 2.4 metres or to the satisfaction of the adjacent neighbours.”

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.12

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 R Quinn on behalf of the owner DJ & AE Upstone & A & LS Burton for proposed Additional Two (2) Two-Storey Single Houses to Existing Office Building and Single House, and Carport Additions to Existing Single House, at No(s). 98-100 (Lot(s) 390 & 391) Scarborough Beach Road (corner Shakespeare Street), Mount Hawthorn, and as shown on plans stamp-dated 28 September 2004 (existing site and overshadowing plan) and 31 January 2005 (proposed site, carport, floor and elevations plans), 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 Scarborough Beach Road and Shakespeare 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) the whole length of the north side of the balcony on the upper floor of Unit 4 shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level;*
 - (b) screen wing wall extensions on the northern elevation of unit 4 of the upper floor balcony shall be provided and have a minimum protrusion length of 0.3 metre and a minimum height of 1.6 metres above the respective upper floor level. Alternatively, the east side of the balcony 0.3 metre from the northern end shall be screened; and*
 - (c) screen wing wall extensions on the western elevation of unit 4 of the upper floor bedroom 3 window shall have a minimum protrusion length of 1.0 metre, and a minimum height of 1.6 metres above the respective upper floor level.*

The screens are to be of permanent obscure material does not include a self-adhesive material or other material that is easily removed.

- (iv) subject to first obtaining the consent of the owners of No.85A and 87 Hobart 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 .85A and 87 Hobart Street in a good and clean condition;*

- (v) *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);*
- (vi) *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 main dwelling;*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Shakespeare 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*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor of unit 4 being setback a minimum of 1.2 metres from the northern side boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ix) *any front security gates proposed are to be designed to ensure unobstructed access at all times to the tandem bays for both single houses fronting Shakespeare Street; and*
- (x) *the height of the fences being extended to a maximum of 2.4 metres or to the satisfaction of the adjacent neighbours;*

to the satisfaction of the Chief Executive Officer.

Landowner:	DJ & AE Upstone & A & LS Burton
Applicant:	R Quinn
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single house, Office and Showroom
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1414 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 27 July 1998 resolved to conditionally approve an application for additions and alterations to existing showroom and office at No. 98 Scarborough Beach Road.

DETAILS:

The proposal involves an additional two (2) two-storey single houses to existing office building and single house, and carport additions to existing single house at the subject lots. The proposed single houses face Shakespeare Street. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements				
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1	Comments
Density	7 dwellings - R 60	3 dwellings - R 60	Supported - no variation	
Plot Ratio	0.65 - 117 square metres	Units 3&4 0.65 - 116.8 square metres	Supported - no variation	
Setbacks (Unit 3 and Unit 4): Ground Floor - North	1.5 metres	Nil - 2.29 metres	Supported - staggering of setbacks and no undue impact on neighbour.	
- South	1.5 metres	Nil	Supported - faces car park and driveway (unit 3); and internal boundary and no undue impact on neighbours (unit 4).	
1st Floor - East (Front)	6.0 metres	5.0 metres	Supported - minor encroachment from open balcony and no undue impact on streetscape.	
- North	1.2 metres	Nil (Unit 3) Nil - 1.0 metre (Unit 4)	Not Supported (unit 4) - has been conditioned to comply. Supported (unit 3) - minor variation, portion of building on boundary is 10% of northern boundary and does not extend for full height of first floor.	
- South	1.8 metres	Nil	Supported - faces car park and driveway (unit 3); and internal boundary and no undue impact on neighbours (unit 4).	

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1
Privacy Setbacks: Bedrooms	4.5 metres	Unit 3 Bedroom 2 - 3.2 metres to south boundary Bedroom 3 - 2.1 metres to north boundary	Supported - overlooks car park. Supported - overlooks blank wall and internal boundary.
Balconies	7.5 metres	Unit 4 Bedroom 2 - 3.2 metres to south boundary Unit 3 & 4 3.415 metres to north boundary and 0.2 metre to south boundary.	Supported - overlooks blank wall and internal boundary. Not supported - standard screening condition has been applied to northern side of balcony (unit 4), all other overlooking is supported as internal boundary/into car park.
Building on Boundary	Walls not higher than 3.5 metres with average of 3.0 metres for 66.7 % the length of the boundary behind the front setback, to one side boundary	Units 3& 4 Two boundary walls proposed: Southern wall has a maximum height of 5.76 metres with average of 4.5 metres for 58 % of the boundary. Northern wall has a maximum height of 3.5 metres with average of 3.2 metres for 35.7 % of the boundary.	Supported - internal boundary, no undue impact on neighbours. Supported - extent of non-compliant 'building on boundary' is minor (10% of boundary).

Consultation Submissions		
Support	Nil	Noted
Objection (3)	<ul style="list-style-type: none"> • Boundary wall • Privacy 	<p>Not supported - refer to above.</p> <p>Not supported - refer to above.</p>
	<ul style="list-style-type: none"> • Overshadowing • Security • Setbacks • Damage to garden, vegetation , sewerage line and property • Trespassing • Noise and pollution • Fire hazard • Out of scale to local streetscape 	<p>Not supported - refer to above.</p> <p>Not supported - civil matter, not major planning consideration. Refer to above.</p> <p>Not supported - civil matter, not major planning consideration.</p> <p>Not supported - civil matter, not major planning consideration.</p> <p>Not supported - Building Licence will require compliance with Environmental Protection Act 1986.</p> <p>Not supported - - Building Licence will require compliance with Building Codes of Australia.</p> <p>Not supported - Town does not exclude two-storey dwellings, height is compliant and setback variations sought are minor.</p>
	<ul style="list-style-type: none"> • Loss of amenity 	<p>Not supported - amenity of adjoining properties is considered to be maintained.</p>
	Other Implications	
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

In light of the objections being addressed as above, the proposed variations sought by the applicant are considered supportable subject to the balcony for unit 4 being appropriately screened.

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

**10.1.10 No 15 (Lot 11, Strata Lot 4) Hutt Street (Corner Grosvenor Road),
Mount Lawley - Proposed Two-Storey Single House with Loft**

Ward:	North	Date:	1 February 2005
Precinct:	Norfolk; P10	File Ref:	PRO1499; 00/33/2586
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner LE Christian for proposed Two-Storey Single House with Loft, at No. 15 (Lot 11, Strata Lot. 4) Hutt Street (corner Grosvenor Road), Mount Lawley, and as shown on amended plans stamp-dated 17 January 2005, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hutt 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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) *the south and east side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level; and*
 - (b) *the windows to the loft on the south elevation on the loft floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished loft floor level.*

A permanent obscure material does not include a self-adhesive material or other material that is easily removed;
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the upper floor display and overhead cupboard recess wall being setback a minimum of 1.8 metres from the western side boundary; and*
 - (b) *the upper floor being setback a minimum of 4.0 metres to the main dwelling from the Hutt Street boundary;*

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

- (v) *subject to first obtaining the consent of the owners of No.54 Grosvenor Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.54 Grosvenor Road in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Journalist Beverly Ligman (Guardian Express) left the meeting at 8.12pm
Journalist Mark Fletcher left the meeting at 8.15pm.

LOST (0-7)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Cr Lake departed the Chamber at 8.18pm.

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. The non-compliance with the setbacks, privacy and outdoor living area requirements of the Residential Design Codes.
3. There are opportunities to redesign the single house to suit the site, which is a vacant lot.
4. The proposed loft results in the proposal being three storeys in height, resulting in non-compliance with the two-storey (including loft) height limit applying to the area, which is within the Alma Locality.
5. The creation of an undesirable precedent in the locality.
6. Non compatibility with the provisions of the Alma Locality.
7. Consideration of the objections received.

Landowner:	LE Christian
Applicant:	LE Christian
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 11= 527 square metres, Strata Lot 4 = 219 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at Ordinary Meeting on 11 February 2003 resolved to refuse an application for a proposed two-storey with loft single house at the subject lot.

DETAILS:

The proposal involves a proposed two-storey single house with loft at the subject lot. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
Ground Floor - North	1.5 metres	1.0 - 4.5 metres	Supported - staggering of setbacks and minor encroachment into required setback area. Supported - compliant with Cl.3.2.2-Buildings on Boundaries.
- South	1.5 metres	Nil - 2.0 metres	
1st Floor - East (Front)	6.0 metres	2.5 - 4.0 metres	Not supported - 4.0 metres however is supportable as lot is created from original corner lot, has been conditioned to comply.
- West (Kitchen)	1.8 metres	1.5 metres	Not supported - has been conditioned to comply.
Outdoor Living Area	Behind street setback area.	Outdoor living area within street setback area.	Supported - requirement not feasible due to depth and size of lot and required front setback.
Privacy Setbacks:			
Dining Room Window (North)	6.0 metres	4.5 metres	Supported - overlooks driveway.
Balcony (South)	7.5 metres	2.4 metres	Not supported - addressed via condition (iii) of Officer Recommendation.
Loft Windows (South)	6.0 metres	5.0 metres	Not supported - addressed via condition (iii) of Officer Recommendation.

Consultation Submissions		
Support	Nil.	Noted.
Objection (2)	<ul style="list-style-type: none"> • Open space • Overall size and scale • Height • Privacy (balcony) • Streetscape • Sewer • Number of storeys • Loss of sunlight 	<p>Not supported - compliant with R-Codes.</p> <p>Not supported - height, number of storeys compliant and setback variations are minor.</p> <p>Not supported - compliant with R-Codes. Refer to above.</p> <p>Not supported - not considered to have an undue impact on streetscape.</p> <p>Not supported - according to survey plan, proposal does not affect sewer line. Furthermore, applicant is required to obtain Water Corporation approval prior to construction.</p> <p>Not supported - compliant with Town's Policy relating to Alma Locality.</p> <p>Not supported - proposal compliant with R-Codes in terms of overshadowing.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

In light of the objections being addressed as above, the proposed variations sought by the applicant are considered supportable subject to the privacy requirements for the balcony being complied with.

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

10.3.5 Tender No. 309/04 - Lease or License of 13 Haynes Street, North Perth.

Ward:	North Ward	Date:	31 January 2005
Precinct:	North Perth Precinct	File Ref:	TEN0319
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Kidz Galore Pty Ltd for the Lease or License of 13 Haynes Street, North Perth in accordance with the specifications as detailed in Tender No. 309/04.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology. Cr Lake was absent from the Chamber and did not vote.)

BACKGROUND:

The Town advertised a notice inviting Expressions of Interest to lease or license the premises at 13 Haynes Street in the West Australian on 3 November 2004. The Expression of Interest closed on 17 November 2004 and expressions were received from three parties. At the Ordinary Meeting of Council of the 7 December 2004 the following resolution was adopted:

- “(i) *ACCEPTS the Expressions of Interest submitted by Kidz Galore Pty Ltd, Paola Vallesi and the Autism Association of Western Australia (Inc.); and*
- (ii) *INVITES Kidz Galore Pty Ltd, Paola Vallesi and the Autism Association of Western Australia (Inc.) to submit tender submissions for the lease/licence of 13 Haynes Street, North Perth for a period of five (5) years.”*

As a result the parties were invited to tender for the lease of the property.

Tenders closed at 2.00 pm on Tuesday 18 January 2005, for the Lease or License of 13 Haynes Street, North Perth for a five (5) year period. Three (3) tenders were received attended by the Purchasing Officer, Manager Community Development and Administration Officer - Corporate Services.

DETAILS:

Details of all submissions received for Tender No. 309/04 are as follows:

Organisation	Description of Current Activities	Intended Purpose for Facility	Proposed Lease Fees (Per Annum)
Kidz Galore Pty Ltd	Childhood education and childcare services for 3 - 6 year olds.	To continue offering these services at the premises.	\$22,440
Autism Association of Western Australia (Inc.)	Specialist intervention and support services to people with autism and their families.	To provide early intervention services to newly diagnosed children with Autism from the time of their diagnosis, approximately 2.5 years, until the time they commence school	\$12,000
Paola Vallesi	N/A	To provide child care and an early learning facility for children aged 3 - 5 years.	\$12,000

An evaluation panel consisting of the Executive Manager Corporate Services and the Administration Officer - Corporate Services assessed the conforming tenders using the selection criteria in accordance with the following:

Service provision and benefit to ratepayers and wider community	40%
Pricing	25%
Implications for Council	20%
Concept for facilities use	10%
Financial position of respondent	5%
TOTAL	100%

Evaluation Panel

The Tender was evaluated by a panel of two (2) officers. The following are the results of the evaluation of the tenders:

	Kidz Galore Pty Ltd	Autism Assoc WA Inc	Paola Vallesi
Service provision and benefit to ratepayers and wider community	39.2	38.8	39.2
Pricing	25	24.5	24.25
Implications for Council	20	19.6	19.2
Concept for facilities use	10	10	10
Financial position of respondent	5	5	4.85
Total	99.2	97.9	97.5

Following the evaluation process, Kidz Galore have provided the strongest submission and have achieved the highest score.

The following is an overall assessment of each tenderer.

Kidz Galore Pty Ltd

The submission by Kidz Galore Pty Ltd represented the best overall submission for the Town. The lease fee submitted represented the best return to the Town in addition a substantial maintenance program is proposed to a value of \$36,000 in the first year.

The services provided by Kidz Galore Pty Ltd include 3 - 5 year old pre-school program; 3 - 6 year old before and after school program; vacation care program for kindergarten and remedial programs for children with special needs including autism, language difficulty and speech impediment. Kidz Galore Pty Ltd has proposed lease fees of \$22,440 per annum plus.

Kidz Galore is in its tenth year of operation within the Town of Vincent. As well as the premises at 13 Haynes Street they also offer child care services from another facility located at Eton Street which is also in the Town of Vincent. These two centres satisfy the needs of more than 350 families in the community. Kidz Galore has excellent financial credentials and the Haynes Street and Eton Street centres have the maximum National Accreditation ratings offered by the National Childcare Accreditation Council.

Kidz Galore have been an excellent sub-lease to the Education Department in turn leased the property from the Town of Vincent since the Education Department relinquished the lease on 30 September 2004.

Autism Association of WA (Inc)

The Autism Association of WA (Inc) have proposed lease fees of \$12,000 per annum and have also proposed extensive works to the site at an estimated cost of \$300,000 - \$400,000. The proposed works include extending the building to include therapy rooms, provision of a waiting area for families, upgrade of children's toilet and changing area, provision of shade for play equipment and provision of additional outdoor equipment for occupational therapy use.

The proposed use of the facilities is to provide early intervention services to newly diagnosed children with Autism from the time of their diagnosis, approximately 2.5 years old, until the time they commence school. Intervention focuses on providing children with skills to assist their development and integration into every day life. The program also equips families with the skills to support their child's development in everyday family contexts.

The Autism Association is an incorporated specialist not-for profit disability organisation providing services to children and adults with Autism and their families. The Association was founded in 1967 and has grown to provide a wide range of specialist intervention and support services. The financial security of the group is supported by sufficient documentation.

The value of the proposed capital works is impressive the evaluation panel are of the opinion that this will take sometime to come to fruition as it will have to follow through the planning approval process. The Autistic Association provides an excellent service in a very worthy and specialised area, the facility in its current use provides a wider benefit to the community and therefore scored higher. The lease offer was lower than that of the highest tenderer and therefore scored lower in this category.

Paola Vallesi

The submission from Paola Vallesi has proposed lease fees of \$12,000 per annum. The submission includes a proposal has also proposed to re-paint the building and ensure that all electrical and plumbing facilities are aligned with current Occupational Safety and Health requirements. The submission also proposed the provision of soft fall around the playground equipment as well as the purchase of new furniture and educational play equipment.

Paola Vallesi proposes to use the facility as an early learning and childcare service for children aged 3-5 years. A developmental program will be implemented whereby through play children learn the foundations for future learning at primary school. Paola has no experience in operating and managing a child care service, however her extensive experience in the education sector is well recognised. The financial security of Paola Vallesi is supported by sufficient documentation.

The operators in this submission have a significant educational background, however they have not operated this type of facility before. The lease fee offered is the lowest and therefore rated lower than the other submissions.

CONSULTATION/ADVERTISING:

A notice for the Expression of Interest was advertised in the West Australian on 3 November 2004. The documentation was also made available on the Town of Vincent website.

LEGAL/POLICY:

The Expression of Interest was conducted in accordance with Section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for Providing Goods or Services.

STRATEGIC IMPLICATIONS:

Strategic Plan-Amended 2005-2010

Key Result Area 3.1

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

Key Result Area 3.2

“(a) Review leases and commercial contracts to ensure the best return for the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/05 Budget lists the estimated revenue at \$2,160 for this facility.

COMMENTS:

It is therefore recommended that the Council accepts the Tender submitted by Kidz Galore Pty Ltd for the lease/license of 13 Haynes Street for a five (5) year period in accordance with the specifications as detailed in Tender Number 309/04. The submission includes the highest lease fees, significant capital expenditure to improve the facility, a sound financial history and the group has proven to be a reliable tenant since 2002.

10.1.11 No. 17 (Lot 30) Pennant Street (Corner Chamberlain Street), North Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House

Ward:	North	Date:	2 February 2005
Precinct:	Smiths Lake; P6	File Ref:	PRO2509; 00/33/2567
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owners P & S Cole for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 17 (Lot(s) 30) Pennant Street (corner Chamberlain Street), North Perth, and as shown on plans stamped 9 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Pennant 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 any new wall/fence adjacent to Chamberlain 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;*
- (iii) the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the right of way in a good and clean condition, in consultation with the Town;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony being setback a minimum of 5 metres from the Pennant Street boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vi) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

to the satisfaction of the Chief Executive Officer.

Cr Lake returned to the Chamber at 8.20pm.

Moved Cr Ker, Seconded Cr Chester

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

"(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the wall/boundary fences to the east and west of the garage driveway/entry, being the area within a sight line from the garage, shall be maintained clear of obstructions above the height of 0.75 metre. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clause (iv) be deleted and the remaining clauses renumbered.

Debate ensued.

AMENDMENT CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Cohen	
Cr Farrell	
Cr Franchina	
Cr Ker	

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Cohen	
Cr Farrell	
Cr Franchina	
Cr Ker	

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owners P & S Cole for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 17 (Lot(s) 30) Pennant Street (corner Chamberlain Street), North Perth, and as shown on plans stamped 9 November 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Pennant 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 any new wall/fence adjacent to Chamberlain 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;*
- (iii) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the right of way in a good and clean condition, in consultation with the Town;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the wall/boundary fences to the east and west of the garage driveway/entry, being the area within a sight line from the garage, shall be maintained clear of obstructions above the height of 0.75 metre. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Landowner:	P & S Cole
Applicant:	APG Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	407 square metres
Access to Right of Way	West side, 5 metres wide, unsealed, Town owned

BACKGROUND:

16 December 2003 Council, at its Ordinary Meeting resolved to conditionally approve partial demolition of and alterations and two-storey additions to existing single house.

DETAILS:

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Front Setback: Balcony	6.0 metres	4.0 metres	Not supported - conditioned accordingly to be 5.0 metres, which is acceptable as it sufficiently reduces the overall bulk and scale.
Setbacks: First Floor - North (Bedroom 1)	3.0 metres	1.5 metres	Supported - no objections received and no overlooking from major openings.
Driveways	No closer than 0.5 metre to side boundary	0.35 metre	Supported - driveway adjacent to a Town owned right of way.
Building Height	6.0 metres to the top of the eaves (roof above)	6.2 metres	Supported - no objections received and sloping nature of land.
Site Works	0.5 metre	0.6 metre	Supported - minor variation and sloping nature of land.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

Demolition

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

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 some local cultural heritage significance for the following reason:

Primary Significance

The place, a modest single storey brick and iron dwelling built in the early development stages of North Perth by the Workers Homes Board in response to housing demands for Returned Servicemen, has *little to some historic significance*.

Secondary Significance

The place has *little to some aesthetic value* because of its ability to contribute to the suburban residential landscape of its immediate environs. Its compliance with scale, massing, street set backs and building materials with other residential dwellings in this intact streetscape, has *little to some aesthetic significance*.

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.

Summary

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.

The Chief Executive Officer advised that Mayor Catania had declared a proximity interest in this Item. Mayor Catania departed the Chamber at 8.30pm and did not speak or vote on the matter.

Deputy Mayor – Cr Ker assumed the Chair.

10.1.8 No. 86B (Lot 9) Bourke Street, Leederville - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House and Approved Grouped Dwelling

Ward:	North	Date:	1 February 2005
Precinct:	Leederville; P3	File Ref:	PRO1804; 00/33/2478
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JWH Group Pty Ltd on behalf of the owner J Wright for proposed Additional Two-Storey Grouped Dwelling to Existing Single House and Approved Grouped Dwelling, at No. 86B (Lot 9) Bourke Street, Leederville, and as shown on plans stamp-dated 16 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 84, 86A and 88 Bourke 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. 84, 86A and 88 Bourke Street in a good and clean condition;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence;*
 - (a) the window to the master suite (bedroom) on the upper floor level on the western elevation;*
 - (b) the windows to bedroom 2, bedroom 3 and the study on the upper floor level on the respective southern elevation; and*
 - (c) the window to bedroom 2 on the upper floor level on the eastern elevation;*

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 window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology. Mayor Catania was absent from the Chamber and did not vote.)

The Presiding Member advised that as Mayor Catania had also declared an interest in Item 10.3.2 and was absent from the chamber, it would be appropriate to consider this Item next.

Landowner:	J Wright
Applicant:	JWH Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Strata Lot 1 - Single House; Strata Lot 2 - Vacant Site; Strata Lot 3 - Vacant Site
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	Lot 9 - 911 square metres; Strata Lot 3 - 302 square metres
Access to Right of Way	N/A

BACKGROUND:

- 10 June 2003 Council, at its Ordinary Meeting resolved to conditionally approve proposed two-storey grouped dwelling on strata lot at No. 86 A (Lot 9, Strata Lot 2) Bourke Street.
- 12 August 2003 Council, at its Ordinary Meeting resolved to refuse proposed alterations and additions to approved additional grouped dwelling to existing dwelling at No. 86 A (Lot 9) Bourke Street.
- 24 October 2003 Notice of Appeal filed with the Town Planning Appeal Tribunal (now the State Administrative Tribunal). The Appeal relates to Councils resolution to refuse proposed alterations and additions to approved additional grouped dwelling to existing dwelling at No. 86 A (Lot 9) Bourke Street.
- 27 January 2004 Above-mentioned appeal dismissed by the Town Planning Appeal Tribunal (now the State Administrative Tribunal).

DETAILS:

The proposal involves proposed additional two-storey grouped dwelling to existing single house and approved grouped dwelling. The proposed dwelling will be sited on the existing rear/northern-most Strata Lot 3.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Buildings on Boundary:	3.0 metres with a maximum height of 3.5 metres, to one side boundary	Three (3) side boundaries	Supported - all affected neighbours' support received.
Setbacks: Upper Floor- Western (Bedroom 2 & Bathroom)	1.2 metres	1.0 metre	Supported - affected neighbours' support received.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Southern (Bedroom 2)	1.5 metres	1.4 metres	Supported - affected neighbours' support received.
Privacy Setbacks: Upper Floor - Western Elevation - Master Bedroom	4.5 metres to northern boundary	4.0 metres	Not supported - conditioned accordingly.
Southern Elevation - Bedroom 3	4.5 metres to eastern boundary	4.0 metres	Not supported - conditioned accordingly.
- Study	6.0 metres to southern boundary	2.7 metres	Not supported - conditioned accordingly.
- Bedroom 2	4.5 metres to southern boundary	1.5 metres	Not supported - conditioned accordingly.
Eastern Elevation - Bedroom 2	4.5 metres to southern boundary	2 metres	Not supported - conditioned accordingly.
Study	6.0 metres to southern boundary	3.6 metres	Supported - encroachment over driveway.

Consultation Submissions		
Support (3)	<ul style="list-style-type: none"> • Full Support of development given by all three (3) letters of support 	Noted.
Objection (1)	<ul style="list-style-type: none"> • Buildings on boundary on three side boundaries 	Not supported - no building on boundary to objector's address and all affected neighbours' support received.
	<ul style="list-style-type: none"> • Privacy setback encroachments 	Supported - conditioned accordingly.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Submissions

Three letters of support were received during the advertising period. In considering these submissions the Town's Officers have recommended approval of setback and buildings on boundary variations only. The letters were not explicit about support of any privacy encroachments and the overlooking major opening should be conditioned accordingly.

Summary

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

Mayor Catania had declared a financial interest in this Item. Mayor Catania had departed the Chamber at 8.30pm and did not speak or vote on the matter.

10.3.2 Investment Report as at 31 December 2004

Ward:	Both	Date:	14 January 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 December 2004 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Lake, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology. Mayor Catania was absent from the Chamber and did not vote.)

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.2. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

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

DETAILS:

Total Investments for the period ended 31 December 2004 were \$12,800,853 compared with \$12,800,617 at 30 November 2004. At 31 December 2003, \$11,855,963 was invested.

Total accrued interest earned on investments as at 31 December 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	178,406	59.47
Reserve	297,300	171,481	57.68

COMMENT:

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

Mayor Catania returned to the Chamber at 8.32pm and assumed the Chair. He was advised that both items had been approved.

10.1.15 No. 124 (Lot 2) Loftus Street, North Perth - Proposed Change of Use From Single House to Consulting Rooms (Physiotherapy Practice) and Associated Alterations, and Signage and Alterations to Front/Street Fence, and Demolition of Existing Outbuilding

Ward:	South	Date:	1 February 2005
Precinct:	Smiths Lake; P6	File Ref:	PRO2996; 00/33/2563
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MC Wood on behalf of the owner SE & AW Belle & MC Wood for proposed Change of Use From Single House to Consulting Rooms (Physiotherapy Practice) and Associated Alterations, and Signage and Alterations to Front/Street Fence, and Demolition of Existing Outbuilding, at No. 124 (Lot 2) Loftus Street, North Perth, and as shown on plans stamp-dated 15 November 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements, including provisions for access, car parking and toilet facilities for people with disabilities;*
- (ii) *the hours of operation shall be limited to the following times: 8am to 7pm Monday to Friday and 8am to 12pm Saturday, inclusive;*
- (iii) *a maximum of two (2) consulting rooms and a maximum of two (2) consultants/practitioners are permitted to operate from the property at any one time;*
- (iv) *the signage shall not have flashing or intermittent lighting;*
- (v) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *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;*
- (vii) *all signage shall be fitted flush against the wall and located entirely on the subject property;*
- (viii) *a maximum of one (1) sign shall be erected on the subject lot;*
- (ix) *the windows, doors and adjacent floor area facing Loftus Street shall maintain an active and interactive frontage to Loftus Street;*

- (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 Loftus 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 Loftus Street may increase to a maximum height of 1.8 metres, provided that the wall/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;*
- (xi) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted to and approved by the Town demonstrating the provision of a car parking bay for people with disabilities and vehicular manoeuvrability for all car parking bays being in accordance with the Town's Parking and Access Policy and Australian Standards AS2890. The revised plans shall not result in any greater variations to the requirements of the Town's Policies;*
- (xii) *prior to the first occupation of the development, the full length and width of the right of way from Richmond Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Chester

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

"(xiv) the applicant shall provide appropriate signage, approved by the Town prior to the erection of the signage, and on going advice to clients indicating that car parking is available at the rear of the property;"

Debate ensued.

The Chief Executive Officer advised that he declared an interest affecting impartiality in this Item. The nature of his interest being that he attends MTM Physiotherapy who are located next door and are the applicants. He stated that he did not have any involvement in this application.

LOST (0-7)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Reasons:

1. **Not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
2. **Intrusion to the residential area is considered undesirable**
3. **Issues associated with carparking on adjacent residential streets.**
4. **Use would be compatible in the Town's designated Town Centres.**

Landowner:	SE & AW Belle & MC Wood
Applicant:	MC Wood
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	354 square metres
Access to Right of Way	East side, 3.02 metres wide, unsealed, privately- owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from single house to consulting rooms and associated alterations, and signage, and alterations to front/street fence, and demolition of existing outbuilding. There is an anomaly between the applicant's submission and the plans in regards to the front street fence. The proposed alterations to the front/street fence has not been shown on the plans, however, the applicant has verbally confirmed that the front street fence will be reduced in height and the sign will be fitted against the remaining lower portion of the fence. This matter has further been conditioned to comply with the Town's Policies. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Wall Sign	Maximum of one sign per lot if located within a residential zone and attached to a building used predominantly for a commercial use.	2 wall signs.	Not supported - applicant has agreed to have this matter conditioned to comply.
Consultation Submissions			
Support		Nil	Noted.
Objection		Nil	Noted.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car parking requirement (nearest whole number) • Consulting room -3 bays per consulting room	6 car bays
Apply the adjustment factors.	(0.7225)
▪ 0.85 (within 400 metres of a bus stop)	
▪ 0.85 (within 400 metres of car park in excess of 75 bays)	4.34 car bays
Minus the car parking provided on-site	4 car bays**
Minus the most recently approved on site car parking shortfall	Nil.
Resultant shortfall	0.34 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.

** The Town's Technical Services have advised that although there is adequate space at the rear of the subject lot for 4 carbays, the current proposal will require redesign, as conditioned via clause/condition (xi) of the Officer Recommendation.

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

COMMENTS:

The planning application is considered to be consistent with the Town's Town Planning Scheme No. 1 and associated Policies and approval is therefore recommended, subject to standard and appropriate conditions to address the scale and nature of the proposal.

10.1.17 No(s). 294-296 (Lot 17) Newcastle Street, Perth - Proposed Awning and Carport Additions to Approved Mixed Use Development Comprising Three (3) Offices, Eight (8) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	1 February 2005
Precinct:	Beaufort, P13	File Ref:	PRO1337; 00/33/2649
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owner Milestone Enterprises Pty Ltd for proposed Carport Additions to Approved Mixed Use Development Comprising Three (3) Offices, Eight (8) Multiple Dwellings and Associated Car Parking, at No(s). 294-296 (Lot 17) Newcastle Street, Perth, and as shown on plans stamp-dated 29 December 2004, subject to:*

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

to the satisfaction of the Chief Executive Officer; and

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Palassis Architects on behalf of the owner Milestone Enterprises Pty Ltd for proposed Awning Addition to Approved Mixed Use Development Comprising Three (3) Offices, Eight (8) Multiple Dwellings and Associated Car Parking, at No(s). 294-296 (Lot 17) Newcastle Street, Perth, and as shown on plans stamp-dated 29 December 2004, for the following reasons:*

(a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*

(b) *the non-compliance with the Town's Policies relating to the Beaufort Precinct relating to the provision of a continuous and complementary awnings/verandah over the adjacent footpath.*

COUNCIL DECISION ITEM 10.1.17

Mayor Catania advised that the applicant had requested that this Item be deferred.

Moved Cr Franchina, Seconded Cr Ker

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

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	Milestone Enterprises Pty Ltd
Applicant:	Palassis Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building & Multiple Dwellings being constructed
Use Class:	Office Building & Multiple Dwelling
Use Classification:	"P & AA"
Lot Area:	1007 square metres
Access to Right of Way	N/A

BACKGROUND:

16 December 2003 Council resolved to conditionally approve the proposed demolition of existing buildings and construction of a three storey mixed-use development comprising three (3) offices, eight (8) multiple dwellings, and associated car parking on Nos. 294 - 296 (Lot 17) Newcastle Street, Perth.

DETAILS:

The proposal is for a non continuous canopy that will involve the reconsideration of condition (vi) (c) of the conditional approval granted by the Council at its Ordinary Meeting held on 16 December 2003, and the provision of carports. Condition (vi) (c) is as follows:

"(vi) prior to the issue of the Building Licence revised plans shall be submitted and approved demonstrating:

- (a) the vehicle access/ driveway to Newcastle Street being a minimum width of 5.5 metres;*
- (b) the bin stores being relocated, and visitors bays being deleted, to allow for the driveway widening, and the bin stores being appropriately screen from public view; and*
- (c) the building being provided with continuous and complementary awnings being provided over the adjacent footpath;*

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Awning	Continuous over adjacent footpath	Non-continuous over adjacent footpath	Not supported - as the proposal does not comply with the requirements of the Beaufort Precinct Policy for a continuous awning over the footpath.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
			A continuous awning will provide protection from the elements and is also considered to contribute to the streetscape and amenity. The proposal would result in a negative precedent for other similar development.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

* 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 carports would offer protection to residents' motor vehicles, and is at the rear of the lot, adjacent to an over 3 metres high brick wall, and is supported.

On the above basis, it is recommended that the covered carports be approved. It is further recommended that the non-continuous awnings be refused, based on the reasons outlined in the Assessment table.

10.1.20 No. 5 (Lot 18) Egina Street, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	31 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2994; 00/33/2561
Attachments:	001		
Reporting Officer(s):	B Tran		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Ferrante on behalf of the owner F Glynn for proposed Carport Addition to Existing Single House, at No. 5 (Lot 18) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 5 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; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks, and Vehicular Access.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Cohen, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

LOST (0-7)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Reasons:

1. The small area of back garden.
2. The Right of Way is not currently sealed.

ALTERNATIVE RECOMMENDATION:

Moved Cr Cohen, Seconded Cr Franchina

That the following alternative recommendation be adopted.

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 Ferrante on behalf of the owner F Glynn for proposed Carport Addition to Existing Single House, at No. 5 (Lot 18) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 5 November 2004, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina 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;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *the proposed carport shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like); and*
- (iv) *the total width of the proposed carport shall not exceed 50 per cent of the lot frontage at the building line;*

to the satisfaction of the Chief Executive Officer.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Landowner:	F Glynn
Applicant:	J Ferrante
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	425 square metres
Access to Right of Way	Western side, 5.3 metres wide, Town owned, currently unsealed and scheduled to be sealed in 2005/2006 financial year.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a free standing tiled roof and steel/timber framed carport, with a replacement vehicular access point directly from Egina Street, to an existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Carport Location: The resolution of Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right of Way	Vehicular access to car parking, carports and garages is to be accessible from existing rights of way (ROW), where legally available and is sealed or programmed to be sealed within the current, or subsequent, financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program.	Car parking is proposed from Egina Street (primary street)	Not supported – non-compliance with the Town's Policies-Street Setbacks and Vehicular Access, and ROW is scheduled to be sealed in 2005/2006.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The 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 carport has been assessed against the resolution of Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings via a Right of Way. The Council Minutes in relation to this matter states the following:

"...the Council APPROVES the following variations to the Town's Policies relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right-Of-Way as an interim practice, until finalisation of the review of these Policies:

Vehicular access to car parking, carports and garages to a dwelling that directly fronts onto a street can be from that street, regardless whether a right of way is available to the property, where all of the following criteria are met to the satisfaction of the Town:

- (a) *the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program;*

- (b) *any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like);*
- (c) *the total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line; and*
- (d) *garages setback a minimum of 6.0 metres from the frontage street, or at least 500 millimetres behind the line of the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like..."*

The proposed carport does not satisfy point (a) of Council's resolution. The existing unsealed right of way at the rear of the subject property is programmed to be sealed within the 2005/2006 financial year.

In view of the above, it is recommended that the proposal be refused.

10.1.25 East Perth Redevelopment Authority: Draft Design Guidelines for Museum Street Precinct, The Village Northbridge

Ward:	South	Date:	1 February 2005
Precinct:	Beaufort; P13	File Ref:	
Attachments	-		
Reporting Officer(s):	C Godwin		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Draft Design Guidelines for the Museum Street Precinct, The Village Northbridge, dated January 2005; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council raises concern over the car parking requirements of the Draft Design Guidelines for the Museum Street Precinct but otherwise SUPPORTS IN PRINCIPLE the intent and content of the Draft Design Guidelines, as "Laid on the Table".*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Franchina

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

- “(ii) ADVISES the East Perth Redevelopment Authority (EPRA) that the Council raises concern over the car parking requirements of the Draft Design Guidelines for the Museum Street Precinct and management of carparking in the surrounding area but otherwise SUPPORTS IN PRINCIPLE the intent and content of the Draft Design Guidelines, as "Laid on the Table".”*

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.25

That the Council;

- (i) *RECEIVES the report relating to the Draft Design Guidelines for the Museum Street Precinct, The Village Northbridge, dated January 2005; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council raises concern over the car parking requirements of the Draft Design Guidelines for the Museum Street Precinct and management of carparking in the surrounding area but otherwise SUPPORTS IN PRINCIPLE the intent and content of the Draft Design Guidelines, as "Laid on the Table".*

BACKGROUND:

The Town received correspondence and accompanying documentation from the East Perth Redevelopment Authority (EPRA) on 12 January 2005 seeking comment for the Draft Design Guidelines for the Museum Street Precinct (Precinct 22) within The Village Northbridge Project. The closing date for all submissions to be received is 7 February 2005. Given the date of the Ordinary Meeting of Council being 8 February 2005, consent was obtained from the EPRA for an extension on the closing date for submissions.

DETAILS:

Structure and Content of Draft Design Guidelines

The design guidelines for the Museum Street Precinct, Northbridge will become section 4 of EPRA's existing set of design guidelines for The Village Northbridge.

Encouraged Land Uses

EPRA intends to develop the Museum Village Precinct as a significant educational site for future academic and institutional purposes with associated uses that create a campus-style atmosphere. The preferred use of the majority of the Precinct is educational establishment with contemplated uses including commercial, retail, residential, community, recreational, entertainment, service and light industrial activities, all of which will support the academic focus of the area.

Aim of Guidelines

The existing building stock of the area is a blend of Federation, Gothic and late 20th Century Modern architectural styles. The aim of the Guidelines is to encourage high quality contemporary design, which is innovative and compatible with the diverse nature of the existing building stock. The Guidelines impose controls to promote sustainable building design that respond to the latest advances in conserving and protecting the environment. The creation of activated streetscapes and the encouragement of pedestrian movement through the Precinct are also important components of the Guidelines.

A number of heritage listed buildings along Beaufort and William Streets exist within the Precinct as well as St John's Lutheran Church, the Central Metropolitan College of TAFE's Art School and the Alexander Gallery - all prominent features of the area. Where buildings of heritage significance exist, the Guidelines aim to ensure that development is respectful of the established streetscape, bulk, scale and style. The provision of public art, affordable housing and safer design are other elements that have been integrated into the Guidelines.

General Design Guidelines

Building Setbacks:	: Nil
Building Height:	: Maximum 12metres or 3 storeys
Access	: Hoy Poy Street, Lipfert Street and Leadlight Lane (all of which are situated off Newcastle Street)
Carparking	: Maximum car parking standards provided
Site Coverage	: Minimum 80 per cent

The above Design Guidelines are not applicable to all lots; the above standards are outlined to give a general impression of the proposed nature of the area.

The Design Guidelines are further broken up into lot specific guidelines where Preferred Land Uses, Setbacks, Site Coverage, Building Height, Access, Design of Buildings, Corner Sites, and Building Envelope standards have been outlined for specific lots.

Relevance to the Town of Vincent

The Museum Precinct is generally bounded by Newcastle, Beaufort, William and Aberdeen Streets. This area abuts the Town to the north, however on 16 August 2002, EPRA's Board resolved to initiate Amendment No. 18 to the Scheme, for the purposes of extending the Redevelopment Scheme over the portion of land generally bounded by William, Newcastle and Money Streets. The matter was referred to the Ordinary Meeting of Council held on 28 September 2004, when Council resolved the following;

"That the Council;

- (i) RECEIVES the letter dated 7 September 2004 and associated documentation in relation to Scheme Amendment No. 18 for the purpose of extending the East Perth Redevelopment Scheme over portion of the land bounded by William Street, Newcastle Street and Money Street, as shown in Attachment 10.1.14;*
- (ii) ADVISES the East Perth Redevelopment Authority that the Council SUPPORTS IN PRINCIPLE Amendment No.18 to the East Perth Redevelopment Scheme;*
- (iii) ADVISES the East Perth Redevelopment Authority that the Council has NO OBJECTION to the East Perth Redevelopment Authority seeking consent from the Minister for Planning and Infrastructure to advertise Amendment No.18 to the East Perth Redevelopment Scheme; and*
- (iv) ADVISES the East Perth Redevelopment Authority that the Town:*
 - (a) DESIRES the existing dwelling on No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth to be retained;*
 - (b) REITERATES the Council's decision of its Ordinary Meeting held on 14 May 2002 where it recommended refusal to the Western Australian Planning Commission for the proposed demolition of the existing dwelling at No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth for the following reasons:*
 - (1) the place is situated within the Money and Lindsay Streets Precinct; and*
 - (2) the heritage assessment of the Money and Lindsay Streets Precinct identified the place as a 'Category 3 (Some or Little significance) - encourage retention and conservation of the place'; and*
 - (c) SEEKS reassurance from the East Perth Redevelopment Authority that the existing dwelling on No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth will be retained."*

Council is yet to receive formal notification from EPRA advising that amendment No. 18 has been finalised. However, given that the portion of land bounded by William, Newcastle and Money Streets will eventually be under the care and control of EPRA, it is not considered that the Design Guidelines will unduly impact the Town.

Nature of Surrounding Area

The surrounding area beyond the subject site consists of an extensive mix of land uses where the building stock is diverse and a range of heights, site coverage and setbacks exist. Given the proximity of this precinct to the City and the characteristics and nature of the surrounding area, the proposed land use and Design Guidelines are considered appropriate.

Concerns Regarding Car Parking

Whilst the Town does not have any objection to the building design guidelines, concern is raised over the car parking standards. A significant proportion of the subject area is currently being utilised for car parking, which presumably serves the students and patrons of surrounding services and establishments.

The Precinct Guidelines stipulate maximum (not minimum) car parking standards. The Guidelines outline that due to the Precinct's proximity to well established transport nodes and in order to encourage the use of land for productive purposes (as opposed to unduly devoting land to the provision of parking), maximum standards are required.

However, given that the existing car parking area will be lost; that the proposed preferred land uses are more intensive in nature than the existing land use (car parking); and that maximum car parking standards are provided, concern is raised that overflow parking and traffic will spill into adjoining residential areas of the Town. The Town already has issues regarding overflow parking along Money and Lindsay Streets and it is likely that these problems will intensify. Ultimately this may result in further time restricted parking in these streets causing further concerns and complaints in the area.

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:

Nil.

COMMENTS:

The proposed preferred land uses and the Design Guidelines of the Museum Street Precinct are considered appropriate given the nature of the surrounding area and proximity of the Precinct to the City. Given that the Museum Street Precinct will not directly abut the Town (due to the EPRA's extension of the Redevelopment Scheme), the Design Guidelines do not directly impact on the Town; as such the objectives and requirements of the Draft Design Guidelines are generally supported. In spite of that, the Town does raise concerns over the maximum car parking requirements. The Town currently experiences parking problems in the area and concern is raised that these problems will potentially intensify.

10.2.1 Proposed Traffic Management and Streetscape Improvements Money & Monger Street, Perth

Ward:	South	Date:	17 January 2005
Precinct:	Beaufort, P13	File Ref:	TES0258;TES0234
Attachments:	001:		
Reporting Officer(s):	R Lotznicher; J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

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 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.*

Moved Cr Lake, Seconded Cr Ker

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

- “(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;”*

Debate ensued.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.1

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.*

BACKGROUND:

At the Ordinary Meeting of Council held on 10 February 2004, a report titled *Traffic Management Various Locations* was considered by the Council. One of the seven locations to be considered was investigating traffic management for Monger Street. The Council subsequently adopted the following resolution:

"That the Council;

- (i) *RECEIVES the report on Traffic Management matters at various locations;*
- (ii) *REFERS the seven (7) locations listed in the report to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iii) *RECEIVES a further report on each of the locations listed in the report once the Town's Local Area Traffic Management Advisory Group have considered the matters."*

DETAILS:

Monger Street (and Robinson Avenue)

The following information regarding Monger Street was presented to the Ordinary Meeting of Council held on 10 February 2004:

Street: Monger
Section: Beaufort St to Lindsay St
Request: Petition signed by 88 persons requesting consideration to the conversion of Monger Street to one-way traffic from East to West.

Traffic Data

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Beaufort – Lindsay	1,299	37.5
• Lindsay – William	1,296	44

Classification: Access Road

Budget: \$25,000*

Details: Residents are concerned regarding the narrow width of the street. They consider the William/Monger intersection to be dangerous.

Comments: The Town has two (2) residential one-way streets, which include Moir and Brookman Streets. William and Beaufort Streets are also one-way streets. When considering changing a road to one-way, many factors need to be considered, including impact on adjoining streets, residents/emergency vehicle access, and implications on traffic speeds.

Note* Allocated in 2004/2005 Budget for traffic management.

Local Area Traffic Management Advisory Group Meeting/s

The matter was initially referred to the LATM Advisory Group meeting held on 14 June 2004 and, because of the complexity of the issues involved, 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 Plan No 2325-CP-1

Design Issues Monger Street

Monger Street has a very flat longitudinal gradient and has large London Plane trees located very close to the edge of the existing kerb. 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 and a new 'gutter' formed away from the trees to facilitate the flow of stormwater.

Officer recommendation

It is recommended that the proposed 'one way' road system proposal as outlined on attached Plan No 2325-CP-1 be advertised to residents / businesses in Monger Street, Lindsay Street and Robinson Avenue for 14 days and that the Council receives a further report on the proposal at the conclusion of the advertising period.

Money Street

This street does not form part of the Traffic Management proposal, however, it has been decided to include the proposal in this report as it inter-relates 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. A solution is to remove the existing kerbing and install new kerbing 250mm - 300mm further into the roadway. This will ensure the stormwater runs freely and the trees, should they remain, be protected.

Funding

Funds for resurfacing works in Money and Lindsay Streets, between Newcastle and Monger Streets, have been allocated in the 2004/2005 budget.

The East Perth Redevelopment Authority (EPRA) have previously indicated they would fund 50% of the works, however, as the Town's funds have been provided from the Federal Roads to Recovery program, the funds need to be expended by 30 June 2005.

It is therefore considered that the Town's allocated funds could be spent on upgrading the full length of Money Street this financial year (2004/2005) and that Lindsay Street be considered for the next (2005/2006) financial year, possibly funded from the Roads to Recovery program.

Officer recommendation

It is recommended that the Council 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.

Existing Street Trees Money and Monger Streets

Background

As mentioned above, the existing verge trees encroach into the roadway in several locations and cause stormwater ponding issues. An engineering solution has been proposed, however, there are other issues that need to be considered as outlined below.

The street trees located in Money and Monger Streets are predominantly the London Plane, (*Platanus x acerifolia*). Since 1985 the trees located under powerlines were "V" pruned or flat-topped and the trees not located under powerlines were left to grow to their natural height and form.

As with the majority of street trees located within the former City of Perth, both sides of the road were flattop pruned or in this case pollarded* prior to 1985.

Note*: Pollarding is a method of pruning whereby all of the previous year's growth is removed, however if this is not undertaken by experienced arborists it may cause considerable long term damage to a tree.

Unfortunately, many of the trees located in Money and Monger Street are now hollow as a result of this pruning practice and subsequent rot(s) developing within the trunk and branch sections.

A number of assessments have been carried out over the past ten (10) years regarding the structural integrity, health and long term future of these trees.

Due to officers' concerns regarding several avenues of aging trees within the Town, a program for the replacement of street trees that were either in poor health and condition, or were regarded as unsuitable due to invasive roots or excessive leaf/fruit drop, was prepared. This program, *The Street Verge Tree Upgrade/Replacement Program*, was developed in 1997 and presented to the Council for approval. It was resolved that the program be advertised for public comment and was subsequently distributed to every property within the Town of Vincent.

Only 139 owner/occupiers responded to the questionnaire and 40% of the respondents were residents or business persons residing or located in either Money or Monger Streets.

The respondents from Money and Monger Streets did not agree with the proposal to upgrade/replace the existing trees as many of them had bought properties in the street because the street was aesthetically pleasing due to the mature deciduous trees.

The Street Verge Tree Upgrade/Replacement Program has since been discontinued and the Town has managed the trees located in Money and Monger Street by removing dead or suspect limbs on a regular basis. However, the safety and size of the trees has been a concern, particularly in Money Street now that the power is underground and the trees have grown to a considerable size and many of the tree trunks protrude into the road reserve.

Recent Arboricultural assessment

Arboriculturist, John Banks was recently commissioned to undertake an inspection of the streetscapes in both Money and Monger Streets and provide recommendations in relation to the existing trees' health, structural integrity and useful life.

The arboriculturalist's comments with regard to the future management of the trees located in Money and Monger Street are as follows:-

*"Despite the obvious beauty which many of the trees currently provide, due to the ongoing and increasing potential for branch separation, those trees which are not located beneath power lines (except of course for the juvenile and new young trees) should be removed and replaced by the smaller *Platanus digitalus* var *Chinensis* (the Chinese Plane).*

This tree is very similar to the London Plane excepting that its leaves are more deeply cut, its canopy becomes denser and it does not grow as tall or broad - usually only 15 metres in height.

The above new trees should be planted as advanced specimens and in an endeavour to maximise the space that their canopies filled and, therefore, to reduce the visual impact of the loss of the existing trees.

Rather than removing the existing trees in one operation, they could be removed gradually over a number of years and commencing with those that exhibited the greatest amount of decay at their bollings and stubs.

A decision about the trees which are located beneath the power lines should be based on whether or not the power lines are to be installed underground and, if so, when.

Officer Recommendation

It is therefore recommended that the residents/businesses in Money and Monger Streets be consulted in relation to the proposed replanting of street trees between the existing street trees. In addition, they should be given the option of selecting an alternative more suitable deciduous tree or native tree for replanting in both Money and Monger Streets.

A suitable replacement deciduous tree species (also recommended by the arboricultural consultant) would be the Cut Leaf Plane (*Platanus orientalis* 'digitata'). This species is smaller than the existing London Plane Tree, would blend into the existing streetscape, and is likely to be well accepted by the local community.

As an alternative, native trees such as the Broad Leafed Paperbark (*Melaleuca quinquinervia*) or the Swamp Paperbark (*Melaleuca raphiophylla*) could be inter-planted. The area around Money and Monger Streets is low lying and these species should establish quickly and thrive in this location.

CONSULTATION/ADVERTISING:

Traffic Management Monger Street and Robinson Ave

It is recommended that the proposed 'one way' road system proposal as outlined on Plan No 2325-CP-1 be advertised to residents / businesses in Monger Street, Lindsay Street and Robinson Avenue for 14 days and that the Council receives a further report on the proposal at the conclusion of the advertising period.

Street Trees

It is recommended that the Town consults with residents/businesses in Money and Monger Streets to determine the tree species to be replanted between the existing trees.

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 Ave

Funds totalling \$53,000 have been allocated in the 2004/2005 budget for traffic management and road rehabilitation works in Monger Street between William and Lindsay Streets. The estimated cost of the streetscape works as shown on Plan No 2325-CP-1 is in the order of \$20,000 and the road rehabilitation works in the order of \$26,500. There are drainage issues in the street which are currently being investigated as the existing drainage system comprises an old terra cotta line with extensive tree root intrusion. Part of the road rehabilitation component of the project may need to be staged over two financial years should the drainage system need substantial upgrading.

Minor traffic management works are required in Robinson Ave to convert the road to one way. Funds have also been allocated in the 2004/2005 budget for resurfacing works on this section of Robinson Avenue.

Money Street

Funds totalling \$110,000* for resurfacing works in Money and Lindsay Streets, between Newcastle and Monger Streets, have been allocated in the 2004/2005 budget.

Note* These funds are on the basis of EPRA funding 50%, therefore the Town's contribution is \$55,000.

The Town's funds have been provided from the Federal Roads to Recovery program and the funds need to be expended prior to 30 June 2005.

It is therefore recommended that the Town's allocated funds be spent on upgrading the full length of Money Street this financial year (2004/2005) and that Lindsay Street be considered for the next (2005/2006) financial year, with the Town's contribution being possibly funded from the Roads to Recovery program.

COMMENTS:

The proposed traffic management treatment will improve safety and congestion in Monger Street and Robinson Avenue. The proposal will also have positive benefits for the existing trees and address drainage issues.

The existing drainage system in Monger Street may need upgrading, however, these investigations are currently in progress.

Money Street will also be upgraded as part of the proposal as the East Perth Redevelopment Authority have indicated they have no funds allocated in the 2004/05 budget.

It is also recommended that residents be canvassed regarding the future of the existing trees.

10.2.2 Proposed State Black Spot Improvement Project Intersection of Lawley & Fitzgerald Streets, West Perth

Ward:	South	Date:	1 February 2005
Precinct:	Hyde Park P12	File Ref:	TES0173, TES0130 & TES0523
Attachments:	001 ;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *ADVISES Main Roads WA that it no longer intends to proceed with the Black Spot Improvement Project in its current form;*
- (iii) *APPROVES the installation of a splitter/pedestrian refuge island and associated nibs in Lawley Street as shown on attached diagram 2097-CP-1A, at an estimated cost of \$3,000;*
- (iv) *NOTES that funds totalling \$5,666 have been allocated as the Towns 1/3 contribution to the Black Spot Project and the \$2,333 shortfall will be funded from the Miscellaneous Traffic Management budget allocation;*
- (v) *APPROVES increasing the parking setback distance in Fitzgerald Street, southern side of the intersection, to improve sight lines for vehicles turning right out of Lawley Street into Fitzgerald Street; and*
- (vi) *ADVISES the respondents of the outcome*

Moved Cr Ker, Seconded Cr Franchina

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

- “(iii) APPROVES the installation of a splitter/pedestrian refuge island and associated nibs in Lawley Street as shown on attached diagram 2097-CP-1A, at an estimated cost of ~~\$3,000~~ \$8,000;”*

Debate ensued.

Moved Cr Ker, Seconded Cr Franchina

That the existing clause (vi) be renumbered to (vii) and a new clause (vi) inserted as follows:

- “(vi) REAPPLIES for Black Spot Funding for the revised project.”*

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *ADVISES Main Roads WA that it no longer intends to proceed with the Black Spot Improvement Project in its current form;*
- (iii) *APPROVES the installation of a splitter/pedestrian refuge island and associated nibs in Lawley Street as shown on attached diagram 2097-CP-1A, at an estimated cost of \$8,000;*
- (iv) *NOTES that funds totalling \$5,666 have been allocated as the Towns 1/3 contribution to the Black Spot Project and the \$2,333 shortfall will be funded from the Miscellaneous Traffic Management budget allocation;*
- (v) *APPROVES increasing the parking setback distance in Fitzgerald Street, southern side of the intersection, to improve sight lines for vehicles turning right out of Lawley Street into Fitzgerald Street;*
- (vi) *REAPPLIES for Black Spot Funding for the revised project; and*
- (vii) *ADVISES the respondents of the outcome.*

BACKGROUND:

The Council, at its Ordinary Meeting held on 14 September 2004, considered a report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth, where the following decision was made:

"That the Council;

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *APPROVES in principle the proposal as shown on attached Plan No 2097-C;*
- (iii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iv) *RECEIVES a further report on the proposed Black Spot Improvement once the Town's Local Area Traffic Management Advisory Group have considered the matter."*

The matter was then referred to the Town's Local Area Traffic Management Advisory Group, in accordance with the above clause (iii), at its meeting of 18 October 2004, whereupon a subsequent report was presented to the Ordinary Meeting of Council on 26 October 2004, resulting in the adoption of the following resolution.

That the Council;

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *CONSULTS with the residents along Lawley and Gallop Streets, the Hyde Park Hotel, Perth Soccer Club and the WA Italian Club regarding the proposal as outlined on attached Plan No. 2097-C; and*
- (iii) *RECEIVES a further report at the conclusion of the Consultation period.*

DETAILS:

In accordance with clause (ii) of the Council's resolution of the 26 October 2004, some twenty-seven (27) letters were delivered to the residents, businesses, sporting and social clubs in and adjacent to Lawley and Gallop Streets, West Perth, being those properties most directly affected by the proposed changes.

All were provided with a covering letter advising of Council's resolution, a copy of the concept plan 2097-CP showing the proposed ½ seagull island, a comments sheet and a reply paid envelope.

A total of 4 responses were received representing approximately 15% of those canvassed.

Of the responses, one (1) was unreservedly in favour of the changes with the other three (3) opposed.

A summary of the relevant comments include:

- I regularly negotiate the intersection and find it easy. I would propose that the parking just before the intersection on Fitzgerald Street be shortened to aid with sight lines.
- This proposal would be an absolute disaster to our business. If patrons are not allowed to make a right turn out of Lawley Street it will limit those customers from using our facility and increase the already busy traffic through our carpark.
- This proposal would lock me into getting onto Bulwer Street to be able to get to Fitzgerald Street. The traffic in Bulwer Street at peak times makes this not a welcome idea. I would recommend that possibly a stop sign in the middle may help.
- Fantastic idea.

While the limited response could be interpreted that a majority of those canvassed do not feel strongly either way and therefore do not object (to the proposed changes), those who did take the opportunity to respond provided constructive suggestions that could be incorporated into an alternate proposal.

In light of the points raised by the respondents, Technical Services reconsidered the impact of the proposed ½ seagull island. It would, as proposed, reduce accidents at this location, but also restrict access for residents and particularly the adjacent hotel and clubs, and may as a consequence encourage errant driver behaviour as motorists attempt to avoid the intersection or undertake illegal, and potentially dangerous, manoeuvres.

As Lawley Street, adjacent to the intersection, is approximately 13.0m wide, a 1.8m wide splitter or pedestrian refuge island, with a stop sign, could be installed on approach to the intersection without impacting upon the on-road parking or access to abutting commercial prosperities in Lawley Street. While it would not eliminate right angled through* accidents it would, in all likelihood, reduce right angled** accidents. The combination of the island and the centrally located stop sign would reinforce the stop control for vehicles approaching Fitzgerald Street.

- * turning across on-coming traffic, i.e. a car south bound in Fitzgerald Street turning across the path of travel of a north bound vehicle.
- ** turning right out of Lawley Street in front of north bound traffic in Fitzgerald Street.

Further, a splitter / pedestrian refuge island would improve traffic control through the intersection as it would better align south bound vehicles in Fitzgerald Street turning right into Lawley Street and would discourage cutting the corner across north bound traffic. Similarly it would place vehicles turning right out of Lawley Street. in the correct position. It would also provide a safe refuge for pedestrians crossing Lawley Street.

A further improvement, as suggested by one of the respondents, would be to increase the parking setback in Fitzgerald Street (south of the intersection) to improve sight distance of north bound traffic. A *No Stopping* zone already exists to the north of the intersection through to Bulwer Street.

Further, in order to reduce the likelihood of two vehicles attempting to turn out of Lawley Street (right and left) simultaneously, a nib could be installed on the north western truncation, or hotel side, allowing only one vehicle at a time to enter the intersection and thereby improving sight distances in both directions. Similarly a nib on the southern side would protect vehicles parked on the road in Lawley Street and also reduce the width road pavement that pedestrians would have to cross with the added protection of the refuge space in the island.

Black Spot Funding

As the Town learnt with the recent safety improvement in Anzac Road, Mt Hawthorn, Egina Street to Buxton Street, the Black Spot program's administrators have little flexibility in varying an approved project. As a consequence, if Council approves the proposed change to a splitter/pedestrian refuge island, in lieu of the ½ seagull island, the Black Spot funding would be withdrawn.

Therefore, the resulting options would be for the Town to either fund the works from its current Black Spot and Miscellaneous Traffic Management budgets or reapply for Black Spot funding in 2005/06.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with Council's policy, the results of which were incorporated in the body of the report.

LEGAL/POLICY:

Any resultant improvement proposal would be designed in accordance with relevant Australian and Main Roads WA Standards.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to install the island, nibs and associated line-marking and signage is \$8,000. As a prerequisite of the State Black Spot Program, the Town had already agreed to fund 1/3 or \$5,666 of the approved \$17,000 budget for the ½ seagull island. These funds are currently set-aside in the 2004/05 budget. Therefore, the additional funding requirement is \$2,333, which it is proposed to source from the 2004/05 Miscellaneous Traffic Management budget, enabling the works to proceed in the current financial year.

COMMENTS:

While the Black Spot Program approved ½ seagull island would be a more effective method of reducing the potential for further accidents at this location, it would have a detrimental impact upon the amenity of the surrounding residents, clubs and businesses. Therefore it is recommended that the scope of the project be changed to that as shown on drawing 2097-CP-1A with the installation of a splitter / pedestrian refuge island, nibs and increased parking setback in Fitzgerald Street, in lieu of the ½ seagull island.

The splitter / pedestrian refuge will achieve a majority of the objectives of the original concept but without affecting the amenity of the aforementioned groups and at a reduced cost.

The overall cost to the Town, as indicated above, is estimated to be \$8,000, however funds are already allocated for this purpose within the existing budgets and therefore it is recommended that the works proceed in the current financial year.

Mayor Catania advised that Item 10.1.4 which had been moved “en-bloc” would be re-committed as an amendment had been prepared but was overlooked.

Moved Cr Ker, Seconded Cr Lake

That Item 10.1.4 – No. 39 (Lot 2) Cowle Street, West Perth – Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House be recommitted.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

10.1.4 No. 39 (Lot 2) Cowle Street, West Perth - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	South	Date:	28 January 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3038; 00/33/2624
Attachments:	001		
Reporting Officer(s):	F Rubio		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by NJ Bennett on behalf of the owner N & L Bennett for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 39 (Lot 2) Cowle Street, West Perth, and as shown on plans stamp-dated 8 December 2004 subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the “clear glass louvre window” to the living/entertainment room, and the windows to the north-east bedroom, and the east, north-east and south-east elevations of the balconies 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 floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (iii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling main building wall(s); and*

- (b) *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. The solid portion of any new front fences and gates adjacent to Cowle 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.*

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

to the satisfaction of the Chief Executive Officer.

This Item was recommitted.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to new clauses (iii)(c) and (d) being added as follows:

- "(iii) (c) *a visual truncation of 1.5 metres x 1.5 metres at the intersection of the driveway and footpath shall be provided at the owners cost, OR alternatively, the height of the fence above 0.75 metre within the area of truncation above being clear of obstructions or have 50 per cent visual permeability; and*
- (d) *the internal dimension of the carport being a minimum of 2.7 metres;"*

COUNCIL DECISION ITEM 10.1.4

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 NJ Bennett on behalf of the owner N & L Bennett for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 39 (Lot 2) Cowle Street, West Perth, and as shown on plans stamp-dated 8 December 2004 subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the "clear glass louvre window" to the living/entertainment room, and the windows to the north-east bedroom, and the east, north-east and south-east elevations of the balconies 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 floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*

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

(a) *the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling main building wall(s); and*

(b) *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. The solid portion of any new front fences and gates adjacent to Cowle 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.*

(c) *a visual truncation of 1.5 metres x 1.5 metres at the intersection of the driveway and footpath shall be provided at the owners cost, OR alternatively, the height of the fence above 0.75 metre within the area of truncation above being clear of obstructions or have 50 per cent visual permeability; and*

(d) *the internal dimension of the carport being a minimum of 2.7 metres;*

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

to the satisfaction of the Chief Executive Officer.

Landowner:	N & L Bennett
Applicant:	NJ Bennett
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	599 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed partial demolition of and alterations and two-storey additions to existing single house on No. 39 (Lot 2) Cowle Street, West Perth. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Privacy Setback: First Floor- Bedroom-North-East	4.5 metres	2.6 metres to 3.75 metres to eastern boundary.	Not supported - conditioned to comply.
Balcony-North-East	7.5 metres	1.5 metres to eastern boundary.	Not supported - conditioned to comply.
Balcony- South-East	7.5 metres	6.5 metres to southern boundary and 1.5 metres to eastern boundary.	Not supported - conditioned to comply.
Ground Floor- Deck - North-East	7.5 metres	1.6 metres to 1.75 metres to eastern boundary.	Supported - privacy on front setback of adjacent property.
Setbacks: Ground Floor: - North-West (Sauna)	4.5 metres	2.75 metres	Supported - follows the existing building line and no objections received.
- North-West (Patio)	1.8 metres	1.25 metres - 6.8 metres	Supported - a small portion of building without major opening is on setback.
- North-West (Carport)	1.5 metres	0.25 metre	Supported - no objections received, and no undue impact provided the carport is one hundred (100) per cent open on all sides except where it abuts the dwelling main building wall(s).
- South-West (Patio)	1.8 metres	1.25 metres - 6.65 metres	Supported - a small portion of building without major opening is on setback.
- South-East (Existing House- Informal Meal Room)	3.8 metres	1.1 metres	Supported - follows the existing building line and no objections received.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
- East (Workshop)	4.8 metres	2.6 metres - 4.4 metres	Supported - back from the existing building line and no objections received.
First Floor - East (Living, Balcony, Bedroom)	3.8 metres	1.1 metres - 2.6 metres	Supported - follows and back from the existing building line, and no objections received.
- East (Bedroom 2)	2.8 metres	1.5 metres - 13.5 metres	Supported - back from the existing building line and no objections received.
Building Height: North-West Elevation	6.0 metres.	5.85 metres - 6.3 metres.	Supported - a portion of the building above 6 metres is on a top of the existing building.
South-East Elevation	6.0 metres	5.7 metres - 6.1 metres.	Supported - a small portion of building without major opening is on setback.
Front/Street Fence	A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level and the upper portion of the wall above 1.2 metres being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Solid fence with a height of 2.5 metres.	Not supported - the solid fence will unduly affect the amenity, streetscape and safety (casual surveillance) of the area.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted

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

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

COMMENTS:

In light of the above and considering no objections were received during the advertising period the proposal is considered supportable subject to standard and appropriate conditions to address the above matters.

10.2.4 Proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets, Perth

Ward:	South	Date:	2 February 2005
Precinct:	Hyde Park P12	File Ref:	TES0027
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets; Perth;*
- (ii) *APPROVES the implementation of the proposed works, as shown on attached Concept Plan No. 2323-CP-1, estimated to cost \$150,000; and*
- (iii) *ADVISES the residents and businesses of Brisbane Street of its resolution.*

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

- “(iv) APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$60,000 to this project and the Chief Executive Officer to identify a suitable source of funds.”*

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) *RECEIVES the report on the proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets; Perth;*
- (ii) *APPROVES the implementation of the proposed works, as shown on attached Concept Plan No. 2323-CP-1, estimated to cost \$150,000;*
- (iii) *ADVISES the residents and businesses of Brisbane Street of its resolution; and*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$60,000 to this project and the Chief Executive Officer to identify a suitable source of funds.*

BACKGROUND:

The Council has allocated \$150,000 in the 2004/2005 budget to upgrade the streetscape in Brisbane Street between William and Beaufort Streets. The scope of the proposed works includes new kerbing, upgrading the existing slab footpaths to a brick paved standard, new street trees, street furniture and, where required, new parking signage and line-marking. In respect of material types and colours, it would be similar to that previously used in Beaufort Street, north of William and Brisbane Streets, west of William Street.

DETAILS:

The section of Brisbane Street in question is classified as a District Distributor A in accordance with the metropolitan functional road hierarchy and currently operates as a one-way street west bound. It carries in excess of 10,000 vehicles per average weekday (source Main Roads WA), including some eleven (11) individual Transperth bus services comprising several hundred bus journeys per day.

In the past five years the Town has upgraded the Brisbane Street streetscape between Lake and William Streets to complement and encourage the increasing commercial activity in the vicinity. Similarly new brick paved footpaths were installed in Beaufort Street north of Brisbane Street, also experiencing a resurgence in commercial activity, as typified by the recently refurbished Brisbane Hotel and proposed redevelopment of the Civic Theatre site.

As a consequence, the infrastructure in Brisbane Street, between William and Beaufort Streets is looking decidedly tired and rundown. Further, it continues to be the subject of on-going complaints from the businesses, developers and both new and long term residents.

In respect of the materials to be used, it is recommended for reasons of continuity to retain the existing theme so as to link Beaufort Street to Brisbane Street, west of William Street. Therefore, it is proposed to use the standard red paver with a cream header course. This will also match a recent upgrade in front of a new development on the south side of Brisbane Street.

In respect of street trees, Parks Services staff propose to plant Red Flowering Gums (*Eucalyptus Ficifolia*) where indicated on the attached concept plan No. 2323-CP-1A.

While Claret Ash were planted in Brisbane Street, between Lake and William Streets, as part of the aforementioned upgrade, Parks Services staff are currently reassessing their long term viability. The trees, which are acknowledged as being slow growing, have struggled in the existing environment, even with the aid of reticulation and, as a consequence, Parks Services staff are considering their removal and replacement with more robust and faster growing Red Flowering Gums, as are currently planted in Brisbane Street, between Lake and Palmerston Streets. However, this would be subject to a future Council report.

With regard to tying into the long awaited redevelopment of William Street, it is anticipated that as William Street will be theme specific and therefore unique, that it is more important to link the existing Brisbane Street streetscape (west of William Street) to that of the proposed works (east of William Street). In addition, as the street is one-way, there is little scope to install central median islands with centrally located trees. There is also little scope to install garden beds in the verges as the funds allocated by the Council do not allow for inground reticulation.

The cost to connect to the Birdwood Square bore and install reticulation, including additional planting and reinstatements, is in the order of \$60,000.

CONSULTATION/ADVERTISING:

Residents and businesses will be advised of the proposed works by way of Information Bulletin prior to commencement.

LEGAL/POLICY

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual road rehabilitation and upgrade programs."*

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/2005 budget includes an amount of \$150,000 for the proposed works.

COMMENTS:

Aside from the possibly inappropriate choice of street trees planted in Brisbane Street in the past, and as discussed in the body of the report, the success of the previous improvement works in both Brisbane and Beaufort Streets prompted the Council to approve funds to extend the existing theme eastwards along Brisbane Street to Beaufort Street.

It is therefore recommended that the Council receives the report on the proposed Streetscape Upgrade in Brisbane Street between William Street and Beaufort Street; Perth, and implements the proposed works, as shown on attached Concept Plan No. 2323-CP-1, estimated to cost \$150,000.

10.2.5 Introduction of a Two (2) Hour Parking Restriction on the West Side of Strathcona Street

Ward:	South Ward	Date:	2 February 2005
Precinct:	Cleaver Precinct P5	File Ref:	PKG0063
Attachments:	001:		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	C Wilson	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of a two(2) hour time restriction on the West side of Strathcona Street, West Perth, as shown on attached plan No. 2297-PP-1, to be in place from 8.00am until 5.30pm, Monday to Friday, and 8.00am until 12noon Saturdays;*
- (ii) *APPROVES the introduction of a two (2) hour time restriction between 8.00am and 5.30pm Monday to Friday and 8.00am until 12noon Saturdays on the West side of Strathcona Street, West Perth; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

BACKGROUND:

Residents of Strathcona Street have observed that vehicles are being parked all day in the street while the owners are working in the city. This results in difficulty for residents finding available parking for themselves and their guests.

DETAILS:

There is an existing two (2) hour time restriction in Strathcona Street, on the East side, which was put in place to deter commuters from parking in Strathcona Street all day, and catching public transport or walking into the city. The residents of the West side have observed that this has resulted in a concentration of all day parking on their side of the street. Consequently they have requested that the same restriction be in place on both sides.

The existing restriction on the East side is two (2) hour parking between 8.00am and 5.30pm Monday to Friday and 8.00am until 12noon on Saturdays. Therefore, it is proposed that the same restriction be applied to the West side of the street. Residents would be eligible to apply for exemptions from the restrictions for themselves and their guests.

CONSULTATION/ADVERTISING:

Sixteen (16) consultation letters were delivered to both sides of Strathcona Street, drawing eight (8) responses. Seven (7) were in favour of the new restriction, and one (1) was not.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment “(i) *Develop a strategy for parking management in business, residential and mixed use precincts*”.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of restriction signs and road line marking would be approximately \$300.00.

COMMENTS:

The existing restriction is working well on the East side of the street, however it has caused an increase in all day parking on the West side. The introduction of the same restriction on the West side of the street will alleviate the problems being experienced by residents.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.00pm and did not speak or vote on the matter.

10.4.2 Members Equity Stadium, 310 Pier Street, Perth - Progress Report No. 3 Relating to Australian Rugby Union Super 14's

Ward:	South	Date:	1 February 2005
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 3 as at 1 February 2005 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth; and*
- (ii) *AUTHORISES the Chief Executive Officer to call tenders for architectural and consultant services for the proposed upgrade of Members Equity Stadium.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

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

“(i) RECEIVES the Progress Report No. 3 as at 1 February 2005 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth subject to point (2)(iii) under the heading “Heads of Agreement (HOA)” of the report being amended to read as follows:

“2. (iii) The HOA contains a Redevelopment clause, which entitles the Town to negotiate a Licence Agreement with a Major Operator. Rugby WA propose to negotiate with the Town of Vincent for a Licence Agreement. Allia have advised that they have no objection to this. The Town will then confer with the Management Company. (Allia can also issue a Licence, if they choose to do so however, this must be approved by the Stadium Committee and/or the Town.);” and”

AMENDMENT CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) ***RECEIVES the Progress Report No. 3 as at 1 February 2005 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth subject to point (2)(iii) under the heading "Heads of Agreement (HOA)" of the report being amended to read as follows:***

"2. (iii) The HOA contains a Redevelopment clause, which entitles the Town to negotiate a Licence Agreement with a Major Operator. Rugby WA propose to negotiate with the Town of Vincent for a Licence Agreement. Allia have advised that they have no objection to this. The Town will then confer with the Management Company. (Allia can also issue a Licence, if they choose to do so however, this must be approved by the Stadium Committee and/or the Town.); and

- (ii) ***AUTHORISES the Chief Executive Officer to call tenders for architectural and consultant services for the proposed upgrade of Members Equity Stadium.***

BACKGROUND:

The purpose of this report is to provide a progress report to the Council on the Australian Rugby Union (ARU) - Super 14's successful licence allocation to Perth and to obtain the Council's approval to call tenders for architectural and consultant services for the upgrade of Members Equity Stadium, Stage 2 Redevelopment.

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved as follows;

"That the Council;

- (i) ***RECEIVES the Progress Report No. 2 as at 15 December 2004 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth;***

- (ii) ***NOTES that;***

(a) ***the Australian Rugby Union Licence for Super 14's (2004) has been awarded to Perth; and***

(b) ***the State Government of Western Australia has publicly announced that it will provide \$25 million for the upgrade of facilities at Members Equity Stadium (MES); and***

- (iii) ***CONDITIONALLY APPROVES;***

(a) ***to ACCEPT the \$25 million for the upgrade of Members Equity Stadium subject to the Council receiving a further report on the proposed Financial Assistance Agreement (FAA) between the State Government of Western Australia and the Town; and***

(b) ***the construction/upgrade of Members Equity Stadium, Stage 2 works, subject to the Council receiving a further report on the proposed details and plans as indicatively shown in Appendix 10.4.11, subject to a further report being submitted to the Council."***

The State Government has recently announced that it will upgrade Members Equity Stadium (MES) which is considered the most suitable venue, as it has been specifically built for sports requiring a rectangular pitch (e.g. rugby, soccer, lacrosse, etc.). As Elected Members will be aware, the Stage 1 redevelopment involved a complete upgrade of all services and the construction of the pitch and surrounding viewing platforms. In order to comply, it will be necessary to construct a new grandstand on the eastern side and this will incorporate corporate suites, coteries, additional changerooms and seating. The actual size of this new grandstand would ultimately depend on the capacity specified by ARU. The current capacity of 18,500 will need to be increased to 21,500.

The estimated cost is approximately \$25 million.

The Town's Mayor and CEO met with the Department of Sport and Recreation (DSR) on 21 December 2004 and the CEO has held several further discussions. On 6 January 2005, the CEO met with the CEO of WA Rugby Union (WARU) concerning the proposed redevelopment. WARU conditions have been requested.

At the Ordinary Meeting of Council held on 21 December 2004, the following indicative timeline was reported to the Council;

Stage 2 - Indicative Timeline

Date	Item
10 December 2004	<ul style="list-style-type: none"> • ARU decision for new Super 14's licence
21 December 2004	<ul style="list-style-type: none"> • Report to Council re: outcome of above
January/February 2005	<ul style="list-style-type: none"> • Preparation of tender for Architectural Services • Negotiations with all stakeholders
February 2005	<ul style="list-style-type: none"> • Award Architect tender
February/March 2005	<ul style="list-style-type: none"> • Architect to meet stakeholders • Prepare Plans
April/May 2005	<ul style="list-style-type: none"> • Community consultation, planning approval process
June 2005	<ul style="list-style-type: none"> • Council approval of plans
July 2005	<ul style="list-style-type: none"> • Adoption of budget
August 2005	<ul style="list-style-type: none"> • Advertise building tender
September/October 2005	<ul style="list-style-type: none"> • Evaluation of tenders
November 2005	<ul style="list-style-type: none"> • Award of building tender, mobilisation by builder
December 2005	<ul style="list-style-type: none"> • Construction commences
December 2006	<ul style="list-style-type: none"> • Construction completed, handover
January/February 2007	<ul style="list-style-type: none"> • Commencement of Super 14's Games at Stadium

To maintain this timeframe, it will be necessary to advertise for architectural and consultant services.

FINANCIAL/BUDGET IMPLICATIONS:

The State Government Department of Sport and Recreation have advised that the \$25 million for the Stadium upgrade through another Financial Assistance Agreement will be provided to the Town.

LEGAL/POLICY IMPLICATIONS:

Financial Assistance Agreement (FAA)

The DSR has requested to meet with the Town's CEO to discuss the terms and conditions of the FAA.

The FAA allows the State Government of Western Australia to prescribe the terms and conditions it requires and to declare an event as a "*significant event*" which in essence gives the Government control of the venue for that event. The Town is still awaiting the FAA.

Heads of Agreement (HOA)

1. Redevelopment Clause

The HOA between the Town, Managing Agent, Allia Holdings Pty Ltd (Allia), Nicola (Nick) Tana and David George Rodwell, Guarantors, contains numerous provisions referring to the redevelopment of the Stadium. In essence, the HOA specifies the following;

- (i) the Town has the right to "*redevelop, develop, remodel, add to or alter the Stadium or any part thereof*";
- (ii) the Town must give not less than six months' notice to Allia that it has entered into a licensing agreement with a major operator and "*then Allia and the Town must as soon as reasonably practicable confer and renegotiate the provisions of this Agreement*";
- (iii) the Heads of Agreement remain in force whilst the re-negotiations take place;
- (iv) the renegotiations and any new Agreement "*must not materially and adversely affect the rights and obligations of any or all of Allia, the guarantors, the Town and the State Government, as set out in the HOA*"; and
- (v) contains a dispute resolution mechanism.

2. Negotiations for a Licence Agreement

- (i) The Town has tendered the management of the Stadium to Allia Holdings Pty Ltd (Allia) - a subsidiary company of Perth Glory Soccer Club Pty Ltd (PGSC), who operate under a Heads of Agreement (HOA).
- (ii) Persons wishing to use the Stadium do so under a Deed of Licence.
- (iii) The HOA contains a Redevelopment clause, which entitles the Town to negotiate a Licence Agreement with a Major Operator. Rugby WA propose to negotiate with the Town of Vincent for a Licence Agreement. Allia have advised that they have no objection to this. The Town will then confer with the Management Company. (Allia can also issue a Licence, if they choose to do so *however, this must be approved by the Stadium Committee and/or the Town*. [amended in accordance with Council's decision.]
- (iv) A Management Committee in place to control the Stadium. The Town's Mayor is the chair and holds the casting vote. Australian Rugby Union (ARU) have been offered a position on the Management Committee.

3. Negotiation of Conditions

Rugby WA will be able to negotiate its conditions of use (including rent) with the Town of Vincent (or Allia if it chooses).

ADVERTISING/COMMUNITY CONSULTATION:

The tender will be advertised in accordance with the requirements of the Local Government Act and as such, there is no need for community consultation.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2 - *"Develop business strategies that provide a triple bottom line for the Town"* and in particular, 3.2(g) - *"Implement and upgrade Perth Oval in liaison with all stakeholders."*

COMMENT:

The advertising of the tender for architectural and consultant services will ensure that the project timeline will be maintained.

10.4.3 Independent Organisational Review - Progress Report No. 4

Ward:	-	Date:	2 February 2005
Precinct:	-	File Ref:	ADM0061
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 4 as at 2 February 2005 concerning the implementation of recommendations of the Independent Organisational Review.

Cr Franchina returned to the Chamber at 9.10pm.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the existing recommendation be numbered (i) and a new clause (ii) be added as follows:

“(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.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

Debate ensued.

COUNCIL DECISION ITEM 10.4.3

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.*
-

BACKGROUND:

Implementation of the Independent Organisational Review has been progressing on an ongoing basis. Progress Report No. 3 was submitted to the Ordinary Meeting of Council held on 26 October 2004.

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.

RECOMMENDATION 3

- (b) The Town of Vincent requests the East Perth Redevelopment Authority (EPRA) to provide advice on the essential elements of urban economic development and strategies for the Town of Vincent to pursue to achieve the objectives of Key Result Area 3 – Economic Development.

CEO's Comment

Completed. EPRA has provided information. The Council's Strategic Plan has been reviewed and Key Result Areas amended and adopted by Council. At the Ordinary Meeting of Council held on 9 November 2004 the Council approved of a Consultant to prepare an Economic Development Strategy and the timetable. Several meetings have been held with the Consultants and in accordance with the timetable a draft report is expected to be delivered in mid-February 2005 and the final report by end of February 2005.

GOVERNANCE

RECOMMENDATION 5

- (a) Council introduce a 12 month trial of three week cycles to Council decision making comprised of:
 - **Week 1** Council briefing session on matters of a long term nature or are otherwise strategic in their nature and are in the early stages of development. Attendance at those meetings is by invitation. No decisions are to be made at those meetings. Matters requiring decision are to be referred to the Council Committee included in week 2 of the meetings cycle.

- **Week 2** Council meeting in Committee whereby members of the public and parties associated with matters before Council are directly and publicly invited to attend and address the Committee. It is essential Managers of staff who author reports together with Executive Managers attend these meetings to respond to Council questions.
- **Week 3** Ordinary Council meeting whereby the Council considers recommendations submitted from the Council Committee meeting and makes final determination on all matters.

CEO's Comment

Almost completed. A report is currently being prepared relating to Forum Guidelines and Procedures and this will be submitted to the Ordinary Meeting of Council in February 2005. The Chamber has been modified for Forums.

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 programmed to be referred to an Ordinary Meeting of Council by no later than in April 2005.

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.]

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.

RECOMMENDATION 36

Business activities relating to the provision of services by Council to undergo further testing and benchmarking.

CEO's Comment

Completed. Benchmarking will be carried out on an ongoing basis.

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 and this is to be effective from mid-April 2005. This should greatly improve current processes and communication. The Approvals procedures and processes will be further refined throughout 2005.

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 - see Recommendation 42 for further comments.

RECOMMENDATION 47

The Manager Town Planning and Building Services initiates a review of processing building license applications to reduce the processing time to 2000/2001 levels.

CEO's Comment

Completed. Review has taken place. Changes have been implemented to the Development Approval process - 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

Part 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 programmed to be referred to an Ordinary Meeting of Council by no later than in March 2005.

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.

HUMAN RESOURCES – SENIOR EXECUTIVES

RECOMMENDATION 53

- (a) The Senior Executive Team embarks on an Organisational Improvement Program that includes:
- Organisational development based on inclusiveness and recognition of staff latent capacity.
 - Continuous Improvement by examining ways to improve each period's outcomes not merely matching them.
 - Best Practice by seeking better ways of providing services within the boundaries of realistic financial constraints.
 - Empowering Teams to operate within negotiated guidelines rather than controlling and monitoring.

CEO's Comment

Completed. Implemented from November 2003 onwards. Is reviewed on an ongoing basis. Also see comments for Recommendation No. 36.

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
Objective 1 – Strategy					
3(b)	17		x	High	Completed
Objective 3 – Governance					
5	35	x		High	Part completed
6	36	x		High	Part completed
8	36		x		Completed
Objective 6 - Financial Accountability - Business Services					
35	62		x	High	In progress
36	63		x		Completed
Objective 8 - Process and Procedures					
41	83	x		High	Part completed
42	83		x	High	Part completed
43	83		x	High	In progress
47	83		x	High	Completed
50	84	x		High	Part completed
52	85		x	High	Part Completed
Objective 9 - Financial Implications					
Objective 10 - Human Resources - Senior Executives					
53	96		x	High	Completed

Customer Service Programme - as at 18 October 2004

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

Action	Time frame	Finalised
Development and training		
Review and update procedures manuals	31.04.2004	In progress - ongoing
Train all customer service staff so they can undertake all current CSO duties (multi-skill)	1.07.2004	Training in progress
Physical enhancements		
Investigate placing CSO's workstations on front counter, equipped with computer screens, information products and phones	2004	Completed. Additional staff placed in Customer Service Centre. New furniture ordered - due mid-February 2005.
Screen workstation to provide less distraction from noise and counter activity	Oct-Dec 2004	Quotes obtained. In progress
Investigate appearance of reception area (eg colours, security)	Oct-Dec 2004	In progress
Performance measurement		
Establish enquiry patterns and volumes	Ongoing survey current	Statistics being collated

Action	Time frame	Finalised
Quality Improvement		
Investigate use of IDAS and Authority for electronic management of queries/complaints	Oct-Dec 2004	New approvals system currently being implemented.
Benchmarking		
Investigate different customer service charters for different divisions/sections	30.06.2004	In progress
Set up and implement customer service standards across the organisation	June-Dec 2004	In progress
Investigate electronic staff in/out system	12.04.2004	Being reviewed

Customer Service Centre

Four new flatscreens have been installed on the Front Counter. These are swivel based 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.

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

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). Improvements to current process being carried out.

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 will be refined during 2005.

Substantial progress has been made in the processing of development applications. As at 2 February 2005, the following development applications are lodged with the Town;

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 has been reduced by 55 (32%) from 172 on 9 November 2004 to 117 on 2 February 2005. Due to the festive season holiday period, a slow down did occur in January, however it is expected that a further reduction will occur in the following months.

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:

The Independent Organisational Review cost \$79,500 plus \$7,950 GST.

An amount of \$105,000 was included in the Budget 2003/04 to implement 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. Quarterly reports will be submitted to Council, until all recommendations have been actioned and implemented.

10.4.4 Information Bulletin

Ward:	-	Date:	2 February 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 8 February 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Torre was an apology.)

DETAILS:

The items included in the Information Bulletin dated 8 February 2005 are as follows:

ITEM	DESCRIPTION
IB01	Study of Heritage Listing and Property Values in Western Australia – Progress Report
IB02	Draft Amended Policy Relating to Heritage Management – Municipal Heritage Inventory – Interim Report
IB03	Response to Manager Building Appeals, Building Codes and Regulation Branch, Department of Housing and Works – Re: 86A Bourke Street, Leederville
IB04	Town Planning Appeal Tribunal – Statement by Respondent – 77A Eton Street, North Perth
IB05	Letter from the Town Planning Appeal Tribunal – Appeal No. 261 Of 2003 – No. 14 Bulwer Street, Perth – Withdrawal of Appeal
IB06	Copy of letter from Hon Nick Griffiths LLB MLC Minister for Housing and Works; Racing and Gaming; Government Enterprises; Land Information – Decision of Appeal – 130 Coogee Street, Mount Hawthorn
IB07	Letter from the Department of Consumer and Employment Protection – General Review of Building Legislation
IB08	Letter from the Minister of Environment – Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations

ITEM	DESCRIPTION
IB09	Letter from Minister for Police and Emergency Services, Justice, Community Safety Re Designing Out Crime – Designing Safer Communities Fund 2004/05
IB10	Letter from Department of Local Government and Regional Development Re Minister’s Financial Management Awards
IB11	Register of Petitions – Progress Report – February 2005
IB12	Register of Notices of Motion – Progress Report – February 2005
IB13	Register of Reports to be Actioned – Progress Report – February 2005
IB14	Register of Legal Action
IB15	Register of Town Planning Appeals
IB16	Forum - Advice
IB16	Circular 03-2005 – Changes to Local Government Act and Regulations

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 9.32pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	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 8 February 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005