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(23 MAY 2006)

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15. CLOSURE 265

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 23 May 2006, commencing at 6.07pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.07pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Farrell advised that he may be required to leave the meeting at approximately 7.00pm for an hour.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (until 8.00pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Bee Choo Tan	Acting Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Keith Steicke	Property Maintenance Officer – Employee of the Month Award Recipient (until 6.42pm)
Dan Hatch	Journalist - Guardian Express (from 6.15pm until 8.30pm)
Giovanni Torre	Journalist – Perth Voice (until 8.30pm)

Approximately 15 Members of the Public

(c) Members on Leave of Absence:

Cr Ker on leave of absence for the Ordinary Meeting of Council for 23 May 2006 for work reasons.

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

1. Mr Chris Angelkov of Charles Hotel, 505 Charles Street, North Perth – Item 10.1.18 - Stated that they are modernising the hotel and want to provide a small garden bar so that it will attract a better standard of clientele and will also accommodate smokers in accordance with the new smoking regulations due out later in the year. Believes that the bottleshop

will serve as a buffer for residents across the road. Stated that they have acoustic reports that confirms the levels will be within those that are allowed. Requested Council support the application as it will enhance the area.

2. Mr Patrick Coward of 157 Chelmsford Road, North Perth – Item 10.1.9 - Advised that he has been working with the Town's officers to get the desired outcome. Stated that the front fence is a picket fence which is 3 metres high and the house is fully visible from the road, the internal wall is 4 metres back from the fence and has been curved to save the existing peppermint tree. Requested that the internal wall be approved as requested.
3. Mr Peter Maughan of 87 Anzac Road, Mt Hawthorn – Item 10.1.7 - Stated that the cone of vision of the proposal will be less than what currently exists as there will be walls on either side. Advised that they have written permission from all their neighbours for the alterations. Requested that Council support the proposal. Stated that they are happy to make modifications to the upstairs windows if required.
4. Mr Colin Scott 17 Deague Court, North Perth - Spoke on the deferment of the Budget Item for Smith's Lake. Commented on the good work of the parks and gardens staff. Believes that now is not the time to defer the works and that they should be completed.
5. Mr David Bonao of Cambridge Street, Wembley – Item 10.1.14 - Requested that Council reconsider requesting a development proposal be submitted prior to the issue of a demolition licence as there is a subdivision approval over the land which requires demolition of the building. Concerned about leaving the building vacant as it has been a subject of vandalism already.
6. Mr Barry Tonkin of 3 Melford Circle, Kinross – Item 10.1.19 - Stated that he is happy with the officer's recommendation and advised that he has letters of support from adjoining owners.
7. Mr Peter Murphy of 87 Sydney Street, North Perth – Item 10.1.26 - Advised that the 1.8 metre fence to the front yard will be amended to meet Council's requirements. Stated that the balcony is not big enough for people to sit out on and is more just a façade and to provide a visual break. Concerned with the time it is taking to approve the application.
8. Ms Maria Saraceni of Stoneham Street, Attadale – Item 10.1.12 - Stated that reasons that they are requesting demolition of the house without submitting a development application is that they are not in a financial position to undertake the works required on the house or rebuild the property. Advised that she has nine signatures from adjoining owners stating that they are happy for the house to be demolished without a development application.

9. Mr Peter Simpson from the Planning Group – Item 10.1.27 - Stated that a structural engineer's report states that the dwelling suffers from significant problems making it very expensive to retain and refurbish. Further stated that the cost to retain the house and the location of the dwelling on the site makes any density bonus not viable. Requested Council's support to allow the dwelling to be demolished.
10. Mr Ted Marchese of 3 Armadale Street, Morley – Item 10.1.6 - Stated that the requested pedestrian accessway would reduce security and privacy and would reduce the courtyard to almost an impracticable level. Advised that the right of way is 6 metres wide and that there was an existing development of 20 units which use the right of way and does not have a pedestrian accessway. Requested that Council consider a permanent easement in lieu of the pedestrian accessway.
11. Mr Kevin Campbell, Chairperson of Football West – Item 10.3.4 - Spoke in support of the promotion of the World Cup Event. Stated that the Town has been a fantastic supporter of soccer and requested Council's continued support by approving this event.
12. Mr Gordon Jenkins of 7/39 Monger Street, Perth – Item 10.1.20 - Stated that he and his neighbours supports this development and requested that Council approves the application.
13. Mr Jason Puls of 219 Brisbane Street, Perth – Item 10.1.3 - Thanked Council for their previous support on this project and requested that Council approve the amended plans.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.40pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Chester

That the Minutes of the Ordinary Meeting of Council held on 9 May 2006 be confirmed as a true and correct record subject to Item 3 of Public Question – Mr Surace's comments being amended to read as follows:

- “3. *Charlie Surace of 79 Auckland Street, North Perth – Item 10.1.2 – Stated that the intent of the R-codes is to protect neighbours’ amenity as well as act as a guide for developers. Believes ~~Stated~~ that the application does not meet the R-codes in 6 different areas and has had some of his findings confirmed by professional planners at the WAPC and his lawyer. ~~and this has been confirmed in writing by his lawyer (and on some issues, the West Australian Planning Commission).~~ Noted that his lawyer believes ~~Stated~~ that the WAPC has misapplied the R-codes in several areas including one that deems the conditional approval an error of law. Further believes that ~~Stated that he feels that the Town is willing prepared to compromise his-their amenity. Stated that overshadowing is a major point of contention and a meeting was held with the developer. Advised that he has not heard from the developer since. Referred to a recent SAT decision where the development complied entirely with the acceptable development provisions of the codes, and the determining authority retained a discretion to refuse the application for planning based on its Scheme. Outlined the reasons for his objection to the proposal.~~ Advised that if the application is approved they will be forced to claim compensation for the loss of amenity and devaluation of their property. Urged the Council to reject the proposal.”*

CARRIED (8-0)

(Cr Ker on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Condolences to Chief Executive Officer

On behalf of himself and the Council, Mayor Catania offered condolences to the Chief Executive Officer on the passing away of his father.

7.2 Employee of the Month Award - May 2006

The Town's Property Maintenance Officer, Keith Steicke, who was awarded Employee of the Month earlier this month is here at the Council Meeting tonight and I would like to present him with his Certificate and Award of \$75.00. Again, well done Keith!

7.3 Carers Luncheon - 17 May 2006

About 100 people attended the Carers Recognition Luncheon that was held on Wednesday 17 May 2006 - to show how much the Town appreciates the good work that our Carers do. I would like to thank the Town's Officers - Manager Community Development, Jacinta Anthony, Senior Community Development Officer, Sarah Jarman and Community Development Officer, Jill Symonds for their efforts in making this such a successful event.

7.4 North Perth Rotary Club

I attended the North Perth Rotary Club's meeting on Monday night. They presented me with a Certificate of Appreciation for the Town's assistance with the Hyde Park Fair.

7.5 Agenda Item 10.2.4 - Annual Street Light Audit

I would like to draw your attention to the Executive Manager Technical Services, Rick Lotznicker's, report on lighting which is an item on tonight's Agenda - as a result of an expression of my concern after the death of a resident in Vincent Street.

- 7.6. Seeking the possibility of an Amendment to Section 181 of the Health Act which refers to the ability of the Town's Environmental Health Officers to enter buildings that have a build-up of refuse/rubbish that may cause vermin or rodents.

I seek that this Section be strengthened so that Local Governments can enter these offending premises, clean up and claim the charges incurred from the owner of the property.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a proximity interest in Item 10.1.12 – No 115 (Lot 1, D/P: 7262) Forrest Street, North Perth – Proposed Demolition of Existing Single House and Associated Outbuildings. The nature of his interest being that he owns property in close proximity.

Cr Torre departed the Chamber at 6.50pm.

- 8.2 Mayor Catania declared a financial interest in the following Items:

- 10.1.24 – Draft Municipal Heritage Inventory – New Town Planning Scheme No. 1 – Municipal Heritage Inventory Model – Category C Review; and
- 14.4 – Draft Municipal Heritage Inventory – Commencement of Owner and Community Consultation

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

- 8.3 Mayor Catania declared an interest affecting impartiality in Item 10.1.25 – Installation of Ticket Issuing Machines. The nature of his interest being that he is Chairperson of the North Perth Community Bank which is in close proximity.

- 8.4 Cr Lake declared a financial interest in the following Items:

- 10.1.24 – Draft Municipal Heritage Inventory – New Town Planning Scheme No. 1 – Municipal Heritage Inventory Model – Category C Review. The nature of her interest being that she currently owns a property which has a backyard toilet which is currently listed in the Town's Municipal Heritage Inventory under the general category of "Backyard Toilets"; and.
- 14.4 – Draft Municipal Heritage Inventory – Commencement of Owner and Community Consultation. The nature of her interest being that she owns a property which is currently listed in the Town's Municipal Heritage Inventory.

Cr Lake requested that she be permitted to remain in the Chamber during the discussion and debate of these Items but not to vote.

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

- 10.1.24 – Draft Municipal Heritage Inventory – New Town Planning Scheme No. 1 – Municipal Heritage Inventory Model – Category C Review. The nature of his interest being that he currently owns a property which has a backyard toilet which is currently listed in the Town’s Municipal Heritage Inventory under the general category of “Backyard Toilets”; and.
- 14.4 – Draft Municipal Heritage Inventory – Commencement of Owner and Community Consultation. The nature of his interest being that he owns a property which is currently listed in the Town’s Municipal Heritage Inventory.

Cr Maier requested that she be permitted to remain in the Chamber during the discussion and debate of these Items but not to vote.

8.6 Cr Maier declared an interest affecting impartiality in Item 10.4.3 – Proposed Amendment to Policy 4.1.6 – Community/Precinct Groups. The nature of his interest being that he is a member of a precinct group.

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

- 10.1.24 – Draft Municipal Heritage Inventory – New Town Planning Scheme No. 1 – Municipal Heritage Inventory Model – Category C Review; and
- 14.4 – Draft Municipal Heritage Inventory – Commencement of Owner and Community Consultation

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

8.8 Cr Chester declared a proximity interest in the following Items:

- 10.4.5– Tender No. 336/06 – Architectural Services – Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth;
- 14.2 – Expression of Interest No. 334/06 for the Operational Management Services of Beatty Park Leisure Centre, 220 Vincent Street, North Perth; and
- 14.3 – Café Operations at the Beatty Park Leisure Centre, 220 Vincent Street, North Perth.

The nature of his interest being that he is a co-owner a property adjacent to Beatty Park Leisure Centre.

Cr Chester requested that he be permitted to remain in the Chamber during the discussion and debate of these Items but not to vote.

8.9 Cr Messina declared an interest affecting impartiality in Item 10.1.25 – Installation of Ticket Issuing Machines. The nature of his interest being that he is a Director of the North Perth Community Bank which is in close proximity.

- 8.10 Cr Lake declared an interest affecting impartiality in Item 14.1 – Approval of Tender No 335/06 for the Operational Management Services of the Loftus Recreation Centre, 99 Loftus Street, Leederville and Major Land Transaction Business Plan. The nature of her interest being that she is the Chairperson of the VCRA.
- 8.11 The Chief Executive Officer declared an interest affecting impartiality in the following Items:
- 10.4.4 – Tender 337/06 – Consultant Services – Loftus Centre Redevelopment, 99 Loftus Street, Leederville;
 - 10.4.5 – Tender No. 336/06 – Architectural Services – Redevelopment of Beatty Park Leisure Centre, 99 Loftus Street, Leederville and Major Land Transaction Business Plan;
 - 14.1 – Approval of Tender No. 335/06 for the Operational Management Services of the Loftus Centre Redevelopment, 220 Vincent Street, North Perth; and
 - 14.2 – Expression of Interest No. 334/06 for the Operational Management Services of Beatty Park Leisure Centre, 220 Vincent Street, North Perth; and

The nature of his interest being that in his capacity of Chief Executive Officer he has known and had professional dealings over the past 11 years with Peter Hunt Architects, Bollig Design Group, LeisureCo and YMCA.

The Presiding Member advised that Crs Lake and Maier’s request to remain in the Chamber during debate of Items 10.1.24 and 14.4 would be considered.

Cr Chester departed the Chamber at 6.56pm.

Moved Cr Torre, Seconded Cr Farrell

That Crs Lake and Maier be permitted to remain in the Chamber and participate in debate during consideration of Items 10.1.24, and 14.4 but not vote.

CARRIED (6-0)

(Cr Ker on leave of absence. Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 6.56pm.

The Presiding Member advised that Cr Chester’s request to remain in the Chamber during debate of Items 10.4.5, 14.2 and 14.3 would be considered.

Cr Chester departed the Chamber at 6.56pm.

Moved Cr Torre, Seconded Cr Farrell

That Cr Chester be permitted to remain in the Chamber and participate in debate during consideration of Items 10.4.5, 14.2 and 14.3 but not vote.

CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Chester was absent from the Chamber and did not vote.)

Cr Chester returned to the Chamber at 7.00pm.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.18, 10.1.9, 10.1.7, 10.1.14, 10.1.19, 10.1.26, 10.1.12, 10.1.27, 10.1.6, 10.3.4, 10.1.20 and 10.1.3

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

Items 10.2.1, 10.3.3, 10.4.2 and 10.4.3

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

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

Cr Farrell	Item 10.1.15
Cr Chester	Item 10.1.24
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.1.13
Cr Messina	Items 10.1.1 and 10.1.5
Cr Maier	Items 10.1.2, 10.2.2, 10.2.3 and 10.4.4
Mayor Catania	Nil

Cr Chester departed the Chamber at 7.02pm.

Cr Chester returned to the Chamber at 7.03pm.

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

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

Items 10.1.12, 10.1.24, 10.4.5, 14.2, 14.3 and 14.4

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

Items 10.1.4, 10.1.8, 10.1.10, 10.1.11, 10.1.16, 10.1.17, 10.1.21, 10.1.22, 10.1.23, 10.2.4, 10.3.1, 10.3.2, 10.4.1 and 10.4.6

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

Items 14.1, 14.2, 14.3 and 14.4

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

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

Items 10.1.4, 10.1.8, 10.1.10, 10.1.11, 10.1.16, 10.1.17, 10.1.21, 10.1.22, 10.1.23, 10.2.4, 10.3.1, 10.3.2, 10.4.1 and 10.4.6

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

Items 10.1.18, 10.1.9, 10.1.7, 10.1.14, 10.1.19, 10.1.26, 10.1.12, 10.1.27, 10.1.6, 10.3.4, 10.1.20 and 10.1.3

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

Moved Cr Farrell, **Seconded** Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.8, 10.1.10, 10.1.11, 10.1.16, 10.1.17, 10.1.21, 10.1.22, 10.1.23, 10.2.4, 10.3.1, 10.3.2, 10.4.1 and 10.4.6

CARRIED (8-0)

(Cr Ker on leave of absence.)

10.1.4 No. 7 (Lot: 18 D/P: 1230) Rae Street, Leederville- Proposed Two (2) Storey Addition to Existing Single House

Ward:	North	Date:	16 May 2006
Precinct:	Leederville; P03	File Ref:	PRO3460; 5.2006.46.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangent Nominees P/L on behalf of the owner K R Beckham & L M Richmond for proposed Two (2) Storey Addition to Existing Single House, at No. 7 (Lot: 18 D/P: 1230) Rae Street, Leederville, and as shown on plans stamp-dated 3 February 2006, subject to the following conditions:

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner: K R Beckham & L M Richmond
Applicant: Tangent Nominees P/L
Zoning: Metropolitan Region Scheme: (MRS): Urban
 Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use: Single House
Use Class: Single House
Use Classification: "P"
Lot Area: 579 square metres
Access to Right of Way N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a two-storey addition to an 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	Noted.
Building Height	6 metres to eaves from natural ground level.	6.8 metres to eaves from natural ground level.	Supported- given the natural ground levels (the site drops by over 1.425 metres from the front to rear of the site), that no objections were received, and that the overall height is less than 9 metres, the proposal is considered supportable.
Consultation Submissions			
Support	None		Noted
Objection	None		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, approval is recommended subject to standard conditions.

**10.1.8 No. 64 (Lot: 583 D/P: 2177) Federation Street, Mount Hawthorn-
Proposed Demolition of Existing Single House and Construction of a
Single House**

Ward:	North	Date:	16 May 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3455 5.2006.26.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dale Alcock Homes on behalf of the owner A Shepherd & A Skoss for proposed Demolition of Existing Single House and Construction of a Single House at No. 64 (Lot: 583 D/P: 2177) Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 12 April 2006, subject to the following conditions:

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

- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner: A Shepherd and A Skoss
Applicant: Dale Alcock Homes
Zoning: Metropolitan Region Scheme: (MRS): Urban
 Town Planning Scheme No.1 (TPS 1): Residential R60
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 proposed Demolition of Existing Single House and Construction of a 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	Noted
Fill	0.5 metre	Up to 0.77 metre in front setback area.	Supported- minor variation as only a small portion of the front setback area is filled over 500 millimetres in height and the proposal will therefore not create an undue impact on the amenity of the streetscape.

Setback of retaining walls	1 metre	Retaining wall up to 0.77 metre on the northern side and setback nil on the northern side.	Supported- minor variation as only a small portion of the retaining exceeds 500 millimetres in height along the front, northern side and the proposal will therefore not create an undue impact on the amenity of the streetscape or the adjoining property. Also, no objections were received from the affected property owners.
Setback of carport on southern side	1.5 metres	0.52 metre	Supported- as the proposal is not considered to create a significant undue impact on the amenity of the adjoining property or the streetscape, and no objections were received.
Consultation Submissions			
Support	None		Noted
Objection	None		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.

HERITAGE:

The subject dwelling is situated along the portion of Federation Street between Ashby and Berryman Streets in Mount Hawthorn. The dwelling forms part of an eclectic streetscape, which consists of brick and tile Interwar Bungalows and Interwar Californian Bungalows, weatherboard dwellings and more recently constructed dwellings dated circa 1980.

The brick and tile Post-war Bungalow style dwelling was constructed in 1951 for Mr R Wellington by builders A Woodhouser and Sons. The original building plans for the place indicate that the dwelling had a stepped, two room street frontage with the main entrance positioned centrally on its southern wall. Alterations to the dwelling in 1959, which included the construction of an enclosed front verandah, to form a sleep out, have considerably diminished the form of the bungalow dwelling and its presentation to the street. The sleep out stretches across the front of the dwelling, and has been enclosed by brick and sliding aluminium windows.

Affixed to the southern side of the dwelling is a colour bond carport, which was constructed in 1976, off a standard design from the Osborne Park based Perth Patio Centre. This carport provides shelter for the centrally positioned side entry, which opens into a large entrance room. Projecting off the entrance room is a lounge room to the west, a kitchen to the east and hallway to the north. Two bedrooms and a bathroom project off the northern hallway. Under a skillion addition, to the east of the kitchen, there is a laundry, toilet and additional bedroom. There have been few changes to the internal detailing of the place as the original doors, skirtings, floorboards, fixtures and fittings remain in situ.

The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Images and a site plan of the subject place are included as an attachment to this report. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

COMMENTS:

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

10.1.10 No. 410, Tenancy B, (Lot 62 D/P: 613) William Street, Perth - Proposed Change of Use from Shop and Warehouse to Shop and Associated Alterations

Ward:	South	Date:	15 May 2006
Precinct:	Beaufort; P13	File Ref:	PRO0869; 5.2006.89.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Cheong on behalf of the owner A & J Huynh for proposed Change of Use from Shop and Warehouse to Shop and Associated Alterations, at No. 410, Tenancy B, (Lot 62 D/P: 613) William Street, Perth, and as shown on plans stamp-dated 2 March 2006, subject to the following conditions:

- (i) doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (ii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) the gross floor area of the shop shall be limited to 108 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (iv) prior to the first occupation of the development, one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (v) the applicant/owner shall pay a cash-in-lieu contribution of \$4,810 for the equivalent value of 1.85 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner: A & J Huynh
Applicant: D Cheong
Zoning: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use: Shop and Warehouse
Use Class: Shop
Use Classification: "P"
Lot Area: 524 square metres
Access to Right of Way N/A

BACKGROUND:

9 March 2004 Council at its Ordinary Meeting granted conditional approval for proposed demolition of eating house and construction of three (3) two-storey shops/warehouses.

DETAILS:

The proposal involves change of use from shop and warehouse to shop and associated alterations at the subject property.

The proposal involves an increase of the existing shop floor area from 60 square metres to 108 square metres. The tenancy will be used as a cake shop with a maximum of four employees and an estimated maximum number of 6 customers at any one time.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Parking 		Not supported - as addressed in the Officer Recommendation.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking - Office Component			
Car Parking Requirement (nearest whole number) -Retail/Shop: 1 car bay per 15 square metres of gross floor area (243.8 square metres) - 16.25 -Warehouse: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (existing 446.1 square metres) - 5.46 Car parking requirement (nearest whole number)			22 car bays

Apply the adjustment factors	(0.6141)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 50 metres of one or more public car parks in excess of 75 spaces) ▪ 0.85 (within 800 metres of a rail station) 	13.51 car bays
Minus car parking on-site	4 car bays
Minus the most recently approved on-site parking shortfall	7.66 car bays
Resultant shortfall	1.85 car bays
Bicycle Parking	
Retail/Shop: (243.8 square metres of gross floor area)	0.81 space (Class 1 or 2)
-1 space per 300 square metres of gross floor area for employee/resident.	
-1 space per 200 square metres for visitor/shopper.	
Warehouse: (446.1 square metres of gross floor area)	
-No requirement.	1.21 spaces (Class 3)
	Nil
	Total spaces required:
	1 space (Class 1 or 2)
	1 space (Class 3)

* 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:

Car Parking

The total floor space for the extensions will result in a car parking shortfall of 1.85 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

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

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.

3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

SUMMARY:

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's Beaufort Precinct Policy.

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

10.1.11 Nos. 252-254 (Lot 7 D/P: 106) Fitzgerald Street, North Perth - Proposed Change of Use from Recreational Facility (Dance Studio) to Light Industry and Warehouse (Coffee Processing, Wholesale and Distribution) and Associated Signage

Ward:	South	Date:	17 May 2006
Precinct:	Hyde Park; P12	File Ref:	PRO0713; 5.2006.122.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Punch Coffee Company on behalf of the owner M & S Canalini for proposed Change of Use from Recreational Facility (Dance Studio) to Light Industry and Warehouse (Coffee Processing, Wholesale and Distribution) and Associated Signage, at Nos. 252-254 (Lot 7 D/P: 106) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 20 March 2006 and signage plans stamp dated 12 May 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) windows, doors and adjacent areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (v) the maximum gross floor area of the light industry and warehouse (coffee wholesale and distribution) use shall be limited to 159 square metres, unless adequate car parking is provided for the changes in floor space area;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) prior to the issue of a Signage Licence, revised plans shall be submitted and approved demonstrating the signage on the north and north - east elevations not exceeding 10 per cent of the respective building wall in which the signage is located. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

- (viii) *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;*
- (ix) *the signage shall not have flashing or intermittent lighting; and*
- (x) *the building shall be appropriately treated so as to mitigate the unreasonable emission of nuisance odours from the premises in accordance with Section 49 of the Environmental Protection Act 1986.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	M & S Canalini
Applicant:	Punch Coffee Company
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Recreational Facility (Dance Studio)
Use Class:	Light Industry and Warehouse
Use Classification:	"SA" and "P"
Lot Area:	628 square metres
Access to Right of Way	East side, 4 metres wide, sealed, dedicated road.

BACKGROUND:

5 January 2006 Conditional approval was granted under Delegated Authority for the change of use to recreational facility (dance studio) and associated alterations and signage at the subject property.

DETAILS:

The proposal involves change of use from recreational facility (dance studio) to light industry and warehouse (coffee processing, wholesale and distribution) and associated signage.

The nature of the activities proposed includes the processing of coffee beans (details outlined in applications submission), storage of the coffee beans and wholesale/distribution of the coffee beans. The equipment used to process the coffee beans has no moving parts and does not emit noise or vibration.

It is to be noted that there is an existing sign on the adjacent property at No. 250 Fitzgerald Street, directly in front of the proposed sign 1 on the southern elevation of the above subject site. The applicants seek approval for the new signage and the removal of the adjacent properties signage as outlined in their submission. The Town's Officers are not in a position to consider the new signage proposed along the southern elevation until further investigations are completed in relation to the existing signage and as such the proposed signage along the southern elevation has, therefore, been deleted from this application.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Hyde Park Precinct	These areas are to be occupied by small scale commercial uses which are compatible with, and largely serve the surrounding residential uses.	Light industry and warehouse (coffee processing, wholesale and distribution) which does not directly serve surrounding residential uses.	Supported - as the proposal is not considered to have an undue impact on the streetscape, amenity of the immediate surrounding area as the equipment proposed does not involve moving parts or emit noise or vibration; and is considered to serve the wider community in terms of distributing locally processed coffee.
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)			
-Warehouse/Light Industry: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (proposed 159 square metres) = 3 car bays			
-Office: 1 space per 50 square metres of gross floor area (existing 116.5 square metres) = 2.33 car bays (TOTAL 5.33 car bays)			5 car bays
Apply the adjustment factors			(0.68)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 75 spaces) 			3.4 car bays
Minus car parking on-site			5 car bays
Resultant surplus			1.6 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 Town's Building Services advise that the applicant will be required to provide car parking, access and sanity facilities for people with disabilities and fire protection to the openings in the external walls. These matters can be resolved at the Building Licence stage.

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with Town's Policy relating to 'Parking and Access'.

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

10.1.16 No. 356 (Lot: 64 D/P: 1823) Charles Street, North Perth - Proposed Signage Addition to Existing Consulting Rooms

Ward:	North	Date:	17 May 2006
Precinct:	Charles Centre; P07	File Ref:	PRO0842; 5.2006.127.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P F Emery on behalf of the owner Aztec Pty Ltd for proposed Signage Addition to Existing Consulting Rooms, at No. 356 (Lot: 64 D/P: 1823) Charles Street, North Perth, and as shown on plans stamp-dated 21 March 2006, subject to the following conditions:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*
- (iv) the projecting sign shall be a minimum height of 2.75 metres from the footpath level to the underside of the projecting sign and a minimum of 600 millimetres from the kerb line of Charles Street.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	Aztec Pty Ltd
Applicant:	P F Emery
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Local Centre
Existing Land Use:	Consulting Rooms
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	592 square metres
Access to Right of Way	East side, 3.6 metres wide, sealed, Council owned

BACKGROUND:

20 January 2006 The owner was issued a Written Direction under Section 10(7) of the Town Planning and Development Act, 1928 for unauthorised window signage.

DETAILS:

The proposal involves the erection of a 3 metre x 1.89 metre (5.67 square metres) wall sign (sign 1), a 1.2 metre x 0.3 metre (0.36 square metre) projecting sign (sign 2) attached to the underside of the awning. This sign will be marked *"Exclusive treatment to reshape and slim your body without surgery"*.

The proposal also involves window signage (signs 3 and 4 respectively) measuring 0.34 metre x 2.4 metre (0.816 square metre) on the north window, which reads *"body contouring cellulite skin tone"* and a 0.34 metre x 1.4 metre (0.476 square metre) on the south window, which reads *"Exclusive agents pure Sodashi Skincare and 9444 8998"*. The total area of the proposed signage is 7.322 square metres.

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
Total signage area	the total signage area is not to exceed 10 per cent (3.72 square metres) of the total area of the building wall in which that signage is located	Total signage area is 7.322 square metres or 19.7 per cent of the building wall	Supported- as the extra 9.7 per cent is not considered to be excessive signage and will not have a detrimental effect on the streetscape.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed signage is considered acceptable and is therefore recommended for approval.

10.1.17 No.176 (Lots: Y232 D/P: 835, Y233 D/P: 835 and Y234 D/P: 835, Fitzgerald Street, Corner Randell Street, Perth - Proposed Signage Additions to Existing Recreational Facility (Application for Part Retrospective Approval-Robertson Park)

Ward:	South	Date:	17 May 2006
Precinct:	Hyde Park Precinct; P12	File Ref:	PRO2013 5.2005.3188.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Veterans Tennis Association Of WA Inc on behalf of the owner Town Of Vincent for proposed Signage Additions to Existing Recreational Facility (Application for Part Retrospective Approval at Robertson Park), at No.176 (Lots: Y232 D/P: 835, Y233 D/P: 835 and Y234 D/P: 835) Fitzgerald Street, corner Randell Street Perth , and as shown on plans stamp-dated 22 December 2005, and in the Assessment Table contained in this report, subject to the following conditions:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the applicant is required to submit a signage strategy for all other sponsor related advertising signs likely to be erected at the above site during Tournament times, which is to be not more than 25 per cent of the surface area of the fencing along Fitzgerald Street;*
- (iv) the maximum period allowed for the temporary sponsor signage associated with and signage for the tournaments on the fence along the Fitzgerald Street frontage shall be three (3) weeks;*
- (v) there is to be no sponsor banner signage or any other kind of signage along the fence fronting Randell, Palmerston and Stuart Streets at any given time; and*
- (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.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	Town Of Vincent
Applicant:	Veterans Tennis Club WA
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Park and Recreation
Existing Land Use:	Recreational Facilities (Tennis Club)
Use Class:	Recreational Facilities
Use Classification:	"Not applicable"
Lot Area:	23,391 square metres
Access to Right of Way	N/A

BACKGROUND:

25 June 2002 At its Ordinary Meeting, the Council conditionally approved the Planning Application for proposed two storey additions to the existing tennis pavilion.

9 September 2003 At its Ordinary Meeting, the Council conditionally approved the Planning Application for proposed alterations and additions to existing tennis pavilion and new pro shop.

The above matter relating to unauthorised signage came to the attention of the Town Officers as a result of a complaint received from the public about signage banners being attached to the fence along Randell Street. This resulted in an audit of the existing signage on-site, which was found to be not approved by the Town. All the temporary banner signages along Randell and Fitzgerald Streets have since been removed by the Veterans, Tennis Club, who leases the site from the Town.

DETAILS:

The proposal involves retrospective approval of existing signage and approval for temporary signage during tournament times in the form of sponsor banners and tournament promotions signage.

The applicant has provided the following information in support of their proposal:

- All temporary sponsor banner signage and signage associated with tournament is to be attached to the fence along Fitzgerald Street only. There will be no signage attached to the fencing along Randell, Palmerston and Stuart Streets.
- The applicant has agreed that the maximum period for the signage attached to the fence along Fitzgerald Street will be 3 weeks, twice a year, which would be sufficient time for the promotion and advertising of the events.
- The club will be hosting the Australian National Championships in January 2007, and have applied for the World Championships for 2009.
- Events like the World Championship held during 2005 brought much attention to the Town and Robertson Park, and such events support local businesses in the area.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Type of sign Sign 1-Bill Posting	Not allowed as per the Town's Signs and Advertising Policy	3 metres x 1.5metres	Supported -as the signage is unlikely to have undue impact on the amenity of the area, and no objections were received during the consultation period.
Sign 2-Bill Posting	As above	1.2 metres x 1.2 metres	As above
Sign 3-Bill Posting	As above	3 metres x 1.5metres	As above
Sign 4-Bill Posting and is noted (ticked) on site plan.	As above	900 centimetres x 600 centimetres	As above
Sign 6-Bill Posting	As above	900 centimetres x 600 centimetres	As above
Signs 7,7A,7B,7C,7D,7E,7F and 7G-Bill Posting	As above	900 centimetres s x 600 centimetres	As above
Sign 9	As above	2 metres x 2 metres	As above
Sign 10- Bill Posting	As above	900 centimetres x 600 centimetres	As above
Sign 11-Bill Posting	As above	900 centimetres s x 600 centimetres	As above
Sign 12- Bill Posting	As above	900 centimetres s x 600 centimetres	As above
Sign 13- Bill Posting	As above	900 centimetres s x 600 centimetres	As above
Temporary banners-Bill posting during tournaments times, as an example, signs 21 and 21A.	As above	Depending on advertisers as per submitted photographs.	As above
Bill posting relating to safety requirements(23,23A,23B,23C,23D, 23E)	As above	As per submitted photographs.	As above

Consultation Submissions		
Support	Nil	Noted
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

Summary

In assessing the signage, the Town's Officers have taken into consideration the type of recreation activity occurring on-site, the nature of the advertising, the type of fencing on-site, locations of signs required to promote and sustain the sport, which involves advertising and sponsorship. Variations to the signs requirements can be considered if a particular standard or provision of the Policy is unreasonable or undesirable in a particular instance, and the Town may vary the requirements subject to appropriate conditions and a sign strategy for the whole site. Accordingly, all the existing signs are recommended for approval, as the proposal will not have an undue impact on the streetscape and amenity of the adjacent or surrounding properties, subject to standard and appropriate conditions to address the above matters, including a sign strategy for tournaments, which is to include information of the sponsors and tournament signage, locations of signage on the fence along the Fitzgerald Street frontage only, size and percentage surface area of signage and any other relevant details.

10.1.21 Amendment No. 33 to Planning and Building Policies - Draft relating to Amalgamation Condition on Planning Approvals

Ward:	Both	Date:	10 May 2006
Precinct:	All Precincts	File Ref:	PLA 0170
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy relating to Amalgamation Condition on Planning Approvals, as shown in Attachment 10.1.21, resulting from the advertised version having been reviewed and regard to no written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy relating to Amalgamation Condition on Planning Approvals, as shown in Attachment 10.1.21; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Amalgamation Condition on Planning Approvals, as shown in Attachment 10.1.21, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the Policy relating to Amalgamation Condition on Planning Approvals, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 21 February 2006 resolved the following:

"That the Council;

- (i) *RECEIVES the Draft Policy relating to Amalgamation Condition on Planning Approvals, as shown in Attachment 10.1.35;*
- (ii) *ADOPTS the Draft Policy relating to Amalgamation Condition on Planning Approvals, to be applied in the interim until the formal adoption of the Draft Policy subject to the Policy being amended as follows;*
 - (a) *clause 2 being amended to read as follows:*
 - "2) *The amalgamation condition is to be imposed on a Planning Approval in the following instances:*
 - (i) *where new dwellings and new buildings straddle a lot boundary or are closer to the lot boundary than would be allowed under the Residential Design Codes; or*
 - ~~(iii)~~ (ii) *where no portion of the existing building straddles a lot boundary, however the proposed new development will subsequently straddle a lot boundary or are closer to the lot boundary than would be allowed under the Residential Design Codes; or*
 - (iii) *where car parking bays and car parking manoeuvring areas straddle a lot boundary. Alternatively, the car parking bays and car parking manoeuvring area can be dealt with as a grant of easement in favour of the Town registered on the certificate of title. This provision does not apply to carports and garages in instances contained in clause 3)." and*
 - (b) *clause 3(i) being amended to read as follows:*
 - "3) (i) *where the existing building or proposed new development does not straddle a lot boundary and is not closer to the boundary than would be allowed under the Residential Design Codes."*
- (iii) *ADVERTISES the Draft Policy relating to Amalgamation Condition on Planning Approvals, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*

- (a) *REVIEWS the Draft Policy relating to Amalgamation Condition on Planning Approvals, having regard to any written submissions; and*
- (b) *determines the Draft Policy relating to Amalgamation Condition on Planning Approvals, with or without amendment, to or not to proceed with them."*

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 25 April 2006. No submissions regarding the Policy were received during the comment period.

DETAILS:

The Town's Officers, following feedback from residents and applicants, considers the existing practice of applying the subject amalgamation condition to be onerous in circumstances where development (Residential and Commercial) is considered minimal or when the existing building already straddles the lot boundary. In these instances, the costs and/or timeframes involved in securing a caveat on the certificate of title or completing the amalgamation of a property with the Western Australian Planning Commission, renders the subject development economically unsustainable.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

10.1.22 Amendment No. 34 to Planning and Building Policies - Draft Policy Relating to Sound Attenuation

Ward:	Both	Date:	12 May 2006
Precinct:	All Precincts	File Ref:	PLA 0171
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy relating to Sound Attenuation, as shown in Attachment 10.1.22, resulting from the advertised version having been reviewed and regard to no written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy relating to Sound Attenuation, as shown in Attachment 10.1.22; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Sound Attenuation, as shown in Attachment 10.1.22, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the Policy relating to Sound Attenuation, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 28 February 2006 resolved the following:

"That the Council;

- (i) *RECEIVES the Draft Policy relating to Sound Attenuation, as shown in Attachment 10.1.15;*

(ii) *ADOPTS the Draft Policy relating to Sound Attenuation, to be applied in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows;*

(a) *clause 3 being amended to read as follows:*

"3) Measures

The aim of these measures is to achieve appropriate acoustic environments within noise sensitive premises. Therefore ambient environmental noise will be considered at the planning stage of the development process, and subsequently addressed during development design for implementation during construction.

i) Development Planning

The consideration of sound attenuation at the planning stage of a development contributes significantly to achieving the Noise Criteria Factors, in clause 5) that affect the acoustic performance of a building. Factors that should be considered include:

- a) the identification of existing/potential environmental noise sources, as outlined in clause 2);*
- b) development orientation and layout, taking into account the location of existing/potential environmental noise sources;*
- c) the location of bedrooms away from noise sources;*
- d) the location of balconies and windows away from noise sources;*
- e) the use of development built form (blade walls and the like) to screen noise sources; and*
- f) the use of building design elements (balcony balustrades, decorative screens and the like) to reduce ~~the~~ noise impact on windows.*

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

~~"i) The Town of Vincent may require an acoustic report in the following circumstances:~~

- ~~a) residential and mixed use development in the District Centre, Local Centre, Commercial and Commercial/Residential zones; or~~
- ~~b) residential and mixed use development within a 450 metres radius, or less if justified, due to the presence of structural barriers and the like, of the District Centre, Local Centre, Commercial and Commercial/Residential zones; or~~
- ~~e) non residential development in the Residential zone; or~~

- ~~d) non-residential development in the District Centre, Local Centre, Commercial and Commercial/Residential zones that includes any additional structures or plant and equipment including air conditioners or equipment rooms; or~~
- ~~e) change of use applications for land uses that involve entertainment, amplified music, public gatherings or other significant noise emitting activity.~~
- i) a) The Town of Vincent will require an acoustic report in the following circumstances:
- aa) residential, hotels, clubs, taverns and other licenced premises in the District Centre, Local Centre, Commercial and Commercial/Residential zones; or
- bb) non-residential development in the District Centre, Local Centre, Commercial and Commercial/Residential zones that includes any additional structures or plant and equipment including air conditioners or equipment rooms; or
- cc) change of use applications for land uses that involve entertainment, amplified music, public gatherings or other significant noise emitting activity; or
- dd) non-residential development in the Residential zone.
- i) (b) The Town of Vincent strongly encourages an acoustic report where residential and mixed use development is within a 50 metres radius, or less if justified, due to the presence of structural barriers and the like, of the District Centre, Local Centre, Commercial and Commercial/Residential zones.";
and
- (c) a new clause 7 be added as follows:
- "7) Acoustic Compliance
- The following condition will be imposed on any Planning Approval requiring an acoustic report:
- "the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report.";
- (iii) ADVERTISES the Draft Policy relating to Sound Attenuation, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
- (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Sound Attenuation, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Sound Attenuation, with or without amendment, to or not to proceed with them."*

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 25 April 2006. No submissions regarding the Policy were received during the comment period.

DETAILS:

The objective of the Policy relating to Sound Attenuation is to provide measures to be undertaken to minimise the adverse impacts of noise for the sustainable co-existence of a mix of land uses (including residential, shops, offices, eating houses, theatres, cinemas, hotels and clubs) within the Town's District Centre, Local Centre, Commercial and Commercial/Residential zones.

The Policy provides long term strategies that aim to avoid or minimise potential adverse noise impacts before they occur and to provide for noise impact assessment and management processes for land use planning decisions at the initial stages of the development process. It proposes to do this by outlining:

- noise sources relevant to the Town;
- measures to be taken to minimise the impact of these noise sources; and
- provisions for when and how an acoustic report will be required and prepared at the planning application and assessment stage of development.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

Health Services Comment

At the Ordinary Meeting of Council held on 25 October 2005, the Council approved the Vincent Noise Management Plan ('Plan') that will be used primarily as a Guideline for Environmental Health Officers in dealing with noise issues, but in addition resolved as follows:

"(iii) (c) prepare a Planning Policy to address measures to minimise the effects of noise intrusion and/or noise emissions in areas comprising both residential and non-residential developments. The draft Planning Policy relating to noise intrusion and/or noise emissions is to be reported to Council ... for its consideration; and

(d) further consider and address the matters considered in the Planning Policy relating to noise intrusion and/or noise emissions above in the review of Town Planning Scheme No.1."

As the 'Draft Policy relating to Sound Attenuation' is based on the East Perth Redevelopment Policy and is in addition to the above 'Plan', Health Services support the adoption of the draft policy that deals with primarily the built aspects of new Development Applications.

Summary

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

10.1.23 Amendment No. 35 to Planning and Building Policies - Draft Policy Relating to Property Numbering and Addressing

Ward:	Both	Date:	10 May 2006
Precinct:	All Precincts	File Ref:	PLA 0172
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23, resulting from the advertised version having been reviewed and regard to one written submission received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the Policy relating to Property Numbering and Addressing, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 14 March 2006 resolved the following:

"That the Council;

- (i) *RECEIVES the Draft Policy relating to Property Numbering and Addressing, as shown in Attachment 10.1.19;*
- (ii) *ADOPTS the Draft Policy relating to Property Numbering and Addressing, to be applied in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows;*
 - (a) *clause 1 be amended to read as follows:*
 - "1) *Determining the Property Number*

The main access from a road to a property determines the correct address and number of a property. ~~It is essential that the letterbox is located on the front boundary of the subject property, close to the main access with the property number clearly displayed. Non residential properties without a letterbox must have the property number clearly displayed and visible from the street. Properties must have the property number clearly displayed and visible from the street.~~ Properties must have the property number clearly displayed and visible from the street. This is in accordance with the Department of Land Information (DLI) guidelines and the requirements of the Fire and Emergency Services Authority of Western Australia (FESA);
- (iii) *ADVERTISES the Draft Policy relating to Property Numbering and Addressing, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Property Numbering and Addressing, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Property Numbering and Addressing, with or without amendment, to or not to proceed with them."*

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 25 April 2006. One submission was received during the comment period stating in part as the follows:

- "1. *Developments of more than fours (4) units or titles could all be numbered with available suffixes (alpha) other than I, O and possible X. In particular this could apply to survey strata properties.*

2. *The opening sentence to read "Where changes or additions to property addresses or numbers are approved..." This would assist agencies when clients with new addresses contact them. Some agencies have technologies which rely on addressing data bases having an address in it before services can be activated. These addresses need to be verified and confirmed before activation can take place. This move would reduce the number of calls to the Town's Planning and Rates Officers for address confirmation."*

Officer Comments

In relation to 1. above, the following comments are provided:

The Town's Officers consider it more appropriate to use numerical suffixes for properties with more than four (4) units/properties and when only one (1) property number is available. This is consistent with current and past practises for grouped, multiple dwelling and commercial developments.

In relation to 2. above, the following comments are provided:

The Town appreciates the comments, and it is to be noted that the relevant service providers will be notified by the Town when the change to property address or number is approved by the Town, which is detailed in this Policy.

DETAILS:

The Policy provides a strategy for dealing with the numbering of new subdivision and developments and the renumbering of existing properties within the Town. Specifically, its objectives are;

- To ensure the correct addressing and clear identification of all properties within the Town of Vincent;
- To allocate property numbers and addresses that are clear, logical and unambiguous; and
- To outline the process and procedure of numbering and renumbering properties within the Town of Vincent.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

10.2.4 2006 Annual Streetlight Audit

Ward:	Both	Date:	17 May 2006
Precinct:	All	File Ref:	TES0175
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 2006 Streetlight Audit undertaken by the Town;*
- (ii) *NOTES that a further streetlight night audit may be required to be undertaken by the Town in 2007, however, it is highly desirable that Western Power takes responsibility for the monitoring of their street lighting network; and*
- (iii) *REQUESTS that Synergy and Western Power Corporation:*
 - (a) *repair the faulty lighting (as shown in Attachment 10.2.4) in the Town in accordance with their customer service charter; and*
 - (b) *immediately implement a streetlight monitoring program to ensure that the street lighting infrastructure is maintained to a suitable standard at all times.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the Town's 2006 Streetlight Audit.

BACKGROUND:

Over the past decade, the provision of street lighting has evolved into a core function of Local Government. Whilst the actual installation and maintenance of streetlights is undertaken by Western Power Corporation, the cost of installation and the annual running costs are borne by Local Government.

Until the mid 1990s, Western Power personnel regularly inspected the network to ensure a high level of service. However, Western Power no longer carry out this function and the onus has been shifted to Local Authorities and the general public to advise Western Power of any faulty streetlights by way of telephone, email or facsimile.

As a result and as widely acknowledged, the level of service has diminished as the public are generally unaware that they are expected to report faulty streetlights in lieu of Western Power actively inspecting the network.

In 2001, in order to determine if there were an excessive number of street lights not working within the Town, the Council endorsed a proposal for Technical Services to undertake a streetlight audit on an annual basis.

DETAILS:

Over five consecutive nights, commencing May 2006, a systematic streetlight audit was undertaken within the Town. The Town was divided into five zones and every streetlight within the Town inspected under operating conditions. The primary aim of the audit was to identify lights not working, while the secondary aim was to assess the adequacy of the lighting and to make recommendations, where necessary, to install improved or additional lighting.

The streetlight audit is usually undertaken in July/August to take advantage of the early sunset and thereby ensuring that the officers can finish at a reasonable hour. However, as a consequence of the pedestrian fatality on 19 April 2006 at the intersection of Vincent and Bulwer Streets, North Perth, and as reported to the Ordinary Meeting of Council 26 April 2006, the streetlight audit was bought forward. While the cause of the accident is yet to be determined, witnesses suggested that the defective street lighting was a contributory factor.

An audit was not undertaken in 2005 due to staff shortages at the time.

The results of the audit and previous year's comparisons are as follows:

Year	No. of Lights	No. Not Working	% Not Working
2006	2801	170	6.1
2004	3074	106	3.4
2003	3012	143	4.7
2002	2963	86	2.9
2001	2920	110	3.8

Table 1.

A spread sheet of the audit results was forwarded to Western Power on 10 May 2006 for action.

Under Western Power's Customer Service Charter they have 5 working days in which to fix streetlights. Activity around the Town in the past week suggests that they (Western Power) are making a concerted effort to comply.

Accounting for the varying number of Streetlights

Synergy, previously Western Power Corporation, provides the Town with an annual schedule of the total number of streetlights by wattage and filament type.

According to Synergy's records there are currently 2,815 streetlights within the Town.

When undertaking the audit, officers have in the past counted streetlights on both sides of the boundary roads such as Walcott Street. This was primarily to ensure equity and consistency when reporting faulty lights. However, while officers still regularly report faulty lights outside the Town's boundaries, the audit was restricted to the lights within the Town to attain a more accurate indication of the number, location and pattern of faults.

Results

As can be seen from Table 1 above, that in spite of the fact fewer lights were assessed, the number of recorded faults increased significantly, approximately 62% (from 106 in 2004 to 170 in 2006).

In respect of any emerging patterns, while most faults were isolated, several of the Distributor Roads had sections where consecutive lights were not working and that the total number of faulty lights was high. By way of example, Scarborough Beach Road, between Green Street and Charles Street, there were eleven (11) streetlights not working, of which five (5) were between Kalgoorlie Street and Matlock Street, Mt Hawthorn.

StreetVision Street Lighting Agreement

The Town, like the majority of Local Authorities, is a party to Synergy's / Western Power's standard StreetVision Street Lighting Agreement. This is the contract whereby Western Power undertakes to run and maintain the street lighting network for an annual service fee. For the financial year 2006/07 the total cost is \$361,377, GST excluded.

By way of comparison, in 2005/06 the contract price was \$360,328, representing an annual increase of \$1,049 or 0.29%, which is less than the rise in the Consumer Price Index over the same period.

Segregation of Western Power Corporation.

The Western Power Corporation, as of 1 April 2006, was broken into four separate operating units.

- Verve Energy, power generation.
- Western Power, networks and delivery.
- Synergy, the power retailer for the southwest region including the Perth metropolitan area.
- Horizon Power, the power retailer for the remainder of the state.

As a consequence, the Town, as are all metropolitan Local Authorities, is now a customer of Synergy, and in future the annual StreetVision licensing agreement will be between the Town and Synergy. However, Western Power still has responsibility for maintaining the streetlights and will continue to accept fault reports via phone, facsimile or email.

Meeting with Synergy

On Monday 15 May 2006, the Chief Executive Officer, Executive Manager Technical Services and the Manager Engineering Design Services met with the Synergy Head of Stakeholder Relations and the Town's Account Manager to discuss the Town's concerns and dissatisfaction with the current level of service.

The Synergy representatives acknowledged that they, as our electricity retailer, and Western Power, are responsible for maintaining streetlights. Synergy also advised that they supported the re-introduction of regular streetlight inspections by Western Power and would be 'pushing' for this in their future discussions (with Western Power). Further, as Synergy is trying to establish their own identity, they are keen to build a good working relationship with the Town and have indicated that they can and will promote the Town's interests when dealing with Western Power.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town's Policy "Street Lighting" No. 2.2.15 states the objectives of this policy are to provide effective and efficient street lighting through the Town and to provide a mechanism by which street lighting requests and designs can be assessed and sets out the minimum standard according to road classification.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to undertake the 2006 streetlight audit was approximately \$1,045. The streetlight installation program and annual running costs are reviewed as part of the budget preparation process.

COMMENTS:

Currently Western Power relies on the public and Local Government to advise them when a street light is not working. It is considered that Western Power should be more proactive in maintaining their street lighting network.

10.3.1 Financial Statements as at 30 April 2006

Ward:	Both	Date:	16 May 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 30 April 2006 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 April 2006.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 April 2006.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 103 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 102% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 101% of the budgeted amount for the rates income. In addition interim rates for the year are 16% over the budgeted expectations.

Governance (Page 2)

Governance is showing 191 % of the budget received to date. This can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 64 %. This is due to the credit note of \$6300 of the grant contribution from the AWARE program scheme and only \$3150 was paid instead.

Health (Page 4)

Health is still showing a favourable variance of 104 %. The budget had been reviewed to reflect in the increased in health licences and fees charges. There were 337 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco

Education & Welfare (Page 5)

Education & Welfare revenue is just below the budget amount at 94% due to youth grants not yet received and under recoup of insurance charges.

Community Amenities (Page 6)

Community Amenities is 96 % of the year to date budget. There was a budget review to correct the surplus in revenue where the Refuse Charges for non-rated properties being higher than original budget. There were over 586 planning applications have been processed year to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is on target of their revenue budget. As Beatty Park Leisure Centre operating revenue are meeting the target at 102% against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 124 % against the year to date revenue budget. Budget review has been done yet there is still a favourable increase in parking income as well as modified penalties being higher due to vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 129 % over budget which is mainly due to more than 415 building licences issued to the end of April which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

Other Property & Services revenue is operating above budget projections at 109% due to increased revenue on insurance claims.

Operating Expenditure

Operating expenditure for the month of April is just over budget at 102 %.

Health (Page 4)

The expenditure is currently 112 % over budget attributable to the employment of a temporary Health Officer required for the increased work load and leave cover. There has also been an increase in after hour attendances which attract overtime payments. Budget review reduced the variance by 8% from the increase in revenue.

Other Property & Services (Page 13)

This program is currently 168 % over budget because of the low recovery rate for the plant charges in the section and increased in plant operating costs. It is envisaged that this position should improve as the financial year progresses and the scheduled larger Capital Works Projects are undertaken.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure and commitment for April amount of \$3,501,933 which is 9 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	161,300	80,414	50%
Plant & Equipment	1,252,040	743,312	59%
Land & Building	32,651,460	149,500	1%
Infrastructure	6,318,996	2,528,706	40%
Total	40,383,796	3,501,933	9%

Capital Expenditure - Variance Comments

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

Plant and Equipment

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

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

Beatty Park Leisure Centre

	Budget	Actual to Date	%
Inflatable feature	7,200	14,700	204%

The difference in cost of item was sponsored by Schweppes.

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

Land and Building Assets

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

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

Infrastructure Assets

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

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

Parks Services

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

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

	Budget	Actual to Date	%
Drainage			
Drainage Upgrade	30,000	36,704	122%

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

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

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

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

The statement shows the current assets of \$16,976,992 less current liabilities of \$3,593,214 for a current position of \$13,383,778. The total non current assets amount to \$114,449,948 less non current liabilities of \$10,970,767 with the total net assets of \$116,862,958.

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 \$462,770 are outstanding at the end of April. Of the total debt \$62,381 (13%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

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

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments.

The due dates for each instalment are:

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

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

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

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

Rates outstanding are \$493,829 which represents 3.42 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 30 April 2006 the operating deficit for the Centre was \$302,426 in comparison to the budgeted year to date deficit of \$218,432 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$90,871 in comparison to the year to date budget of cash surplus of \$166,267 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

The Swim school is currently exceeding budget estimate, with classes at capacity continues to perform above budgeted expectation.

The Retail Shop continues to perform with higher than expected figure; the sale has assisted in maintaining this performance.

Aquarobics performed higher than expected estimates as a result of increased membership.

Statement of Financial Activity (Page 32)

The amount raised from rates for the year to date 30 April 2006 was \$14,513,193.

Net Current Asset Position (Page 33)

10.3.2 Authorisation of Expenditure for the period 1 - 30 April 2006

Ward:	Both	Date:	05 May 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 April - 30 April 2006 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 30 April 2006.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$701,500.22
Total Municipal Account		\$701,500.22
Advance Account		
Automatic Cheques	55064-55297	\$370,399.94
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 511, 513, 515-516, 517		\$621,422.05
Transfer of PAYG Tax by EFT	April 2006	\$177,204.20
Transfer of GST by EFT	April 2006	
Transfer of Child Support by EFT	April 2006	\$959.38
Transfer of Superannuation by EFT City of Perth	April 2006	\$28,450.87
Local Government	April 2006	\$87,166.75
Total Advance Account		\$1,285,603.19
Transfer of Payroll by EFT	April 2006	\$265,253.18
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,363.15
Lease Fees		\$2,810.09
Corporate Master Cards		\$7,086.72
Australia Post Lease Equipment		\$86.61
2 Way Rental		\$165.00
Loan Repayment		\$0.00

Rejection Fees	\$0.00
ATM Rebate	\$0.00
Beatty Park - miscellaneous deposit	\$0.00
Total Bank Charges & Other Direct Debits	\$14,511.57
Less GST effect on Advance Account	\$0.00
Total Payments	\$2,266,868.16

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.4.1 Use of the Council's Common Seal

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

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

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
26/04/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Jungle Soccer Pty Ltd of PO Box 8185, Perth Business Centre, 6849 re Jungle Soccer Coaches' Meeting (Chairman's Lounge) – 26 April 2006
27/04/06	Deed of Covenant	3	Town of Vincent and C & F Stoinis Pty Ltd of Suite 1, Level 1, 353 Cambridge Street, Wembley and Commonwealth Bank of 150 St Georges Terrace, Perth re: No. 138 (Lots 276 and 277) Matlock Street, Mount Hawthorn - Amalgamation/Subdivision re-lodgement of Caveat

Date	Document	No of copies	Details
03/05/06	Funding Agreement	2	Town of Vincent and the Commonwealth of Australia (as represented by the Department of Industry, Tourism and Resources) and Cairns City Council and each person named in Schedule 8 (Local Governments in Queensland, South Australia, Victoria, New South Wales, Tasmania, and Western Australia), in relation to funding for a Project under the Regulation Reduction Incentive Fund (RRIF) Program
08/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re Barry Bennett Workshop 2 (Glory Lounge and Gareth Naven Room) – 12 May 2006
08/05/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re Unisuper Conference (Glory Lounge) – 16 May 2006
10/05/06	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Ms J M Rothwell re: Unit 15, Leederville Gardens Retirement Estate
10/05/06	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr and Mrs Kenney re: Unit 39, Leederville Gardens Retirement Estate

10.4.6 Information Bulletin

Ward:	-	Date:	17 May 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	S Fowler		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 23 May 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 23 May 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the State Administrative Tribunal – 14 Auckland Street, North Perth. Enclosing Reasons for Decision and Orders.
IB02	Letter from Justice M L Barker, President State Administrative Tribunal – Hughan and Town of Vincent – No 36 Paddington Street, North Perth.
IB03	Letter from Malcolm Logan, Appeals Unit, Department of Planning and Infrastructure – 443 Walcott Street, Mount Lawley.. Enclosing SAT Ruling.
IB04	Letter from the State Administrative Tribunal - 355 Fitzgerald Street, North Perth. Corrected statement of reasons.
IB05	Litter Prevention Strategy for Western Australia – Letter from Susan Waller, Executive Officer Keep Australia Beautiful Council (WA).
IB06	Letter to CEO City of Perth re: City Planning Scheme No. 2 – Draft Amended Bicycle Parking and End of Journey Policy PLA0022
IB07	Letter from John D’Orazio MLA, Minister for Community Safety – Designing Safer Communities Fund – 2005/06 Funding Round (Graffiti Vandalism)
IB08	Letter from State Administrative Tribunal attaching orders made on 24 April 2006 – 37 Paddington Street, Leederville

ITEM	DESCRIPTION
IB09	Letter from Mark Hedges, Executive Director East Perth Redevelopment Authority – East Perth Redevelopment Scheme – Amendment No. 20 Boundary Extension Over Perth Cultural Quarter and Northbridge Link.
IB10	Letter from Stephen McNab, Inspector Department Racing, Gaming and Liquor – Section 117 Complaint – Leederville Hotel
IB11	The Planning and Development Act 2005 PLA0022

10.1.18 Nos. 505-509 (Lot 4 D/P: 64652) Charles Street, corner Ellesmere Street, North Perth - Proposed Garden Bar Addition to Existing Hotel

Ward:	North	Date:	17 May 2006
Precinct:	North Perth; P8	File Ref:	PRO0904; 5.2005.3341.1
Attachments:	001		
Reporting Officer(s):	L Mach, S Teymant		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Angelkov on behalf of the owner Bridgeton Pty Ltd for proposed Garden Bar Addition to Existing Hotel, at Nos.505-509 (Lot 4 D/P: 64652) Charles Street, corner Ellesmere Street, North Perth and as shown on plans stamp-dated 4 April 2006, subject to the following conditions:

- (i) the Licensee shall submit a Premises Management Plan, Staff Training Plan and Harm Minimisation Plan that details relevant aspects but in particular includes litter collection, external crowd control patrols, waiting and food provision in the licensed Alfresco Area as a harm minimisation strategy and noise control in a 250 metre radius of the premises within reasonable parameters;*
- (ii) the existing bottle shop structure must remain (as recommended in the acoustic report by Herring Storer Acoustics), or in case of any future demolition of the structure, a suitable replacement structure/acoustic barrier must be provided, as determined appropriate by a further acoustic report;*
- (iii) music provision in the alfresco area may only be delivered at low background levels via a minimum of four (4) small speakers. All speakers are to be angled toward the ground to assist with containing all music noise within the alfresco area confines;*
- (iv) amplified sound is not to be audible/distinguishable from ambient sound (traffic etc) at the nearest residence;*
- (v) visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Town;*
- (vi) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (vii) the maximum accommodation number of the licensed Alfresco Area being limited to eighty (80) persons with a minimum of sixty (60) chairs;*
- (viii) the car park to the north of the premises is to be promoted internally to customers;*
- (ix) doors and windows and adjacent floor areas fronting Charles Street and Ellesmere Street shall maintain an active and interactive relationship with these streets;*

- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *prior to the first occupation of the development, an additional two(2) class- one or two, and two(2)class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xiv) *the maximum floor space shall be limited as follows:*
- (a) *hotel -29 bedrooms;*
 - (b) *retail- 233 square metres; and*
 - (c) *public floor area- 1041 square metres.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Messina

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

"(xvi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating no gaps between the picket fencing. The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Ker on leave of absence.)

Moved Cr Maier, Seconded Cr Messina

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

"(ii) the existing ~~bottle-shop~~ store/service area structure must remain (as recommended in the acoustic report by Herring Storer Acoustics), or in case of any future demolition of the structure, a suitable replacement structure/acoustic barrier must be provided, as determined appropriate by a further acoustic report;"

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Chester, Seconded Cr Farrell

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

"(xv) the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report."

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.18

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Angelkov on behalf of the owner Bridgeton Pty Ltd for proposed Garden Bar Addition to Existing Hotel, at Nos.505-509 (Lot 4 D/P: 64652) Charles Street, corner Ellesmere Street, North Perth and as shown on plans stamp-dated 4 April 2006, subject to the following conditions:

- (i) the Licensee shall submit a Premises Management Plan, Staff Training Plan and Harm Minimisation Plan that details relevant aspects but in particular includes litter collection, external crowd control patrols, waiting and food provision in the licensed Alfresco Area as a harm minimisation strategy and noise control in a 250 metre radius of the premises within reasonable parameters;*
- (ii) the existing store/service area structure must remain (as recommended in the acoustic report by Herring Storer Acoustics), or in case of any future demolition of the structure, a suitable replacement structure/acoustic barrier must be provided, as determined appropriate by a further acoustic report;*

- (iii) *music provision in the alfresco area may only be delivered at low background levels via a minimum of four (4) small speakers. All speakers are to be angled toward the ground to assist with containing all music noise within the alfresco area confines;*
- (iv) *amplified sound is not to be audible/distinguishable from ambient sound (traffic etc) at the nearest residence;*
- (v) *visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Town;*
- (vi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (vii) *the maximum accommodation number of the licensed Alfresco Area being limited to eighty (80) persons with a minimum of sixty (60) chairs;*
- (viii) *the car park to the north of the premises is to be promoted internally to customers;*
- (ix) *doors and windows and adjacent floor areas fronting Charles Street and Ellesmere Street shall maintain an active and interactive relationship with these streets;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *prior to the first occupation of the development, an additional two(2) class- one or two, and two(2)class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xiv) *the maximum floor space shall be limited as follows:*
 - (a) *hotel -29 bedrooms;*
 - (b) *retail- 233 square metres; and*
 - (c) *public floor area- 1041 square metres; and*
- (xv) *the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report.*

ADDITIONAL INFORMATION:

A further objection has been received by the Town in relation to the subject proposal. The issues raised related to privacy, noise and the '*potential and likely increase in anti-social behaviour*'. These issues have been addressed in the Officer Report.

Landowner: Bridgeton Pty Ltd
Applicant: C Angelkov
Zoning: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1 (TPS 1): Special Use-Hotel
Existing Land Use: Hotel
Use Class: Hotel
Use Classification: "P"
Lot Area: 6104 square metres
Access to Right of Way N/A

BACKGROUND:

17 January 2006 The Council at its Ordinary Meeting considered a report relating to the proposed limited alfresco and licensed area.

9 February 2006 The Director of Liquor Licensing has considered the resolution of Council at its Ordinary Meeting held on 17 January 2006 and resolved to include the conditions pertaining to a Premises Management Plan, limiting the maximum number of persons in the Alfresco area to eighty (80), internal promotion of the northern car park area for patrons use and submission of an Acoustic Report prior to external amplified music being permitted.

DETAILS:

The proposal involves garden bar addition to existing hotel at the corner of Charles and Ellesmere Streets.

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 (2)	<ul style="list-style-type: none"> • Car Parking • Traffic 		Not supported- as adequate car parking has been provided in accordance with the Town's Parking and Access Policy. Not supported- as the proposal is not considered to have an undue impact on traffic on the basis that Charles Street is a District Distributor Road.

	<ul style="list-style-type: none"> • Privacy • Noise • Anti-social behaviour 	<p>Not supported- as the proposal is not considered to result in privacy implications for adjoining residences.</p> <p>Noted- as the development will be required to comply with Environmental Protection (Noise) Regulations 1997 and the matter has been addressed via an acoustic report and conditions.</p> <p>Not supported- as this is not considered to be a major issue affecting the above hotel.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Hotel: 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (29 bedrooms proposed)= 29 car bays 1 space per 3.8 per square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site (1041 square metres of public area proposed and 880 maximum number of persons approved for the site), whichever is the greater= 273.95 car bays Retail: 1 space per 15 square metres of gross floor area (233 square metres proposed) = 15.53 car bays		318.28 car bays
Total car parking requirement (nearest whole number)		318 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)		(0.85) 270.3 car bays
Minus car parking on-site		150 car bays
Minus the most recently approved on-site parking shortfall		187 car bays
Resultant surplus		66.7 car bays
Bicycle Parking		
Hotel (requirements has only been applied to current proposal, that is, the garden bar addition) • 1 per 100 square metres lounge, beer garden(class 1 or 2)- 2 spaces • 1 space per 25 square metres gross floor area-and 1 per 100 square metres lounge, beer garden(class 3)- 2 spaces		Nil facilities indicated on plans, and has been conditioned to comply.

* 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:

Health Services Comments

Health Services advises the requests of the Director Liquor Licensing includes the submission by the applicant of a Premises Management Plan, and commitment by the applicant to limit the maximum number of persons in the Alfresco area to eighty (80), and to conduct internal promotion of the northern car park area for patrons use. These matters have therefore been conditioned accordingly.

The Town's Health Services also concur with the recommendations of the acoustic report undertaken by Herring Storer Acoustics, in relation to ensuring that amplified music is delivered through a minimum of four (4) small speakers, and that the existing bottle shop structure remains to act as a sound buffer between the alfresco area and residents on the southern side of Charles Street.

In light of the objections being addressed as above and car parking being adequately provided for the development on the site, the proposal is not considered to have an undue impact on the area and is, therefore, recommended for approval, subject to standard and appropriate conditions.

10.1.9 No. 157 (Lot: 27 D/P: 2612) Chelmsford Road, North Perth - Proposed Demolition of Existing Garage and Additions of Swimming Pool, Front Wall and Patio to Existing Single House

Ward:	South	Date:	17 May 2006
Precinct:	Norfolk Precinct P10	File Ref:	PRO3132; 5.2006.134.1
Attachments:	001		
Reporting Officer:	B Phillis		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owner P J Coward for proposed Demolition of Existing Garage and Addition of Swimming Pool, Front Wall and Patio to Existing Single House, at No. 157 (Lot 27) Chelmsford Road, North Perth, and as shown on amended plans stamp-dated 12 May 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Chelmsford Street boundary and the main building, including along the side boundaries within this front setback area (excluding the privacy wall and a 1.3 metre section of the eastern limestone boundary wall within the front setback area), shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

(iii) *prior to the issue of a Building Licence:*

- (a) *amended plans shall be submitted and approved by the Town depicting the solid portion of wall proposed within the front setback area with 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. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (b) *that the solid boundary wall supporting the extended verandah roof cover above the swimming pool, be a maximum height of 3 metres to match the remainder of the wall, with open post/beams permitted to support the verandah roof cover up to a height of 4 metres.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

“(iii) *prior to the issue of a Building Licence:*

- (a) *amended plans shall be submitted and approved by the Town depicting the solid portion of wall proposed within the front setback area be reduced in height to 1.8 metres and providing ~~with~~ 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. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and”*

AMENDMENT LOST (3-5)

For

Cr Chester
Cr Lake
Cr Maier

Against

Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Messina
Cr Torre

(Cr Ker on leave of absence.)

MOTION CARRIED (8-0)

(Cr Ker on leave of absence.)

ADDITIONAL INFORMATION:

Following consultation with the applicant, the front privacy screen wall is proposed at a height of 2.2 metres for the following reasons:

(a) Safety

The applicant is aware of young children living in the immediate area and has proposed the wall height to be 2.2 metres so as to minimise the potential for unsupervised access into the pool. A curve feature has purposely been incorporated into the design to minimise undue bulk and impact on the streetscape.

(b) Amenity and Consistency

The applicant has attempted to maintain consistency in height with the proposed timber screen at the building line for a portion of the front verandah, which will create an aesthetic continuity of the verandah roof line.

Landowner:	P J Coward
Applicant:	P J Coward
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	570 square metres
Access to Right of Way	5 metres, sealed and privately owned (with rights of access)

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the Demolition of Existing Garage and Addition of Swimming Pool, Front Wall and Patio to Existing Single House.

Solid Front Wall within Front Setback Area

A 2.2 metre high masonry wall, which is 7.5 metres in length, is proposed within the front setback area, extending from the east side of the front verandah to the eastern boundary.

The privacy wall has been designed to be partially located within the front setback area due to a proposed 25 metre lap pool, which cannot be setback any further unless a mature Peppermint Tree is removed, which is not the owner's preferred option.

Extension of Eastern Boundary Wall (Abutting a Right of Way)

An existing limestone boundary wall at 3 metres in height is proposed to be extended north along the eastern boundary line. The wall height varies from 4.2 metres to 4.0 metres for a section of 5.9 metres or 15 per cent of the total boundary (to support a new patio roof extending across the lap pool), then reduces to 2.8 metres to 2.3 metres for a length of 17.7 metres. The proposed wall height varies from the requirements of the Local Law for Fences, Floodlights and other External Lights, whereby fences over 2.4 metres are not permitted unless discretion is granted.

Eastern Boundary Wall within Front Setback Area

The solid eastern boundary wall with a height of 2.3 metres is proposed to be extended to 1 metre into the front setback area, which is a variation to the Street Walls and Fences Policy.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R40	1 dwelling R40	Noted
Plot Ratio	N/A	N/A	N/A
Privacy			
East Verandah Deck	Verandah deck above 0.5 metre from natural ground level requires 7.5 metres setback or screened.	Verandah deck is fully screened by the high solid boundary wall.	Supported - the boundary wall is supported at 3.0 metres and will screen overlooking from the verandah deck.
Wall Heights			
Eastern Boundary Wall	2.4 metres (Local Law)	2.3 metres - 4.2 metres	Partly supported - except the highest section of wall is to be reduced to a maximum height of 3 metres, with open piers / beams permitted to support the verandah cover. (Refer to 'comments' below).
Front Wall	Visually open from 1.2 metres to a maximum of 2 metres (Fencing Policy) in front setback area	2.2 metres high solid wall, setback 2 metres to 2.9 metres from the front boundary.	Supported - the wall has been appropriately contoured to allow sight lines to and from the dwelling and is setback from the front boundary line. Design features are recommended to be incorporated into the front wall as a condition of approval.
Consultation Submissions			
The development was not advertised to adjoining owners due to no direct impact on the amenity of adjoining properties (due to the right of way to the east) and that the amenity of the streetscape is considered not to be detrimentally affected due to full views of the facade of the dwelling being retained and conditions of approval recommended to be applied requiring that the solid front wall be treated with design features.			

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

COMMENTS:

Due consideration has been given of the visual impact that the privacy wall within the front setback area will have on the streetscape appeal of the dwelling. It has been assessed that as the wall will continue to allow full vistas to the facade and front yard area from the north (front) and north east perspectives, the variation is supported.

The raised portion of eastern boundary wall up to a height of 4.1 metres - 4.2 metres is not supported as a solid wall. It is recommended that this portion of wall should be reduced to a maximum height of 3.0 metres to reduce the visual bulk of the wall on the right of way and to avoid the creation of a 'tunnel' effect on the right of way. Open piers / beams that structurally support the extension of the verandah cover are supported.

The 1.3 metre solid portion of eastern boundary wall within the front setback area is supported as the wall continues to allow sight lines into the front setback area and achieve site lines from egress of the right of way due to the low visually permeable picket fence.

In light of the above, it is recommended that the proposed demolition of the existing garage and swimming pool, front wall and patio additions to existing single house be approved, subject to conditions.

10.1.7 No. 87 (Lot: 2 D/P: 7159) Anzac Road, Mount Hawthorn- Proposed Partial Demolition of and Alterations and Additions, including Two-Storey Addition to Existing Single House

Ward:	North	Date:	16 May 2006
Precinct:	Mount Hawthorn; P01 -	File Ref:	PRO3501 5.2006.105.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Maughan on behalf of the owner A P & F L Maughan for proposed Partial Demolition of and Alterations and Additions, including Two-Storey Addition to Existing Single House, at No. 87 (Lot: 2 D/P: 7159) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 10 March 2006 , subject to the following conditions:

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

- (a) *the deck on the ground floor within a 7.5 metre cone of vision of the adjoining properties on the eastern and western side; and*
- (b) *the bedroom on the upper floor, southern side (overlooking the eastern side);*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies. Alternatively, prior to the issue of a Building Licence, written consent being provided from the affected property owners advising that they raise no objections to the privacy variations.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.15pm.

Cr Messina returned to the Chamber at 7.16pm.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	A P & F L Maughan
Applicant:	P Maughan
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:	918 square metres
Access to Right of Way	Southern side, 5.03 metres wide, sealed, Council owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and two-storey additions to the existing single dwelling.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Building Height	6 metres to eaves from natural ground level.	7.42 metres to eaves at highest point from natural ground level.	Supported- Given the natural ground levels (the finished floor level is in line with the existing dwellings finished floor level, which sits 1.12 metres higher than the natural ground level at the rear) and the style of the existing dwelling (the existing dwelling has high ceilings), the proposed development exceeds the acceptable height limit to the eaves. However, given that there is no undue impact on the amenity of the adjoining properties or the streetscape, that no objections were received, and the proposal complies with the overall height limit of 9 metres, the proposed height is generally considered supportable.
Setbacks:			
<u>Ground Floor</u>			
East	3.6 metres	2.657 metres	Supported- given that there is no undue impact on the amenity of the adjoining properties as there is no overshadowing and overlooking concerns have been conditioned, and that no objections were received. The proposed variations are supported.
West	3.1 metres	771 millimetres	
<u>Upper Floor</u>			
West	1.2 metres	771 millimetres	

Privacy Setbacks			
<u>Eastern side:</u>			
Family room-ground floor	6 metres	4 metres	Not supported- although no objections were received, the proposed cone of vision encroachments are considered to create an undue impact on the amenity of the adjoining properties. Given this, a condition has been imposed requiring screening to be erected to ensure compliance with the privacy requirements. However, a screening condition has not been applied to the family room as the screening condition applied to the deck will ensure that there is no overlooking from the family room. The condition also states that screening will not be required if written consent is provided from the neighbours prior to the issue of a Building Licence.
Deck-ground floor	7.5 metres	2.657 metres	
Bedroom-upper floor	4.5 metres	4 metres	
<u>Western side:</u>			
Family room-ground floor	6 metres	5 metres	
Deck-ground floor	7.5 metres	3.377 metres	
Consultation Submissions			
Support (1)	No comment		Noted
Objection (0)	None		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS

In light of the above, the proposal is generally considered supportable as the affected landowners raised no objections to the proposed development, and the proposal is not considered to create a significant undue impact on the amenity of the adjoining properties or the streetscape. Approval is therefore recommended, subject to standard and appropriate conditions.

10.1.14 No. 61 (Lots 21 & 22 D/P: 527) Glendower Street, Perth - Proposed Demolition to Existing Place of Public Worship (Church)

Ward:	South	Date:	16 May 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3515 5.2006.131.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by David Barnao & Co on behalf of the owner the Roman Catholic Archbishop of Perth for proposed Demolition of Existing Place of Public Worship (Church), at No.61 (Lots: 21 & 22 D/P: 527) Glendower Street, Perth, and as shown on plans stamp-dated 31 March 2006, subject to the following conditions:

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

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

Moved Cr Farrell, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Torre

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

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Ker on leave of absence.)

MOTION CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.14

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by David Barnao & Co on behalf of the owner the Roman Catholic Archbishop of Perth for proposed Demolition of Existing Place of Public Worship (Church), at No.61 (Lots: 21 & 22 D/P: 527) Glendower Street, Perth, and as shown on plans stamp-dated 31 March 2006, subject to the following conditions:

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

Landowner: Roman Catholic Archbishop of Perth
Applicant: David Barnao & Co
Zoning: Metropolitan Region Scheme: (MRS) Urban
Town Planning Scheme No.1 (TPS 1): R80
Existing Land Use: Place of Public Worship (Church)
Use Class: Place of Public Worship
Use Classification: "AA"
Lot Area: 827 square metres
Access to Right of Way N/A

BACKGROUND:

13 February 2006 The Western Australian Planning Commission conditionally approved a four lot, freehold green title subdivision of the above site.

DETAILS:

The proposal involves the demolition of Saint Andrew the Apostle Melkite Catholic Church at No.61 Glendower Street, Perth.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support (1)	No reason provided.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies.		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

A site inspection of Saint Andrew the Apostle Melkite Catholic Church at No.61 (Lots 21 and 22 D/P:527) Glendower Street, Perth was undertaken by the Town's Heritage Officers. Images and a site plan of the subject place are contained within the attachment to this report. The Church is located directly opposite Hyde Park and forms part of an eclectic streetscape, which exhibits a range of architectural styles and construction periods, such as inter-war Californian Bungalows, inter-war Art Deco, Federation Arts and Crafts to more recent contemporary duplexes and townhouses.

It is not known when the Saint Andrew the Apostle Melkite Catholic Church was constructed as no original building plans for the site could be located. However, it is believed to have been after 1958 when the land was transferred to the Apostolic Church Trust of the State of Victoria. The Melkite Greek Catholic Church is one of the approximately 22 particular Churches in the Catholic Church and its followers are often referred to as "Eastern Catholics" or "Byzantine Catholics" or "Greek Catholics".¹

In 1931 Mrs. Margaret Green a widow from Mount Lawley purchased No.61 Glendower Street. No information regarding the original dwelling on this site was able to be located. Mrs. Green passed away on 6 August 1947 and the following year Mr. John Adrian Kerring, a master baker purchased the subject place. The place was sold again in 1951 to Mr. Charles Green, a Medical Practitioner and his wife Margaret Marian Green. In 1958 the place was transferred to the Apostolic Church Trust of the State of Victoria. At this time, it is believed that the original house was demolished and the existing Church was constructed. The place was transferred again in 1985 to the Roman Catholic Archbishop of Perth.²

The Church is constructed from brick and has an asbestos gable roof with projecting eaves. Elevated above ground level the church is accessed via seven steps or alternatively via a concrete ramp. The entrance is through a large timber framed double door, which is located centrally and adorned with an arched fanlight. The entrance is flanked on either side by a small timber framed arched window. The upper portion of the eastern and western elevations features a continuous row of fixed, aluminium framed, coloured textured glass windows. Underneath these fixed windows there is another row of windows, which have a top hung sash window for every alternate window. Attached to the rear portion of the eastern elevation there is a small brick and iron entrance area and store room, which leads into the Church Hall.

Internally the Church is divided into four main areas. The entrance area, the main Church area, the Church hall and kitchen area. The entrance area is narrow and features an enclosed confessional cubical. The area has exposed brick walls, light weight dividing walls and a tiled floor. A large timber archway in this entrance area provides access into the main Church. The main Church area features small chandeliers and four large, intrusive air-conditioning units, which project down from the ceiling. The floor is carpeted and there is a decorative, light weight timber partition, which divides the alter area from the congregation. Behind the main Church area there is a large hall, which features a lino floor and painted brick walls. There is a small kitchen area, which adjoins the hall and features aluminium windows, and cupboards.

It is considered that the place does not have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. Therefore, it is considered that a full Heritage Assessment is not warranted in this instance. It is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

¹ Martha Liles (2005) *Melkite Greek Catholic Church Information Centre* [ONLINE] Available at:
<http://www.mliles.com/melkite/melkite.shtml>

² Certificate of Title for No.61 Glendower Street

10.1.19 No. 36 (Strata Lot 1 and Strata Lot 2 on Strata Plan: 45840) Joel Terrace, East Perth- Proposed Retaining Wall Additions to Vacant Land

Ward:	South	Date:	17 May 2006
Precinct:	Banks; P15	File Ref:	PRO2666 5.2006.69.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant and owner B R Tonkin for proposed Retaining Wall Addition to Vacant Land, at No. 36 (Strata Lot: 1 and Strata Lot: 2 on Strata Plan: 45840) Joel Terrace, East Perth, and as shown on amended plans stamp-dated 13 April 2006 , subject to the following conditions:

- (a) a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed retaining wall and foundations for the retaining wall, taking into account the hydrogeological composition, ground water movement through the site, and history of the site, shall be submitted to and approved prior to the issue of a Building Licence;*
- (b) subject to first obtaining the consent of the owners of No. 38 and No. 28 Joel Terrace for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining wall facing No. 38 and No. 28 Joel Terrace in a good and clean condition;*
- (c) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (d) no development, including fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation Reserve;*
- (e) no vehicular access is permitted on the Parks and Recreation Reserve;*
- (f) any subsequent proposed development on the property shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and the natural ground levels of the site shall be taken from the previous natural ground levels and not the new ground levels created as part of this application. Also, it is not to be assumed that the Town will support variations to the requirements; and*
- (g) the pool fencing shall not form part of this application and shall be assessed at the Building Licence stage in accordance with the Local Laws.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Ker on leave of absence.)

Landowner:	B R Tonkin
Applicant:	B R Tonkin
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant Land
Use Class:	Retaining walls (associated with future redevelopment of the site)
Use Classification:	"P"
Lot Area:	Strata Lot 1 (283 square metres) and Strata Lot 2 (285 square metres) common driveway (166 square metres)
Access to Right of Way	N/A

BACKGROUND:

16 January 2004 A development application for a two-storey grouped dwelling and retaining walls was received for the subject property.

22 January 2004 The Western Australian Planning Commission conditionally approved the subdivision of No. 36 (Lot Pt 379) Joel Terrace, East Perth, into three survey strata lots, two of the lots fronting the recreational reserve with proposed strata Lot 1 having a land area of 283 square metres, proposed strata Lot 2 having a land area of 285 square metres, and proposed strata Lot 3 being a square lot of 208 square metres, with a common property access leg of 167 square metres.

Advice notes from the Western Australian Planning Commission (WAPC) in relation to the subdivision are as follows:

- "1. This advice only relates to subdivision only. Any works such as retaining walls of (or) filling of the side (site) will require further consideration by the Swan River Trust.

2. Future development of lots that are likely to impact the Swan River Trust management area will be subject to Swan River Trust development policies. This includes the Trust's development setback requirements in accordance with the Trust Policy SRT/D3, requiring 10 metres or 20% of the average depth of the lot, whichever is the lesser from the landward boundary of the Parks and Recreation reservation.
 3. The Swan River Trust Stormwater Disposal Policy precludes the discharge of stormwater directly into the Swan River or into the Swan River Trust Management Area without the approval of the Trust."
- 27 April 2004 The Council at its Ordinary Meeting resolved to refuse the application for proposed retaining walls and two-storey grouped dwelling at the subject site for the following reasons:
1. *Does not comply with bulk, scale and setbacks.*
 2. *Complaints received.*
 3. *Loss of amenity."*
- 4 May 2004 The Swan River Trust advised as follows:
- "The Board resolved to advise the Town of Vincent that it supports their refusal of the Two Storey Single House and Associated Retaining Walls at Lot 379, 36 Joel Terrace East Perth WA 6004, as described in plans received by the Trust dated 6 April 2004 for the following reasons:
1. *The proposed development will detract from the amenity for the riverscape by virtue of its close proximity to the foreshore and the waters of the Swan River.*
 2. *The proposed development is excessive in scale and bulk and will have detrimental visual impact on the adjacent foreshore and riverine environment."*
- 10 August 2004 The Council at its Ordinary Meeting resolved to approve an application for proposed retaining walls to a vacant residential lot (Strata Lot 1).
- 20 February 2006 An application was received for retaining walls to two vacant residential lots at the above site.
- 23 March 2006 The proposal was referred to the Swan River Trust for comment.
- 11 April 2006 The Swan River Trust (SRT) held a meeting with the owner of the subject land and requested amended plans to increase the setback of the retaining walls from the reserve.
- 13 April 2006 Amended plans were submitted to address concerns raised by the SRT.
- 21 April 2006 The SRT advised that they raise no objections to the amended plans subject to two conditions, as stated in the "Consultation Submission" section and in the "Assessment Table".

DETAILS:

The proposal involves the construction of retaining walls to two vacant strata residential lots.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Excavation and fill- Clause 3.6.1 of R-Codes	Fill within one metre of a common boundary not to be more than 500 millimetres above the natural ground level.	Fill over 500 millimetres within one metre of both common boundaries on the northern and eastern sides. (Fill up to 3.8 metre at highest point).	Supported- the proposed retaining walls and fill are not considered to create an undue impact on the amenity of the adjoining properties or the streetscape. However, in relation to future redevelopment of the site, the natural ground levels of both lots shall be taken from the current natural ground levels and not from the new levels created as part of this application, as the proposed levels were not established at the subdivision stage, therefore, in accordance with the R-Codes, the new levels are not deemed to natural ground levels. Accordingly, a condition has been recommended to ensure that the natural ground levels are taken from the previous natural levels at the development assessment stage.
Setback of Retaining Walls- Clause 3.6.2 of R-Codes	Northern side- 2.3 metres at the highest point Southern side- 1.1 metres	Nil to 2 metres Nil	Supported- the proposed retaining walls are not considered to create an undue impact on the amenity of the adjoining properties or the streetscape.

Consultation Submissions		
The owners of Strata Lot 3 were not notified of the proposed development as the proposed retaining and fill is setback from Strata Lot 3 in compliance with the R-Codes. However, this property will be notified prior to any future development of both lots.		
Support (3)	The SRT advised that they have no objections to the amended plans subject to the following two conditions: <ul style="list-style-type: none"> • No development, including fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation Reserve; and • No vehicular access is permitted on the Parks and Recreation Reserve. 	Noted- conditions imposed on approval.
Objection	None	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 given the constraints of the site, the proposed retaining and fill is considered supportable as the affected landowners and Swan River Trust raised no objections to the proposed development.

Furthermore, the proposal is considered to address some of the relevant Residential Design Codes performance criteria as the proposal retains the visual impression of the site as seen from the street, although not from the reserve. However, the Swan River Trust is satisfied with the visual impression of the site from the reserve, as the walls have been amended so that they are setback further to reduce the impact on the amenity of the reserve. The majority of the walls have been setback to minimise the impact on adjoining properties.

Approval is therefore recommended, subject to standard and appropriate conditions.

10.1.26 No. 153 (Lot 295 D/P: 2503), Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	North	Date:	18 May 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2843; 5.2006.219.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A P Murphy on behalf of the owner A P & C M Murphy for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No. 153 (Lot 295 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 15 May 2006, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (ii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Coogee 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);*
- (v) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling sites, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No. 1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*
- (vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vii) *subject to first obtaining the consent of the owners of No. 157 Coogee 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. 157 Coogee Street in a good and clean condition;*
- (viii) *the alfresco shall be one hundred (100) per cent open on all sides and at all times except where it abuts the east elevation of the proposed houses;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the southern side of the balcony on the upper floor of unit 1, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xi) *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).*

COUNCIL DECISION ITEM 10.1.26

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

LOST (2-6)

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

(Cr Ker on leave of absence.)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, particularly in terms of overshadowing and bulk and scale.
2. The non-compliance with the building setback requirements of the Residential Design Codes.
3. Consideration of the objections received.
4. Non-compliance with the boundary setback requirements of the R Codes in terms of the acceptable development standards and performance criteria.

Landowner:	A P & C M Murphy
Applicant:	P M Murphy
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:	625 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town owned.

BACKGROUND:

12 October 2004

The Council at its Ordinary Meeting resolved to refuse an application for demolition of existing single house and construction of two (2) two storey single houses for the following reasons:

- "1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, particularly in terms of overshadowing and bulk and scale.*

2. *The two strata title developments on the southern adjoining property have their two primary outdoor living space that will be impacted upon by the bulk and scale.*
3. *The non-compliance with the building setback requirements of the Residential Design Codes.*
4. *Consideration of the objections received.*
5. *Non-compliance with the boundary setback requirements of the R Codes in terms of the acceptable development standards and performance criteria."*

23 August 2005

The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing single house and construction of two (2) two-storey single houses at the subject property.

16 August 2005

Owners of No.153 Coogee Street, Mount Hawthorn lodged an application for the Review of the Council determination at its Ordinary Meeting on 23 August 2005, with the State Administrative Tribunal (SAT).

The applicants/owners were seeking a review by the SAT of the following condition (vii) (c) imposed by Council at its Ordinary Meeting held on 23 August 2005, which is as follows:

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

- (a) *the southern side of the front balcony off bedroom 1 of Unit 1, being 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;*
- (b) *the window to the activity room on the western elevation of Unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- (c) *the upper floor of unit 1 being setback a minimum of 1.9 metres from the southern side boundary....."*

28 March 2006

SAT ordered as follows:

"The application for review is allowed such that condition (vii)(c) is deleted from the approval dated 23 August 2005 and the development set out in the plans of 6 July 2005 can proceed as otherwise approved".

This matter was reported in the Information Bulletin (Item IB04) to Council at its Ordinary Meeting held on 26 April 2006.

9 May 2006

The Town recommended conditional approval of the subdivision for the subject property to the Western Australian Planning Commission under delegated authority from the Council.

DETAILS:

The proposal involves demolition of existing single house and construction of two (2) two-storey single houses.

The current plans stamp-dated 15 May 2006 are similar to the plans refused by the Council at its Ordinary Meeting held on 12 October 2004, stamp-dated 16 June 2004 (existing site plan, floor plans and elevations) and 21 September 2004 (section plan), with the following minor changes:

The garage for Unit 1 is now setback 1 metre from the southern boundary and is compliant with the R Codes, as it was previously proposed on the common southern boundary. The street setback to the main dwelling for Units 1 and 2 is now 6.16 metres, whereas it was previously proposed at 6.15 metres. Notwithstanding the above, the family, dining and kitchen, have been rearranged on the current plans, however the building configuration for these areas has not changed.

The current plans propose some changes to openings on the eastern, western, southern and northern elevations, however these changes do not propose any further variations to the R Codes or the Town's Policies.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R30	2 dwellings R30	Noted.
Plot Ratio	N/A	N/A	Noted.
Setbacks: Unit 1 Ground Floor South	1.5 metres	1.1 metre - 3 metres	Supported - as variation is considered minor and is considered not to have an undue impact on affected neighbour.
Ground Floor North -Garage	1 metre	Nil	Supported - as the boundary wall is abutting adjacent strata property boundary wall, is compliant with the boundary wall requirements of the R Codes in terms of height and length, is not considered to have an undue impact on affected neighbour and both strata properties are under the same ownership.

Ground Floor North -Main dwelling	1.5 metres	Nil - 1.52 metres	Supported - as the boundary wall is abutting adjacent property strata boundary wall, is not considered to have an undue impact on affected neighbour and both strata properties are under the same ownership.
Upper Floor South	1.9 metres	1.1 metres - 1.8 metres - 4 metres (front balcony)	Supported - as is not considered to have an undue impact on affected neighbour.
Upper Floor North	4.2 metres	Nil	Supported - as the boundary wall is abutting adjacent strata property boundary wall, is not considered to have an undue impact on affected neighbour and both strata properties are under the same ownership.
Unit 2 Ground Floor South- Garage	1 metre	Nil	Supported - as the boundary wall is abutting adjacent property boundary wall, is not considered to have an undue impact on affected neighbour and both strata properties are under the same ownership.
Ground Floor South - Main Dwelling	1.9 metres	1.1 metres - 1.8 metres - 4 metres	Supported - as above.
Ground Floor North Main Dwelling	1.5 metres	1.1 metres - 3 metres	Supported - as it is not considered to have an undue impact on affected neighbour.

Ground Floor North Garage	1 metre	Nil	Supported - as compliant with the boundary wall requirements of the R Codes in terms of height and length and no undue impact on affected neighbour.
Upper Floor South	1.9 metres	Nil - 1.9 metres	Supported - as the boundary wall is abutting adjacent strata property boundary wall, is not considered to have an undue impact on affected neighbour and both strata properties are under the same ownership.
Upper Floor North	1.9 metres	1.1 metres - 1.82 metres - 2.2 metres - 3.2 metres	Supported - as it is not considered to have an undue impact on affected neighbour.
Building on Boundary Unit 1	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	North boundary wall (garage). North boundary wall (main dwelling) - wall height of 3 metres - 6 metres (average wall height of 4.5 metres).	Supported - as compliant with boundary wall requirements of the R Codes. Supported - as compliant with boundary wall requirements of the R Codes in terms of length, abuts adjacent property boundary wall and is not considered to have an undue impact on affected neighbour.
Unit 2	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	South boundary wall (garage) South boundary wall (main dwelling) - wall height 3 metres - 6 metres (average wall height of 4.5 metres).	Supported - as compliant with the boundary wall requirements of the R Codes. Supported - as compliant with boundary wall requirements of the R Codes in terms of length, abuts adjacent property boundary wall and is not considered to have an undue impact on affected neighbour.

		North boundary wall (garage). Two boundary walls.	Supported - as compliant with the boundary wall requirements of the R Codes in terms of height and length and no undue impact on affected neighbour. Supported - boundary walls are not considered to have an undue impact on affected neighbours.
Street walls and fences Unit 1 Boundary fence on north boundary	A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. Decorative capping on the top of piers may go to a maximum of 2 metres above the adjacent footpath level. The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being 50 per cent visually permeable.	1.8 metres high rendered screen wall.	Not supported - as considered to have an undue impact on the streetscape and surrounding amenity and is addressed in the Officer Recommendation (i).
Unit 2 Boundary fence on south boundary	As above.	As above.	Not supported - as above.
Privacy Unit 1 East Balcony	7.5 metres	4 metres to southern boundary.	Not supported - overlooking is considered to have an undue impact on affected neighbour and is addressed in the Officer Recommendation (x).

West Bedroom 2	4.5 metres	0.5 metre to northern boundary.	Supported - no undue impact on affected neighbour as both properties are currently under one ownership.
West Master suite	4.5 metres	0.5 metre to northern boundary.	Supported - as above.
North Bedroom 3	4.5 metres	1.7 metres to northern boundary.	Supported - as above.
Unit 2 East Master suite (southern window)	4.5 metres	1.6 metres to southern boundary.	Supported - as no undue impact on affected neighbour as overlooking is into adjacent neighbours front garden and both properties are currently under one ownership.
West Master suite	4.5 metres	0.5 metre to southern boundary.	Supported - as no undue impact on affected neighbour as overlooking is into adjacent neighbours front garden.
Bedroom 2	4.5 metres	0.5 metre to southern boundary.	Supported - as above.
Consultation Submissions			
It is considered that there is no need to further advertise the proposal as similar plans were advertised previously and the concerns raised have been re-addressed below.			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> • Privacy. • Overshadowing. 		<p>Not supported - addressed in the 'Assessment Table'.</p> <p>Not supported - as the proposed development is compliant with the overshadowing requirements of the R Codes and is not considered to have an undue impact on affected neighbours.</p>

	<ul style="list-style-type: none"> • The proposals effect on the future redevelopment/sale of the neighbouring property. • Visual impact/intrusion of proposed boundary wall. • Potential damage to dividing fence and neighbouring garden. • Accuracy and lack of information in relation to overshadowing, overlooking and position of neighbouring properties. 	<p>Not supported - as they are not considered a valid planning consideration.</p> <p>Not supported - addressed in the 'Assessment Table'.</p> <p>Noted - as these concerns are a civil matter.</p> <p>Not supported - as the current plans have been amended to indicate correct overshadowing, overlooking and position of neighbouring properties.</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:

Heritage

Although representative of a late Interwar residence, the place is not unique, endangered or an outstanding example of its type and there are many examples extant in the Town. No historical links of importance have been established.

Overall, the place is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place can be approved, subject to standard conditions.

Council's Reasons - OMC 12 October 2004

The applicant has addressed the Council's reasons for refusal for the plans refused by the Council at its Ordinary Meeting held on 12 October 2004 in the current plans. These are as follows:

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, particularly in terms of overshadowing and bulk and scale.**
- 2. The two strata title developments on the southern adjoining property have their two primary outdoor living space that will be impacted upon by the bulk and scale.**

The current proposal is compliant with the overshadowing requirements of the R Codes and is not considered to have an undue impact on the affected neighbour.

The bulk and scale of the proposed development is considered acceptable as the development is compliant with the height requirements of the R Codes and the Ellesmere Locality Statement and the open space requirements of the R Codes. In light of this, the proposed development is not considered to be overdevelopment of the site and is not considered to have an undue impact on the streetscape, surrounding amenity or adjacent properties outdoor living space.

3. The non-compliance with the building setback requirements of the Residential Design Codes.

The setback variations are considered acceptable in this instance as they are not considered to have an undue impact on affected neighbours (refer to 'Assessment Table').

4. Consideration of the objections received.

It is considered that there was no need to further advertise the proposal as similar plans were advertised previously and the concerns relating to privacy, overshadowing, the visual impact of boundary walls, the proposals effect on the future redevelopment/sale of the neighbouring property, potential damage to dividing fence and neighbouring garden and accuracy and lack of information in relation to overshadowing, overlooking and position of neighbouring properties have been addressed (refer to 'Assessment Table').

The applicants have reduced the impact of the boundary walls significantly by setting back the garage for Unit 1 from a previous nil setback, to a one metre setback from the southern property boundary.

5. Non-compliance with the boundary setback requirements of the R-Codes in terms of the acceptable development standards and performance criteria.

The setback variations are considered acceptable in this instance as they are not considered to have an undue impact on affected neighbours (refer to 'Assessment Table').

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

Deputy Mayor – Cr Farrell assumed the Chair.

10.1.12 No. 115 (Lot 1, D/P: 7262) Forrest Street, North Perth - Proposed Demolition of Existing Single House and Associated Outbuildings

Ward:	South	Date:	16 May 2006
Precinct:	Norfolk; P10	File Ref:	PRO2254 5.2006.148.1
Attachments:	001, 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owners M G & P Saraceni for proposed Demolition of Existing Single House and Associated Outbuildings, at No.115 (Lot 1 D/P: 7262) Forrest Street, North Perth, and as shown on plans stamp-dated 31 March 2006, subject to the following conditions:

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

COUNCIL DECISION ITEM 10.1.12

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Ker on leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

Landowner:	M G & P Saraceni
Applicant:	M G & P Saraceni
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	492 square metres
Access to Right of Way	N/A

BACKGROUND:

18 October 2004 The Western Australian Planning Commission conditionally approved a two lot subdivision of the subject site.

DETAILS:

The proposal involves the demolition of the existing single-storey house and associated outbuildings.

The applicants have requested that in the event that the Council approve the proposed demolition of the place at No.115 Forrest Street, that they omit the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the Town, prior to the issue of a Demolition Licence. The applicant's believe the house is in a state of disrepair and that the poor condition of the premises is due to sporadic maintenance works, damages to fixtures caused by squatters and the vacancy of the place for lengthy periods of time. The applicants have advised that they are not in a financial position to undertake the required works to improve the condition of the place or to rebuild on the property. A copy of the applicant's letter outlining their request is contained in an attachment to this report.

The applicants also submitted a petition with their planning application, which documents a number of Forrest Street residents support for the demolition of the place. The petition comprises of nine entires. This petition is also contained in the attachment to this report. It is to be noted that no objections were received for the proposed demolition during the prescribed Community Consultation period.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support	Petition (9 signatories)		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy		TPS 1 and associated Policies and Residential Design Codes (R Code)	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

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

The single storey brick and tile dwelling at No.115 Forrest Street was constructed in 1906 in the Federation Georgian style. The dwelling has a symmetrical presentation to the street and whilst the original components of the front façade, including the bull nose verandah, have been retained and are of interest, the replacement of the original iron roof with tiles and the removal of the dwellings chimneys detract from the buildings character and the way in which it is presented and perceived. Internally, the floor plan has been reconfigured and much of the original detailing has been removed.

The place is considered to be of little aesthetic, scientific or social value and no historical links of importance have been established. Overall, it is not considered that the place meets the minimum criteria for entry in the Town's Municipal Heritage Inventory and as such, it is recommended that the proposal to demolish the place be approved subject to the standard conditions.

It is considered that the applicants request to approve demolition without the standard condition for the approval of redevelopment plans for the site should not be granted as there is some reservation regarding the applicants statement that the place is in a 'grave state of disrepair.' The place is not listed on the Town's Health Services internal substandard building register and is currently being inhabited by four university students. It is to be noted that professional advice on the structural integrity of the dwelling has not been submitted by the applicant for consideration.

Mayor Catania returned to the Chamber at 7.35pm and assumed the Chair.

10.1.27 Late/Further Report - No. 2 (Lot 2 D/P: 17910) Wavertree Place, Leederville - Proposed Demolition of Existing Single House

Ward:	North	Date:	23 May 2006
Precinct:	Leederville; P03	File Ref:	PRO3442; 5.2006.22.1
Attachments:	001 , 002 , 003		
Reporting Officer(s):	S. Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No. 2 (Lot 2 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 20 January 2006, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies; and*
- (vi) *any future redevelopment of the subject site shall incorporate recognition of the aesthetic values of the place at No. 2 Wavertree Place, Leederville, and details to be submitted to and approved by the Town before the issuing of a Demolition Licence and/or Building Licence, whichever comes first.*

COUNCIL DECISION ITEM 10.1.27

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

That the Item be DEFERRED to allow more time to further consider the report.

Debate ensued.

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

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

(Cr Ker on leave of absence.)

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

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

Landowner:	J F Murphy
Applicant:	The Planning Group WA Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	776 square metres
Access to Right of Way	East side, 3.7 metres wide, sealed, and Town owned

BACKGROUND:

- | | |
|---------------|--|
| 11 April 2006 | The Council at its Ordinary Meeting resolved that the determination of the proposed demolition of the dwelling at No.2 Wavertree Place, Leederville be deferred to allow for a proper structural engineering report to be undertaken, at the Town's cost and for further discussions with the applicant. |
| 19 April 2006 | The applicant submitted an application to the State Administrative Tribunal (SAT) for a review of the deemed refusal of the Council's decision regarding the demolition of the place. |
| 2 May 2006 | The Town's Senior Heritage Officer and Acting Principal Planning Officer met with the applicant and owner's representative to discuss various options for the retention of the dwelling. |
| 10 May 2006 | Directions Hearing at the SAT. |

- 22 May 2006 A Structural Engineering report, as requested by the Council, prepared by Maitland Consulting Structural Engineering, was received by the Town.
- 23 May 2006 A Structural Engineer's report, from Struterre Consulting Group, commissioned by the applicant, was received by the Town.
- 24 May 2006 The Town is required to submit to SAT a Statement of "Issues, Facts and Contentions".

DETAILS:

The proposal involves the demolition of the existing dwelling and associated outbuildings. Four submissions were received during the Community Consultation period from 15 February 2006 to 2 March 2006. As outlined in the previous report to the Council, at its Ordinary Meeting held on 11 April 2006, the submissions that were received during the consultation period are listed in the below table.

As requested by the Council at the Ordinary Meeting on 11 April 2006, letters requesting a quote for the provision of a report on the structural integrity of the dwelling at No.2 Wavertree Place were sent to nine Structural Engineering consultants. Of the nine requests for quotes, four consultants declined, three did not respond and two provided quotes. The services of Ian Maitland of Maitland Consulting Structural Engineering was commissioned, based on the cost of \$4200 (based on lowest cost) excluding GST.

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 (3)	<ul style="list-style-type: none"> No reason provided. 		Noted.
Objection (1)	<ul style="list-style-type: none"> Unusual Architecture. <p>The mature trees, within the place support a diverse amount of bird life in the area.</p>		Noted.
Response to Draft Heritage Assessment			
Response (1)	A Report prepared on behalf of the applicant by Ron Bodycoat Architect, supporting the demolition of the dwelling of the place (attached).		
Other Implications			
Legal/Policy		TPS 1 and associated Policies.	
Strategic Implications		Nil	
Financial/Budget Implications		\$4200	

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

COMMENTS:

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

The place at No.2 Wavertree Place is a brick and steel dwelling, which was constructed circa 1953. The dwelling embodies the characteristics of the Interwar Functionalist style, which sought to express the changing lifestyle of the twentieth century through architecture. Based on the results of the Heritage Assessment, the subject place has been found to have local cultural heritage significance for the following reasons:

- The place has '*some aesthetic value*' as it demonstrates a number of characteristics of the functionalist style of architecture including: asymmetry, geometric curves, plane surfaces and a flat roof, which is concealed behind a parapet wall.
- The place has '*some rarity value*' as it is an uncommon dwelling in the functionalist style within the Town of Vincent.
- The place has '*some rarity value*' as an uncommon example of the post-war style of architecture within the Town of Vincent.

As seen from the above stated cultural heritage values, the place is considered to be significant to the locality. However, the place is in a poor condition and in its current form is uninhabitable.

The report on the structural integrity of the place, which was prepared by Maitland Consulting Structural Engineering, is included as an attachment to this report. The findings on the structural integrity of the dwelling can be summarised as follows:

- The dwellings roof and sundeck are structurally inadequate, unfit for inhabitation and repair is not practicable or cost effective.
- The material from which the walls were constructed lack strength. Whilst able to support loads at present, within 5 to 10 years this is unlikely to be the case as further deterioration is inevitable. To overcome inadequate strength problems, repair is not practicable or cost effective.
- The mortar joints of the footings have been subject to erosion and are likely to continue to deteriorate, and within 10 to 15 years would not adequately be able to support the walls over. Repair is unlikely to be practicable or cost effective.
- Aside from the roofs, sundeck, walls and footings, the remaining elements are the timber floor structures and concrete slabs, all of which appear to be in a satisfactory condition.

As illustrated in Maitland Consulting Structural Engineering's report, the condition of the place has deteriorated to the point where it cannot be restored without the removal of a majority of its significant fabric and/or prohibitive costs. In conclusion, the report recommends that the demolition of the place is the only viable option and that the demolition should be undertaken as soon as possible as the place is uninhabitable and unsafe.

The structural report prepared by Structerre Consulting Group, which was commissioned by the applicant, identified numerous defects in the dwelling, including: significant evidence of concrete cancer, fretting of mortar and external plaster and significant water penetration and associated damage. The report concluded that the residence had come to the end of its economic life and should be demolished. A copy of the report by Structerre Consulting Group is included as an attachment to this report.

In light of the above, it is considered that the demolition of the place is the only feasible option due to its severely deteriorated condition and to address the impending safety issues. To recognise the place's aesthetic and rarity value, it is recommended that a plaque or an alternative form of interpretation be created and be displayed on the site of the existing building. As recommended in Maitland Consulting Structural Engineering's report, it is recommended that the place be demolished as soon as practicably possible and that Council remove the condition requiring a redevelopment proposal to be approved prior to the issuing of a demolition licence.

This matter has been presented as an urgent 'Late Report' due to the fact that the Statement of Issues, Facts and Contentions is required to be submitted by the Town to SAT by 24 May 2006 and that the Structural Engineer's Report was only received by the Town on 22 May 2006.

On the above basis, the demolition of the dwelling at No.2 Wavertree Place is supported.

The following is a verbatim copy of the Item (10.1.2) considered by the Council at its Ordinary Meeting held on 11 April 2006:

" 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 Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No.2 (Lot 2 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 20 January 2006, subject to the following conditions:

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

- (vii) *any future redevelopment of the subject site shall incorporate recognition of the aesthetic values of the place at No.2 Wavertree Place, Leederville, and details to be submitted to and approved by the Town before the issuing of a Demolition Licence and/or Building Licence, whichever comes first.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That the Item be DEFERRED to allow a proper structural engineering report to be carried out and for further discussions with the applicant.

Debate ensued.

CARRIED (6-1)

For
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Mayor Catania

(Crs Farrell and Torre were apologies.)

At 7.30pm Moved Cr Maier, Seconded Cr Messina

That the Item be recommitted there was no indication in the deferral as to who was responsible for the payment of the structural engineer's report.

CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.2

Moved Cr Maier, Seconded Cr Messina

That the Item be DEFERRED to allow for the Town to obtain a proper structural engineering report at the Town's cost and for further discussions with the applicant.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Crs Farrell and Torre were apologies.)

Landowner:	J F Murphy
Applicant:	The Planning Group WA Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	776 square metres
Access to Right of Way	East side, 3.7 metres wide, sealed, and Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling and associated outbuildings.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>Support (3)</i>	<ul style="list-style-type: none"> • <i>No reason provided.</i> 		<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Unusual Architecture.</i> • <i>The mature trees, within the place support a diverse amount of bird life in the area.</i> 		<i>Noted.</i>
<i>Response to Draft Heritage Assessment</i>			
<i>Response (1)</i>	<i>A Report prepared on behalf of the applicant by Ron Bodycoat Architect, supporting the demolition of the dwelling of the place (attached).</i>		
<i>Other Implications</i>			
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>		
<i>Strategic Implications</i>	<i>Nil</i>		
<i>Financial/Budget Implications</i>	<i>Nil</i>		

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

COMMENTS:

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

The place at No.2 Wavertree Place is a brick and steel dwelling, which was constructed circa 1953. The dwelling embodies the characteristics of the Interwar Functionalist style, which sought to express the changing lifestyle of the twentieth century through architecture.

The two-storey cement rendered building has a striking appearance with a parapeted, two storey wing terminating in a cylindrical façade to the street, which contrasts with a flat roofed, single storey lounge. Internally the original floor plan and much of the original detail has been retained. However, the place both internally and externally is in a very poor condition, as it has been vandalised and inhabited by squatters.

Based on the results of the Heritage Assessment, the subject place has been found to have local cultural heritage significance for the following reasons:

- *The place has 'some aesthetic value' as it demonstrates a number of characteristics of the functionalist style of architecture including: asymmetry, geometric curves, plane surfaces and a flat roof, which is concealed behind a parapet wall.*
- *The place has 'some rarity value' as it is an uncommon dwelling in the functionalist style within the Town of Vincent.*
- *The place has 'some rarity value' as an uncommon example of the post-war style of architecture within the Town of Vincent.*

As seen from the above stated cultural heritage values, the place is considered to be significant to the locality. However, the place is in a poor condition and considered uninhabitable. The applicant's architectural consultant has provided the Town with a preliminary outline of the current condition of the place, which emphasises the high degree of deterioration and the extent of works that would need to be undertaken to make the place habitable. This submission is located within the applicant's response to the Draft Heritage Assessment and is attached.

In addition to this, the place at No.2 Wavertree Place, Leederville is listed on the Town's Health Services internal substandard building register, as a result of complaints received from neighbouring property owners. The complaints received relate to the use of the premises by squatters. The Town's Health Services have recently written to the owners of the dwelling requesting that it be secured and that works be undertaken to clean up the garden.

Whilst it is generally not accepted as good conservation practise to justify the poor state of a building as a reason in itself for demolition approval, it is considered, in this instance, that the condition of the place has deteriorated to the point where it cannot be restored without the removal of a majority of its significant fabric and/or prohibitive costs.

In light of the above, it is considered that whilst the place has heritage significance to the locality, its retention is not prudent or feasible due to its severely deteriorated condition. To recognise the place's aesthetic and rarity value, it is recommended that a plaque or an alternative form of interpretation be created and be displayed on the site of the existing building.

On the above basis, the demolition of the dwelling at No.2 Wavertree Place is supported."

10.1.6 No. 27 (Lot 6 D/P: 3660) Knutsford Street, North Perth- Proposed Additional Three (3) Two-Storey Grouped Dwellings to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	15 May 2006
Precinct:	North Perth; P8	File Ref:	PRO1217; 5.2005.3323.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by I Mikic on behalf of the owner TT Marchese for proposed Additional Three (3) Two-Storey Grouped Dwellings to Existing Single House (Application for Retrospective Approval), at No. 27 (Lot 6 D/P: 3660) Knutsford Street, North Perth, and as shown on plans stamp-dated 6 December 2006, subject to the following conditions:*

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

- (c) *a pedestrian access way of a minimum width of 1.0 metre being provided and constructed from Knutsford Street to the proposed rear lots;*
 - (d) *no fill exceeding 0.5 metre within four metres of the Knutsford Street boundary; and*
 - (e) *first obtaining the consent of the owners of No. 31 Knutsford 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. 31 Knutsford Street in a good and clean condition; and*
- (ii) *the Council ADVISES the applicant and owners that the above works shall be completed within sixty (60) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period.*
-

Cr Farrell departed the Chamber at 7.44pm.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 7.45pm.

Moved Cr Maier, Seconded Cr Messina

That clause (i)(c) be deleted.

At 7.53pm **Moved Cr Lake, Seconded Cr Torre**

That Standing Orders be suspended to allow the Council to confirm some details with the applicant.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Mr Marchese addressed the Council and answered questions.

Debate ensued.

At 7.58pm **Moved Cr Messina, Seconded Cr Torre**

That Standing Orders be resumed.

CARRIED (8-0)

(Cr Ker on leave of absence.)

The amendment was not dealt with and a deferral motion was put.

Moved Cr Messina, Seconded Cr Torre

That the Item be DEFERRED to allow for further investigation regarding the pedestrian accessway/permanent easement and discussion with the applicant.

CARRIED (8-0)

(Cr Ker on leave of absence.)

-

Landowner:	TT Marchese
Applicant:	I Mikic
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Grouped Dwellings
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	1009 square metres
Access to Right of Way	South side, 7.0 metres wide, sealed, privately- owned

BACKGROUND:

26 July 2002 The Council at its Ordinary Meeting conditionally approved the demolition of the existing dwelling and the construction of three (3) two-storey grouped dwellings on the subject site.

8 October 2002 The Council at its Ordinary Meeting conditionally approved proposed additional three (3) two-storey grouped dwellings and carport addition to the existing dwelling, on the subject site.

11 May 2004 The Council at its Ordinary Meeting conditionally approved an application for proposed additional three, two-storey grouped dwellings and carport addition to the existing single house at the subject site.

DETAILS:

The proposal involves additional three (3) two-storey grouped dwellings to existing single house (application for retrospective approval) at the subject property. The main works which have been undertaken in contravention to the previous planning approval plans became evident to the Town during the processing of a related subdivision plan and are summarised as follows:

Existing House:

- shower addition to laundry;
- new window to laundry;
- external brick work finish instead of timber cladding (laundry enclosure);
- storeroom to northern boundary;
- patio addition;
- door addition to dining room; and
- non-compliant street fencing.

Unit A:

- garage door relocated;
- wrought iron balcony balustrading instead of solid balustrading ;
- non- compliant street fencing;
- enclosure of previous approved pedestrian access way; and
- garage flushed against boundary as opposed to previously approved 150 millimetre setback.

Unit B and C:

- flat roof to patio in lieu of previously approved dome roof; and
- 0.9 metre high retaining wall built in rear patio area.

Unit C:

- 1.2 metres -1.3 metres high retaining wall built in rear (north) and side (east and west) garden areas.

The additional variations sought to the development requirements from the previously approved plans are outlined in the ' Assessment Table' below.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 dwellings R 40 (as proposal retains existing dwelling)	4 dwellings R 40	Supported- as there is no variation.
Plot Ratio	N/A	N/A	N/A
Street Wall/Fences	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 the 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.	Fence up to 2.6 metres and not visually permeable with a minimum 50 per cent transparency, above 1.2 metres.	Not supported- as undue impact on streetscape and, therefore, has been conditioned accordingly.

Buildings on Boundaries (existing residence).	One boundary wall	Two boundary walls proposed	Supported - as no undue impact, no objection has been received by affected neighbour and compliant with R-Codes Cl 3.3.2 - Buildings on Boundaries.
Fill /Excavation	Not to exceed 0.5 metre between the street alignment and building	Fill up to 0.9 metre (Unit A) and excavation up to 0.66 metre (existing residence) between the street alignment and building.	Supported in part- as the fill is not supported as it results in undue impact on streetscape and, therefore, no fill exceeding 0.5 metre within four metres (to allow for retention of house) of the Knutsford Street boundary has been conditioned accordingly . The excavation is supported as it is considered a minor variation in this instance and no undue impact on streetscape.
Pedestrian Access	1.0 metre (as previously approved)	Not provided	Not supported- pedestrian access way is required for services, service authorities access and pedestrian safety.

Consultation Submissions

Support	Nil	Noted.
Objection	Nil	Noted.

Other Implications

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

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

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

COMMENTS:

Subject to the above matters relating to street fencing, fill and the pedestrian accessway being addressed, the proposal is considered acceptable. Accordingly, approval is recommended subject to standard and appropriate conditions.

It is further recommended that the Chief Executive Officer be authorised to continue legal proceedings should the required works have not been undertaken within 60 days.

10.3.4 World Cup Soccer 2006 Event - Promotion at Oxford Street, Leederville

Ward:	North Perth	Date:	17 May 2006
Precinct:	Hyde Park Precinct	File Ref:	
Attachments:			
Reporting Officer(s):	J Anthony		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the request from Members Equity Bank and Football West to promote World Cup Soccer 2006 by erecting a LED Super Screen in Oxford Street in June 2006 with details of dates as provided in the report, subject to;*
- (a) *event application fees for the event being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to the area;*
 - (c) *full compliance with conditions of use being imposed as listed in the report;*
 - (d) *submission of a Risk Management Plan;*
 - (e) *approval of the Western Australian Police;*
 - (f) *provision of an adequate number of security personnel, as determined by the Western Australian Police; and*
 - (g) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *APPROVES the Town's contribution of the following at an estimated cost of \$6800;*
- (a) *road closures, barricades and traffic management personnel;*
 - (b) *extra staffing for Rangers to provide assistance with parking control and patrols for the area; and*
 - (c) *clean up of the area after the event.*

Moved Cr Messina, **Seconded** Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Torre left the meeting at 8.00pm as she was feeling unwell and did not return.

Moved Cr Lake, Seconded Cr Messina

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

“(i) (c) *full compliance with conditions of use being imposed as listed in the report and relevant operational conditions determined by the Working that must also include Police and Liquor Licensing representatives;*”

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Lake, Seconded Cr Messina

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

“(i) (d) *submission of a Risk Management Plan and approval by the Working Group;*”

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Lake, Seconded Cr Maier

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

“(i) (e) *approval of the Western Australian Police and a request in writing for adequate police support in Leederville throughout the event;*”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Lake, Seconded Cr Messina

That clause (ii)(c) be renumbered to clause (i)(h).

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Lake, Seconded Cr Maier

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

“(i) (h) *clean up of the area after the event and must be carried out by 8am;*

Debate ensued.

AMENDMENT LOST (2-5)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Messina, Seconded Cr Doran

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

“(i) (h) *the organisers contracting the Town to clean up of the area after the event at the organiser’s cost;*”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Maier, Seconded Cr Lake

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

“(i) (b) *a bond of ~~\$2,000~~ \$10,000 being lodged by applicant as security for any damage to the area;*

Debate ensued.

AMENDMENT LOST (2-5)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Doran-Wu, Seconded Cr Lake

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

“(i) (i) *Event 2 to be held on 18 June 2006 being changed from being televised outside in Oxford Street to being televised inside the Leederville Hotel;*”

Debate ensued.

AMENDMENT LOST (1-6)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Lake, Seconded Cr Maier

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

“(i) (i) *if the organisers apply for a special licence to allow street drinking, then street drinking should be allowed within a cordoned area as approved by the Working Group with maximum numbers suitable for the size of the area and security personnel to ensure maximum numbers are not exceeded.*”

Debate ensued.

AMENDMENT LOST (2-5)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) *APPROVES the request from Members Equity Bank and Football West to promote World Cup Soccer 2006 by erecting a LED Super Screen in Oxford Street in June 2006 with details of dates as provided in the report, subject to;*
- (a) *event application fees for the event being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to the area;*
 - (c) *full compliance with conditions of use being imposed as listed in the report and relevant operational conditions determined by the Working that must also include Police and Liquor Licensing representatives;*
 - (d) *submission of a Risk Management Plan Plan and approval by the Working Group;*
 - (e) *approval of the Western Australian Police and a request in writing for adequate police support in Leederville throughout the event;*
 - (f) *provision of an adequate number of security personnel, as determined by the Western Australian Police; and*
 - (g) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and*
 - (h) *the organisers contracting the Town to clean up the area after the event at the organiser's cost;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *APPROVES the Town's contribution of the following at an estimated cost of \$6800;*
- (a) *road closures, barricades and traffic management personnel; and*
 - (b) *extra staffing for Rangers to provide assistance with parking control and patrols for the area.*
-

PURPOSE OF REPORT:

To approve an application for the promotion of World Cup Soccer 2006 via a Super Screen in Oxford Street subject to conditions as listed in the report.

DETAILS:

Members Equity Bank has submitted a proposal to organise promotional activities in conjunction with three World Cup games which involve the Australian Team. Members Equity Bank will be organising the event in partnership with Football West.

The three dates are as follows:

1. Monday 12th June featuring Australia versus Japan. Kickoff is at 9pm with the game estimated to end at 11.30 pm.
2. Sunday 18th June featuring Brazil versus Australia. Kickoff is at 12 midnight with the game estimated to end at 2.30 am.
3. Thursday/Friday 23rd June featuring Croatia versus Australia. Kickoff is at 3 am with the game estimated to end at 5.30 am.

For the first two games, the organisers plan to erect a Super LED Screen in the street (in front of Green's Café) which is 8 metres in length and 4.8 metres in height with a 600mm border on each side. The bottom of the screen is approximately 1600 mm above the ground. The screen is trailer mounted and it hydraulically folds in half for transport. The trailer length is approximately 12 metres (plus truck access) and there are two outrigger legs that hang out on each side by approximately 2 metres. Football West has obtained the rights to broadcast the games from SBS, as long as no profit is gained from the broadcast.

In conjunction with the screen on the street, the organisers will be using Leederville Hotel as a base for promotional activities which includes 6PR presenting a radio show featuring a panel of personalities which will be broadcast from 6pm to 9 pm at the first game.

For the second game on 18th June, in addition to the Super Screen on Oxford Street and the use of Leederville Hotel, the organisers would like to coordinate a festival type event prior to the kickoff at 12 midnight. The intent is to start the festival at 2pm with various promotional activities that will suit families. The nature of activities has not been determined to date.

Road closures along Oxford Street (between Vincent Street and Leederville Parade) and part of Newcastle Street up to Carr Place is requested. The timing of road closures will be as follows:

1. Monday 12th June: 4.30 pm to 1 am.
2. Sunday 18th June: 12 noon to 3am.
3. Thursday/Friday 23rd June: Not required as event will only be held at the Leederville Hotel.

An internal working group has been established to determine a management plan and oversee the event from the perspective of the Town with the following representatives:

- Manager Community Development (Chairperson)
- Manager Ranger Services and Community Safety
- Manager Engineering Services
- Manager Health Services
- WA Police Service
- plus representatives from the organising committee.

An initial meeting was held at the Town with the organisers. It should be noted that the police representative was not at this meeting and will be invited to the following meetings.

The following conditions will be imposed by the Town to ensure that the event is held in keeping with policies and local laws;

(a) **Noise Control**

- Amplified music or public address to be at reasonable levels and should not exceed 60 decibels at the nearest residence after 10.00pm;
- Speakers are to be so located that it points away from nearby residences and face down into attendees in Oxford Street;
- Hourly sound level readings are to be taken by the Production or Event Manager to ensure compliance;
- The Town reserves the right to review sound arrangements after the first event;
- The events are to be advertised to local residents in a 250 metre radius in terms of dates, times, and contact details of the Event Manager.

(b) **Food**

- All food related stall holders to liaise with Environmental Health Officer to apply for a Temporary Food Handling Permit at least 10 days prior to the event. Please note only fresh food prepared in a commercially approved kitchen can be sold to the public.

(c) **Toilets**

- In addition to the facilities already on-site at nearby restaurants, hotel, tavern, Avenue Car Park Toilets and Leederville Oval car park, it is recommended that at least four (4) temporary toilets and 1 (one) unisex disabled are to be provided near the main gathering area by the Event Manager. Toilet provision is to be finalised by the Working Group after liaison with nearby businesses.
- The final toilet locations are to be advertised along with event details.
- This matter will be reviewed by the Working Group after the first event.

(d) **Liquor Approvals**

- The Event Manager is to seek a Special Event Licence from the Director of Liquor Licensing;
- In the event of a Special Event Licence being approved by the Director of Liquor Licensing, only plastic drinking vessels and mid-strength drinks should be allowed in the external public/street areas;
- The Event Manager's Public Liability Cover to be amended to include the public areas to be used during events;
- Nearby Licensed establishments are to submit Extended Trading Permit Applications for these dates and times to the Director of Liquor Licensing, Local Police Services and the Town.

(e) **General**

- The Carr Place residential parking to be extended to coincide with the three event dates and times;
- An Information Booth is to be manned for the entire periods of the events to address enquiries by the Event Manager's Staff;
- Two (2) First Aid and one (1) Ambulance Posts be suitably positioned to cover the entire event (They should have direct communication with crowd controllers, Police and the event organisers.);
- A clear site plan to be provided detailing location of all events, toilets, ambulances, entertainment, stalls, and street closures;

- A letter drop with events details is to be conducted in the immediate vicinity but including Carr Place residents prior notice. Contact details must be included of the Event Manager.

(f) **Security**

- Crowd controllers and security personnel numbers are to be determined in liaison with the Local Police Services and Director of Liquor Licensing. The Working Group is to consider in liaison with the two Agencies a combination of Licensed Crowd Controllers, Volunteers, and some Rangers (to address parking issues);
- It is understood that following a number of brawls involving the public at licensed venues televising the Mundine vs Green Boxing event, the Western Australian Police have expressed concern about security for the event, as up to 3,000 members of the public are expected to attend each event. Blue approval is therefore a requirement.

CONSULTATION/ADVERTISING:

A letterdrop to surrounding businesses and residents to be undertaken by the organisers to provide details of the event at least 2 weeks before the event. The organisers will also need to liaise with police regarding this event.

The location of the screen to be mutually agreed upon by the organisers and the Town. In addition, it is required that nearby businesses be consulted prior to finalising locations.

LEGAL/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
3. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
4. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
5. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010

Key Result Area 2.1

- (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 estimated cost for rangers to be on duty for the first two events is \$1800. The estimate for traffic management for the first two events is \$5000. Quotes are currently being obtained from traffic management contractors for the two events. Other costs that will need to be factored is clean up of the events which will include overtime for staff that are involved.

COMMENTS:

Members Equity Bank and Football West are keen to organise the promotional activities for the World Cup Soccer 2006 in collaboration with the Town of Vincent to feature promotional activities for the benefit of the local community.

10.1.20 No.28 (Lot 56 D/P: 613) Monger Street, Perth- Proposed Construction of a Single -Storey Mixed Use Development Comprising of Four (4) Consulting Rooms with Living Accommodation and Associated Undercroft Car parking

Ward:	South	Date:	15 May 2006
Precinct:	Beaufort; P13	File Ref:	PRO2547; 5.2006.19.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by R Moore on behalf of the owner H Vu for proposed Construction of a Single -Storey Mixed Use Development Comprising of Four (4) Consulting Rooms with Living Accommodation and Associated Undercroft Car parking at No. 28 (Lot 56 D/P: 613) Monger Street, Perth, and as shown on plans stamp-dated 18 January 2006, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Residential/Commercial Mix, setbacks and privacy requirements of the Town's Policy relating to the Beaufort Precinct and the Residential Design Codes; and*
- (ii) *the Council ADVISES the applicant that the subject proposal is considered to be an underdevelopment of the site.*

COUNCIL DECISION ITEM 10.1.20

Journalists Dan Hatch and Giovanni Torre left the meeting at 8.30pm.

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for appropriate conditions of approval to be provided.

CARRIED (4-3)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Landowner:	H Vu
Applicant:	R Moore
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Vacant
Use Class:	Office Building & Grouped Dwelling
Use Classification:	"AA" & "P"
Lot Area:	438 square metres
Access to Right of Way	N/A

BACKGROUND:

21 December 2004 The Council at its Ordinary Meeting refused an application for construction of a two (2) three-storey mixed use development comprising offices and three (3) multiple dwellings (including lofts) and associated car parking at the subject property.

20 April 2005 An appeal lodged in relation to the above decision was upheld by the State Administrative Tribunal.

1 February 2006 Demolition License issued for the subject property.

The detailed development history of the subject site is contained in Item 10.1.2 to the 21 December 2004 Ordinary Meeting of Council.

DETAILS:

The proposal involves proposed construction of a single -storey mixed use development comprising of four (4) consulting rooms with living accommodation and associated undercroft car parking. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 multiple dwellings R 80 or 2 single houses/grouped dwellings R 60	1 dwelling R22.8	Supported- as there is no variation.

Plot Ratio	0.65 -284.7 square metres	0.09 -40 square metres	Supported- as there is no variation.
Mixed Residential/ Commercial Development	To contain a residential component of no less than 66 per cent of the existing or approved floor space.	23 per cent residential component	Not supported- refer to 'Comments' section.
Setbacks: South (front)	Setback from street alignment at such distances which is generally consistent with building setback on adjacent land and in the immediate locality.	Setback not considered to be generally consistent with building setback on adjacent land	Not supported- as it results in an undue impact on streetscape.
West	3.2 metres (or 1.7 metres if no major openings)	1.0 metre -1.98 metres	Supported- as setbacks are staggered and no undue impact.
East	3.7 metres(or 1.7 metres if no major openings)	1.0 metre -1.97 metres	Supported- as setbacks are staggered and no undue impact.
Privacy Setbacks	Habitable rooms other than bedrooms - 6.0 metres	Kitchen - 1.96 metres to East. Treatment and waiting room- 1.98 metres.	Not supported- recommended that this matter be conditioned in event of approval.
Cay bays (commercial component)	10.2 car bays (after adjustment factors)	8 car bays	Supported in part- recommended that shortfall be addressed via cash-in-lieu in the event of approval.
Consultation Submissions			
Support (9)	<ul style="list-style-type: none"> • Proposal beneficial to community. • Style, height, bulk and scale of building is in keeping with streetscape. • Parking provision considered to be adequate. • Residential/Commercial mix component supported. • Proposal will not affect amenity of area. • Front setback is considered appropriate. 		Supported- however, refer 'Comments'. Supported- however, refer 'Comments'. Supported in part- refer to above. Not supported- refer to 'Comments' section. Supported- however, refer 'Comments'. Not supported- refer to above.
Objection (2)	<ul style="list-style-type: none"> • Front Setback. • Car parking. 		Supported- refer to above. Supported in part- 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
Car Parking - Commercial Component	
Consulting Rooms: 3 spaces per consulting room (4 rooms)	
Total car parking requirement (nearest whole number)	12 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) 	(0.85) 10.2 car bays
Minus car parking on-site	8 (1 car bays has been allocated to residential component)
Minus the most recently approved on-site parking shortfall	N/A
Resultant shortfall	2.2 car bays

* 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 giving consideration to the inner city location and the likely future development of the areas built form, it is considered that the proposed development is an underdevelopment of the site and inconsistent with the objectives outlined in the Town's Policy relating to the Beaufort Precinct, which promotes a diverse range of inner city housing and mixed use development and stipulates that the subject area is to transform from a predominately commercial area to an area of compatible residential and commercial uses.

Whilst it is noted that the proposal is generally an improvement of the site and not considered to have an undue impact on the area as outlined in the submissions of support, it is also noted that there has been recent planning applications in the area, that have been submitted/approved by the Council which are considered to display a more appropriate mix of uses. It is considered that these aforementioned planning applications may provide a stimulus for other similar developments in the area, which is vital for the attraction of people to the area and the development and consolidation of inner city communities. It is also considered that approval of the subject application may set a precedence that departs from the Town's intentions for the area.

In light of the above, it is recommended that the subject application be refused and Council advises the applicant that the proposal is considered to be an underdevelopment of the site.

10.1.3 No. 219 (Lot 2) Brisbane Street, Perth - Proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House - Amended Plans to Planning Approval

Ward:	South	Date:	17 May 2006
Precinct:	Hyde Park; P12	File Ref:	PRO1691; 00/33/2692
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp dated 16 May 2006 to Planning Approval (Serial No. 00/33/2692) granted by the Council on 10 May 2005 and issued on 20 May 2005 , for proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No. 219 (Lot 2) Brisbane Street, Perth.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the Planning Approval plans. The subject amended plans are being referred to this Ordinary Meeting for consideration and determination by the Council.

Landowner:	J Puls
Applicant:	RAD Architecture
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:	223 square metres
Access to Right of Way	South side, 3.4 metres wide, unsealed, privately-owned

BACKGROUND:

- 4 November 2003 The Council at its Ordinary Meeting resolved to conditionally approve an application for alterations and three -storey additions to the existing single house at the subject lot.
- 25 May 2004 In response to one of the conditions imposed on the above approval, revised plans were submitted by the applicant. The Council at its Ordinary Meeting resolved to refuse this application for same development.
- 7 December 2004 The applicant submitted similar plans and requested the Council to revisit its decision to refuse the application, based on a written submission prepared in direct response to the Council's reasons for refusal. The Council at its Ordinary Meeting considered the application and consequently resolved to conditionally approve the application for alterations and three storey additions to the existing single house at the subject lot.
- 10 May 2005 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed partial demolition of and alterations and three-storey additions to existing single house - reconsideration of condition at the subject lot.

DETAILS:

The main differences between the current Building Licence Application plans and the previous Planning Approval plans are highlighted (circled and labelled) on the Building Licence plans and summarised below by the applicant:

- " 1. *Basement Floor Plan*
- a. *Changing angle of Garage Wall to South Boundary (R.O.W.) from parallel to 5° off parallel – due to requirement for concrete panels to be 600mm minimum at base to footings and aesthetic reasons. The setback along the East boundary to the ROW has increased to 2264 from 2000 as a result. 2600 setback to building line from ROW remains unchanged.*
 - b. *South component of concrete wall to West boundary is parallel, instead of 3° off boundary – due to requirement for South Boundary concrete panel to be 600mm minimum at base to footings as above.*
 - c. *Angle between courtyard and bedroom changed to 3.2° from -4° - due to angles of geometry from levels above, required size of bathroom due to the selected bath, and alteration of angle to stairwell.*
 - d. *Internal walls have altered slightly – to allow an alternate bed orientation, and to structurally support floor above.*
 - e. *Floor levels lowered – to provide ceiling heights which comply with the BCA.*
 - f. *Retaining wall to courtyard altered – to allow for expanded access to bathroom, and also aesthetically relate to remainder of the building.*
2. *Ground Floor Plan*
- a. *Landing not extended into existing living room – due to the structural constraints associated with the existing brickwork.*
 - b. *Angle to North wall altered from 8° to 4° off boundary – to suit angles of geometry to levels above and below.*
 - c. *Angles to south 'nib' walls altered to 90° to boundary from 80° - due to panel constraints to south elevation. There are no changes to setbacks to the boundaries (8000mm min). There is no change to the building line.*
 - d. *Alterations to stair arrangements – to suit BCA and structural requirements.*
 - e. *Cabinet details altered – to suit client requirements.*

3. *First Floor Plan*
 - a. *Angle to North wall altered from 74° to West boundary, to 85° (more perpendicular) – due to suit angles of geometry to levels below, and reduce western exposure to north facing window.*
 - b. *Removal of existing chimney – existing dilapidated brickwork chimney was considered too unstable and unsafe to retain.*
 - c. *Angles to south ‘nib’ walls altered to 90° to boundary from 80° - due to panel constraints to south elevation. There is no change to the building line.*
 - d. *Internal layout and furniture – to suit client requirements.*

4. *East Elevation*
 - a. *Circular indent positions on concrete parapet wall – altered due to aesthetic considerations, and to suit concrete panel sizes and construction joints.*

5. *West Elevation*
 - a. *Top angle to Panel K altered from 5.5° to 4° due to structural constraints and internal fit out constraints.*
 - b. *Bottom angle to Panel K altered from 12° to -1° - due to structural constraints and internal cabinetry constraints.*

6. *South Elevation*
 - a. *Width of Panel P and O to approximately 600mm – due to minimum size of concrete panels being 600mm.*

7. *North Elevation*
 - a. *Panel dimensions – to suit geometrical constraints and structural requirements as above.*

 - b. *Window proportions altered slightly – to suit internal spaces behind. Area of windows is still the same (under 1 square metre) as well as location".*

The applicant submission is also "Laid on the Table".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The amended plans (Building Licence Application plans) do not result in any greater variation to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as the plans are not considered to involve any greater variation to the development requirements from the previously approved plans.			
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

COMMENTS:

It is noted that the western boundary wall is now proposed to be located on the boundary in lieu of the previous 500 millimetres setback proposed. Due to the minimal difference between these setbacks and both proposed walls being classified as "Buildings on Boundaries", as per the definition of the R-Codes (the term "up to a boundary" means either on the boundary or any point closer than 0.75 metre between the boundary), the proposed wall is not considered to have an undue impact on the neighbour or result in any greater variation to the development requirements from the previously approved plans. The applicant and owner have also advised that the western neighbour is overseas and not easily contactable.

The amended plans (Building Licence Application plans) do not propose any further variation to the Residential Design Codes or the Town's Policies. Therefore, the amended plans are considered acceptable as the changes are minor and are not considered to have an undue impact on the adjoining neighbours. Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence Application) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.1 Further Report - No(s) 220-224 (Lot: 1 D/P: 2406, and Lot: 20 D/P: 688) Carr Place, Leederville - Proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Car parking

Ward:	South	Date:	16 May 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO3274 5.2005.3115.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by PMdR A Design Partnership on behalf of the owner D V & D & P V Eftos & Kalison Enterprises Pty Ltd for proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Car Parking, at No(s) 220-224 (Lot: 1 D/P: 2406, and Lot: 20 D/P: 688) Carr Place, Leederville, and as shown on plans stamped 28 October 2005, 9 May 2006, 15 May 2006 and 16 May 2006, subject to the following conditions:

- (i) *any future vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$22,500) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$22,500, subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *to first obtaining the consent of the owners of Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place in a good and clean condition;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *design features being incorporated into the walls adjacent to the ground floor car park walls facing the rear right-of-way (ROW);*
 - (b) *any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *a continuous and complementary awning(s) being provided along the entire Carr Place frontage, and*
 - (d) *a visual truncation of 1.5 metres by 1.5 metres being provided at either side of the driveway where it intersects the Carr Place footpath.*

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

- (vii) *prior to the first occupation of the development, nine (9) class- one or two, and four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting Carr Place shall maintain an active and interactive relationship with this street. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor being reflective;*
- (xii) *prior to the first occupation of the development, twenty nine (29) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with tandem carbays 26, 28, 30, 32, 34 and 36 being sign posted and set aside specifically for staff use only;*
- (xiii) *the maximum floor space shall be limited as follows:*
- (a) *office -1513 square metres of gross floor area; and*
 - (b) *eating house (café/restaurant) -100 square metres of public area;*

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

- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Carr Place;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

“(xx) the additional planning application fees of \$1350 shall be paid within 14 days of being notified in writing by the Town.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (5-2)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by PMdR A Design Partnership on behalf of the owner D V & D & P V Eftos & Kalison Enterprises Pty Ltd for proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Car Parking, at No(s) 220-224 (Lot: 1 D/P: 2406, and Lot: 20 D/P: 688) Carr Place, Leederville, and as shown on plans stamped 28 October 2005, 9 May 2006, 15 May 2006 and 16 May 2006, subject to the following conditions:

- (i) any future vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$22,500) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$22,500, subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) to first obtaining the consent of the owners of Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place in a good and clean condition;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *design features being incorporated into the walls adjacent to the ground floor car park walls facing the rear right-of-way (ROW);*
 - (b) *any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *a continuous and complementary awning(s) being provided along the entire Carr Place frontage, and*
 - (d) *a visual truncation of 1.5 metres by 1.5 metres being provided at either side of the driveway where it intersects the Carr Place footpath.*

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

- (vii) *prior to the first occupation of the development, nine (9) class- one or two, and four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting Carr Place shall maintain an active and interactive relationship with this street. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor being reflective;*
- (xii) *prior to the first occupation of the development, twenty nine (29) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with tandem carbays 26, 28, 30, 32, 34 and 36 being sign posted and set aside specifically for staff use only;*
- (xiii) *the maximum floor space shall be limited as follows:*
- (a) *office -1513 square metres of gross floor area; and*
 - (b) *eating house (café/restaurant) -100 square metres of public area;*

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

- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Carr Place;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *the additional planning application fees of \$1350 shall be paid within 14 days of being notified in writing by the Town.*

FURTHER REPORT:

20 December 2005 The Council at its Ordinary Meeting resolved to defer the item to the Ordinary Meeting of Council to be held on 17 January 2006.

17 January 2006 The Council at its Ordinary Meeting resolved "*That the item be Deferred for further discussion with the applicant and for accurate plans to be provided*".

The applicant has submitted revised plans dated 9 May 2006, 15 May 2006 and 16 May 2006, with whole building being contained within the lot boundaries. The additional change includes a flat roof, which is more in keeping with the adjoining building and slightly reducing the overall height of the building. The façade has been slightly altered with the removal of the ornamentation from the pillars below the roof line. This would further compliment and would be in keeping with the overall streetscape in the area. The applicants have also revised the cost of the development from \$1.5 million to \$2.25 million, partly due to increased construction cost. The applicant has agreed to pay the difference to the planning application fee, as a result of the revised development cost, which is also reflected in the increase to the public art contribution.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 17 January 2006.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by PMdR A Design Partnership on behalf of the owner D V & D & P V Eftos & Kalison Enterprises Pty Ltd for proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Car Parking, at No(s) 220-224 (Lot: 1 D/P: 2406, and Lot: 20 D/P: 688) Carr Place, Leederville, and as shown on plans stamp-dated 28 October 2005 , subject to the following conditions:

- (i) any future vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) to first obtaining the consent of the owners of Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place in a good and clean condition;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) design features being incorporated into the walls adjacent to the ground floor car park walls facing the rear right-of-way (ROW);*
 - (b) any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*

- (c) *the entire building being contained within the subject lots' boundaries, except for the front awnings; and*
- (d) *a continuous and complementary awning(s) being provided along the entire Carr Place frontage.*

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

- (vii) *prior to the first occupation of the development, nine (9) class- one or two, and four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting and Carr Place shall maintain an active and interactive relationship with this street;*
- (xii) *prior to the first occupation of the development, twenty nine (29) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with tandem carbays 26, 28, 30, 32, 34 and 36 being sign posted and set aside specifically for staff use only;*
- (xiii) *the maximum floor space shall be limited as follows:*
 - (a) *office -1513 square metres of gross floor area; and*
 - (b) *eating house (café/restaurant) -100 square metres of public area;**unless adequate car parking is provided for the changes in floor area use or floor space area;*
- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Carr Place;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (xvii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED for further discussion with the applicant and for accurate plans to be provided.

Journalist Mark Fletcher left the meeting at 7.31pm.

CARRIED (7-1)

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

(Cr Farrell was an apology.)

<i>Landowner:</i>	<i>D V & D & P V Eftos & Kalison Enterprises Pty Ltd</i>
<i>Applicant:</i>	<i>PMdR A Design Partnership</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre</i>
<i>Existing Land Use:</i>	<i>Office and Eating House</i>
<i>Use Class:</i>	<i>Office Building and Eating House</i>
<i>Use Classification:</i>	<i>"P" and "P"</i>
<i>Lot Area:</i>	<i>1042 square metres</i>
<i>Access to Right of Way</i>	<i>Rear side, 4 metres (dedicated and owned by the Town) and 5 metres (part owned by others) in width and sealed.</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing two (2) single storey buildings, which are being used as an office and eating house, and the construction of a three (3) storey building comprising eating house, offices and associated basement car parking. Access to the site is off Carr Place and the rear right-of-way (ROW).

The applicant has submitted the following information which is summarised as follows:

- *Matters relating to Building Code of Australia can be dealt as part of a Building Licence application;*
- *An awning will be provided in accordance with Town's requirements;*
- *Only 6 tandem carbays are provided out of a total of 36 carbays, which are mainly accessed of the ROW;*
- *Side wall have no openings, apart from the upper level, which is setback significantly from the boundary; and*
- *Complies with the overshadowing requirements of the Residential Design Codes.*

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Awning</i>	<i>For the Front of Building at ground floor</i>	<i>Not shown</i>	<i>Not supported- as required for pedestrian amenity and a condition is recommended for the provision of an awning along Carr Place.</i>
<i>Setback-Rear/North Side</i>	<i>9 metres</i>	<i>5 metres on western side for ground floor</i>	<i>Supported- as the main reason for the 9 metres rear setback is to allow for court yard space for residential developments and for car parking within the District Centre.</i>
<i>Setback relating to Non-Residential/Residential Development Interface -East Side</i>			
<i>Ground floor</i>	<i>1.8 metres</i>	<i>Nil</i>	<i>Supported - as the adjoining lot to the east side also has a parapet wall for most of the shared eastern boundary with the subject side.</i>
<i>First floor</i>	<i>3.8 metres</i>	<i>Nil</i>	
<i>Second floor</i>	<i>5.5 metres</i>	<i>Nil</i>	

<i>Landscaping within District Centre zone and Policy relating to Non-Residential/Residential Development Interface.</i>	<i>10 per cent of land area</i>	<i>Not provided</i>	<i>Supported - on the basis that most of the newer developments along Newcastle Street and Carr Place within the precinct do not have landscaping, due to the nature and urban form of surrounding developments.</i>
<i>Number of Storeys</i>	<i>2 storeys</i>	<i>3 storeys and basement car park.</i>	<i>Supported - as it is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings which are 3 and 4 storeys in height.</i>
<i>Setback based on height of building relating to Non-Residential/Residential Development Interface-Front Setback</i>	<i>4 metres</i>	<i>2 metres</i>	<i>Supported - as the reduced setback is considered not to unduly affect the streetscape in the area.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> • <i>No comments stated.</i> 		<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Concerned that the height of the building will provide a "crowded look" to the street.</i> 		<i>Not supported- as the height is considered to fit in with the height and scale of building in the immediate area.</i>
	<ul style="list-style-type: none"> • <i>The provision of tandem car parking as there is already a "great" degree of traffic in the area.</i> 		<i>Noted and not supported- as it is acknowledged that the proposal will contribute to an increase in the traffic in the area, which is zoned as a District Centre. The proposal also complies with the car parking requirements of the Town.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

<i>Commercial Car Parking</i>	
<i>Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross floor area (proposed 1513 square metres)= 30.26 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area (100 square metres)= 22.22 car bays Total 52.48 carbays.</i>	<i>52 car bays</i>
<i>Apply the parking adjustment factors.</i>	<i>(0.5527)</i>
<ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</i> ▪ <i>0.85 (within 800 metres of a rail station)</i> ▪ <i>0.90 (within District Centre Zone)</i> 	<i>28.74 car bays</i>
<i>Minus the car parking provided on-site.</i>	<i>36 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) (Nil - existing development to be demolished)</i>	<i>Nil</i>
<i>Resultant surplus</i>	<i>7.26 car bays</i>

Bicycle Parking Facilities

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Office 1 space per 200 (proposed 1513) square metres gross floor area (class 1 or 2).</i>	<i>7.56 spaces</i>	<i>Nil</i>
<i>1 space per 750 (proposed 1513-1000=513) square metres over 1000 square metres for visitors (class 3) Restaurant (café/eating house)</i>	<i>0.68 space</i>	<i>Nil</i>
<i>1 space per 100 (proposed 100) square metres public area (class 1 or 2)</i>	<i>1 space</i>	<i>Nil</i>
<i>2 spaces plus 1 space per 100 (proposed 100) square metres public area (class 3)</i>	<i>3 spaces</i>	<i>Nil</i>

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

COMMENTS:

Demolition

The subject properties at Nos. 220 and 224 are believed to have been constructed circa 1905, located on what was then called Leeder Street. A site inspection was undertaken on 18 October 2005 in which it was considered that full Heritage Assessments were not warranted for the two subject properties.

No. 220 Carr Place accommodates a rendered brick and iron dwelling adapted to office use. The property is modest with a basic floor plan of four rooms extending from a central hallway. A fireplace is extant on the two eastern rooms, which are no longer in use. Most of the original internal fittings and windows have been replaced. The facade of the place has been changed affecting the original fenestration and roof pitch.

The original dwelling at No. 224 now operates as a restaurant, since the mid 1980's. Further alterations and additions have since been made to the place, to include another restaurant to the east of the original building and an office space to the rear.

In light of the above, it is considered that the two properties have little cultural heritage significance and thus it is recommended that the proposed demolition be approved subject to standard conditions.

Non-Residential/Residential Development Interface

It is considered that the proposal has addressed the objectives of the Town's Policy relating to Non-Residential/Residential Development Interface, including the variations sought as addressed in the Assessment Table.

Building Services

Building Services advise that there are issues relating to the Building Code of Australia requirements in terms of exit location, fire rating aspects and provision of facilities relating to people with disabilities. The applicant has advised in writing that the above issues can be resolved at the Building Licence stage. A condition is proposed to ensure that the entire building is located within the lots' boundaries, as part of the building at the rear indicates the building being outside the lot boundary, which may be a drafting discrepancy.

Car Parking

The Town's Technical Services have advised that the proposed tandem car parking is considered acceptable in this instance, as it represents 6 car bays of the total 36 car bays being provided. A condition has been recommended that tandem car bays 26, 28, 30, 32, 34 and 36 are specifically marked for staff car parking only.

Given the above, the proposal is considered acceptable and supported, subject to standard and appropriate conditions to address the above matters."

10.1.2 Further Report - Amendment No. 21 to Planning and Building Policies - Provision for Cash-in-lieu of Car Parking within the Parking and Access Policy

Ward:	Both	Date:	17 May 2006
Precinct:	All Precincts	File Ref:	PLA 0154
Attachments:	001		
Reporting Officer:	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Further Report - Amendment No. 21 to Planning and Building Policies - Provision for Cash-in-lieu of Car Parking within the Parking and Access Policy and subsequent timeframe for adoption of the review;*
- (ii) *ADOPTS the following terms of reference for review of the Parking and Access Policy;*
 - (a) *Transport Oriented Development;*
 - (b) *Environmental Guidance Statement No. 33;*
 - (c) *Town of Vincent Car Parking Strategy; and*
 - (d) *Sustainable co-existence of pedestrians, cyclists, public transport and the private automobile (integrated transport strategies);*
- (iii) *RENAMES Amendment No. 21 from Provision for Cash-in-lieu of Car Parking within the Parking and Access Policy to Review of the Parking and Access Policy; and*
- (iv) *RESOLVES to appoint a consultant to undertake a wider study of cash-in-lieu contributions and impact on car parking and integrated transport strategies for the Town and to make recommendations on how the study findings are best implemented.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That clause (ii) be amended as follows:

- “(ii) *ADOPTS the following terms of reference for review of the Parking and Access Policy;*
 - (a) *Transport Oriented Development;*

- (b) *Environmental Guidance Statement No. 33;*
- (c) *Town of Vincent Car Parking Strategy; ~~and~~*
- (d) *Sustainable co-existence of pedestrians, cyclists, public transport and the private automobile (integrated transport strategies); ~~and~~*
- (e) *Vincent Vision 2024;*
- (f) *Town of Vincent Economic Development Strategy 2005 - 2010; and*
- (g) *collaboration with the Town's Technical and Ranger Services; and"*

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Maier, **Seconded** Cr Messina

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

- “(ii) (h) *Fair and equitable mechanism for allocating the cost of providing parking including the formula and components used to determine parking requirements;*”

Debate ensued.

Cr Chester departed the Chamber at 8.45pm.

AMENDMENT CARRIED (6-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

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

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

- “(v) *REQUESTS the consultant to provide two (2) forums to Council the first forum being at the beginning of the investigation period and the second forum to be held at the end of the investigation period before a final report is provided to the Council.*”

Cr Chester returned to the Chamber at 8.46pm.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Farrell, Seconded Cr Messina

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

- (ii) (i) *Include in the report a summary/review of similar such policies of other Councils;”*

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.2

That the Council;

- (i) *RECEIVES the Further Report - Amendment No. 21 to Planning and Building Policies - Provision for Cash-in-lieu of Car Parking within the Parking and Access Policy and subsequent timeframe for adoption of the review;*
- (ii) *ADOPTS the following terms of reference for review of the Parking and Access Policy;*
- (a) *Transport Oriented Development;*
 - (b) *Environmental Guidance Statement No. 33;*
 - (c) *Town of Vincent Car Parking Strategy;*
 - (d) *Sustainable co-existence of pedestrians, cyclists, public transport and the private automobile (integrated transport strategies);*
 - (e) *Vincent Vision 2024;*
 - (f) *Town of Vincent Economic Development Strategy 2005 - 2010; and*
 - (g) *Collaboration with the Town’s Technical and Ranger Services;*
 - (h) *Fair and equitable mechanism for allocating the cost of providing parking including the formula and components used to determine parking requirements; and*
 - (i) *Include in the report a summary/review of similar such policies of other Councils;*
- (iii) *RENAMES Amendment No. 21 from Provision for Cash-in-lieu of Car Parking within the Parking and Access Policy to Review of the Parking and Access Policy;*
- (iv) *RESOLVES to appoint a consultant to undertake a wider study of cash-in-lieu contributions and impact on car parking and integrated transport strategies for the Town and to make recommendations on how the study findings are best implemented; and*

- (v) *REQUESTS the consultant to provide two (2) forums to Council the first forum being at the beginning of the investigation period and the second forum to be held at the end of the investigation period before a final report is provided to the Council.*
-

FURTHER REPORT:

Purpose of Report

The purpose of this report is to outline the terms of reference and timeframe for the review of the Policy relating to Parking and Access. This is in accordance with the Elected Members Forum held on 21 March 2006 and subsequent resolution of the Council at its Ordinary Meeting held on 26 April 2006.

It is noted that Amendment No. 21 has therefore changed, as its scope of work now includes a review of the entire Parking and Access Policy, including clause 11 relating to the cash-in-lieu of car parking provisions.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

Amendment No. 21 relates to the provision for cash-in-lieu for car parking within the Parking and Access Policy, and was initiated via a Notice of Motion resolved by the Council at its Ordinary Meeting held on 27 April 2004. The Notice of Motion was as follows:

"That the Council AUTHORIZES the Chief Executive Officer to;

- (i) conduct a review of the cash-in-lieu provisions in the Policy and the amount charged;*
- (ii) explore the Cash-in-lieu policies of other Councils;*
- (iii) include the review as part of the Town's Budget process, as per the Policy; and*
- (iv) prepare a report for the consideration of Council on 8 June 2004."*

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

"That the Council;

- (i) RECEIVES this report and the draft amended version of the Policy relating to Parking and Access, as shown in Attachment 001;*
- (ii) ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*
- (iii) ADVERTISES the draft amended version of the Policy relating to Parking and Access for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
- (c) *forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft amended version of the Policy relating to Parking and Access, having regard to any written submissions; and*
 - (b) *determines the draft amended version of the Policy relating to Parking and Access, with or without amendment, to or not to proceed with them; and*
- (v) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 27 April 2004 relating to cash-in-lieu of car parking, as listed in this report, has been addressed and finalised in the draft amended version of the Policy relating to Parking and Access."*

The Council, at its Ordinary Meeting held on 17 January 2006, considered the subject Amendment and resolved the following:

"That the Item be DEFERRED so that it can be discussed at a Council Forum."

The Council, at an Elected Members Forum held on 21 March 2006, indicated that they wished to review Amendment No. 21 and conduct a holistic review of the Parking and Access Policy.

The Council, at its Ordinary Meeting held on 26 April 2006, considered the subject Amendment and resolved the following:

"That the Council;

- (i) *DEFERS consideration for adoption of Amendment No. 21 until the entire Parking and Access Policy is reviewed, including a review of the proposed amendments to clause 11 relating to Amendment No. 21; and*
- (ii) *RECEIVES a proposed timeline for the review and adoption of the Cash-In-Lieu, Parking and Access Policy within one month."*

ADDITIONAL INFORMATION:

Introduction

The terms of reference detailed below give the Council an outline of current practises in integrated transport planning and transport oriented development (TOD) and the subsequent recommended reference points for a review of the Parking and Access Policy.

Transport Oriented Development

The following are some key components of TOD. It is noted that these are more appropriately applied to greenfields development, but are relevant to the Town of Vincent because they show the opportunities for TOD within the Town and the subsequent benefits of it:

- Walkable design with pedestrians as the highest priority.
- Train station as prominent feature of town centre.
- A regional node containing a mixture of uses in close proximity including office, recreational, residential, retail, entertainment and civic uses.

- High density, high-quality development within a 10-minute radius surrounding train stations.
- Collector support transport systems including light rail, buses and the like.
- Designed to include the easy use of bicycles, scooters, skateboards and rollerblades as daily support transportation systems.
- Reduced and managed parking inside a 10-minute radius around the town centres and train stations.

Benefits:

- Higher quality of life.
 - Better places to live, work, and play.
 - Greater mobility with ease of moving around.
 - Increased public transport use.
 - Reduced traffic congestion and driving.
 - Reduced car accidents and injuries.
 - Reduced household spending on transportation, resulting in more affordable housing.
 - Healthier lifestyle with more walking, and less stress.
-
- Higher, more stable property values.
 - Increased foot traffic and customers for area businesses.
 - Greatly reduced dependence on foreign oil.
 - Greatly reduced pollution and environmental destruction.
 - Reduced incentive to sprawl, increased incentive for compact development.
 - Less expensive than building roads and car parks.
 - Enhanced ability to maintain economic competitiveness.

Integrated Transport Principles

Integrated transport principles recognise the need to integrate transport modes, networks and land use to facilitate the movement of pedestrians, cyclists, freight, public transport users and private motor vehicle users and to cater for the needs of residents. Integrated Transport Strategies are interconnected with TOD principles.

Specifically it involves:

- Integrating road, rail, pedestrians cyclists, public and private transport and miscellaneous transport infrastructure;
- Integrating land use and transport planning;
- Promoting appropriate transport modes and making full use of emerging technology; and
- Ensuring the implementation of the reviewed Parking and Access Policy is considered in the context of Perth's new regional plan, Network City.

Town of Vincent Car Parking Strategy

The Town of Vincent Car Parking Strategy, prepared in February 2002, was prepared to be used as a reference document for the Council and the Town's staff to assist in making informed decisions with regard to parking and transport issues and strategies for car parking. It has previously been used to amend the Parking and Access Policy, especially in relation to the application of adjustment factors and bicycle parking provisions and requirements.

It is proposed by the Town's Officers to continue to use this document as a reference point for review of the Parking and Access Policy, particularly Part Nine - Alternative Transport Modes. The following is taken verbatim from Part Nine of the subject Strategy:

"The Town cannot entirely rely on developing more land for car parks to control future parking pressures. It should be initiating some long-term sustainable solutions to the transport and parking problems by supporting and encouraging people to choose an alternative form of travel to the private car. This will require committed funding to be injected into the alternative transport projects which have been initiated by both DPI (Department for Planning and Infrastructure) and the Town."

Environmental Guidance No. 33

The Guidance Statement outlines the roles of different agencies, with regard to environmental sustainability, including local governments. This role includes the co-ordination of initiatives such as Travelsmart, Cities for Climate Change and Local Agenda 21. The Town's Officers feel it is important the Town considers the relevant Travelsmart initiatives and the sustainability principles outlined as part of Local Agenda 21 in its review of the Parking and Access Policy. This is reflected in the Officer Recommendation.

Timeframe

Deliverable	Aim/Objective	Date
Terms of Reference.	Recommended reference points for a review of the Parking and Access Policy.	OMC 23 May 2006
Tendering for external study.	Scope of work for consultant to undertake a wider study of cash-in-lieu contributions and impact on car parking and integrated transport strategies for the Town and to make recommendations on how this is best implemented.	30 June 2006
Completion of external study.	Final report by external consultants received by the Town and considered by Council.	12 September 2006
Draft Parking and Access Policy.	Draft Policy considered at an OMC for advertising.	7 November 2006

Financial/Budget Implications

The Town's Officers note that the subject matter was only recently considered by the Council at its Ordinary Meeting held on 26 April 2006 and consequently no provision for funding made in the Draft 2006/2007 Budget. It is further advised that it is intended to carry over from the 2005/2006 Budget allocated funds for the Mount Hawthorn Strategy (\$30,000) and Oxford Centre Study Implementation (\$25,000). It is proposed to use these carried over funds to fund the proposed study. It is anticipated that a comprehensive study will cost approximately \$30,000, depending on the scope of works.

Summary

Most Australian cities have grown exponentially since the post World War II car boom. This has produced a sprawled urban morphology where cities, especially Perth, have become heavily reliant on the private motor vehicle. This has created an unsustainable environment where the private motor vehicle is perceived to be the most important, popular and dominant mode of transport.

Local Government is at the forefront of creating a change in people's perceptions and usage of alternative modes of transport. This is because local authorities have direct control of the supply of car parking spaces and the roads that access them. This is not withstanding the importance of partnership with State and Federal Governments, and obviously State Government public transport provision and funding.

The Town's Officers, therefore, see the review of the Parking and Access Policy as an opportunity for the Town of Vincent to achieve more sustainable and integrated transport planning outcomes for the betterment of the Town and wider Perth community. This requires an analysis, understanding and promotion of all transport modes. This is considered to be consistent with the Council's resolution for a holistic review of the subject Policy.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 April 2006.

"OFFICER RECOMMENDATION:

That the Council DEFERS consideration for adoption of Amendment No. 21 until the entire Parking and Access Policy is reviewed, including a review of the proposed amendments to clause 11 relating to Amendment No. 21.

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That a new clause (ii) be added to the recommendation as follows:

"(ii) RECEIVES a proposed timeline for the review and adoption of the Cash-In-Lieu, Parking and Access Policy within one month."

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.1

That the Council;

- (i) DEFERS consideration for adoption of Amendment No. 21 until the entire Parking and Access Policy is reviewed, including a review of the proposed amendments to clause 11 relating to Amendment No. 21; and*
 - (ii) RECEIVES a proposed timeline for the review and adoption of the Cash-In-Lieu, Parking and Access Policy within one month.*
-

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 17 January 2006, considered the subject Amendment and resolved the following:

"That the Item be DEFERRED so that it can be discussed at a Council Forum."

Amendment No.21 relates to the provision for cash-in-lieu for car parking within the Parking and Access Policy, and was initiated via a Notice of Motion resolved by the Council at its Ordinary Meeting held on 27 April 2004. The Notice of Motion was as follows:

"That the Council AUTHORISES the Chief Executive Officer to;

- (i) conduct a review of the cash-in-lieu provisions in the Policy and the amount charged;*
- (ii) explore the Cash-in-lieu policies of other Councils;*
- (iii) include the review as part of the Town's Budget process, as per the Policy; and*
- (iv) prepare a report for the consideration of Council on 8 June 2004."*

Subsequently, Amendment No.21 has dealt solely with clause 11 of the Parking and Access Policy, which relates to cash-in-lieu.

The Town Officers, through requests received from Elected Members prior to the Ordinary Meeting of Council held on 17 January 2006 and the discussion at the Elected Members Forum held on 21 March 2006, are aware that the Council has further concerns with respect to Amendment No. 21 and the current Parking and Access Policy. These are identified as follows:

- the usage of adjustment factors;*
- land uses and parking requirements (especially Eating Houses);*
- car parking strategy;*
- potential for multi-storey car park;*
- land value component for cash-in-lieu in Amendment No. 21 (how the figure is determined) and subsequent exception for the Town to acquire land;*
- economic impact of Amendment No. 21;*
- the Town needs to be aware that it is charging the user of the parking as well; and*
- the Town needs to review the whole Policy, using a more comprehensive, equitable approach.*

At the Elected Members Forum held on 21 March 2006, the Town's Officers proposed three options for the Council to consider in terms of the process for adoption of Amendment No. 21 and a review of the Parking and Access Policy, which are as follows:

Option 1

- The Town receives, adopts and advertises Amendment No. 21 in accordance with the Officer Recommendation contained in the Agenda Report considered at the Ordinary Meeting of Council held on 17 January 2006.*
- A separate Policy amendment be initiated that will research and review the Parking and Access Policy in accordance with Elected Members concerns as outlined above, including any further concerns or issues raised as a result of the Elected Members Forum held on 21 March 2006. The Town's Officers would report its findings to an Ordinary Meeting of Council in May 2006.*

Option 2

- *The Town defers Amendment No. 21 until the Parking and Access Policy is researched and reviewed in accordance with Elected Members concerns as outlined above, including any further concerns or issues raised as a result of the Forum.*

Option 3

- *Defer Amendment No. 21 and address it as part of the review of Town Planning Scheme No. 1 and associated Policies.*

The Council, in their discussion at the subject Forum, indicated that a holistic review of the Parking and Access Policy was required, including a review of the amendments proposed in Amendment No. 21 for clause 11 and the related issues and concerns discussed above, as per Option 2.

A summary of the matters discussed at the above Forum are as follows:

- *Amendment No. 21 needs to be reviewed, especially in regard to land value component.*
- *Amendment No. 21 to be reviewed concurrently with a holistic review of the Parking and Access Policy.*
- *Officers to ascertain the 'terms of reference' for review of the Parking and Access Policy and present a further report to the Council for Amendment No. 21.*
- *Recommend services of a consultant to undertake a wider study of cash-in-lieu contributions and impact on car parking and integrated transport strategies for the Town and to make recommendations on how this is best implemented.*
- *The Town's Strategic Planning Services to seek additional funding for the consultancy services required to undertake this study.*

It is recommended that the Council defer Amendment No. 21 in line with the Officer Recommendation and pending a Further Report outlining the Town's 'terms of reference' for the review in May 2006. Amendment No. 21 and the Schedule of Submissions are "Laid on the Table".

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 17 January 2006.

"OFFICER RECOMMENDATION:

That the Council;

- RECEIVES the final version of the amended Policy relating to Parking and Access, as shown in Attachment 10.1.19 (a), resulting from the advertised versions having been reviewed and regard to the two (2) written submissions which were received during the formal advertising period as shown in Attachment 10.1.19 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- ADOPTS the final version of the Policy relating to the Parking and Access, as shown in Attachments 10.1.19 (a), in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No.1; and*
- AUTHORISES the Chief Executive Officer to advertise the final version of the adopted amended Policy relating to Parking and Access as shown in Attachment 10.1.19, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That the Item be DEFERRED so that it can be discussed at a Council Forum.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the amended provisions for cash-in-lieu of car parking within the Parking and Access Policy, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

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

"That the Council;

- (i) RECEIVES this report and the draft amended version of the Policy relating to Parking and Access, as shown in Attachment 001;*
- (ii) ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*
- (iii) ADVERTISES the draft amended version of the Policy relating to Parking and Access for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
 - (c) forwarding a copy of the amended Policy to the Western Australian Planning Commission;*

- (iv) *after the expiry of the period for submissions:*
- (a) *reviews the draft amended version of the Policy relating to Parking and Access, having regard to any written submissions; and*
 - (b) *determines the draft amended version of the Policy relating to Parking and Access, with or without amendment, to or not to proceed with them; and*
- (vi) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 27 April 2004 relating to cash-in-lieu of car parking, as listed in this report, has been addressed and finalised in the draft amended version of the Policy relating to Parking and Access."*

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 14 June 2005. Two submissions were received during the comment period, one of which objected to some aspects of the Policy. A summary of the points raised are provided in the attached Schedule of Submissions.

With respect to two points raised, the following responses are provided:

"To maintain the current status of item 22 i) appears to be unacceptable in these times of this popular and developing area. The potential influx of ten extra vehicles in a specific area to service a business would compromise the availability of parking space for established businesses and particularly side streets."

The continuation of cash-in lieu payments to be provided when the car parking provision for a development has a shortfall of ten (10) bays or less is considered appropriate as the cash-in lieu payments from such developments provide the Town with the necessary funding to provide alternative car parking locations within the Town. Furthermore, the additional funding aids in managing and maintaining existing car parking within the locality to an acceptable level.

"The total car parking requirement needs to read five bays instead of ten where cash in lieu may be paid to cover any shortfall. The alterations would need to follow through the requirements of 11 to 40 bays and 41 to 70 bays by a proportional scale."

It is considered that reducing the number of car parking bays from ten (10) bays to five (5) would unduly compromise the development. Consequently, the Policy has not been amended.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

*Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."*

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

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

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

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

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

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

10.1.5 Nos.89-95 (Lot 368 D/P: 32210, Lot 63 D/P: 32) Smith Street, Highgate - Proposed Construction of Eight (8) Two -Storey Grouped Dwellings

Ward:	South	Date:	15 May 2006
Precinct:	Forrest; P14	File Ref:	PRO1096; 5.2005.3322.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ayresome Pty Ltd on behalf of the owner A Creelman for proposed Construction of Eight (8) Two- Storey Grouped Dwellings, at Nos.89-95 (Lot 368 D/P: 32210, Lot 63 D/P:32) Smith Street, Highgate and as shown on plans stamp-dated 27 March 2006, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Smith Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

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

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Smith Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *first obtaining the consent of the owners of Nos. 99-109 Smith Street and No.378 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 99-109 Smith Street and No.378 Stirling 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); and*
- (vi) *the electric gate facing Smith Street shall be visually permeable, with a minimum 50 per cent transparency.*

Moved Cr Messina, Seconded Cr Lake

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 front dwellings having an improved active and interactive relationship with Smith Street. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies."

Debate ensued.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ayresome Pty Ltd on behalf of the owner A Creelman for proposed Construction of Eight (8) Two- Storey Grouped Dwellings, at Nos. 89-95 (Lot 368 D/P: 32210, Lot 63 D/P:32) Smith Street, Highgate and as shown on plans stamp-dated 27 March 2006, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Smith Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Smith Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *first obtaining the consent of the owners of Nos. 99-109 Smith Street and No. 378 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 99-109 Smith Street and No. 378 Stirling 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 electric gate facing Smith Street shall be visually permeable, with a minimum 50 per cent transparency; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the front dwellings having an improved active and interactive relationship with Smith Street. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies.*

Landowner: A Creelman
Applicant: Ayresome Pty Ltd
Zoning: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use: Vacant
Use Class: Grouped Dwellings
Use Classification: "P"
Lot Area: Lot 63- 1239 square metres, Lot 368- 435 square metres, Total - 1674 square metres
Access to Right of Way N/A

BACKGROUND:

16 December 2003 The Council at its Ordinary Meeting conditionally approved an application for twelve (12) multiple dwellings and associated undercroft car parking on the subject site.

The detailed development history of the subject site is contained in Item 10.1.7 to the 16 December 2003 Ordinary Meeting of Council.

24 February 2004 The Council at its Ordinary Meeting refused an application for twelve (12) multiple dwellings and associated undercroft car parking- reconsideration of condition of approval on the subject site.

DETAILS:

The proposal involves construction of eight (8) two-storey grouped dwellings at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	9 dwellings R 60	8 dwellings R 47.8	Supported- as there is no variation.
Plot Ratio	<u>Unit 2</u> 0.65 - 128 square metres	<u>Unit 2</u> 0.67 - 131.65 square metres	Supported- as bulk and scale (as controlled by setbacks and height) of development is considered acceptable in this instance and the overall plot ratio is compliant and is not considered to have an undue impact on streetscape or adjoining neighbours.
	<u>Units 3-5</u> 0.65 - 129 square metres	<u>Units 3-5</u> 0.66. - 131.65 square metres	
	<u>Overall</u> 0.65- 1088 square metres	<u>Overall</u> 0.62- 1044 square metres	

Setbacks			
<u>Ground Floor</u> - South (units 7 and 8)	1.5 metres	1.26 metres -4.02 metres	Supported- as setback is considered a minor variation in this instance, with no undue impact.
- West (unit 6)	1.5 metres	Nil -0.96 metre (refer to Buildings on Boundaries below)	Supported- as above.
- North (units 2-6)	1.5 metres	1.2 metres -4.08 metres	Supported- as above.
<u>First Floor</u> - South (units 7 and 8)	1.5 metres	1.26 metres -4.02 metres	Supported- as above.
Street Walls/Fences	The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level.	Portion of street wall up to 1.8 metres solid.	Not supported- as undue impact on streetscape, has been conditioned to comply.
Buildings on Boundaries	One wall built up to boundary	Two boundary walls (both compliant in terms of height and length).	Supported- as minor variation in this instance with no undue impact.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Details of support not provided 		Noted.
Objection (1)	<ul style="list-style-type: none"> Details of objection not provided 		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.13 No. 197 (Lot 5 D/P: 672) Harold Street, Mount Lawley - Proposed Demolition of Existing Place of Worship

Ward:	South	Date:	16 May 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3524 5.2006.198.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G.Hopkins of MCS Group on behalf of the owner Sacred Heart Parish for proposed Demolition of Existing Place of Worship, at No.197 (Lot 5, D/P: 672) Harold Street, Mount Lawley, and as shown on plans stamp-dated 2 May 2006, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (ii) *the Council ADVISES the landowner of No. 197 (Lot 5, D/P: 672) Harold Street, Mount Lawley that a development proposal for the site shall be submitted to the Town within three months from the date of this approval.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Messina, Seconded Cr Farrell

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

"(ii) the Council ADVISES the landowner of No. 197 (Lot 5, D/P: 672) Harold Street, Mount Lawley that a development proposal for the site shall be submitted to the Town within ~~three~~ six months from the date of this approval. Within this time further discussion should be undertaken with the Town's Planning, Building and Heritage Services to examine various redevelopment options."

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.13

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 G. Hopkins of MCS Group on behalf of the owner Sacred Heart Parish for proposed Demolition of Existing Place of Worship, at No.197 (Lot 5, D/P: 672) Harold Street, Mount Lawley, and as shown on plans stamp-dated 2 May 2006, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*

- (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (ii) *the Council ADVISES the landowner of No. 197 (Lot 5, D/P: 672) Harold Street, Mount Lawley that a development proposal for the site shall be submitted to the Town within six months from the date of this approval. Within this time further discussion should be undertaken with the Town's Planning, Building and Heritage Services to examine various redevelopment options.*

ADDITIONAL INFORMATION:

A car park in a residential zone is an 'X' or prohibited use under the Town Planning Scheme No 1. However, the temporary use of the land for car parking associated with and ancillary to a 'Place of Public Worship', for a period of six months, would be allowed to continue, subject to a planning application being lodged with and determined by the Town within the six month period.

Landowner:	Sacred Heart Parish
Applicant:	G. Hopkins of MCS Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): R80
Existing Land Use:	Presbytery
Use Class:	Place of Public Worship
Use Classification:	"AA"
Lot Area:	552 square metres
Access to Right of Way	Eastern side, 3 metres wide, sealed, privately owned. Southern side, 3 metres wide, sealed, privately owned.

BACKGROUND:

- 2 March 2006 A fire substantially damaged the weatherboard Sacred Heart Parish Meeting Place at No.197 Harold Street, Highgate.
- 29 March 2006 As the place forms part of the important cultural environment of the Sacred Heart Group, the Town's Heritage Officer's wrote to the Church encouraging the examination of various options that would enable the retention of the place and outlining the various financial and non-financial incentives that are available to assist in the conservation of places within the locality.
- 28 April 2006 Two of the Town's Heritage Officers met with Father Bianchini, Mr Keith Atkinson from Crawford and Company (Australia) Pty Ltd and Guy Hopkins from MCS Group to inspect the extent of the fire damage.

DETAILS:

The proposal involves demolition of the Sacred Heart Parish Meeting Place, which was severely damage by fire on 2 March 2006. The place is included within the Sacred Heart Group, which is listed on the Municipal Heritage Inventory (MHI) with a Category A - Conservation Essential listing.

To expedite the consideration of the proposed demolition, the Executive Manager of Development and Environmental Services deemed that the process of Community Consultation was not required in this instance.

To address the concerns regarding the safety of the structure and the existence of remnant asbestos wall linings, the applicant is seeking consideration for the removal of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. To support this request, the applicant, an Engineering Consulting Group, has submitted a report, which discusses the level of damage that has occurred to the structure and what would need to be rectified to meet the requirements of the Building Code of Australia and associated costs. This Discussion Report is contained as an attachment to this report.

In the Discussion Report, the applicant has outlined six (6) options for the development of the site and has requested guidance on the matter. The six (6) options are as follows:

1. Repair the structure.
2. Demolish the structure and replace it with a relocated established home.
3. Construct a new dwelling.
4. Construct new purpose built offices.
5. Demolish and remove the structure.
6. Demolish the structure and reinstate it as a car park.

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

ASSESSMENT:

Consultation Submissions	
No advertising was undertaken for this application for reasons previously advised.	
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 contained in the attachment to this report.

The place at No.197 Harold Street is a weatherboard and iron Federation Cottage, which was constructed circa 1906. The place was originally used as a residence until 1984, when the Sacred Heart Church acquired the dwelling for use as a meeting place. The place was used for Parish meetings, music lessons, which were held daily, and as a place where guests of the Church could stay.

The place is currently included within the Sacred Heart Group, which is listed on the Town's MHI, with a Category A - Conservation Essential listing. The Sacred Heart Convent and School, which is included in Town's MHI is also permanently listed on the State Register of Heritage Places. However, the subject property at No.197 Harold Street is not included within the State Register of Heritage Places curtilage for the Sacred Heart Convent and School. The Heritage Council of Western Australia have advised that they are looking at upgrading the registration to include other elements on the site in due course.

Based on the Heritage Assessment attachment to this report, the subject place has been found to have local cultural heritage significance for the following reasons:

- The place has a twenty-two year association with the Sacred Heart Church, specifically the structure was used as a meeting place for cultural, spiritual and education pursuits by the local community, local parish and school community. The building has *some social value* as it contributes to the community's sense of place.
- The place is considered to have *some rarity value* as a weatherboard house constructed c1900 during the Gold Rush Period c1890 - 1914 and in close proximity to the city.
- The place being a modest timber and iron dwelling built during the Gold Rush era of 1891 - 1914, is representative of building material stock that was used in the Town of Vincent during this period of development.

As seen from the above stated cultural heritage values and its inclusion within the Sacred Heart Group, the place is considered to be significant to the locality. However, the place was severely damaged by fire on 2 March 2006 and is in a very poor condition. The majority of the damage has impacted on the western rooms of the dwelling and the western portion of the roof. However, to varying degrees, all the rooms have been subject to water, smoke or fire damage.

It is considered, that the condition of the place and the original fabric has been significantly damaged to the point where it cannot be rectified without the removal of the majority of the remaining significant fabric and/or prohibitive costs. In light of the above and to address safety concerns, it is recommended that the proposed demolition of the subject property be approved as per the recommendation above.

Due to the extent of damage to the property resulting from the fire, the condition requiring a redevelopment proposal to be approved prior to the issuing of a Demolition Licence has been omitted. However, to ensure that the land is not left vacant for a long period of time, it is recommended, as reflected in the Officer Recommendation, that a clause be added which stipulates a timeframe for the consideration of a redevelopment proposal for the site.

Consideration of the Proposed Redevelopment Options

In response to the applicants request for guidance for the redevelopment of the site it is recommended that the applicant meet with the Town's Statutory Planning Officers to ascertain potential opportunities and constraints associated with the site. Preliminary advice has been provided by the Town's Statutory Planning Officers in response to the options provided by the applicant and is outlined below.

- Options one and five - involves repair or demolition.

As discussed above, it is recommended that the dwelling be demolished due to extensive fire damage and imminent safety concerns.

- Option two - proposes to demolish the structure and replace it with a structure relocated from another site; and

Option three - proposes to construct a new dwelling.

These two options may be supported by the Town's Planning Officers subject to the proposal giving due consideration to the Residential Design Codes (R Codes), Town's Town Planning Scheme (TPS) No. 1 and associated Policies.

- Option four - proposes to construct new purpose built offices on the site.

An 'office' use in the Residential Zone is a 'SA' use. This indicates that under the subject zoning, *"the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37."* An indication of whether this proposal would be supported will require further assessment and community consultation via a Planning Application being submitted to the Town. The proposal would be required to comply with the relevant requirements of the Town's TPS No. 1, associated Policies.

- Option six - proposes to demolish the structure and to replace it with a car park.

A 'car park' use in the Residential Zone is a 'X' use and, therefore, in accordance with the Town's TPS No.1 is not permitted on the subject property.

10.1.15 No. 6 (Lot 5 D/P: 2447), St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and the Construction of Garage/Workshop Additions to Existing Single House

Ward:	South	Date:	16 May 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3065; 5.2005.3338.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Boyd on behalf of the owner J Boyd & A Courtley for proposed Demolition of Existing Outbuilding and the Construction of Garage/Workshop Additions to Existing Single House, at No. 6 (Lot 5 D/P: 2447) St Albans Avenue, Highgate, and as shown on plans stamp-dated 14 December 2005, subject to the following conditions:

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

- (iii) *the proposed garage/workshop structure shall not be used for industrial, commercial or accommodation purposes, and is for the sole personal use of the inhabitants of the main dwelling only and notwithstanding the installation of the proposed w/c, basin and shower that no other sanitary installations are permitted without further planning approval.*
-

COUNCIL DECISION ITEM 10.1.15

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

LOST (3-4)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Reasons:

1. **Development will set an undesirable precedent.**
 2. **The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
-

Landowner:	J Boyd & A Courtley
Applicant:	J Boyd
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:	632 square metres
Access to Right of Way	North side - 5 metres wide, unsealed, Town owned. East side - 5 metres wide, unsealed, Town owned.

BACKGROUND:

- 24 May 2005 The Council at its Ordinary Meeting deferred an application for proposed demolition of existing outbuilding and construction of a garage/workshop to existing single house at the subject property.
- 12 July 2005 The Council at its Ordinary Meeting resolved to refuse the application for proposed demolition of existing outbuilding and construction of a garage/workshop to existing single house at the subject property.

DETAILS:

The proposal involves demolition of existing outbuilding and the construction of garage/workshop additions to existing single house.

The current proposal differs from the application refused by the Council at its Ordinary Meeting on 12 July 2005 as the current proposed garage/workshop is connected to the main dwelling by a covered walkway.

The Residential Design Codes (R Codes) define an outbuilding as *"an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling"*. In light of this, the current proposal is considered and has been assessed as an addition to existing single house and not as an outbuilding.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.29	Noted.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Affected neighbour has stated no objection. 		Noted.
Objection (1)	<ul style="list-style-type: none"> North setback should be setback 1.5 metres or compliant with building on boundary requirements of the R Codes. 		Not supported- as the setback is compliant with 3.3.1 A1(v) of the R Codes which states <i>"the stated setback distances may be reduced by half the width of an adjoining right of way, pedestrian accessway or battleaxe access leg, to a maximum reduction of 2 metres"</i> ; and is not considered to have an undue impact on affected neighbours.
	<ul style="list-style-type: none"> Concern the storage area will be used as habitable space and, therefore, has concerns regarding privacy. 		Not supported - as it is not considered to have an undue impact on affected neighbours and is addressed in the Officer Recommendation (iii).
	<ul style="list-style-type: none"> Concern development will set undesirable precedent. 		Not supported - as each development application is considered on their individual merits.

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

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

COMMENTS:

Heritage

The subject property is on the Town's Municipal Heritage Inventory with a Category B - Conservation Recommended listing. The house, constructed in 1899, is recognised as being a fine example of a Federation Queen Anne bungalow, which retains its handsome original decoration.

It is noted that the proposal involves the construction of the new garage/workshop at the rear of the property and involves the construction of a covered walkway, which is to be attached to the rear skillion of the existing dwelling. It is considered that these works will have a minimal impact on the existing fabric and the overall heritage significance of the place. Therefore, there is no objection to the proposal on the basis of heritage grounds.

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

Mayor Catania advised that himself, Crs Chester, Lake and Maier had declared a financial interest in this Item. That he and Cr Chester had Ministerial approval to participate in debate and vote. In addition, he had Ministerial approval to preside at meetings.

Council approved for Crs Lake and Maier to remain in the Chamber and participate in debate but not vote on the matter.

10.1.24 Draft Municipal Heritage Inventory - New Town Planning Scheme No. 1 - Municipal Heritage Inventory Model - Category C Review

Ward:	Both Wards	Date:	15 May 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory - Category C Review; and*
- (ii) *AUTHORISES the Chief Executive Officer to proceed with owner and community consultation of the proposed changes to the Municipal Heritage Inventory as shown in Attachment 10.1.24 as part of the proposed full consultation of the Municipal Heritage Inventory outlined in Confidential Item 14.4.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Cr Farrell departed the Chamber at 8.53pm.

Cr Farrell returned to the Chamber at 8.54pm. Crs Lake and Maier departed the Chamber at 8.54pm.

Debate ensued.

Crs Lake and Maier returned to the Chamber at 8.55pm.

Moved Cr Chester, Seconded Cr Messina

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

- “(ii) *AUTHORISES the Chief Executive Officer to proceed with owner and community consultation of the proposed changes to the Municipal Heritage Inventory as shown in Attachment 10.1.24 as part of the proposed full consultation of the Municipal Heritage Inventory outlined in Confidential Item 14.4, subject to No. 192 Newcastle Street being retained on the Municipal Heritage Inventory and be assigned as a Category B for the following reasons:*

- *The property has been identified as being a good example of a middle class residence; it is an uncommon extant example of a C. 1894 dwelling that has functioned as a boarding house continuously from 1950 to 2001, its integrity is moderate to high, the statement of significance has identified it as having historic value as part of the subdivision pattern during the gold boom period, Council's support on numerous occasions for the retention of the place, and some social value as it contributes to the local and wider community sense of place;*

Debate ensued.

The Mayor asked Crs Lake and Maier to leave the Chamber as they did not have Council approval to vote. Crs Lake and Maier departed the Chamber at 9.05pm.

AMENDMENT CARRIED (5-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Crs Lake and Maier were absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (5-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.24

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory - Category C Review; and*
- (ii) *AUTHORISES the Chief Executive Officer to proceed with owner and community consultation of the proposed changes to the Municipal Heritage Inventory as shown in Attachment 10.1.24 as part of the proposed full consultation of the Municipal Heritage Inventory outlined in Confidential Item 14.4, subject to No. 192 Newcastle Street being retained on the Municipal Heritage Inventory and be assigned as a Category B for the following reasons:*
 - *The property has been identified as being a good example of a middle class residence; it is an uncommon extant example of a C. 1894 dwelling that has functioned as a boarding house continuously from 1950 to 2001, its integrity is moderate to high, the statement of significance has identified it as having historic value as part of the subdivision pattern during the gold boom period, Council's support on numerous occasions for the retention of the place, and some social value as it contributes to the local and wider community sense of place.*

PURPOSE OF REPORT:

The purpose of this report is to outline proposed changes to the Municipal Heritage Inventory as a result of the New Town Planning Scheme No. 1 - Municipal Heritage Inventory Model and seek Council authorisation to advertise these changes as part of the Draft MHI consultation period.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 March 2006, it was resolved:

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory - New Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model, as shown in Attachment 10.1.17;*
- (ii) *ADOPTS the New Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model, as shown in Attachment 10.1.17;*
- (iii) *AUTHORISES the Chief Executive Officer to undertake a full review of all places classified as Management Category C on the existing Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI); and*
- (iv) *AUTHORISES the Chief Executive Officer to identify funds in the 2005/2006 Budget to extend the contract of a Temporary Heritage Officer position for an additional 8 week period at an amount of \$8,000.*

DETAILS:

Since the adoption of the Town Planning Scheme No. 1 - MHI Model at the Ordinary Meeting of Council held on 14 March 2006, the following actions have been completed:

- A list of all places on the existing Municipal Heritage Inventory affected by the changes resulting from the New MHI Model was prepared. The list revealed that most places were private residences, with the exception of the Buddhist temple at No. 45 Money Street Perth, the Interwar shops at Nos. 163-167 Oxford Street Leederville, the former Soldiers Hall at No. 335 Oxford Street Leederville and the Backyard Toilets distributed throughout the municipality. A total of 32 places were considered affected by the changes.
- All owners of places on the Municipal Heritage Inventory, with the exception of the Backyard Toilets, affected by the adoption of the new Town Planning Scheme No. 1 - Municipal Heritage Inventory – MHI Model were contacted by the Town in writing detailing the changes.
- A full review of all places on the existing Municipal Heritage Inventory that did not fall into Management Category A - Conservation Essential or Management B - Conservation Recommended was conducted by the Town's Officers. The review involved a heritage assessment being conducted on each of the places, excluding the Backyard Toilets.
- During the review process, two telephone enquiries were received from affected owners. Both sought clarity on how they would be affected by the changes to the Town Planning Scheme No. 1 - Municipal Heritage Inventory Model. No letters were returned to the Town, indicating that all affected owners were notified.
- A list of all 32 places has been prepared by the Officers indicating whether, according to the New Model, the place meets the threshold for entry onto the Municipal Heritage Inventory and should be moved to Management Category B or alternatively does not meet the threshold and is recommended to be removed from the Municipal Heritage Inventory.

- The review revealed that 16 places did not meet the threshold for entry onto the Municipal Heritage Inventory, 15 places were recommended to be reclassified as Management Category B and the retention of Backyard Toilets was only to be applied to those that were associated with a property already on the Municipal Heritage Inventory.
- This list of proposed changes to the Municipal Heritage Inventory forms an attachment to the Report.

CONSULTATION/ADVERTISING:

The report seeks approval for consultation and advertising of the changes to the Municipal Heritage Inventory in accordance with the approved consultation of the proposed Draft Municipal Heritage Inventory outlined in the Confidential Agenda Item 14.1.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010:

Key Result Area 1.2 *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

This report and its recommendations reflect the resolutions made at the Ordinary Meeting of Council on 14 March 2006.

It is recommended that the Council approves the adoption of the changes to the Municipal Heritage Inventory and for the consultation of the changes to form part of the formal public consultation period proposed for the Draft Municipal Heritage Inventory.

10.1.25 Installation of Ticket Issuing Machines

Ward:	South	Date:	17 May 2006
Precinct:	Oxford Centre, P4; Hyde Park, P12 ; North Perth Centre, P9	File Ref:	
Attachments:	-		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council CONSIDERS the installation of ticket issuing machines in the following embayed locations, during the 2006/7 financial year:*
- *North side of Forbes Road, between William Street and Wellman Street, Perth; and*
 - *South side of View Street, between Fitzgerald Street and Glebe Street, North Perth;*
- (ii) *in accordance with the provisions of the Town's Public Consultation Policy, residents and businesses in the areas in the vicinity of the locations mentioned in clauses (i), above, be given an opportunity to comment on the above proposals;*
- (iii) *the Council APPROVES the replacement of the existing ticket issuing machines in the following locations, during the 2005/2006 financial year:*
- *Four (4) Cale 101 machines situated in Frame Court Car Park, Leederville; and*
 - *One (1) Cale 101 machine in Brisbane Street Car Park, Perth;*
- (iv) *the Chief Executive Officer UNDERTAKE a public consultation process, seeking comments on a proposal to introduce paid parking into Wasley Street Car Park and View Street Car Park, North Perth;*
- (v) *the Chief Executive Officer, after the expiry of the consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate; and*
- (vi) *if the Council approves the above, after the consultation period has expired, the Chief Executive Officer be authorised to undertake a further period of consultation, in accordance with 3.12 of the Local Government Act 1995, for the amendment of the Parking Facilities Local Law.*

Crs Lake and Maier returned to the Chamber at 9.06pm.

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

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

“(i) *the Council CONSIDERS the installation of ticket issuing machines in the following embayed locations, during the 2006/7 financial year:*

- *North side of Forbes Road, between William Street and Wellman Street, Perth; and*
- *South side of View Street, between Fitzgerald Street and Glebe Street, North Perth;”*

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Chester, Seconded Cr Messina

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

“(vii) *the Chief Executive Officer investigate the possible implementation of timed parking restrictions in View and Glebe Streets, North Perth.*”

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.25

That;

(i) *the Council CONSIDERS the installation of ticket issuing machines in the following embayed locations, during the 2006/7 financial year:*

- *North side of Forbes Road, between William Street and Wellman Street, Perth;*

- (ii) *in accordance with the provisions of the Town's Public Consultation Policy, residents and businesses in the areas in the vicinity of the locations mentioned in clauses (i), above, be given an opportunity to comment on the above proposals;*
- (iii) *the Council APPROVES the replacement of the existing ticket issuing machines in the following locations, during the 2005/2006 financial year:*
- *Four (4) Cale 101 machines situated in Frame Court Car Park, Leederville; and*
 - *One (1) Cale 101 machine in Brisbane Street Car Park, Perth;*
- (iv) *the Chief Executive Officer UNDERTAKE a public consultation process, seeking comments on a proposal to introduce paid parking into Wasley Street Car Park and View Street Car Park, North Perth;*
- (v) *the Chief Executive Officer, after the expiry of the consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate;*
- (vi) *if the Council approves the above, after the consultation period has expired, the Chief Executive Officer be authorised to undertake a further period of consultation, in accordance with 3.12 of the Local Government Act 1995, for the amendment of the Parking Facilities Local Law; and*
- (vii) *the Chief Executive Officer investigate the possible implementation of timed parking restrictions in View and Glebe Streets, North Perth.*
-

PURPOSE OF REPORT:

To enhance the current parking control measures by creating efficiencies in the way that Rangers enforce parking restrictions.

BACKGROUND:

The Council approved a tender for the supply of ten (10) ticket issuing machines, in the 2005/6 financial years and it is considered appropriate for the locations for these ticket machines to be approved by the Council.

DETAILS:

There are a number of locations, within the Town, which are currently congested every day and where ticket machines would operate well. The locations in the Town where it is considered most appropriate for ticket issuing machines to be installed are Wasley Street Car Park and View Street Car Park, North Perth, the eastern section of Forbes Road, Perth and the eastern section of View Street, North Perth.

There are four (4) Cale 101 ticket issuing machines in Frame Court Car Park and one Cale 101 machine in Brisbane Street Car Park. All five (5) machines were installed by the City of Perth around sixteen (16) years ago and have deteriorated, to a level that their continued use in the current high-usage locations is becoming very difficult. However, if the more modern machines that were purchased in the last tender were to be installed in the above locations, it is possible that Cale 101 machines could be installed in low-use areas, where their useful life could be extended by a few years.

There are only two methods of enforcing permitted parking restrictions, available to Rangers, one being chalking tyres and returning after an allotted time to check whether the marks are still in place and the other is to confirm whether parking has been paid for.

The examination of vehicles for valid tickets is a much more efficient way of policing parking time restrictions, since the vehicle either displays a valid ticket, in which case no action is taken, or the vehicle does not display a valid ticket, in which case an infringement notice is issued. The need for two visits is reduced and the practice of moving a vehicle only a short distance becomes invalid.

Forbes Road, Perth

Forbes Road is predominantly a narrow street which runs between William Street and Lake Street, about 50 metres north of Newcastle Street, Perth. The section of Forbes Road, closest to William Street was recently upgraded to provide seventeen (17) right-angled parking bays, on the north side of the street with a two hour (2P) parking time restriction. However, regular complaints are received that these bays are filled every day, by vehicles belonging to the business premises in the immediate vicinity. Rangers chalk this section of Forbes Road, but rarely issue infringement notices and the Rangers agree that the parked vehicles move from bay to bay, as soon as they are marked. Nearby, William Street has a two hour (2P) paid parking time restriction and this makes Forbes Road an attractive alternative to parking fees in William Street.

The remaining area of Forbes Road, Perth, between Wellman Street and Forbes Lane currently has a No Parking area on the south side of the road and two hour (2P) parking restrictions on the north side of the road. Staff from Centre Ford currently park on the verge on the south side of Forbes Road, all day and, since kerbside parking is not permitted, it is easy for the drivers to drive on and off the verge. However, the verge is currently in a very poor condition and this makes the street look unkempt.

It is recommended that the ticket machines be installed in only the angle parking section of Forbes Road at this stage and that the remainder of the street be reviewed once the proposed upgrade (which will include a link in the Wetlands Heritage Trail/Greenway) has been completed.

View Street (kerbside), Wasley Street Car Park and View Street Car Park, North Perth

The Town recently introduced right angled parking on the south side of View Street, between Fitzgerald Street and Glebe Street, North Perth. To some extent, these bays are occupied by customers, staff and proprietors of local businesses and, since these businesses operate close to View Street, they observe the Rangers chalk the tyres of parked vehicles and the drivers simply move away from their parking space for a short distance.

Wasley Street Car Park and View Street Car Park currently have a three hour (3P) parking time restriction throughout. This was introduced some time ago and has created an extremely difficult situation, for employees of local businesses. There are very few streets in the North Perth/Fitzgerald Street area, where it is possible to park for extended periods, because most surrounding streets are already time restricted to one (1) or two (2) hours parking limit.

By introducing parking fees to the car parks, drivers have the option to park in the car parks all-day, without the current need to shift their vehicles twice or three times daily. It also provides a facility for regular users of the car park to purchase monthly pre-paid permits, at a reduced rate.

If the car parks are to be paid parking facilities, it would seem appropriate for the kerbside parking bays, immediately opposite View Street Car Park to also attract a fee. The introduction of kerbside parking fees, with a two hour parking limit would ensure that there is a regular turnover of parking spaces and, since no "All Day" concessions would be available, the reduced cost of using the existing car parks would be more attractive.

Replacement of Cale 101 and Focus Ticket Issuing Machines

The five (5) Cale 101 ticket issuing machines are extremely well made machines and have been in continuous operation, in high usage car parks, Frame Court and Brisbane Street Car Parks, for in excess of sixteen (16) years. However, they are starting to show signs of wear and tear, by breaking down much more regularly than they used to. The Town's maintenance contractor has suggested that, if five (5) of the new ticket issuing machines, which were purchased in the last tender, were installed in Frame Court and Brisbane Street Car Parks, the Cale 101 machines could be relocated to a low-usage area and their useful life could be extended for a further few years.

The above would appear to be an appropriate action to enhance the current facilities and to improve the efficiency of the ticket parking process in two very busy car parks.

Amendment to Parking Facilities Local Law

If the Council approves, in principle, the installation of the new ticket issuing machines, into Forbes Road (9kerbside), View Street (kerbside), Wasley Street Car Park and View Street Car Park, there will be a need to undertake an amendment to the Parking Facilities Local Law and this needs to be done, in compliance with the Local Government Act 1995. This process takes approximately three (3) months to complete.

CONSULTATION/ADVERTISING:

There is a requirement to advertise the proposed installation of ticket issuing machines, under the Town's Public Consultation Policy. Given that no-one wants to pay for parking, it would be difficult to suggest that there will be general agreement from the public. However, it would be appropriate to place an information advertisement in a local newspaper to advertise the proposal to introduce the paid parking restrictions in the above locations and it would also be appropriate to advise businesses and residents in the affected areas, by letter drop.

LEGAL/POLICY:

There will be no impact on anyone, if approval is given to change the current Cale 101 machines with new machines

When the Council approves the above proposal, it will be necessary to amend the Parking Facilities Local Law, to incorporate the new restriction areas into the First and Second Schedules and, to comply with the Local Government Act 1995, an advertisement must be placed in a newspaper with a Statewide publication, seeking public comment and explaining where and when the proposed amendment may be inspected.

At the completion of a statutory 6-week period, a further report must be provided to the Council, outlining any public objections, comments and suggestions and seeking a final approval for the proposed amendment. When the Council gives this approval, the amendment must be advertised in the Government Gazette for 14 days before becoming enforceable.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There will be a cost associated with advertising the Local Law Amendments and there will be costs associated with the installation of the machines and the erection of appropriate signage. It is anticipated that the advertising costs will be met from the existing Parking (Inspectorial Control) Budget and that the installation of machines and the signage will be met from the Capital Expenditure Budget, 2005 - 2006, that has been approved by the Council.

COMMENTS:

The Council approved the purchase of ten (10) ticket issuing machines, in the 2005/6 financial year, at the Ordinary Meeting of Council held on 22 November 2005. As a result, it is considered appropriate for the Council to approve the installation of the ticket issuing machines in the most appropriate locations. The above report is recommended for approval.

10.2.1 Proposed Implementation Program - Wetland Heritage Trail / Greenway

Ward:	Both	Date:	17 May 2006
Precinct:	All	File Ref:	CMS0071
Attachments:	001		
Reporting Officer(s):	J van den Bok, R Lotznicker, R Gunning		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the implementation of the Wetlands Heritage Trail / Greenway works program;*
- (ii) *NOTES that the Wetlands Heritage Trail / Greenway Working Group has determined the proposal (refer appendix 10.2.1 - copy of PowerPoint presentation is Laid on the Table) and has developed an implementation program;*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, Councillor MOVES a motion to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7); by deleting the following:*

"That the Council;

APPROVES the implementation of sections of dual use path and lighting for sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000"

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Councillors Lake, Maier and Chester being one third of the number of officers of members of the Council, SUPPORTS this motion; and*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY of the following:*

"APPROVES the implementation of sections of dual use path for sections of the Wetlands Heritage Trail along Palmerston Street between Robertson Park and Hyde Park (Hyde Park Spur) as shown on attached plan No 2441-CP-01 and along Victoria Street (from the ROW to the Dorrien Gardens Link) estimated to cost \$80,000";
- (vi) *APPROVES IN PRINCIPLE the program of works and annual cost estimates for years 2006/2007 to 2012/2013, as indicated in the report, to be implemented over a six year (6) year period;*
- (vii) *NOTES the expected outcomes of the Greenway / Wetlands Heritage Trail including, but not limited to, the creation of:*
 - (a) *an 11 kilometre spine of recreational, cultural and ecological features and facilities linking seven (7) suburbs from the Town's east with its west, which will be predominantly car free for 80% of its length; and*
 - (b) *significant and improved public infrastructure providing the Town's residents with greater access to over 160 hectares of parkland to the Swan River and lake systems;*

- (viii) *LISTS for consideration in the 2006/2007 draft budget an amount of \$190,000 for the implementation of year 2 (2006/2007) of the project;*
- (ix) *CONSULTS with the various stakeholders prior to implementing the various sections of the Wetland Heritage Trail / Greenway and associated works in accordance with the Town's consultation policy; and*
- (x) *RECEIVES a further report/s on the project/s following consultation prior to implementation proceeding.*

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina moved the motion to revoke a decision of Council as required by clause (iii).

Moved Cr Maier, Seconded Cr Messina

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

- (v) *APPROVES BY AN ABSOLUTE MAJORITY of the following:*

"APPROVES the implementation of sections of dual use path for sections of the Wetlands Heritage Trail ~~along Palmerston Street between Robertson Park and Hyde Park (Hyde Park Spur) as shown on attached plan No 2441-CP-01 and along Victoria Street (from the ROW to the Dorrien Gardens Link) estimated to cost \$80,000 \$31,000 and carries over an amount of \$49,000 to the 2006/2007 Budget for use on the Greenway/Wetlands Heritage Trail"~~

Debate ensued.

AMENDMENT LOST (2-5)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Moved Cr Maier, Seconded Cr Chester

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

- “(vi) *APPROVES IN PRINCIPLE the program of works and annual cost estimates for years 2006/2007 to 2012/2013, as indicated in the report, to be implemented over a six year (6) year period subject to the officers considering a stage implementation of the Smith's Lake Link in 2006/07;*”

Debate ensued.

AMENDMENT CARRIED (5-2)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the report in relation to the implementation of the Wetlands Heritage Trail / Greenway works program;*
- (ii) *NOTES that the Wetlands Heritage Trail / Greenway Working Group has determined the proposal (refer appendix 10.2.1 - copy of PowerPoint presentation is Laid on the Table) and has developed an implementation program;*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, Councillor Messina MOVES a motion to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7); by deleting the following:*

"That the Council;

APPROVES the implementation of sections of dual use path and lighting for sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000"

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Councillors Lake, Maier and Chester being one third of the number of officers of members of the Council, SUPPORTS this motion; and*

- (v) *APPROVES BY AN ABSOLUTE MAJORITY of the following:*

"APPROVES the implementation of sections of dual use path for sections of the Wetlands Heritage Trail along Palmerston Street between Robertson Park and Hyde Park (Hyde Park Spur) as shown on attached plan No 2441-CP-01 and along Victoria Street (from the ROW to the Dorrien Gardens Link) estimated to cost \$80,000";

-
- (vi) *APPROVES IN PRINCIPLE the program of works and annual cost estimates for years 2006/2007 to 2012/2013, as indicated in the report, to be implemented over a six year (6) year period subject to the officers considering a stage implementation of the Smith's Lake Link in 2006/07;*
 - (vii) *NOTES the expected outcomes of the Greenway / Wetlands Heritage Trail including, but not limited to, the creation of:*
 - (a) *an 11 kilometre spine of recreational, cultural and ecological features and facilities linking seven (7) suburbs from the Town's east with its west, which will be predominantly car free for 80% of its length; and*
 - (b) *significant and improved public infrastructure providing the Town's residents with greater access to over 160 hectares of parkland to the Swan River and lake systems;*
 - (viii) *LISTS for consideration in the 2006/2007 draft budget an amount of \$190,000 for the implementation of year 2 (2006/2007) of the project;*
 - (ix) *CONSULTS with the various stakeholders prior to implementing the various sections of the Wetland Heritage Trail / Greenway and associated works in accordance with the Town's consultation policy; and*
 - (x) *RECEIVES a further report/s on the project/s following consultation prior to implementation proceeding.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the progress to date with regard to the Wetlands Heritage Trail and to seek approval "in principle" for a long term Wetland Heritage Trail / Greenway implementation program depending on the availability of annual funding.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 July 2005, the Council considered a comprehensive report in relation to the Wetlands Heritage Trail / Greenway and was advised that as part of community involvement, a logo for the Wetlands Heritage Trail was officially unveiled at the opening of the Smith's Lake and Stuart Street Reserve artworks in December 2001.

Further, on 28 August 2001, the Council adopted in principle the Maher Brampton Wetlands Interpretive Trail and Aboriginal Heritage Trail Master Plans report.

An update of the projects implemented to date was provided and following consideration of the report, the following decisions were made (in part):

That the Council;

- (v) *NOTES that:*
 - (a) *\$80,000 was allocated in the 2004/2005 financial year for construction of recreational Greenway paths and has been carried forward in the 2005/2006 draft budget;*

- (b) *\$50,000 was allocated in the 2004/2005 financial year for Aboriginal heritage Trail and has been carried forward in the 2005/2006 draft budget; and*
- (c) *\$50,000 was allocated in the 2004/2005 financial year for Wetlands Signage and has been carried forward in the 2005/2006 draft budget;*
- (vi) *APPROVES the implementation of sections of dual use path and lighting for sections Sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000;*
- (vii) *APPROVES the formation of a Working Group comprising of two (2) Elected Members (Crs Chester and Maier) and officers from the Town's Technical Services Division and Community Development Section to progress the following:*
 - (a) *investigate Sections 5 and 6 of the Wetlands Heritage Trail Dorrien Gardens and Cowle to Fitzgerald Street, in consultation with several stakeholders including, but not limited to, Perth Soccer Club, the WA Italian Club and possibly the Local Precinct Group;*
 - (b) *investigate the most suitable method to provide legibility to the Wetland Heritage Trail; and*
 - (c) *develop a program for the completion of the Wetland Heritage Trail and determine annual funding requirements associated with the program; and*

DETAILS:

Working Group

The Wetlands Heritage Trail / Greenway Working Group has met on numerous occasions since November 2005 to discuss and resolve the various options presented in terms of the final trail route, infrastructure improvements, artworks and signage.

At the most recent meeting of the group, held on 20 March 2006, a Power Point presentation was presented outlining the proposed trail route and cost estimates for implementation and the various components of the trail, including artworks and signage locations/ designs. The group decided to present the proposal to a Council forum.

Council Forum - 21 March 2006

The proposal was presented to the Council via a power point presentation. The overall greenway link (between Lake Monger and the Swan River) was outlined, with the existing links and proposed links illustrated, including a long term implementation program.

Each of the proposed projects comprises three separate items as follows:

- Greenway Implementation - Construction of "physical links" eg paths, lighting, furniture etc;
- Wetlands Heritage Trail - Artworks and signage component of the trail; and
- Aboriginal Heritage Trail

The long term implementation program (as presented at the forum) has now been extended over a longer period. A brief description of each project in the proposed long term implementation program is outlined below:

Long Term Wetlands Heritage Trail / Greenway Implementation Program

The Council allocated \$220,000 in the 2005/2006 financial year for the overall project.

2005/2006

With regard to the Greenway Implementation component of the project, the Council previously decided to *approve the implementation of sections of dual use path and lighting for sections of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000.*

It has been considered by the officers that the Beatty Park link should be deferred until the future redevelopment/development of the facility (*and 'possibly' its surrounds*) has been better defined and the Smith's Lake link be deferred to 2007/2008 until the Len Fletcher pavilion has been demolished.

The revised Implementation proposal for 2005/2006 is as follows:

Greenway Implementation:

- *Victoria Street Link* - This comprises the construction of a small retaining wall and section of Dual Use Path (DUP) along the western boundary of Dorrien Gardens. The path will link the access via an existing Right of Way to the existing section of dual use path along the northern edge of Dorrien Gardens.
- *Hyde Park Spur* - The above section of trail will provide a link to Hyde Park from the corner of Palmerston / Randell Streets along Palmerston Street. The DUP will be constructed along the western verge of Palmerston Street, consisting of red asphalt and will be continued across intersections to provide legibility as follows:
 - Between Randell Street and Myrtle Street a 2.0m wide path will be constructed against the kerb line
 - Between Myrtle Street and Palmerston Street the kerbing will be re-laid into the carriageway allowing for a 2.0m wide path to be constructed.
 - Between Palmerston Street and Glendower Street the existing path will be reconstructed (in red asphalt) and widened to 2.5m.The proposed link is outlined on attached plan No 2441-CP-01.

Wetlands Heritage Trail

The following works are proposed for 2005-2006

- *Artworks (Hyde Park)* - The artworks are nearing completion and will be installed within the next few weeks and consist of various components pertaining to the Hyde Park area and its history. A bronze sculpture has been commissioned with input from the community and with reference to the cultural and social history of the park. The installation will be completed prior to the end of the 2005/2006 financial year.
- *Signage (Trail head & directional)* - The signage designs have been finalised and trailhead and directional signage will be ready for installation along the completed sections of the trail within the next few months. The signage will complement current trail headers, providing information on the heritage trail, including maps and history of the area. A permanent public website location for trail information is to be setup

Aboriginal Heritage Trail

The type, extent and location of this project is still to be determined, however, Hyde Park or Robertson Park are likely locations. Currently, consultation protocols are being established with significant Aboriginal community members, which will direct the project over the next two years. The plan is to present two trail headers which will reflect the indigenous history at significant locations in the Town, as identified by the Aboriginal community members.

Seven year program (2006-2013)

The following outlines a 'draft' Wetlands Heritage Trail / Greenway Implementation Program. The average annual expenditure is approximately \$250,000 per annum.

2006-2007

Greenway Implementation

- *Forbes Road Improvements* - This proposal includes the construction of a dual use path on the south side of Forbes Road including new kerbing, road resurfacing and parking and safety improvements.
- *Stuart St Reserve DUP* - This section of the trail will complete the link from Robertson Park to Forbes Road and will consist of a DUP through Stuart Street Reserve. Funding for this section of the path is available through Bikewest for Perth Bicycle Network improvements.

Wetlands Heritage Trail

- *Artworks (Dorrien Gardens) Stage 1* - The concept is to produce a major mosaic mural on the Dorrien Gardens wall that extends along the south side of Lawley Street. Adjacent to the mural there will be a pedestrian and cycle path which will form part of the Wetlands Heritage Trail. The mural would be seen as an artwork.

Note: An alternative to the Dorrien Gardens proposal is to investigate the installation of sections of palisade fencing in lieu of or in addition to the artwork.

2007/2008

Greenway Implementation

- *Lawley Street – Parking / DUP* - The route along this section of Lawley Street was the preferred option. The DUP will be constructed adjacent to the northern wall along Dorrien Gardens and meander in sections to slow bicycle traffic. Landscaping with trees and shrubs in these areas will soften and enhance the streetscape.
- *Smiths Lake Reserve* - The infrastructure improvements around Smith's Lake have been previously approved by the Council and include the construction of a DUP, lighting and completion of the landscaping around the southern end of the lake.

Wetlands Heritage Trail

- *Artworks (Dorrien Gardens) Stage 2* - This work will follow through from Stage 1 and present further sub-themes to reflect the history of the area and complement the primary artworks completed in Stage 1.
- *Trail Signage (Smiths lake)* - Signage requirements along this section of the trail to provide legibility.

Aboriginal Heritage Trail

- *Artwork first site* - The first site will be determined by the consultations held with Aboriginal community members and will reflect the indigenous history and significant stories that will be contributed by the members.

2008/2009

Greenway Implementation

- *Little Parry St* - This will involve resurfacing (red asphalt) and lighting.
- *Fitzgerald/Randell Crossing* - This proposal will include provision of pedestrian refuge islands at Fitzgerald Street and Randell Street. Widening of the Fitzgerald Street carriageway will be required including major service relocations

Wetlands Heritage Trail

- *Artworks (Dorrien Gardens) Stage 3* - This work will follow through from Stages 1 and 2, presenting and expanding further sub-themes to reflect the history of the area and complement the artworks completed in Stages 1 and 2.
- *Artwork (Italian Club)* - Given the significant history of the club and the community being the largest multicultural community in the Town of Vincent, an artwork will be developed to commemorate the cultural and social history of the community, with specific reference to the site. Contributory funding will be sought from the Club.
- *Trail signage (Little Parry St)* - Signage requirements along this section of the trail to provide legibility.

Aboriginal Heritage Trail

- *Artworks – (2nd site commence)* - The second site will be determined by the consultations held with Aboriginal community members and will reflect the indigenous history and significant stories that will be contributed by the members. Given the complexity of consulting with and sourcing stories from the Aboriginal community, this project will be developed and completed over a two-year period.

2009-2010

Greenway Implementation

- *Charles Veryard Reserve* - This section, whilst not a part of the original trail, was part of the proposed Greenway and will continue with the eventual link through to Lake Monger. Commencing from Smith's Lake at the corner of Bourke and Kayle Streets, the path will meander through the reserve across to Tay Place, where it will link up with a piece of existing DUP.
- *Beatty Park Reserve* - This section will provide the link from Smith's Lake around the northern edge of Beatty Park Reserve linking up with the existing DUP down the Vincent Street frontage across to Royal Park. Lighting will be installed along this section of the trail.

Wetlands Heritage Trail

- *Signage (Charles Veryard)* - Additional signage requirements along this section of the trail to provide legibility.
- *Artworks (Macedonian Club)* - This will be developed in liaison with the Club. Contributory funding will be sought from the Club.
- *Signage (Beatty Park Reserve)* - Additional signage requirements along this section of the trail to provide legibility.
- *Entry Trail header signage (Charles Veryard Reserve)* - Additional signage requirements along this section of the trail to provide legibility.

2010- 2011

Greenway Implementation

- *Brentham St Reserve* - Continuing the Greenway through to Lake Monger this section will include a DUP with lighting through the reserve. Native landscaping will be provided where appropriate.

Wetlands Heritage Trail

- *Signage (Brentham St Reserve)* - Additional signage requirements along this section of the trail to provide legibility.
- *Entry Trail header (Brentham St Reserve)* - Additional signage requirements along this section of the trail to provide legibility.

2011- 2012

Greenway Implementation

- *Britannia Road Reserve* - Continuing the Greenway through to Lake Monger, this section will include a DUP with lighting through the reserve. Native landscaping will be provided where appropriate.

Wetlands Heritage Trail

- *Signage (Britannia St Reserve)* - Additional signage requirements along this section of the trail to provide legibility.
- *Entry Trail header (Britannia Reserve)* - Additional signage requirements along this section of the trail to provide legibility.

2012- 2013

Greenway Implementation

- *Charles Veryard to Brentham Street Reserve*. To be determined. Various options will be further explored and considered by the Working Group.

Wetlands Heritage Trail

- *Signage (Britannia Street Reserve and links)* - Signage requirements along this section of the trail to provide legibility.

The following table outlines the proposed projects (discussed above) and estimated implementation costs.

Year	Item	Greenway	Wetlands Heritage Trail	Aboriginal Heritage Trail	Total
2005-2006	Victoria St link	\$31,000			
	Hyde park link	\$49,000			
	Artworks - Hyde Park Signage - Trail head/directional		\$40,000 \$50,000		
	To be determined			\$50,000	
	Total	\$80,000	\$90,000	\$50,000	\$220,000
2006-2007	Forbes Rd	\$120,000			
	Stuart St Reserve	\$39,000			
	Artworks/Fencing- Dorrien Gardens (Stage1)		\$20,000	Nil	
	Total	\$149,000	\$20,000	Nil	\$169,000
2007-2008	Lawley St - Parking DUP	\$100,000			
	Smiths lake Reserve	\$165,000			
	Artworks Dorrien Gds (stage 2) Trail Signage - Smith's Lake		\$20,000 \$5,000		
	Artwork - 1st site			\$50,000	
	Total	\$265,000	\$25,000	\$50,000	\$340,000

Year	Item	Greenway	Wetlands Heritage Trail	Aboriginal Heritage Trail	Total
2008-2009	Little Parry St	\$60,000			
	Fitzgerald / Randell	\$135,000			
	Dorrien Gdns - Stage 3		\$20,000		
	Artwork Italian Club Signage Little Parry		\$5,000 \$5,000		
	Artwork - 2nd site (complete wks)			\$50,000	
	Total	\$195,000	\$30,000	\$50,000	\$275,000
2009-2010	Charles Veryard Reserve	\$90,000			
	Beatty Park Reserve	\$90,000			
	Signage - Charles Veryard		\$20,000		
	Signage - Beatty Park		\$5,000		
	Artwork - Macedonian Club		\$5,000		
	Entry Trail Header - Charles Veryard		\$25,000		
	Total	\$180,000	\$55,000		\$235,000
2010-2011	Brentham St Res	\$165,000			
	Signage - Brentham St Res		\$5,000		
	Entry Trail header - Brentham Res		\$25,000		
	Total	\$165,000	\$30,000		\$195,000
2011-2012	Britannia Rd Res	\$180,000			
	Signage - Brentham St Res		\$5,000		
	Entry Trail header - Brentham Res		\$25,000		
	Total	\$180,000	\$30,000		\$210,000
2012-2013	Charles Veryard - Brentham	\$200,000			
	Signage - Brentham St Res & links		\$15,000		
	Total	\$200,000	\$15,000		\$215,000

CONSULTATION/ADVERTISING:

Where required, all works associated with the Wetlands Heritage Trail / Greenway, including artworks and signage that may impact on adjoining residents or stakeholders, will be advertised in accordance with the Town's consultation policy.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One & Two of Strategic Plan 2005-2010

1.1 Protect and enhance the environment and biodiversity; (c) *“Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote the use of local native vegetation, by Council and residents”*.

1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment; (f) *“Ensure the current and future efficient use of the Town’s parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenways to link together parks with ecology, arts, recreation and culture”*.

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”*.

2.3 Develop and implement initiatives for universal access. (c) *“Develop creative solutions to access and equity issues, relevant to the Town’s diverse community”*.

FINANCIAL/BUDGET IMPLICATIONS:

As previously mentioned in the report, the Council has allocated \$220,000 in the 2005/2006 financial year for the project.

The estimated costs associated with implementing the works for completion of the Town’s Wetlands Heritage Trail / Greenway between 2005 and 2013 are as follows:

Year	Financial Year	Greenway	Wetlands Heritage Trail	Aboriginal Heritage Trail	Total
1	2005-2006	\$80,000	\$90,000	\$50,000	\$220,000
2	2006-2007	\$149,000	\$20,000	Nil	\$169,000
3	2007-2008	\$265,000	\$25,000	\$50,000	\$340,000
4	2008-2009	\$195,000	\$30,000	\$50,000	\$275,000
5	2009-2010	\$180,000	\$55,000	Nil	\$235,000
6	2010-2011	\$165,000	\$30,000	Nil	\$195,000
7	2011-2012	\$180,000	\$30,000	Nil	\$210,000
8	2012-2013	\$200,000	\$15,000	Nil	\$215,000

Allocations for years 2 to 8 may change depending on other budgetary requirements.

COMMENTS:

As indicated in the previous report presented to the Council in July 2005, the completed projects have contributed greatly to highlighting the cultural and environmental richness within the Town and, in particular, the land pertaining to the former wetlands system. The sections of the trail previously completed, in particular the path network through Robertson Park, are very popular and have attracted many more patrons to these areas.

Artworks and audio presentations along the trail have also proven popular and with many further artworks proposed, this will greatly enhance the richness, as will the interpretive signage, as it will ultimately link all the cultural and environmental assets of the trail into a comprehensive framework.

This project will not only create purposeful links but will also provide the following added value in the Town:

- Improvements to Parks and Reserves (access, lighting and furniture);
- Cultural benefits;
- Recreational benefits (walking, cycling);
- Tourism incentives; and
- Improvements to degraded infrastructure associated with the project.

In addition, the expected outcomes of the Wetlands Heritage Trail/Greenway will be to provide the community with an 11 kilometre spine of recreational, cultural and ecological features and facilities that will:

- link seven suburbs,
- link the Town's east with its west; and
- will be car free for 80% of its length.

It will also result in significant and improved public infrastructure and provide the Town's residents with greater access to:

- over 160 hectares of parkland; and
- the Swan River, lake systems.

It is therefore recommended that the Council gives its "in principle" approval to the program of works and that the estimated annual funding be listed for consideration in future budgets so that the trail can be progressively implemented.

Officer's Comments

The cost to remove the existing impervious brick wall along the south side of Lawley Street adjacent to Dorrien Gardens and replace it with a palisade fence, is estimated to cost \$35,000. This will be subject to consultation with the Perth Soccer Club.

With regard to a public website location for the trail, this has already been examined by the Community Development Section. The estimated cost to set up the site is approximately \$7,500 and approximately \$250 per annum to maintain /update the site. The setup of the website can be funded from the existing artworks budget allocated to the project.

A provisional sum of \$5,000 for the Macedonian Artwork has now been included. Negotiations with the Macedonian Club will be undertaken to obtain a matching contribution from them.

10.2.2 Right of Way Upgrade Program - 2006/2007

Ward:	Both	Date:	2 May 2006
Precinct:	All	File Ref:	TES0451
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council ADOPTS the 2006/2007 Rights of Way Upgrade Schedule as outlined in the report, estimated to cost \$300,000, and shown on attachment 10.2.2, subject to appropriate funding being allocated in the 2006/2007 budget.

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted subject to it being numbered clause (i) and a new clause (ii) being added as follows:

“(ii) REQUESTS the Chief Executive Officer to provide a report detailing the mechanism which is employed by the Town in prioritising the acquisition and upgrade of private Right of Ways.”

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) ADOPTS the 2006/2007 Rights of Way Upgrade Schedule as outlined in the report, estimated to cost \$300,000, and shown on attachment 10.2.2, subject to appropriate funding being allocated in the 2006/2007 budget; and*
- (ii) REQUESTS the Chief Executive Officer to provide a report detailing the mechanism which is employed by the Town in prioritising the acquisition and upgrade of private Right of Ways.*

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Officer's recommendations for inclusion of Town owned rights of way (ROWs) in the 2006/2007 ROW upgrade program.

BACKGROUND:

The Town's ROW upgrade program, adopted in 1998, was based on data collected in 1991. Over the past four (4) years, the Town has had the opportunity to acquire additional privately owned ROWs. These ROWs were included in the program, and many of these have now been upgraded.

The Council has allocated \$300,000 per annum for implementation of the ROW Upgrade and Acquisition Program. Once all Town owned ROWs have been completed, the emphasis of the program will turn towards acquisition and subsequent upgrade of privately owned ROWs.

DETAILS:

At its meeting held on 13 July 2004, the Council adopted a ROW Upgrade Program for the years 2004/2005 and 2005/2006. It also adopted a partial upgrade program for 2006/2007.

The adopted program for 2006/2007 is listed in italics in the following table. A further seven (7) Town owned ROWs have been added to the list to complete this coming year's program, in bold text.

Estimated costs based on actual expenses from the previous years have been included.

Previously Adopted program

<i>TES0319</i>	<i>Anzac Road</i>	<i>Egina</i>	<i>\$49,500</i>
<i>TES0168</i>	<i>Woodstock Street</i>	<i>Dunedin Street</i>	<i>\$33,500</i>
<i>TES0342</i>	<i>Anzac Road</i>	<i>Buxton Street</i>	<i>\$28,000</i>
<i>TES0124</i>	<i>Albert Street</i>	<i>Vine Street</i>	<i>\$15,500</i>
<i>TES0367</i>	<i>Bulwer Street</i>	<i>Gallop Street</i>	<i>\$8,500</i>
		<i>Subtotal:</i>	<i>\$135,000</i>

Additional

TES0298	Hilda Street	Charles Street	\$26,000
TES0137	Grosvenor Street	Hutt Street	\$9,500
TES0208*	Chatsworth Street	Cavendish Street	\$35,500
TES0034	Green Street	Matlock Street	\$45,000
TES0125	Chelmsford Road	Ethel Street	\$12,500
TES0362	Bulwer Street	Victoria Street	\$8,500
TES0396	Scarborough Bch Rd	Oxford Street	\$28,000
		TOTAL	\$300,000

* Those segments that belong to the Town

The above program will almost complete the Town owned ROWs. The acquisition part of the program will also be initiated in the financial year 2006/2007.

Initially, the Town will endeavour to finalise the acquisition of a number of privately owned ROWs in the Mt Lawley area of Banks Precinct. All these ROWs are in one title in the ownership of a defunct company. The Town is negotiating with the Australian Securities Commission in order to facilitate the transfer of their ownership, and it is anticipated that this will be achieved in the forthcoming months. Further acquisitions will then be pursued, the number depending on the outcome of this current matter.

CONSULTATION/ADVERTISING:

There is no requirement for consultation with regard to the Council's approval of the program, however, adjoining property owners will be advised via an information bulletin prior to the upgrade works being implemented.

LEGAL/POLICY:

Both the upgrades and acquisitions are in accordance with the Towns "Right of Way Upgrade and Acquisition Program".

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) *Review options for a Right of Way management and upgrade strategy.*

FINANCIAL/BUDGET IMPLICATIONS:

As in previous years, \$300,000 has been listed for consideration in the 2006/2007 'draft' budget for implementation of the Town's "Right of Way Upgrade and Acquisition Program".

COMMENTS:

The Town has made a commitment to seal, drain and kerb all ROWs within its jurisdiction, and to acquire and improve all private ROWs where possible. The recommendations in this report are made in accordance with this commitment.

10.2.3 Tree Pruning Operations

Ward:	Both	Date:	11 May 2006
Precinct:	All	File Ref:	TES0234
Attachments:	-		
Reporting Officer(s):	J van den Bok; D Hoy		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to Tree Pruning Operations within the Town of Vincent;*
- (ii) *NOTES that;*
 - (a) *during 2006/2007 the Town's officers will review the current process of general "blanket pruning" of street trees located under powerlines to determine whether cost savings can be achieved and will identify tree species in streets that may not necessarily require pruning every 12 months without compromising legislative requirements; and*
 - (b) *Western Power have the authority to prune street trees at any time within the Town where clearance profiles are not maintained or works are not actioned within thirty (30) days of notification;*
- (iii) *RECEIVES a further report in March 2007 to determine whether there have been any 'quantifiable' cost savings as a result of the review of the current process of general "blanket pruning"; and*
- (iv) *CONSIDERS maintaining the current level of funding for Tree Pruning Operations in 2006/2007 until the review has been completed.*

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted subject to clause (ii)(b) being renumbered to clause (ii)(c) and a new clause (ii)(b) being added to read as follows:

- “(ii) (b) develop and implement appropriate pruning practices to ensure that, where possible, street trees are pruned to provide maximum shade and shelter, are not pruned overzealously and are pruned in a way that meets, but does not exceed, minimum Western Power requirements unless specifically requested by adjoining residents; and”*

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

- “(iii) RECEIVES a further report in March 2007 to determine whether there have been any 'quantifiable' cost savings or improvement in health or appearance of trees as a result of the review of the current process of general "blanket pruning"; and*

Cr Chester departed the Chamber at 9.27pm.

AMENDMENT LOST (2-4)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

Cr Chester returned to the Chamber at 9.28pm.

Moved Cr Farrell, Seconded Cr Chester

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

“(ii) (b) develop for future consideration ~~and implement~~ appropriate pruning practices to ensure that, where possible, street trees are pruned to provide maximum shade and shelter, are not pruned overzealously and are pruned in a way that meets, but does not exceed, minimum Western Power requirements unless specifically requested by adjoining residents; and”

AMENDMENT CARRIED (5-2)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Debate ensued.

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) RECEIVES the report in relation to Tree Pruning Operations within the Town of Vincent;*
- (ii) NOTES that;*
 - (a) during 2006/2007 the Town's officers will review the current process of general “blanket pruning” of street trees located under powerlines to determine whether cost savings can be achieved and will identify tree species in streets that may not necessarily require pruning every 12 months without compromising legislative requirements; and*

- (b) *develop for future consideration appropriate pruning practices to ensure that, where possible, street trees are pruned to provide maximum shade and shelter, are not pruned overzealously and are pruned in a way that meets, but does not exceed, minimum Western Power requirements unless specifically requested by adjoining residents; and*
- (c) *Western Power have the authority to prune street trees at any time within the Town where clearance profiles are not maintained or works are not actioned within thirty (30) days of notification;*
- (iii) *RECEIVES a further report in March 2007 to determine whether there have been any 'quantifiable' cost savings as a result of the review of the current process of general "blanket pruning"; and*
- (iv) *CONSIDERS maintaining the current level of funding for Tree Pruning Operations in 2006/2007 until the review has been completed.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Town's current street tree pruning operations and investigate the implications of the points raised in the Notice of Motion presented at the Ordinary Meeting of Council held on the 11 April 2006 by Cr Dudley Maier.

BACKGROUND:

At its Ordinary Meeting held on the 11 April 2006 the Council adopted the following notice of motion raised by Cr Dudley Maier:

"That the Council REQUESTS;

- (i) *the Chief Executive Officer to investigate the Town's current street tree pruning operations and provide a report to the Council prior to the determination of the 2006/07 budget and prior to the advertising of the next "street tree pruning" tender; and*
- (ii) *the report to include the following information;*
 - (a) *the frequency with which street trees are pruned and the impact of applying current pruning practices on a 12 month, 18 month and 24 month cycle;*
 - (b) *the indicative financial impact;*
 - (c) *the impact on the health and appearance of street trees;*
 - (d) *the affect on the amenity of the area;*
 - (e) *any liability or associated risks;*
 - (f) *compliance with power utility and other statutory requirements;*
 - (g) *whether any existing Town Policies will be affected; and*
 - (h) *review the practices that result in the extent to which individual trees are pruned."*

DETAILS:

Existing Verge Trees

A Street Tree inventory was undertaken in 1999 which identified the Town of Vincent had 9,722 street trees of which 5,000 were located under powerlines.

Western Power Requirements

Western Power requires specific clearance profiles around powerlines as follows:

- High voltage wires 4.0 m
- Low voltage wires 2.0 m
- Street Light wires 1.0 m
- Household Service wires 0.5m

Current Annual street tree pruning program

The Town's current annual street tree pruning program commences in July each year and comprises:

- Pruning of 'all' trees located under powerlines
- Under pruning (crown lifting) of trees over footpaths and roads
- Clearing of household service cables.

Also, where requested by adjacent owners, street trees will also be cut back off the property line.

All deciduous trees are pruned initially, followed by the evergreen species. The pruning is generally completed by December of each year however individual requests are received from owner/occupiers throughout the remainder of the year particularly prior to the onset of winter.

Estimated Current Costs

The estimated current costs for the maintenance of street trees on an annual basis are as follows:

- Contract Pruning (powerlines clearance) \$165,000
- Tree removal /replacement \$30,000
- Tree watering/planting \$180,000
- Individual pruning requests (day labour force) \$15,000

Total \$390,000

Parks Services officers have held several "in house" meetings and discussed the current pruning practices/issues with Western Power, Tree Pruning contractors and arborists in compiling the following responses:

The frequency with which street trees are pruned and the impact of applying current pruning practices on a 12 month, 18 month and 24 month cycle.

As indicated above, generally all street tree species located under powerlines are currently pruned every 12 months unless it is distinctly obvious they will not encroach into the clearance profile zone.

While the majority of street tree species in the Town will require pruning within the current 12 month period, there are some species where pruning could possibly be delayed and extended to an 18 to 24 month cycle. Species that may fall into this category are likely to be:

- Some Paperbark species
- Bottlebrushes
- Norfolk Island Hibiscus
- Weeping Peppermint.

However, these trees would still require monitoring as it is likely they may be affected by seasonal conditions. However, the predominant tree species located within the Town will definitely grow into the clearance zone within a 12 month cycle and therefore will require pruning. These include:

- Queensland Box
- Jacaranda
- Broad Leafed Paperbark
- Lilac and
- Fiddlewood

Officers Comments

Therefore, while it is possible that a savings could be identified by reviewing the current practice and identifying streets that may not require pruning every 12 months, there would be significant financial impact should a formalised program be implemented whereby certain species and streets are listed for pruning on a 18 month or 24 month cycle.

If these trees encroached into the clearance profile zone and the Town did not prune them, Western Power would immediately send in their contractors and recover the costs, based on an hourly rate, from the Town.

The indicative financial impact.

If the Town were to introduce a program of pruning different tree species at different times and not on a street by street program as is currently the case, the contract pruning price would increase dramatically due to travel, set up and increased costs of pruning/removal. Officers have determined that the current pruning cost of \$28.50 per tree may increase to around \$40-\$60 per tree.

It would therefore not be prudent to introduce a pruning program across the entire municipality of every 18-24 months, as the majority of street tree species would encroach into the clearance profile zone within this period. If the Town chose not to prune, Western Power would simply engage their contractor to undertake the works.

Western Power has advised that an hourly rate in excess of \$400 per hour would be applied. Considering that around 5-12 trees on average can be pruned per hour, a significant budget over expenditure would result.

Of the 5,000 trees located under powerlines:

- approximately 4,000 would require pruning every 12 months i.e. $4,000 \times \$28.50 = \$114,000$
- The remaining 1,000* street trees located under power lines may be able to be left for periods ranging from 12 to 18 months, however, it is likely that even the local native Melaleucas would encroach into the profile zone within an 18-24 months period.

Note*: The Town's current contractor has advised that they could 'possibly' maintain a similar pruning rate per tree i.e. \$28.50 per tree as they could still program works on a street by street program but simply miss out entire streets and return to them when advised. However, it would difficult to estimate costs savings to the Town, as each location, tree species and individual specimen is different and if Western Power served notice and individual trees needed to be pruned urgently, an hourly rate (currently \$115.00 per hour) would apply and if Western Power's contractors carried out any pruning, the \$400 per hour rate would apply. This could potentially cancel out any cost savings and in fact could over expend the budget allocation.

Officers Comments

Should the practice of pruning trees at different times be adopted, in view of the above, it would not be advisable to reduce the current street tree pruning budget until consistent annual savings, if any, had been determined.

Impact on the health and appearance of street trees.

Other than "formative" pruning to ensure structural integrity and shape, a tree should not be pruned but left to attain its natural height and form. Pruning of any plant weakens the specimen as energy reserves are directed towards healing the wounds created by the pruning.

Therefore, as a general rule, the less pruning undertaken the better the health and condition of a tree. However, regular light pruning or 'hedging' as is currently undertaken is more beneficial than removing larger stems or branches that require more of the plants stored energy reserves to heal wounds.

The appearance of a pruned street tree versus a street tree left to attain its natural height and form is a personal choice. Over the years officers have found that the older generation in the Town prefer that street trees be managed by regular pruning, however the younger generation tend to want trees to be left untouched.

The affect on the amenity of the area.

There is no doubt that the pruning, shaping hacking or whatever other description has been labelled on Local Governments in their efforts to prune street trees in accordance with Western Power's requirements, compromises a tree's natural shape and form. Whether it is flat topping or the previous "V" pruning of the trees located under powerlines, the amenity of the area or streetscape is affected.

Officers Comments

It is considered that other than the eventual undergrounding of power, it is not likely that the change from a 12 month cycle to an 18 or 24 month pruning cycle will see any significant changes to the amenity of the area.

Any liability or Associated risks.

Should the Council implement a pruning program of every 18 or 24 months, Western Power would exercise their right to engage their own contractors as soon as a tree encroached into the clearance profile zones (mentioned earlier in this report).

Therefore, there would not be any added risk or liability on the Council other than the risk of a significant over expenditure given that instead of the current pruning rate of \$28.50 per tree, the Town could be paying a substantial hourly rate as advised by Western Power's Vegetation Control officer.

Vegetation Control Agreement

The Town may enter into a Vegetation Control Agreement (VCA) with Western Power, which would enable certain trees to be left to grow through the clearance profile zone to an agreed height or distance from the power lines. *(These are generally only provided where significant trees are located and an aboricultural assessment of each individual tree is required).*

In the unlikely event that a VCA is agreed to and signed by both parties, the Town would take on the responsibility and liability of any damage to Western Power's infrastructure as a result of trees interfering or damaging power supplies. In addition, the Town would be held responsible for any disruption to power supply and damage to home owners' equipment if damaged due to power "spikes" related to trees.

Compliance with power utility and other statutory requirements.

The Town, like any other owner/occupier, is required to prune its trees in accordance with Section 54 of the Energy Operators (Powers) Act 1979.

Western Power's Legal Rights are as follows:-

*Under Section 54 of the Energy Operators (Powers) Act 1979, it is the duty of the occupier of any land to fell, lop or remove as much vegetation as necessary to prevent it from interfering with Western Power's electricity supply system. Unless the situation demands immediate attention to safeguard life and property, **30 Days Notice Must Be Given** to the occupiers (where the occupiers have a responsibility to keep their trees clear) before entering private land to cut vegetation.*

*A second inspection will be carried out as soon as practical after the 30 days notice has expired. Where work has not been done or has been incomplete an **Urgent Notice** shall be issued.*

If clearances are not achieved, Western Power has the right (not the duty) to enter the property (if necessary) and carry out the necessary cutting.

Western Power can recover the reasonable cost of clearing (this can include travel and on-costs administration) from the occupier if vegetation is cultivated. All pruning/removals should allow for regrowth and movement within the return cycle for that location.

Whether any existing Town Policies will be affected.

Currently, to save costs, street tree pruning (*other than the deciduous tree species*) is undertaken on a street by street basis. Therefore, the contractor arrives on site, unloads the machinery and works within that area for the entire day.

This is outlined in policy No 2.1.2 *Street Trees – Planting, Pruning and Removal* which states in section 2(i) under *Street Tree Pruning* that:

Street Trees to be pruned where possible on a street by street program and to resolve conflict in such a way that causes minimal interference and does not have an adverse affect on their health and appearance.

Should the Council decide to progress with a formalised 18 or 24 month pruning cycle, the existing policy document and tender specification will have to be amended to reflect that the contractor is likely to have to travel from site to site rather than set up and continue through a *street by street* program as is currently the case.

Review the practices that result in the extent to which individual trees are pruned.

Flat Topping

All trees that encroach into the clearance profile zone are pruned by what is termed “flat topping.” A clearance of at least 2 metres is required below low voltage cables and 4 metres below high voltage cables and the contractor is advised that as much greenery must remain on the tree or canopy “skirt” as possible.

Heavy duty hedge trimmer

A modified heavy duty hedge trimmer is used in the majority of cases given the required frequency to comply with Western Power requirements. Whilst this method is not ideal in terms of the significant regrowth that results, it is reasonably cheap and the trees recover instantly. Queensland Box trees can even be rejuvenated using this method if water stressed, as a large proportion of the foliage is removed reducing transpiration.

Natural target pruning

Natural target pruning is the preferred method for pruning or reducing a tree in height. This involves removing branches back to growth points rather than cutting off or lopping anywhere along a stem/branch which then creates masses of epicormic or “watershoot” growth.

The cost of natural target pruning every individual street tree would be in the vicinity of \$150-\$250 per tree and this is not cost effective for local governments who are responsible for thousands of street trees located under powerlines.

There have been occasions where over zealous contractors have pruned street trees located under powerlines that are immature and nowhere near encroaching into the clearance profile zone within the next 12 months or longer. While the Town is not charged for the pruning of these trees, officers hold regular meetings with the street tree pruning contractors to discuss, assess and review the program and the specific needs of a particular street or species type.

Officers Comments

With the review of the current process, these meetings will continue and include closer liaison between the Town and the contractors to ensure that wherever possible savings are identified by not pruning specific streets/species until required.

CONSULTATION/ADVERTISING:

Owner/occupiers are advised of pending tree removals and streetscape replanting projects as required. The street tree pruning program commences in July each year and is not generally advertised as residents expect that the trees located under the power lines will be pruned on an annual basis.

LEGAL/POLICY:

Street trees located within the Town of Vincent are managed in accordance with the current policy: 2.1.2 Street Tree - Planting, Pruning and Removal.

The Town is required under Section 54 of the Energy Operators (Powers) Act 1979 to lop as much vegetation from street trees as required to prevent interference with Western Power's electricity supply system.

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:

A specific budget for the pruning, planting and removal of street trees is allocated each year and costs associated with each of the activities charged against it accordingly.

The street tree budget has been increased considerably over the past five (5) years to allow for additional pruning and the planting / watering of the new streetscapes and individual specimens planted.

A breakdown of the total budget is as follows:-

Contract Pruning Under Power lines	\$165,000
Tree Removals / Replacements	\$30,000
Tree Watering / Planting	\$180,000
Individual Pruning Requests (day labour force)	\$15,000
Subtotal	\$390,000
Amenity Pruning (Parks)	\$40,000
Street Tree Enhancement Program	\$75,000
TOTAL	\$505,000

Note: The pruning under power lines component of the budget will be reviewed following an assessment of current pruning practices during the 2006/2007 financial year.

COMMENTS:

Prior to 2001, the Town did not generally prune street trees on a street by street basis and was constantly in conflict with Western Power and the street tree pruning contractors in regards to pruning requirements and pruning rates of trees located under powerlines.

Western Power had threatened on many occasions to bring in their own contractors (hourly rate) as trees were not being pruned on a consistent basis and Western Power "spotters" were continually forwarding pruning requests and reminders to the Town's supervisory staff.

The pruning contractor also wanted to apply an hourly rate for pruning as they were losing valuable time travelling between suburbs, setting up and then having to move on. Time was also lost by the Town's staff in undertaking various administration duties, answering continual complaints from residents and attending on-site meetings.

Since 2001, pruning has generally occurred on a street by street basis which is the program adopted by most local governments spoken to.

All parties are satisfied with how the current program operates and generally owners/occupiers know what time of the year and how their street tree will be pruned.

While there have been occasions where over zealous contractors have pruned street trees located under powerlines that are immature and nowhere near encroaching into the clearance profile zone within the next 12 months or longer, the Town has not been charged for the pruning of these trees and this will be addressed by the Town's officers.

If it proves feasible to regularly leave certain streets / tree species and prune over an 18 to 24 month cycle, there will be some cost savings. The funds currently allocated to pruning of the trees identified will be expended over a 18-24 month period rather than a 12 month period. Therefore, savings could be achieved in the longer term.

It is therefore requested that the officer's recommendation be supported by the Council.

10.3.3 Fees and Charges for 2006/2007

Ward:	-	Date:	11 May 2006
Precinct:	-	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the Schedule of Fees and Charges as shown in Appendix 10.3.3 for adoption for the 2006/2007 financial year.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr

That the recommendation be amended to read as follows:

“That the Council APPROVES BY ABSOLUTE MAJORITY the Schedule of Fees and Charges as shown in Appendix 10.3.3 for adoption for the 2006/2007 financial year subject to:

(a) Page 8.1 - Car Parking Fees Day - Stadium Car Park - hourly rate being changed from \$0.70 to \$1.40 and the All Day Fee being changed from \$3.00 to \$7.00.”

Debate ensued.

Cr Maier withdrew his amendment to allow for deferral of the item.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for further information to be provided on the fees for development applications and parking.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

PURPOSE OF REPORT:

To present the Fees and Charges for the financial year 2006/2007 for approval.

BACKGROUND:

The Town of Vincent, as all other local authorities, applies charges for services provided and for the use of facilities available for hire. All such fees are required to be reviewed annually.

The Local Government Act 1995 allows fees and charges to be adopted and included in the Annual Budget without having to be gazetted separately.

DETAILS:

The attached schedule outlines details of Fees and Charges proposed for the 2006/2007 year with a comparison to last year's fees, where there has been a change from last year the particular item has been highlighted in bold italics.

A number of fees are determined by legislation, these include Dogs and Building/Planning Fees and a number of fees are raised under the Health Act.

Fees and Charges that are raised where the Town is engaged in what is deemed to be commercial activity, GST must be applied. Fees where GST is applicable are marked with a tick in the last column of the schedule.

Local Government Fees and Charges that are raised under legislation or local laws are in general GST free by way of exemption through Division 81 of the GST Legislation.

New fees recommended for 2006/2007 include:

Abandoned Vehicles

An administration fee has been proposed to cover the cost of completing the necessary administration work included in the processing of abandoned vehicles.

Rubbish Charge

A number of new charges have been included this year to cover the domestic, commercial and recycling rubbish services.

Worm Farms

Fees have been included for purchase associated with worm farms, the costs vary according to whether the purchaser is a resident or non-resident.

Management of Right of Way

A number of fees proposed are associated with Right of Ways including closure, dedication and obstruction.

General (Planning Fees)

A new charge is proposed to be introduced associated with the application for a change of property numbering and address application.

Increased charges have been recommended in the following areas:

Library Cards

An increase in the fee charged to replace a lost membership card is proposed. This reflects the increased cost involved in replacing the card.

Car parking fees/day

An increase in both the hourly and all day fees are proposed for this financial year.

Car parking fees/night

An increase in fees also has been proposed in the night fees.

Health Fees

The Executive Director Public Health now reviews prescribed fees on an annual basis to prevent periodic substantial increases. This year there has been an increase of approximately 5% in the fees.

Settlement Enquiries

Increases have been included for Orders and Requisition Settlements and the Settlement Enquiry Letter (includes Orders Requisitions and Rate Enquiry).

Building Plan Copies

Increases proposed to reflect cost recovery of the task.

Planning and Building Policy and Town Planning Scheme Text and Maps

Increased proposed to align with full cost recovery of the task.

Strata Applications

An increase in the Archive Search Fee is recommended.

Development Applications

Home Occupation charges for both the initial and renewals applications have been increased.

Work Bonds

A fee increase again for this year to reflect the full cost of recovery of damage caused to the Town's infrastructure.

Beatty Park

An annual review of the Beatty Park Leisure Centre fee is undertaken in comparison to other centres.

Beatty Park fees and charges are adjusted each year to minimise significant increases and to ensure the centre remains competitive as well as meeting its community obligations.

CONSULTATION/ADVERTISING:

Advertised as part of the Annual Budget document.

LEGAL/POLICY:

In accordance with Local Government Act (1995) S6.16, 6.17 and 6.18.

STRATEGIC IMPLICATIONS:

The new and amended charges have been included in the preparation of the Draft 2006/2007 Budget.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is recommended that the Fees and Charges contained in the attached schedule be adopted for the 2006/2007 Budget so that Council can apply these from 1 July 2006 (or subsequent date where nominated).

10.4.2 Review and Adoption of Members Fees and Expenses 2006/2007

Ward:	Both	Date:	17 May 2006
Precinct:	All	File Ref:	ADM0051
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY for 2006/2007 the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing the official functions and duties of office as detailed in Policy 4.2.7 - "Elected Member Allowances, Fees and Re-imbursment of Expenses" subject to the following amendment (as shown in Appendix 10.4.2);

(i) *Policy Clause 2.3 - Mayor's Vehicle - Petrol*

"Increasing the re-imbursment of fuel costs for the Mayor to a maximum of value of \$75 per week, to a maximum of \$3,900 per annum."

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr

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

“(ii) Policy Clause 1.3 – Deputy Mayoral Allowance being amended to read as follows:

“The Deputy Mayor shall be entitled to an annual local government allowance of \$3,000 ~~equivalent to 25% of the Mayoral Allowance.~~ (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).”

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to review and adopt the fees and expenses applicable to Elected Members for 2006/2007, as required by the Local Government Act 1995.

BACKGROUND:

At the Ordinary Meeting of the Council held on 8 June 2004, the Council approved the Policy - Elected Members Allowance, Fees and Re-imbusement of Expenses, policy number 4.2.7. The Policy prescribes that Council review annually the Elected Member Allowances, Fees and Reimbursements.

Mayor's Vehicle - Petrol

The increase is to reflect the significant rise in fuel prices which have occurred over the previous year. The current amount of \$55 per week has been increased to \$75 to reflect the substantial increase in fuel costs over the previous year.

CONSULTATION/ADVERTISING:

The Council's Policy relating to Elected Member Fees and Expenses was previously advertised for public comment in May 2003.

In view of the very minor nature of the proposed amendments which do not materially affect the principle conditions of the policy, it is recommended that the amendments to fees and expenses not be advertised separately for public comment, but considered as part of the Budget process.

LEGAL/POLICY:

The Local Government Act provides that a Member has a legal right to be reimbursed for rental on one telephone line and one facsimile line and in addition, can claim child care costs incurred whilst attending to Council business.

The Local Government (Administration) Regulations also provide:

“The extent to which an expense ...can be reimbursed is the actual amount, verified by sufficient information”.

The above criteria must be met before any reimbursement can be made. That is:

- the Council must first approve the types of expenses which can be reimbursed (and may set limits to these);
- the expense must be incurred in performing a function as a council member;
- reimbursement is limited to the actual expense incurred; and
- the expense must be verified by sufficient information.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The above costs associated with this policy are included in the Annual Budget 2006/2007.

COMMENTS:

The expenses and allowances approved by the Town of Vincent are comparable with other local governments of a similar size and budget to the Town of Vincent and no difficulties have been raised.

10.4.3 Proposed Amendment to Policy No 4.1.6 – Community/Precinct Groups

Ward:		Date:	17 May 2006
Precinct:		File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	Natalie Greaves, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.6 - Community/Precinct Groups as shown in Appendix 10.4.3;**
- (ii) **NOTES that an amount of \$2,000 has been included in the draft Budget 2006/2007 for Precinct/Community Groups Annual Grants; and**
- (iii) **AUTHORISES the Chief Executive Officer to:**
 - (a) *advertise the proposed new policy for a period of twenty-one days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the proposed policy in the Council's Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 9.45pm.

Moved Cr Doran-Wu, Seconded Cr Chester

That the Item be DEFERRED for further information to be obtained regarding the need for Groups to provide Audited Annual Statements.

CARRIED (6-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to amend existing Policy No 4.1.6 - Community/Precinct Groups to provide an annual grant of up to \$200 to cover costs associated with the administration and operation costs of the Community/Precinct Groups.

BACKGROUND:

On 30 November 2005, the North Perth Precinct Group wrote to the Town suggesting that the Town's policy be amended to provide ongoing financial assistance for the operation Community/Precinct Groups and also suggests that the policy includes a provision that allows the Town's insurance to cover Community/Precinct Groups when meetings are held in non Town owned meeting venues (eg Church halls, Child Care Centres).

This matter was also raised as an Item at the Annual General Meeting of Electors where the following motion was passed:

"That;

- (i) Precinct Groups get a yearly financial payment to cover the cost of paper, printing of notices, postage etc with just one initial start-up sum payment rather than the existing one at the moment which is an initial payment and a follow-up next but make it a yearly payment;*
- (ii) Council provide the facility, when needed by the Precinct Groups, to be able to have their Agendas, Minutes and flyers printed off;*
- (iii) Council, in order to provide incentive for Precinct Groups Members to sit on Precinct Committees (which tend to get so heavily overburdened), and arrange for our Precinct Co-ordinator at Council to pull out each week the building and development applications for each precinct and forward them to each Precinct Group along with information on anything else that is likely to affect the Precinct Group. If such an arrangement were to be too burdensome for the Precinct Co-ordinator at Council, then an Assistant be employed at Council if possible to assist her or alternatively, that the Council website breakout for each individual Precinct each week's development and building applications and matters affecting each precinct so that hours are not spent by the Precinct Committee Secretary and Members going through entire Council Agendas and Minutes;*
- (iv) Council discuss with Precinct Groups what regular briefings the Precinct Groups would like the Town to hold (ie negotiate something that the Precinct Group Members are prepared to support and then they may turn up);*
- (v) Council promote Precinct Meetings through its website and other publicity (ie putting a regular notice in local paper encouraging residents and ratepayers to attend Precinct Meetings); and*
- (vi) Council consider the issue of Public Liability insurance or the appropriate insurance for Precinct Groups where they have to hire an external venue when a Council venue is not available."*

DETAILS:

Community/Precinct Groups

The Town currently has ten (10) Community/Precinct Groups as follows:

Group Name	Incorporated
Banks Precinct Action Group Inc	16 January 1998
Cleaver Precinct Action Group Inc	11 June 1996
Forrest Precinct Group Inc	19 September 2000

Group Name	Incorporated
Hyde Park Precinct Group Inc	3 October 1996
Leederville Community Action Group Inc	18 May 2000
Mount Hawthorn Precinct Group	18 November 2002
Norfolk Precinct Group Inc	7 July 2000
North Perth Business and Community Association	<i>Not Incorporated*</i>
North Perth Precinct Group Inc	10 January 2001
Smith's Lake Precinct Group	<i>Not Incorporated</i>

* *Established November 2001*

It should be noted that the Smith's Lake Precinct Group (established 1997) and the North Perth Business and Community Association (established November 2001) are not incorporated bodies. The Town has advised these Groups on several occasions that they are required to become an incorporated body in order to comply with the Council's requirements to receive grants.

Meetings - Provision of Meeting Notices/Agendas/Minutes

The Town's current policy requires the Group to provide copies of the meeting Agenda, Minutes and audited Financial Statements to the Town for distribution to Elected Members and the Town's records.

Attached to this report at Appendix 10.4.3B is a summary of Minutes/Agendas received by the Town. The following is a summation of the information provided to the Town:

Group Name	Information Provided to Town
Banks Precinct Action Group Inc	Since 1997 a limited number of Minutes/Agendas have been provided to the Town. Since 2006, monthly Minutes and Agendas have been received.
Cleaver Precinct Action Group Inc	Since 1996, this Group has regularly provided a copy of its Agendas and Minutes on a monthly basis.
Forrest Precinct Group Inc	In 2000 and 2001, this Group provided a copy of its Agendas and Minutes on a monthly basis. No copies were received for 2002, 2003 and 2005 and in 2004, they only provided four.
Hyde Park Precinct Group Inc	In 1996, 1997, 1998 and 2002, this Group provided a copy of its Agendas and Minutes on a monthly basis. Several copies were provided in 2000 and 2001 and little or no information has been received for 2003, 2004 and 2005.
Leederville Community Action Group Inc	Since its formation in 1997, it has regularly provided a copy of its Agendas and Minutes on a monthly/six weekly basis.
Mount Hawthorn Precinct Group	This Group first met in July 2002 and has only provided information on two occasions. In recent times, it has provided limited information.

Group Name	Information Provided to Town
Norfolk Precinct Group Inc	This Group was formed in July 2000 and provided regular information for 2000/2001. No information has been received from 2002 onwards.
North Perth Business and Community Association	No information has been received from this Group.
North Perth Precinct Group Inc	This Group was formed in 2000 and has provided information approximately three times a year. This Group regularly attends Council Meetings to address items.
Smith's Lake Precinct Group	This Group was formed in 1997 and provided minimal information from 1997 to 2000. Since 2001, it has provided regular information on a monthly basis.

1. *Precinct Groups get a yearly financial payment to cover the cost of paper, printing of notices, postage etc with just one initial start-up sum payment rather than the existing one at the moment which is an initial payment and a follow-up next but make it a yearly payment*

Comment:

The above information reveals that the Leederville Community Action Group and Cleaver, North and Smith's Lake Precinct Groups provide information on a regular basis and could justify an Annual Grant to assist in their administration and operations. However, the Smith's Lake Precinct Group is not an incorporated body and is therefore not eligible under the Town's current or proposed policy.

The provision of an annual grant of up to \$200 could be supported subject to the following conditions:

The Community/Precinct Group:

- holding at least four (4) meetings on a regular basis each year;
- providing to the Town a meeting schedule, Agendas and Minutes for their meetings;
- providing to the Town an audited annual Financial Statement prior to the grant being paid; and
- being an incorporated body.

2. *Council provide the facility, when needed by the Precinct Groups, to be able to have their Agendas, Minutes and flyers printed off;*

Comment:

In the event that an annual grant is provided, it is suggested that this money could be used for this purpose, therefore the need to use the Town's equipment to provide copying of Agendas, flyers, etc, would not be necessary. The use of Council copiers for printing purposes would need to be properly resourced. Therefore, this request is not support without additional resources being provided.

3. *Council, in order to provide incentive for Precinct Groups Members to sit on Precinct Committees (which tend to get so heavily overburdened), and arrange for our Precinct Co-ordinator at Council to pull out each week the building and development applications for each precinct and forward them to each Precinct Group along with information on anything else that is likely to affect the Precinct Group. If such an arrangement were to be too burdensome for the Precinct Co-ordinator at Council, then an Assistant be employed at Council if possible to assist her or alternatively, that the Council website breakout for each individual Precinct each week's development and building applications and matters affecting each precinct so that hours are not spent by the Precinct Committee Secretary and Members going through entire Council Agendas and Minutes.*

Comment:

The Town does not have resources to provide the requested information. At present, the Town's administration is providing a satisfactory level of service with its development approval process, as reported to the Council at its Ordinary Meeting held on 28 March 2006. The Town's developments, Agendas and Minutes are placed on the Town's website. To provide additional information would require additional resources for a person to carry out the additional tasks.

Interested persons, therefore, have ready access to information. Therefore, this request is not supported without additional resources being provided.

4. *Council discuss with Precinct Groups what regular briefings the Precinct Groups would like the Town to hold*

Comment:

The Town's Community Consultation policy involves consulting with each Group.

5. *Council promote Precinct Meetings through its website and other publicity (ie putting a regular notice in local paper encouraging residents and ratepayers to attend Precinct Meetings)*

Comment:

The Town is currently trialling for a twelve (12) month period a website link with the North Perth Precinct Group. Subject to a satisfactory trial, this could be extended to include other Groups. Information about the Groups is contained on the Town's website and also issued in the Town's "Welcome Pack" which is provided to all new residents/owners.

6. *Council consider the issue of Public Liability insurance or the appropriate insurance for Precinct Groups where they have to hire an external venue when a Council venue is not available.*

Comment:

The meeting venue and frequency of meeting are as follows:

Group Name	Meeting Frequency and Venue
Banks Precinct Action Group Inc	1st Wednesday of each Month Banks Reserve Scout Hall

Group Name	Meeting Frequency and Venue
Cleaver Precinct Action Group Inc	2nd Wednesday of each Month Beatty Park Leisure Centre
Forrest Precinct Group Inc	Bi-monthly - 3rd Wednesday Forrest Park Club Rooms
Hyde Park Precinct Group Inc	Bi-monthly - 3rd Monday (<i>except January</i>) Royal Park Hall
Leederville Community Action Group Inc	Six weekly - Tuesdays Loftus Community Centre
Mount Hawthorn Precinct Group	1st Wednesday of each Month Menzies Park Pavilion
Norfolk Precinct Group Inc	Meeting dates as advised Forrest Park Club Rooms
North Perth Business and Community Association	Information not provided
North Perth Precinct Group Inc	Meeting dates as advised* Private Home
Smith's Lake Precinct Group	Last Monday of each Month Beatty Park Leisure Centre

* *The North Perth Precinct Group meets on an as-needed basis (recently every 2 weeks or weekly). The meetings are always in a private home. Every 3-6 months, they hold a general meeting for bigger issues. There is no permanent venue and they have been using the kindergarten in Haynes Street of late. They have previously had meetings in the North Perth Town Hall - but apparently don't have a venue in their area that is suitable.*

All groups (with the exception of the North Perth Precinct Group) meet in a Council owned building. No information is available from the North Perth Business and Community Group.

The Town's insurer advises as follows:

"As these groups are incorporated bodies, they need to have their own Public Liability insurance, regardless of where they meet. The Town's Public Liability policy does not cover them at all. The Municipal Liability Scheme covers the Town's liability if an event occurs and the Town has been negligent, subject to the policy terms and conditions.

The Municipal Liability Scheme cannot extend to cover any of these groups.

We have a new facility with QBE for community groups. Depending on the exact activities of the group, the premium would range between \$440 to \$500 per annum, plus a broker fee, GST and stamp duty, so all up \$590 to \$660. The limit of liability is \$10,000,000 with a \$250 to \$500 excess. We would need a completed proposal form to be submitted for approval by the Underwriter and a firm quote to be issued."

From a liability point of view, it is essential that each Group is an incorporated body. This ensures that individual Group committee members have a degree of protection from being sued in the event of a claim. It is also essential that this Group has its own insurance policy.

CONSULTATION/ADVERTISING:

The proposed policy will be advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 - Key Result Area 4 - Governance and Management

4.3(a) Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$2,000 has been included in the 2006/2007 Draft Budget.

COMMENTS:

It is recommended that the Council approve the proposed amendment to this policy, as detailed in this report.

**10.4.4 Tender No. 337/06 - Consultant Services - Loftus Centre
Redevelopment, 99 Loftus Street, Leederville**

Ward:	-	Date:	17 May 2006
Precinct:	-	File Ref:	TEN0346
Attachments:	-		
Reporting Officer(s):	A Neilson, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender from Rawlinsons (WA) as being the most acceptable and advantageous to the Town for the provision of quantity surveyor services for the Redevelopment of the Loftus Centre at a cost of \$66,000 (including GST);*
- (ii) *ACCEPTS the tender from E-Tec Consultants (WA) as being the most acceptable and advantageous to the Town for the provision of structural/civil engineering services for the Redevelopment of the Loftus Centre at a cost of \$90,200 (including GST);*
- (iii) *ACCEPTS the tender from Wood & Grieve Engineers (WA) as being the most acceptable and advantageous to the Town for the provision of hydraulic services for the Redevelopment of the Loftus Centre at a cost of \$41,360 (including GST); and*
- (iv) *NOTES that the Town has accepted the following fees;*
 - *\$411,156 - Architectural Services - Peter Hunt Architect*
 - *\$49,156 - Electrical Services - Best Consultants Pty Ltd*
 - *\$41,250 - Mechanical Services - Steens Gray Kelly Pty Ltd.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Cr Messina returned to the Chamber at 9.46pm.

Debate ensued.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to approve the tenders for Quantity Surveyor, Structural/Civil and Hydraulic Services for the Redevelopment of the Loftus Centre.

BACKGROUND:

On 27 April 2006, a tender was advertised calling for Quantity Surveyor, Structural/Civil and Hydraulic Services and at 2pm on 2 May 2006, eight (8) tenders were received. Present at the opening were Chief Executive Officer - John Giorgi, Co-ordinator Major Projects - Andy Neilson and Finance Officer - Purchasing - David Paull.

Tenders were received from the following quantity surveyor services firms:

	Tenderer	Price (Inc GST) \$
1.	Rawlinsons (WA) 1141 Hay Street, West Perth 6005	66,000
2.	HW & Associates Suite 88 City West Centre Plaistowe Mews, West Perth 6005	82,5000

Tenders were received from the following structural/civil services firms:

	Tenderer	Price (Inc GST) \$
3.	Maunsell Australia Pty Ltd 629 Newcastle Street, West Perth 6005	100,700
4.	Sinclair Knight Merz Pty Ltd Level 7, 263 Adelaide Terrace, Perth 6001	85,030
5.	E-Tec Consultants Suite 2, 8 Hasler Road, Herdsman Business Park Osborne Park 6916	90,200
6.	VDM (WA) Pty Ltd 41 Stuart Street, Northbridge 6003	144,430

A tender was received from the following hydraulic services firm:

	Tenderer	Price (Inc GST) \$
7.	Wood and Grieve Engineers Level 3, Hyatt Centre 3 Plain Street, East Perth 6004	41,360

A tender was received from the following consultant services firm who submitted a joint venture with respect to the total of all three services of quantity surveying, structural/civil and hydraulic services:

	Tenderer	Price (Inc GST) \$
8.	VDM (WA) Pty Ltd 41 Stuart Street, Northbridge 6003	237,930

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the consultant services for this project:

Criteria	%	Weighting
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "<i>best value</i>" for money • Application of a reasonable fee structure in proportion to the service provided 	25	25%
<p>1.2 Relevant experience, expertise and project team Demonstrate your:</p> <ul style="list-style-type: none"> • Experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town • experience and success as a consultant in the sphere of recent major leisure facilities and libraries, particularly in WA 	25	25%
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
<p>1.4 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	20	20%
<p>1.5 Quality Assurance Demonstrate your level of quality assurance</p>	10	10%
TOTAL	100	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Manager Engineering Design Services, Craig Wilson and Co-ordinator- Major Projects, Andy Neilson.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

TENDER SUMMARY

The following is a fee summary and project summary for each project. Detailed comments for each criterion are shown at the end of the report.

Summary

	%	Rawlinsons (WA)	HW & Associates	Maunsell	Sinclair Knight Merz	E-Tec	VDM (WA)	Wood & Grieve	*VDM (WA)
Tender Type		Quant. Surv.	Quant. Surv.	Struct/ Civil	Struct/ Civil	Struct / Civil	Struct / Civil	Hydrau	All
Fee Proposal	10	10	5	5	10	7.5	2.5	10	2.5
Represents "Best Value"	15	15	10	10	5	15	7.5	15	7.5
Relevant experience, expertise of project team	7.5	7.0	6	7.5	7.5	7.5	7.5	7.0	7.5
Capacity to address range of services	5	5	4	5	5	5	5	5	5
Role and credentials of key persons	5	5	5	5	5	5	5	5	5
On-going availability of persons	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Understanding of service	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Experience with similar projects	2.5	2.5	2.5	2.5	2.5	2.5	2.5	1.5	2.5

	%	Rawlinsons (WA)	HW & Associates	Maunsell	Sinclair Knight Merz	E-Tec	VDM (WA)	Wood & Grieve	*VDM (WA)
History and Viability of Organisation	5	5	4	5	5	5	5	5	5
Referee comments	5	5	5	5	0	5	5	5	5
Demonstrate capacity to deliver requirements	5	5	4	5	0	5	5	5	5
Demonstrate capacity to address range of services	5	5	4	5	5	5	5	5	5
Demonstrate Methodology for this Project	10	9.5	7.5	10	10	10	10	9.5	10
Demonstrate Methodology for similar projects	5	4.5	4	5	5	5	5	4	5
Demonstrate Project Management for similar projects	5	4.5	4	5	5	5	5	4	5
Demonstrate Quality Assurance	10	10	10	10	10	7	10	10	10
TOTAL	100	98	80	90	80	94.5	85	96	85
Ranking		1	2	2	3	1	4	1	N/A

* *Joint venture*

ADVERTISING/CONSULTATION:

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

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the appointment of the consultants are contained within the Loftus Centre Redevelopment Reserve Fund.

LEGAL/ POLICY IMPLICATIONS:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy. In addition, the Department of Housing and Works Tender Evaluation Assessment Matrix was used.

The Town previously awarded a tender for architectural services on 14 May 2002 and for consultant services on 27 August 2002.

The previous tender was based on an estimated project cost of \$3.5 million. The revised project has now an estimated project cost of \$10 million.

The architect and consultants were requested to re-affirm their price, based on their original fee and increased on a pro rata basis to the revised cost.

The architect (Peter Hunt Architect) and electrical and mechanical services consultants submitted revised fees accordingly.

The structural/civil consultant provided a fee which was higher than the pro rata fee. They stated that as there was a buoyant economy, their fee was based on the basis of "supply and demand". This was not agreed by the Town and they requested the Town to re-advertise the tender.

The original Quantity Surveyor declined to re-submit a tender, due to their current workload.

The original Hydraulic Consultant firm has been sold and the new company was invited to submit a tender.

The Town obtained legal advice in this matter. The advice confirmed that the Town could request revised fees (based on a pro rata increase, in accordance with the original percentage fee) providing the amount did not exceed \$50,000. Accordingly, the revised fees from Best Consultants (electrical) and Steens, Gray and Kelly (mechanical) were accepted.

The legal advice also stated that the architectural revised fee could be accepted on the basis that it had a valid contract in place and only if this revised fee was increased on a pro rata basis, in accordance with the original percentage fee. Peter Hunt Architect agreed to comply with this requirement. The legal advice also stated that the Town could face legal action for termination of a contract, if it recalled the tender for architectural services. The revised fee is considered competitive and is therefore acceptable.

STRATEGIC IMPLICATIONS:

The appointment of suitably qualified and experienced consultants to this strategically important project will ensure that the project will meet the needs of all stakeholders and the community.

COMMENTS:

The appointment of consultants to undertake quantity surveyor, structural/civil and hydraulic services is therefore necessary to ensure that the project can progress on time and within budget to completion. All firms are well established, reputable Western Australian firms which have major leisure and library or similar project experience and are cost competitive.

Therefore, it is recommended that the Council approves of the recommendations.

REDEVELOPMENT OF THE LOFTUS CENTRE

QUANTITY SURVEYOR CONSULTANT SERVICES

1. Rawlinsons (WA)

Total weighted score:	98 (1st)
Fee proposal:	<ul style="list-style-type: none"> • Lowest bid
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1953
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 10 professional staff
Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of \$5m • Editors of "Rawlinsons Australian Construction Handbook" and "Rawlinsons Construction Cost Guide"
Availability of key persons:	<ul style="list-style-type: none"> • Director would be project leader
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Considerable recreation centre experience • Some experience with libraries
History of organisation:	<ul style="list-style-type: none"> • Long established small/medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> • Certification to ISO 9001 provided - greatly exceeds criterion - very low risk to Town
Previous projects:	<p>Leisure facilities and libraries projects:</p> <ul style="list-style-type: none"> • Riverton Leisureplex (with library) - 2002 - \$14m • Members Equity Stadium - 2003 - \$11.0m • Edith Cowan University Sport Recreation Centre - 1999 - \$6m • Esperance Aquatic Centre - 1999 - \$6m

2. **HW & Associates**

Total weighted score:	80 (2nd)
Fee proposal:	<ul style="list-style-type: none"> • 2nd lowest bid
Knowledge and experience:	<ul style="list-style-type: none"> • Established in Perth - with offices in Sydney and Melbourne
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 3 professional staff
Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of \$10m
Availability of key persons:	<ul style="list-style-type: none"> • All three of the well experienced Directors would be available for this project
Understanding of Services:	<ul style="list-style-type: none"> • Documented and displayed
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Some experience with libraries but not displayed with major leisure facilities
History of organisation:	<ul style="list-style-type: none"> • Small sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented - meets criterion - medium to low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> • Certification to ISO 9001 provided - greatly exceeds criterion - very low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Alexander Library Exhibition Centre - \$1.4 m • City of Melville Administration Building & Library • WA Museum, Kew • Perth College Science Wing

STRUCTURAL/CIVIL CONSULTANT SERVICES

3. Maunsell Australia Pty Ltd

Total weighted score:	90 (2nd)
Fee proposal:	<ul style="list-style-type: none"> • 3rd Lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Well established in Perth and one of the largest consulting engineering firms in the Asian-Pacific-Middle East region
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 250 professional staff
Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of \$5m
Availability of key persons:	<ul style="list-style-type: none"> • Associate Director would be project leader, well supported by a capable project team
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Considerable experience on required projects
History of organisation:	<ul style="list-style-type: none"> • Established over 50 years in WA, large sized firm located in Leederville
Referees comments:	<ul style="list-style-type: none"> • Referees, references and financial statements provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive and well documented - greatly exceeds criterion - very low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Well documented - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Well documented - greatly exceeds criterion - very low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Well documented - greatly exceeds criterion - very low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> • Certification to ISO 9001 provided - greatly exceeds criterion - very low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Riverton Leisureplex - 2001 - \$14m • Eaton High School and Recreation Centre - 2003 - \$8m • ECU Joondalup Campus - Library - 2005 - \$37m • Melville Recreation Centre - 1998 - \$9m

4. Sinclair Knight Merz

Total weighted score:	80 (4th)
Fee proposal:	<ul style="list-style-type: none"> • Lowest bid
Knowledge and experience:	<ul style="list-style-type: none"> • Established in Australia over 40 years ago
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 90 professional staff in the Perth buildings group
*Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of \$5m
Availability of key persons:	<ul style="list-style-type: none"> • Well balanced professional project team
Understanding of Services:	<ul style="list-style-type: none"> • Documented and displayed
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Extensive experience in sports facilities worldwide. Considerable experience in libraries and leisure centres
History of organisation:	<ul style="list-style-type: none"> • Long established medium sized firm located in Perth
Referees comments:	<ul style="list-style-type: none"> • No referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • <i>*See comment about insurance</i>
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Limited documentation - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> • Certification to ISO 9001 provided - greatly exceeds criterion - very low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Swan Shire Administration Offices and Library • Stadium Australia Sydney Olympic Stadium • St. Marks Anglican School Sports Hall, Hillarys • Frederick Irwin Anglican School (including library)

* Insurance and Indemnity Requirements

A significant number of changes to the Town's insurance requirements have been requested. These changes restrict the Town's insurance coverage to \$5 million for any one claim, remove the Town's discretion to determine the insurance and indemnity conditions and therefore place a significant risk component onto the Town.

This company was the only Tenderer to request the changes. These changes are not acceptable to the Town. Accordingly, they have not received a score for this criterion.

5. E-Tec Consultants

Total weighted score:	94.5 (1st)
Fee proposal:	<ul style="list-style-type: none"> • 2nd lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1989
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 15 professional staff
Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of \$4m • Financial statement provided
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors would be primarily used – extensive experience in sporting and recreational facilities
Understanding of Services:	<ul style="list-style-type: none"> • Demonstrated
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Experience of libraries and similar
History of organisation:	<ul style="list-style-type: none"> • Established small/medium sized firm located in Osborne Park
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Quality Assurance	<ul style="list-style-type: none"> • In-house Quality Assurance - not certified to ISO 9001, in preparation to apply for accreditation - meets criterion - medium to low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Department of Sport and Recreation Office Building • Town of Cambridge Library • Willeton Senior High School

6. VDM (WA) Pty Ltd

Total weighted score:	85 (3rd)
Fee proposal:	<ul style="list-style-type: none"> • 4th Lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1978
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 38 professional staff (Consulting Division), 65 staff in total
Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of \$5m • Company statement and financial report provided
Availability of key persons:	<ul style="list-style-type: none"> • General Manager would be project leader
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive understanding
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Extensive experience on required projects
History of organisation:	<ul style="list-style-type: none"> • Long established medium sized firm located in Northbridge
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> • Certification to ISO 9001 provided - greatly exceeds criterion - very low risk to Town
Previous projects:	<p>Leisure facilities and libraries projects:</p> <ul style="list-style-type: none"> • Osborne Park Library and Community Centre - 2001 • Clarkson Library - 2004 • Leederville Loftus Centre • Broome Recreation Centre - 2001

HYDRAULIC CONSULTANT SERVICES

7. Wood & Grieve Engineers

Total weighted score:	96 (1st)
Fee proposal:	<ul style="list-style-type: none"> • Only bid
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1961, offices in Perth, Melbourne, Sydney, Brisbane, Albany and Busselton
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 9 professional staff (Hydraulic Engineering Section) with support staff, 200 staff in total
Credentials:	<ul style="list-style-type: none"> • Professional Indemnity Insurance of up to \$5m
Availability of key persons:	<ul style="list-style-type: none"> • Senior Hydraulics Services Engineer would be project leader
Understanding of Services:	<ul style="list-style-type: none"> • Good understanding displayed
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> • Limited experience displayed on specified projects
History of organisation:	<ul style="list-style-type: none"> • Well established large sized firm located in East Perth
Referees comments:	<ul style="list-style-type: none"> • Referees and extensive references provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - greatly exceeds criterion - very low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Well documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Well documented - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Well documented - exceeds criterion - low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> • Certification to ISO 9001 (civil, structural, mechanical, electrical and environmental) provided - greatly exceeds criterion - very low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Kardinya Park Shopping Centre - 2000 • Warwick Grove Shopping Centre - 2003 • Qantas Perth Domestic Terminal • ECU Library - current

JOINT VENTURE: VDM (STRUCTURAL/CIVIL) WITH VOLUME DESIGN GROUP (HYDRAULIC SERVICES) AND DAVIS LANGDON (QUANTITY SURVEYOR SERVICES)

8. **VDM (WA) Pty Ltd***

Total weighted score:	85 (Not ranked as Joint Venture bid, as weighted score below that of each of the weighted score of those ranked 1st in each of the three individual)
Fee proposal:	<ul style="list-style-type: none"> Only bid submitted as a Joint Venture
Knowledge and experience:	<ul style="list-style-type: none"> Established since 1978
Capacity to address technical aspects:	<ul style="list-style-type: none"> 38 professional staff (Consulting Division), 65 staff in total
Credentials:	<ul style="list-style-type: none"> Professional Indemnity Insurance of \$5m Company statement and financial report provided
Availability of key persons:	<ul style="list-style-type: none"> General Manager would be project leader
Understanding of Services:	<ul style="list-style-type: none"> Comprehensive understanding displayed
Experience with major leisure facilities and libraries projects:	<ul style="list-style-type: none"> Extensive experience on required projects
History of organisation:	<ul style="list-style-type: none"> Long established medium sized firm located in Northbridge
Referees comments:	<ul style="list-style-type: none"> Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> Documented - greatly exceeds criterion - very low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> Documented - greatly exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> Documented - greatly exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> Documented - greatly exceeds criterion - very low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> Documented - greatly exceeds criterion - very low risk to Town
Quality Assurance:	<ul style="list-style-type: none"> Certification to ISO 9001 provided (but not for one of the other joint bid companies) - greatly exceeds criterion - very low risk to Town
Previous projects:	<p>Leisure facilities and libraries projects:</p> <ul style="list-style-type: none"> Osborne Park Library and Community Centre - 2001 Clarkson Library - 2004 Leederville Loftus Centre Broome Recreation Centre - 2001

* *Assessed as an overall Joint Venture*

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Council approved for Cr Chester to remain in the Chamber and participate in debate but not vote on the matter.

10.4.5 Tender No. 336/06 - Architectural Services - Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth

Ward:	-	Date:	17 May 2006
Precinct:	-	File Ref:	TEN0334
Attachments:	-		
Reporting Officer(s):	A Neilson, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender from Peter Hunt Architect at an estimated cost of \$539,000 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for the proposed Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth.

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.53pm.
Cr Farrell returned to the Chamber at 9.54pm.

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be amended to read as follows:

“That the Council ACCEPTS the tender from Peter Hunt Architect for the Design Brief and Schematic Design stages only at an estimated cost of ~~\$539,000~~ \$143,000 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for the proposed Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth.”

Debate ensued.

The Mayor asked Cr Chester to leave the Chamber as he did not have Council approval to vote. Cr Chester departed the Chamber at 10.12pm.

AMENDMENT CARRIED (5-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (5-1)

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

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.5

That the Council ACCEPTS the tender from Peter Hunt Architect for the Design Brief and Schematic Design stages only at an estimated cost of \$143,000 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for the proposed Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth.

PURPOSE OF REPORT:

The purpose of the report is to approve the tender for Architectural Services for the proposed Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth.

BACKGROUND:

At the Ordinary meeting of Council held on 28 March 2006, the Council considered the Feasibility Report of the proposed Redevelopment of Beatty Park Leisure Centre. This included the calling of a tender for Architectural Services.

On 8 April 2006, a tender was advertised calling for Architectural Services and on 27 April 2006, three (3) tenders were received. Present at the opening were Purchasing/Contracts Officer - David Paull, Co-ordinator Major Projects - Andy Neilson and Chief Executive Officer - John Giorgi.

Tenders were received from the following architectural firms:

	Tenderer	Price (Inc GST) \$
1.	Hodge + Collard Pty Ltd Architects 3rd Floor, 39 Richardson St, West Perth 6005 Phone: (08) 9322 5144, Fax: (08) 9322 5740	376,200
2.	Bollig Design Group Pty Ltd 8 Cook Street, West Perth 6005 Phone: (08) 9321 4402, Fax (08) 9481 8259	489,500
3.	Peter Hunt Architect 8 Colin Grove, West Perth 6005 Phone: (08) 9322 6033, Fax: (08) 9324 1691	539,000

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the architects for these projects:

	Criteria	%	Weighting
1.1	<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "<i>best value</i>" for money Application of a reasonable fee structure in proportion to the service provided 	25	25%
1.2	<p>Relevant experience, expertise and project team</p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> Experience, expertise and project team capacity to address the range of services required role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards understanding of the required service associated with delivering the services to the Town experience and success as an architect in the sphere of recent major sporting facilities, particularly in WA 	25	25%
1.3	<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> Detail your history and viability Include any comments received from referees Demonstrate your capacity to deliver Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
1.4	<p>Methodology</p> <ul style="list-style-type: none"> Proposed methodology for this projects to be completed on time and within budget Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	20	20%
1.5	<p>Key Issues and Risk</p> <ul style="list-style-type: none"> Demonstrate your understanding of the required service by identifying the key issues and risks associated with delivering the project. Explain how you intend to address these issues and risks 	10	10%
	TOTAL	100	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Co-ordinator Major Projects, Andy Neilson, Chief Executive Officer, John Giorgi and Executive Manager Corporate Services, Mike Rootsey.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

TENDER SUMMARY

The following is a fee summary and project summary for each project. Detailed comments for each criterion are shown at the end of the report.

Summary

	%	Bollig Design	Peter Hunt	Hodge + Collard
Fee Proposal	10	7.5	5.0	10.0
Represents "Best Value" for Money	15	12.0	15.0	10.0
Relevant experience, expertise	5	4.5	4.75	3.0
Capacity to address range of services	5	4.5	4.5	3.0
Credentials & Role of Key Persons	5	4.0	4.25	3.5
Availability of Key Persons	2.5	2.5	2.5	2.5
Understanding of Required Service	2.5	2.5	2.5	2.0
Experience with Major Leisure Facility Projects	5	3.5	5.0	2.0
History of Organisation	5	5.0	5.0	3.5
Referees Comments	5	4.5	4.5	4.5
Demonstrated Capacity to Deliver	5	4.0	4.5	3.0
Capacity to Address Requirements	5	4.0	4.75	3.0
Proposed Methodology for this project	10	8.0	9.5	5.25
Demonstrated Methodology - previous similar projects	5	3.5	4.5	2.5
Demonstrated Project Mgmt in WA	5	4.5	4.75	3.5

	%	Bollig Design	Peter Hunt	Hodge + Collard
Identify Key Issues and Risks	5	4.0	4.25	3.0
Address Key Issues and Risk	5	4.0	4.25	3.0
TOTAL	100	82.5	89.5	67.25
Ranking		2	1	3

ADVERTISING/CONSULTATION:

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

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the appointment of the project architect and sub-consultants will be contained within the Budgets 2006/07, 2007/08, 2008/09, 2009/10, as the project will be progressed over several years.

LEGAL/ POLICY IMPLICATIONS:

The tender was evaluated in accordance with the Local Government Act (Functions and General) Regulations and the Town's Tender Policy. In addition, the Department of Housing and Works Tender Evaluation Assessment Matrix was used.

STRATEGIC IMPLICATIONS:

The appointment of a suitably qualified and experienced architect to this strategically important project will ensure that the project will meet the needs of all stakeholders and the community.

COMMENTS:

The architects' initial tasks will be to provide concept/design plans, advice concerning indicative costs and a more precise timetable/program.

The appointment of a project architect is therefore necessary to ensure that the project can progress. Peter Hunt Architect is a long established, reputable Western Australian firm which has extensive sports and recreational centre experience. Peter Hunt Architect was responsible for the architectural services of the redevelopment of the Indoor Pool at the Beatty Park Leisure Centre in 1993 and has considerable knowledge of the project. Overall, Peter Hunt Architect represented the overall "Best Value" to the Town. Therefore, it is requested that the Council approves of the recommendation.

REDEVELOPMENT OF BEATTY PARK LEISURE CENTRE

1. Bollig Design Group Pty Ltd

Total weighted score:	82.5 (2nd)
Fee proposal:	<ul style="list-style-type: none"> • 2nd lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1959, restructured in 1995
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 19 professional staff
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality Assurance • Professional Indemnity Insurance of \$5m • Bank reference provided • Received several Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented
Experience with major Leisure Facility projects:	<ul style="list-style-type: none"> • Reasonable aquatic and recreation centre experience for small/medium size facilities.
History of organisation:	<ul style="list-style-type: none"> • Long established small/medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented/demonstrated - exceeds criterion - low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented/demonstrated - meets criterion - medium to low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented/demonstrated - exceeds criterion - low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Documented - exceeds criterion - low risk to Town
Previous projects:	<p>Numerous recreation and aquatic centre projects including:</p> <ul style="list-style-type: none"> • Somerset Street Pool (Victoria Park) - 2003 - \$9.5m • Kwinana Aquatic & Recreation Centre - 2002 - \$5.4m • Toodyay Aquatic Centre - 2001 - \$2.6m • Broome Sports & Recreation Centre - 2001 - \$4.5m • Extensive office buildings, Libraries

2. Peter Hunt Architect

Total weighted score:	89.5 (1st)
Fee proposal:	<ul style="list-style-type: none"> • 3rd lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established 1970 - original Directors, with offices in Sydney • Extensive sporting and recreational facility experience • Recognised as one of Australia's best Sports Facility Architectural Firms
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 23 staff
Credentials:	<ul style="list-style-type: none"> • Fully accredited- Quality assured • Professional Indemnity Insurance of \$10m • Bank reference provided • Received numerous Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used – extensive experience in sporting and recreational facilities in WA and Australia
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented
Experience with major Leisure Facility projects:	<ul style="list-style-type: none"> • Extensive experience with major sports projects, recreation and aquatic centres.
History of organisation:	<ul style="list-style-type: none"> • Long established medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees and 4 references provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive - exceeds criterion - low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive - exceeds criterion - very low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented - exceeds criterion - very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented - exceeds criterion - low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Comprehensive and well documented - exceeds criterion - very low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented - exceeds criterion - low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented - exceeds criterion - low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Canberra Indoor Sports and Aquatic Centre (Canberra) - 2004 - \$15m • Terry Tyzack Aquatic Centre (City of Stirling) - 2001 - \$7m • Narrogin Recreation Centre - 2002 - \$7m • South West Sports Centre (Bunbury) - 2001 - \$11m • Oasis Recreation Complex (Kalgoorlie) - 1999 - \$14.5m • Hurstville Aquatic Centre (Sydney) - 2002 - \$5.5m • St Bridget's College Fitness Centre - 2002 - \$3m • All Saints College Aquatic Facility - 2002 - \$3m

	<ul style="list-style-type: none"> • Beatty Park Leisure Centre - 1993 - \$6.5m • Perth Oval Redevelopment - 2003/04 - \$10.8m • AFL South Stand, Subiaco - 2001 - \$35m • AFL South Stand, Subiaco - 1996 - \$14m • Challenge Stadium – 1987 - \$25m • Joondalup Police Academy 2002 - \$40m • Extensive office building projects • Various major hospital projects
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3. Hodge + Collard Pty Ltd Architects

Total weighted score:	67.25 (3rd)
Fee proposal:	<ul style="list-style-type: none"> • Lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1976
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 13 staff - small sized firm
Credentials:	<ul style="list-style-type: none"> • Fully accredited/Quality Assurance • Professional Indemnity Insurance of \$5m • Bank reference provided.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used
Understanding of Services:	<ul style="list-style-type: none"> • Meets criterion
Experience with major Leisure Facility projects:	<ul style="list-style-type: none"> • Limited previous experience with major leisure facility projects (1 small addition)
History of organisation:	<ul style="list-style-type: none"> • Long established small firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - meets criterion - medium to low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - meets criterion - medium to low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented/demonstrated - almost meets criterion - medium risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented/demonstrated - almost meets criterion - medium risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Documented/demonstrated - meets criterion - medium to low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion - medium to low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion - medium to low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Swan Park Leisure Centre Upgrade (City of Swan) - 2004 - \$850,000 • Cottesloe Golf Club (City of Nedlands) - 1996 - \$1.7 million • Altona Golf Club - 2002 - \$345,000 • Dunsborough Shopping Centre - 2003 - \$7m

Comment:

The lowest tender was from Hodge + Collard. This tender does not allow for sufficient allocation for the various stages of the project, e.g. an amount of \$6,600 for Design Brief is totally inadequate. (Based on an average of \$180/hour, this equates to 36.6 hours.) This stage is the most critical, as it will determine the parameters of the project.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 10.20 pm Moved Cr Farrell, Seconded Cr Messina

That the meeting proceed “behind closed doors” to consider the confidential reports, in accordance with:

- *Section 5.23(d) of the Local Government Act 1995 – “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”; and*
- *Section 5.23(c), (e) (ii) of the Local Government Act 1995 - “relating to the opportunity to purchase land within the Town as this matter, if disclosed, would reveal information that has a commercial value to a person and a contract which may be entered into by the Town.*

CARRIED (6-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

14. CONFIDENTIAL REPORTS

14.1 Confidential Report - Approval of Tender No. 335/06 for the Operational Management Services of the Loftus Recreation Centre, 99 Loftus Street, Leederville and Major Land Transaction Business Plan

Ward:	-	Date:	17 May 2006
Precinct:	-	File Ref:	TEN0339
Attachments:	001		
Reporting Officer(s):	Mike Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to Approval of Tender No. 335/06 for the Operational Management Services of the Loftus Recreation Centre, 99 Loftus Street, Leederville and Major Land Transaction Business; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, other than the confidential "Commercial-in-Confidence" Appendix, at the appropriate time.*

Cr Chester returned to the Chamber at 10.21pm.

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

At 10.25pm Moved Cr Messina, Seconded Cr Doran-Wu

That the meeting be extended until such time as the confidential items have been dealt with.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That a new clause (v)(e) be added as follows:

“(v) *AUTHORISES the Chief Executive Officer to;*

- (a) *instruct the Project Architect to commence design documentation of the Loftus Centre plans;*
- (b) *negotiate the Deed of Contract and Lease requirements, subject to the final approval of the Council;*
- (c) *take the necessary action to implement the dissolution of the VCRA and transfer of its assets to the Town in accordance with the VCRA Constitution; ~~and~~*
- (d) *take all necessary action to implement a smooth transition from the current Centre Manager, LeisureCo Pty Ltd, to Belgravia Leisure Pty Ltd; and*
- (e) *investigate a direct pedestrian linkage between the TAFE campus and the proposed Loftus Recreation Centre redevelopment and report back to the Council by August 2006.*”

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *ACCEPTS the tender from Belgravia Leisure Pty Ltd as being the most acceptable and advantageous to the Town for the provision of Operational Management Services for the Loftus Recreation Centre, 99 Loftus Street, Leederville as detailed in this report and the Commercial-in-Confidence Confidential Appendix 14.1(A), subject to;*
 - (a) *the Council approving to proceed with the Major Land Transaction; and*
 - (b) *entering into a Deed of Contract and a Lease, to the satisfaction and approval of the Council;*

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY of the Major Land Transaction and Business Plan as shown in Appendix 14.1(C) and AUTHORISES the Chief Executive Officer to advertise the Business Plan on a state-wide basis for a period of not less than six (6) weeks and inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period;*
- (iii) *NOTES that the successful tenderer will be required to enter into a Deed of Contract and a Lease after considering any comments received about the Major Land Transaction;*
- (iv) *NOTES that subject to Clauses (i) and (ii) above being approved, the Vincent Community Recreation Association Inc. (VCRA) is to be dissolved effective from 31 December 2006 or a date to be mutually acceptable to the VCRA, LeisureCo Pty Ltd and the Town and REQUESTS the Town's members on the VCRA to vote accordingly to implement the Council's decision and approve of transferring the Association's assets to the Town; and*
- (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *instruct the Project Architect to commence design documentation of the Loftus Centre plans;*
 - (b) *negotiate the Deed of Contract and Lease requirements, subject to the final approval of the Council;*
 - (c) *take the necessary action to implement the dissolution of the VCRA and transfer of its assets to the Town in accordance with the VCRA Constitution;*
 - (d) *take all necessary action to implement a smooth transition from the current Centre Manager, LeisureCo Pty Ltd, to Belgravia Leisure Pty Ltd; and*
 - (e) *investigate a direct pedestrian linkage between the TAFE campus and the proposed Loftus Recreation Centre redevelopment and report back to the Council by August 2006.*

THE FINANCIAL INFORMATION OF THE REPORT AND APPENDIX 14.1(A) REMAINS CONFIDENTIAL in accordance with Section 5.23(c)(e)(ii) of the Local Government Act 1995 - as the report contains sensitive financial information about the financial affairs of a business.

PURPOSE OF REPORT:

The purpose of the report is to seek Council approval of the tender for the Operational Management Services for the Loftus Recreation Centre, the Major Land Transaction Business Plan and approval for the Project Architect to commence design documentation for the Loftus Centre.

BACKGROUND:

On 11 March 2006, a tender was advertised calling for Operational Management Services for the Loftus Recreation Centre. On 4 April 2006, three (3) tenders were received. Present at the opening were the Chief Executive Officer, Executive Manager Corporate Services, Purchasing Officer and two (2) representatives from two (2) of the tenderers.

Tenders were received from the following:

Tenderer	Offer
1. Belgravia Leisure Pty Ltd 20 Longstaff Road Bayswater MELBOURNE VIC 3153	Commercial-in-Confidence – Refer to attachment
2. LeisureCo Pty Ltd 12 Greenhill Road Wayville ADELAIDE SA 5034	Commercial-in-Confidence – Refer to attachment
3. YMCA of Perth Inc. 201 Star Street CARLISLE NORTH WA 6101	Commercial-in-Confidence – Refer to attachment

Organisational Profile

1. Belgravia Leisure Pty Ltd

Belgravia Leisure Pty Ltd is a specialist management company that currently manages 49 leisure facilities throughout Australia. It has its head office in Melbourne and has been in business for 22 years, having commenced management of its first golf course in 1983. It employs approximately 2,500 employees on a full-time, part-time and casual basis.

Belgravia Leisure Pty Ltd is a profitable company, with a \$6 million turnover last financial year and is a wholly owned subsidiary of the Belgravia Group, which is a substantial group of private companies operating a diverse range of businesses. The group is well established and financially sound, with a substantial net asset backing.

The Belgravia Group has over \$80 million in assets under management ranging from wholly owned trading companies such as Belgravia Formalwear Pty Ltd, The Fitness Generation and Belgravia Leisure. The company has in excess of \$40 million invested in strategic holdings and property investments of just over \$10 million.

2. LeisureCo Pty Ltd

LeisureCo is an established leisure and health club management company, managing leisure centres and health clubs throughout Australia and New Zealand. It has its head office in Adelaide. It is a wholly owned subsidiary of the Leisure Australia Foundation. The Foundation is a philanthropic entity with its aim to develop programs and initiatives that promote an active lifestyle.

LeisureCo currently manages 18 facilities in WA, SA, NSW and New Zealand. It has been in business for 21 years and is well known in the leisure industry. It employs approximately 2,000 employees on a full-time, part-time and casual basis.

LeisureCo had an annual turnover of \$6.3 million. The Leisure Australia Group had an annual turnover of \$10.1 million, in the last financial year.

3. YMCA-Perth

The YMCA- Perth is one of two incorporated groups and is part of YMCA- Australia, which is Australia's largest operator of sporting and recreational facilities and has been providing services for over 96 years. The YMCA currently manages 320 leisure, recreation and aquatic facilities and programs throughout Australia. It has branches in each state and employs over 7,000 full-time, part-time and casual employees.

The YMCA - Perth has property assets of over \$3 million and equipment assets of over \$2.5 million. The YMCA Australia wide has an annual turnover of \$160 million.

TENDER EVALUATION:

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer – John Giorgi, Executive Manager Corporate Services – Mike Rootsey and Executive Manager Technical Services – Rick Lotznicker.

Each tender was assessed in accordance with an Evaluation Assessment Matrix.

Each of the criteria in the categories was assigned a weighting by the Tender Evaluation Panel that represents the importance of the criteria to the Town.

Where a Tenderer met the criteria, they were awarded the full score. Where a score was out of a maximum of ten points, the following was used as a basis of allocating scores:

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

Selection Criteria

The following weighted criteria were used for the selection of the Recreation Centre Management:

	Criteria	%	Weighting
1.0	<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the “best value” for money • Tenderer’s offer of an annual fee for each of the five (5) years of the term on the contract • Tenderer’s financial contribution to the redevelopment costs • Tenderer’s offer of their contribution to the Reserve Fund for the annual fit-out or maintenance and replacement of “FF&E” • A Tenderer’s payment schedules (dates and amounts) must be demonstrated • Specify your preferred proposed contract term(s) 	60	60%

Criteria	%	Weighting
<p>2.0 Relevant experience and expertise in venue management</p> <ul style="list-style-type: none"> • Demonstrate your experience and expertise in venue management • Demonstrate your capacity to address the range of aspects involving Centre Management • Describe the role of key person(s) in the project and credentials (i.e. formal qualifications and experience) of key person(s) • Demonstrate your understanding of the required service by identifying the key issues associated with the Centre and explain how you intend to address these issues • Describe your understanding of and compliance with, the objectives and requirements of the Centre. • Describe your experience in the competent management of similar facilities • Describe your ability to provide an organization and management structure consistent with implementing and managing the required tasks to the required standard • Describe your ability to maintain a good industrial relations environment • Describe your ability to initiate improvements in service delivery • Describe your ability to implement and comply with a detailed performance measurement system • Describe your demonstration of an innovative approach • Provide any comments received from referees about centre management 	20	20%
<p>3.0 Financial History and Viability of Tenderer</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
TOTAL	100	100%

An evaluation summary for each tender is shown in Confidential Appendix 14.1(A) attached to this report. All three tenderers have submitted their tender on a Commercial-in-Confidence basis and the information is therefore to remain strictly confidential.

CONSULTATION/ADVERTISING:

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

The Town's Business Plan and Major Land Transaction will need to be advertised on a state-wide basis for six (6) weeks and for the Council to consider any submissions which are received.

The Town's proposed loan will need to be advertised on a local basis for a period of one (1) month.

Indicative Revised Timeline

A new indicative timeline has been prepared and is as follows;

Date	Item
23 May 2006*	• Council Meeting to approve Tender for Lease / Management of the Centre and approve of the Major Land Transaction Business Plan
26 May 2006*	• Advertise Business Plan (42 days)
May - July 2006	• Architect to prepare design documentation (12 weeks)
3 July 2006	• Major Land transaction Consultation closes
3 July - 10 July 2006	• Assessment of Business Plan submissions
10 July - 12 July 2006	• Preparation of agenda report for consideration of submissions
25 July 2006*	• Council Meeting to consider Public Submissions and approve (or discontinue) with Major Land Transaction
25 July 2006*	• Council approval of "Request for Tender - Construction of Centre" documentation
29 July 2006*	• Advertise "Request for Tender - Construction of Centre" (30 days)
1 September 2006*	• Construction Tender closes
1-15 September 2006	• Evaluation of Construction Tender
20 September 2006	• Agenda closes for OMC 26 September 2006
26 September 2006*	• Council to approve Construction Tender
28 September 2006*	• Appointment of Builder
28 Sept - 1 October 2006	• Builder Mobilisation
2 October 2006*	• Construction commences
1 October 2007*	• 2nd Stage complete and opened
1 November 2007	• Finalisation of "snag list".
1 November 2007*	• Building handover
November 2007	• Official Opening of New Centre

* *Critical Dates*

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government (Functions and General) Regulations and the Town's Tender Policy.

As part of the Centre will be leased to a private operator (who will have exclusive control [via a Lease and Contract] or predominant control of the facility), the Council will be required to comply with the Major Land Transaction requirements of the Local Government Act. A Business Plan will need to be advertised for a period of six weeks.

Vincent Community Recreation Association

The Loftus Recreation Centre is managed by the Vincent Community Recreation Association (VCRA), which is an incorporated body. The Association has six members, these being;

Cr Sally Lake (<i>Chair</i>)	Town of Vincent
Chief Executive Officer	Town of Vincent
Executive Manager Corporate Services	Town of Vincent
Centre Manager	LeisureCo
Ms Shirley Benton	LeisureCo
<i>Vacant</i>	LeisureCo

The VCRA's constitution prescribes how it is to operate. It prescribes that when the VCRA is dissolved, the transfer of surplus funds and assets is to the Town, to be used for similar purposes (i.e. they cannot be disposed).

As at 30 April 2006, the VCRA Balance Sheet is as follows;

Current Assets	\$417,025
Non-Current Assets	\$121,326
Total Assets	<u>\$538,351</u>
Current Liabilities	\$343,273
Non-current Liabilities	\$6,419
Total Liabilities	<u>\$349,693</u>
Net Assets	<u>\$188,658</u>

STRATEGIC IMPLICATIONS:

This tender is in keeping with the Town's Strategic Plan 2005-2010 – KRA 3.3(f) – *Actively pursue all funding opportunities that support the Town's strategies and programs.*

FINANCIAL/BUDGET IMPLICATIONS:

All three (3) tenderers have submitted their financial offer on a "*Commercial-in-Confidence*" basis, as these have commercial value and are critical to their commercial operations. As such, they have been included as a Confidential Appendix to this report, pursuant to Section 5.23(2) of the Local Government Act 1995.

All three tenderers have offered to repay a loan taken out by the Town for \$3 million.

Based on the Net Present Value, over the term of the Contract, this tender has a value of over \$3 million to the Town.

COMMENTS:

The awarding of the tender will ensure that the Loftus Centre Redevelopment can proceed with minimal financial implications to the Town.

As the building costs are increasing at approximately 1% per month, the Town can minimise cost escalation by authorising the Project Architects to commence design documentation. This takes approximately 12 weeks and would be carried out concurrently with the advertising of the Business Plan. Whilst there is some risk in this (in the event the Council does not proceed with the project), this is most unlikely and would reduce the costs by about \$75,000. Accordingly, the Council's approval is recommended.

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Council approved for Cr Chester to remain in the Chamber and participate in debate but not vote on the matter.

14.2 Confidential Report - Expression of Interest No. 334/06 for the Operational Management Services of Beatty Park Leisure Centre, 220 Vincent Street, North Perth

Ward:	-	Date:	17 May 2006
Precinct:	-	File Ref:	
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Expression of Interest No. 334/06 for the Operational Management Services of Beatty Park Leisure Centre, 220 Vincent Street, North Perth; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, other than the confidential "Commercial-in-Confidence" Appendix, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Lake

That;

- 1. *clause (ii) be amended to read as follows:*

“(ii) AUTHORISES the Chief Executive Officer to report back to the Council by December 2006 that;

- (a) *investigates and prepares Objectives for the redevelopment of Beatty Park Leisure Centre; and*
- (b) *further investigates the key issues detailed in this report, which need to be considered and determined by the Council; ~~and~~”;* and

2. a new clause (iv) be added as follows:

“(iv) *NOTES the following Indicative Timeline:*

<i>May/June 2006</i>	<i>Appointment of Architect, formation of Working Group</i>
<i>June – December 2006</i>	<i>Determining objectives, other key matters, researching background details, different models</i>
<i>December 2006</i>	<i>Council to consider and approve of objectives for the proposed redevelopment</i>
<i>January 2007 – December 2007</i>	<i>Investigation of options, investigation of funding sources, different models</i>
<i>January 2008 – June 2008</i>	<i>Refinements of options, funding options, different models</i>
<i>June 2008 – December 2008</i>	<i>Community consultation concerning concept redevelopment plans</i>
<i>January 2009 – April 2009</i>	<i>Reports to Council, advertising of Major Land transactions (if required), approval of final plans. Council to further consider inviting tenders for the management of the Centre</i>
<i>April 2009 – May 2009</i>	<i>Calling of tenders for builders</i>
<i>June 2009</i>	<i>Award building tender – 12 month construction project</i>
<i>June 2009 – June 2010</i>	<i>12 month construction project.”</i>

The Mayor asked Cr Chester to leave the Chamber as he did not have Council approval to vote. Cr Chester departed the Chamber at 10.50pm.

AMENDMENT CARRIED (6-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *DEFERS inviting any Respondents to submit a tender for the Operational Management Services of Beatty Park Leisure Centre, until;*
 - (a) *the extent of any proposed redevelopment has been determined by the Council; and*
 - (b) *the Key Objectives and other relevant issues for the Centre have been identified and determined by the Council;*

- (ii) *AUTHORISES the Chief Executive Officer to report back to the Council by December 2006 that;*
- (a) *investigates and prepares Objectives for the redevelopment of Beatty Park Leisure Centre; and*
- (b) *further investigates the key issues detailed in this report, which need to be considered and determined by the Council;*
- (iii) *ADVISES the Respondents of the Council's decision; and*
- (iv) *NOTES the following Indicative Timeline:*

<i>May/June 2006</i>	<i>Appointment of Architect, formation of Working Group</i>
<i>June – December 2006</i>	<i>Determining objectives, other key matters, researching background details, different models</i>
<i>December 2006</i>	<i>Council to consider and approve of objectives for the proposed redevelopment</i>
<i>January 2007 – December 2007</i>	<i>Investigation of options, investigation of funding sources, different models</i>
<i>January 2008 – June 2008</i>	<i>Refinements of options, funding options, different models</i>
<i>June 2008 – December 2008</i>	<i>Community consultation concerning concept redevelopment plans</i>
<i>January 2009 – April 2009</i>	<i>Reports to Council, advertising of Major Land transactions (if required), approval of final plans. Council to further consider inviting tenders for the management of the Centre</i>
<i>April 2009 – May 2009</i>	<i>Calling of tenders for builders</i>
<i>June 2009</i>	<i>Award building tender – 12 month construction project</i>
<i>June 2009 – June 2010</i>	<i>12 month construction project.</i>

THE FINANCIAL INFORMATION OF THE REPORT AND APPENDIX 14.2 REMAINS CONFIDENTIAL in accordance with Section 5.23(c)(e)(ii) of the Local Government Act 1995 - as the report contains sensitive financial information about the financial affairs of a business.

PURPOSE OF REPORT:

The purpose of the report is to advise Council of the EOI for the Operational Management Services of Beatty Park Leisure Centre.

BACKGROUND:

On 11 March 2006, an EOI was called for the Operational Management Services of Beatty Park Leisure Centre; four (4) EOIs were received. Present at the opening were the Chief Executive Officer, Executive Manager Corporate Services, Purchasing Officer and two (2) representatives from two of the tenderers.

Tenders were received from the following:

	Tenderer	Offer
1.	Belgravia Leisure Pty Ltd 20 Longstaff Road Bayswater MELBOURNE VIC 3153	Commercial-in-Confidence – Refer to Confidential Appendix.
2.	LeisureCo Pty Ltd 12 Greenhill Road Wayville ADELAIDE SA 5034	Commercial-in-Confidence – Refer to Confidential Appendix.
3.	YMCA of Perth Inc. 201 Star Street CARLISLE NORTH WA 6101	Commercial-in-Confidence – Refer to Confidential Appendix.
4.	Town of Vincent 244 Vincent Street LEEDERVILLE WA 6007	Commercial-in-Confidence - Refer to Confidential Appendix.

Organisational Profile

1. Belgravia Leisure Pty Ltd

Belgravia Leisure Pty Ltd is a specialist management company that currently manages 49 leisure facilities throughout Australia. It has its head office in Melbourne and has been in business for 22 years, having commenced management of its first golf course in 1983. It employs approximately 2,500 employees on a full-time, part-time and casual basis.

Belgravia Leisure Pty Ltd is a profitable company, with a \$6 million turnover last financial year and is a wholly owned subsidiary of the Belgravia Group, which is a substantial group of private companies operating a diverse range of businesses. The group is well established and financially sound, with a substantial net asset backing.

The Belgravia Group has over \$80 million in assets under management ranging from wholly owned trading companies such as Belgravia Formalwear Pty Ltd, The Fitness Generation and Belgravia Leisure. The company has in excess of \$40 million invested in strategic holdings and property investments of just over \$10 million.

2. LeisureCo Pty Ltd

LeisureCo is an established leisure and health club management company, managing leisure centres and health clubs throughout Australia and New Zealand. It has its head office in Adelaide. It is a wholly owned subsidiary of the Leisure Australia Foundation. The Foundation is a philanthropic entity with its aim to develop programs and initiatives that promote an active lifestyle.

LeisureCo currently manages 18 facilities in WA, SA, NSW and New Zealand. It has been in business for 21 years and is well known in the leisure industry. It employs approximately 2,000 employees on a full-time, part-time and casual basis.

LeisureCo had an annual turnover of \$6.3 million. The Leisure Australia Group had an annual turnover of \$10.1 million, in the last financial year.

3. YMCA - Perth

The YMCA - Perth is one of two incorporated groups and is part of YMCA-Australia, which is Australia's largest operator of sporting and recreational facilities and has been providing services for over 96 years. The YMCA currently manages 320 leisure, recreation and aquatic facilities and programs throughout Australia. It has branches in each State and employs over 7,000 full-time, part-time and casual employees.

The YMCA - Perth has property assets of over \$3 million and equipment assets of over \$2.5 million. The YMCA Australia wide has an annual turnover of \$160 million.

4. Town of Vincent

The Town of Vincent has been managing the Centre since the creation of the Town in 1994. As such, background details have not been included.

EOI EVALUATION:

EOI Evaluation Panel

The EOI Evaluation Panel consisted of Chief Executive Officer – John Giorgi, Executive Manager Environmental & Development Services – Rob Boardman and Executive Manager Technical Services – Rick Lotznicker.

Criteria	%
<p>1. Indicative Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • Represents “best value” for money • Respondent's offer of an annual fee for each of the five (5) years of the term on the contract • Respondent's indicative financial contribution to the redevelopment costs • Respondent's indicative offer of their indicative contribution to the Reserve Fund for the annual fit-out or maintenance and replacement of “FF&E” (Furniture, Fittings and Equipment) • Commercial evaluation of the indicative financial proposal 	

Criteria	%
<p>2. Relevant experience and expertise in venue management</p> <ul style="list-style-type: none"> • Demonstrated experience and expertise in venue management • Demonstrated capacity to address the range of aspects involving Centre Management • Describe the role of key person(s) in the project and credentials (i.e. formal qualifications and experience) of key person(s) • Demonstrated understanding of the required service by identifying the key issues associated with the Centre and explain how you intend to address these issues • Describe your understanding of and compliance with, the objectives and requirements of the Centre. • Describe your experience in the competent management of similar facilities • Describe your ability to provide an organization and management structure consistent with implementing and managing the required tasks to the required standard • Describe your ability to maintain a good industrial relations environment • Describe your ability to initiate improvements in service delivery • Describe your ability to implement and comply with a detailed performance measurement system • Describe your demonstration of an innovative approach • Demonstrated organisational ability to proactively adapt to changing trends in the recreation market. • Provide any comments received from referees about centre management 	
<p>3. Financial History and Viability of Respondent</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrated capacity to deliver • Demonstrated capacity and depth to effectively address the range of requirements of the Town 	
TOTAL	

CONSULTATION/ADVERTISING:

The EOI was advertised in accordance with the Local Government Act (Functions and General) Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The EOI was evaluated in accordance with the Local Government (Functions and General) Regulations and the Town's Tender Policy.

The Executive Manager Corporate Services and Acting Manager Beatty Park Leisure Centre did not have any involvement in the evaluation of the EOI, as the Town submitted an "in-house" EOI. This is in accordance with the principles of good governance and ensured that the EOI was assessed independently and objectively.

STRATEGIC IMPLICATIONS:

This EOI is in keeping with the Town's Strategic Plan 2005-2010 – Key Result Area 3.2(e) - *"Complete the Feasibility Plan, investigate funding options and investigate and implement the refurbishment and redevelopment of Beatty Park Leisure Centre"* and Key Result Area 3.3(f) – *"Actively pursue all funding opportunities that support the Town's strategies and programs."*

FINANCIAL/BUDGET IMPLICATIONS:

All four (4) EOIs have been submitted on a *"Commercial-in-Confidence"* basis, as these have commercial value and are critical to their commercial operations. As such, they have been included as a Confidential Appendix to this report, pursuant to Section 5.23(2) of the Local Government Act 1995.

All financial information in an EOI is conditional and is not confirmed until a tender is actually submitted and accepted.

COMMENTS:

The evaluation of the Expression of Interest has revealed that the four Respondents are all capable of performing the management of Beatty Park Leisure Centre. The proposals vary considerably and require further examination in order to justify and validate any offers.

*** Confidential ***

There are many unknown factors and key matters that the Council is required to consider and determine, prior to inviting any of the Respondents to submit a tender.

The following matters are important to this project and need to be considered and determined by the Council;

1. Objectives

It is considered necessary for the Council to consider and approve of triple bottom line objectives (Economic, Environmental, Social and Sustainability), as this will provide a strategic direction for the Centre, clarity to the Town's Administration and any future Centre Managers and remove any ambiguity in preparing the necessary tender documentation.

2. Community Service Obligation Requirements

At present, Beatty Park Leisure Centre is operated by the Town with a considerable degree of a "community service" obligation. Whilst it does maintain a degree of competitiveness with other Centres in its catchment area, it is not operated with a strong commercial focus. The Council will need to consider and approve of this important philosophical position prior to the tender documentation being prepared.

3. Redevelopment and Funding Requirements

As the Council is aware, the future redevelopment requirements and subsequent costings have not yet been investigated. The age, current state of repair of the Centre, the Heritage listing and the requirement for substantial amounts of refurbishment to be carried out, has been raised as a significant issue by all Respondents. They have qualified their offer accordingly.

As recommended by ABV Leisure Consulting (the consultant who prepared the Centre's Feasibility Report), it is more appropriate to invite tenders when the future of the Centre redevelopment and costings have been determined.

4. Current Employees

The Centre employees are employed by the Town under the Local Government Officers (Western Australia) Award 1999 and the Municipal Employees (Western Australia) Award 1999. These Awards specify the terms and conditions for any redundancy which may be applicable. In the event that the Centre is outsourced to private management, a number of employees will be entitled to a redundancy payment.

The Local Government Act specifies that all employees who are made redundant are entitled to a payout on the following basis;

Period of Continuous Service	Severance Pay	No. of Employees	Amount \$
Less than 1 year	Nil	-	-
1 year and less than 2 years	4 weeks' pay	1	2,459
2 years and less than 3 years	6 weeks' pay	2	7,432
3 years and less than 4 years	7 week's pay	2	16,030
4 years and less than 5 years	8 weeks' pay	12	100,220

In normal cases, where a Council operated facility is placed under private management, the industry practice is for the private operator to interview and re-hire suitable employees. However, there is no guarantee that all employees would be re-employed.

The Town currently employs approximately 40 full-time equivalent permanent employees at the Centre, of which 17 permanent employees would be entitled to a redundancy payout if the Centre was placed under private management. This redundancy payout, based on a 1 January 2007 implementation date, would cost approximately \$126,141.

There has been no provision made in the Draft 2006/07 Budget to cover any redundancy payouts. This matter should also be included in any future tender documentation.

5. Profit Share Principles

*** Confidential ***

6. Repairs, Maintenance and Capital Improvements

*** Confidential ***

7. Consultant's Recommendation

The ABV Leisure Consulting Feasibility Report February 2006 recommendations included the following:

- "6. *It is recommended that BPLC market test the outsourcing of its café operations via a management tender process.*
- 9. *It is recommended that the Town of Vincent market test the management of BPLC once it has determined the extent of any proposed redevelopment.*
- 9a. *Further the market testing should include the management of Loftus Recreation Centre with options for prospective tenderers to package the two centres or manage them individually."*

The EOI resulted in the expected response from the leisure industry providers. As previously stated above, it is considered that there is much further work to be carried out before the Town is in a position to invite tenders. The market testing of the café operations should be progressed.

Accordingly, the Council's approval of the Recommendation is requested.

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Council approved for Cr Chester to remain in the Chamber and participate in debate but not vote on the matter.

14.3 Confidential Report - Café Operations at the Beatty Park Leisure Centre, 220 Vincent Street, North Perth

Ward:	-	Date:	17 May 2006
Precinct:	-	File Ref:	TEN0315
Attachments:	-		
Reporting Officer(s):	Mike Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to Café Operations at the Beatty Park Leisure Centre, 220 Vincent Street, North Perth; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report at the appropriate time.*

COUNCIL DECISION ITEM 14.3

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Cr Chester returned to the Chamber at 10.51pm.

Debate ensued.

Moved Cr Messina, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for the Chief Executive Officer to obtain comments from a consultant on ways to improve the financial performance of the Café.

The Mayor asked Cr Chester to leave the Chamber as he did not have Council approval to vote. Cr Chester departed the Chamber at 10.55pm.

CARRIED (6-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Cr Chester was absent from the Chamber and did not vote.)

THE REPORT INFORMATION REMAINS CONFIDENTIAL in accordance with Section 5.23(c)(e)(ii) of the Local Government Act 1995 - as the report contains information about employees of the Town.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information about an employee of the Town. In accordance with the legislation, it is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;**prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

Mayor Catania advised that himself, Crs Chester, Lake and Maier had declared a financial interest in this Item. That he and Cr Chester had Ministerial approval to participate in debate and vote. In addition, he had Ministerial approval to preside at meetings.

Council approved for Crs Lake and Maier to remain in the Chamber and participate in debate but not vote on the matter.

14.4 Confidential Report - Draft Municipal Heritage Inventory - Commencement of Owner and Community Consultation

Ward:	Both Wards	Date:	15 May 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	(1) List of Proposed MHI Properties; (2) Chronology of Events; (3) Timeline; (4) Map of Draft MHI		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory and its associated attachments;*
- (ii) *APPROVES the commencement of property owner consultation the week beginning 19 June 2006, and community consultation the week beginning 26 June 2006, for a period of 42 days, in accordance with:*
 - (a) *the attached List of Proposed Municipal Heritage Inventory Places;*
 - (b) *the adopted Glew Corporate Communications Strategy and Issues/Crisis Strategy;*
 - (c) *section 45 (4) of the Heritage of Western Australia Act 1990; and*
 - (d) *Town of Vincent Community Consultation Policy No. 4.1.5; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the list of Proposed Municipal Heritage Inventory Places having regard to any written submissions; and*
 - (b) *CONSIDERS the adoption of the Draft Municipal Heritage Inventory, with or without amendment.*

Cr Chester returned to the Chamber at 10.56pm.

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

“(ii) (a) *the attached List of Proposed Municipal Heritage Inventory Places, subject to No. 66 (Lot 1) Lindsay Street, Perth being removed from the List;*”

The Mayor asked Crs Lake and Maier to leave the Chamber as they did not have Council approval to vote. Crs Lake and Maier departed the Chamber at 10.58pm.

AMENDMENT CARRIED (5-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Crs Lake and Maier were absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (5-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting. Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 10.59pm.

At 10.59pm **Moved Cr Messina, Seconded Cr Chester**

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 14.4

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory and its associated attachments;***
- (ii) *APPROVES the commencement of property owner consultation the week beginning 19 June 2006, and community consultation the week beginning 26 June 2006, for a period of 42 days, in accordance with:***
 - (a) *the attached List of Proposed Municipal Heritage Inventory Places, subject to No. 66 (Lot 1) Lindsay Street, Perth being removed from the List;***
 - (b) *the adopted Glew Corporate Communications Strategy and Issues/Crisis Strategy;***
 - (c) *section 45 (4) of the Heritage of Western Australia Act 1990; and***
 - (d) *Town of Vincent Community Consultation Policy No. 4.1.5; and***
- (iii) *after the expiry of the period for submissions:***
 - (a) *REVIEWS the list of Proposed Municipal Heritage Inventory Places having regard to any written submissions; and***
 - (b) *CONSIDERS the adoption of the Draft Municipal Heritage Inventory, with or without amendment.***

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of this report is to provide clarity for the final preparations for the consultation for the Draft Municipal Heritage Inventory (MHI), which is to commence the week beginning 19 June 2006. Final preparations require an approved list of properties that will form the basis of the Draft MHI.

BACKGROUND:

The Council has considered the matter of community consultation of the Draft MHI on a number of occasions. Due to the number of previous related reports, a summary list is shown as an attachment to this report rather than in this section.

The Council, at its Ordinary Meeting held on 28 March 2006, approved a timeline, resources and associated initiatives in order to progress with the community consultation of the Draft MHI. This approved timeline showed a consultation start date of 1 June 2006. This date was subject to the availability of the consultant facilitator, who has advised he is not available in the early part of June and, as such, a release date beginning the week of 19 June 2006 has been scheduled.

In order for this timeline to be adhered to, Officers are seeking Council approval for a final draft list of properties so that preparations relating to certificates, mailing lists and owner workshops may be completed in time for the 19 June 2006 release date.

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

The following clause of the Town Planning Scheme No. 1 prescribes the statutory requirements regarding places listed on the Town of Vincent Municipal Heritage Inventory.

'23 Heritage List

- (1) *The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.*
- (2) *For the purpose of this Clause, the Heritage List, means the Municipal Heritage Inventory, as amended from time to time, prepared by the Council pursuant to section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Heritage Inventory.*
- (3) *The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.'*

DETAILS:

Factors contributing to the final list of properties

The attached List of Proposed MHI Places has been compiled with the following considerations:

1. Previous places adopted by the Council between 1995 and 2006;
2. Nominations from individuals, community groups and the Council;
3. Consultant nominations; and
4. The Council's revised MHI Model adopted at the Ordinary Meeting of 14 March 2006.

The summarised list of places is attached for the convenience and information of Elected Members only. It should be noted that the summarised list of the Municipal Heritage Inventory, as shown in the attachment to this report, should not be circulated to the public at any stage in the future as it does not constitute the MHI as a whole document. Full and specific information relating to a property included on the Municipal Heritage Inventory will be accessible via the on-line database, and at the Town's Administration and Civic Centre or Library.

The Municipal Heritage Inventory as a whole package

Consultation with owners and the general public will be undertaken with a complete set of documentation which makes up the Municipal Heritage Inventory in its entirety, including:

1. Hard copy Place Record Forms of individual places for owners;
2. On-line Database of Place Record Forms at www.vincentheritage.com.au;
3. Thematic History;
4. Thematic Framework;
5. Preface Statement for the Municipal Heritage Inventory; and
6. Hard-copy sets of Place Record Forms by alphabetical street order located at the Customer Service Centre, Library, Councillor's Room and Administration.

A maximum of four (4) hard-copies will be provided and will remain as 'control copies' at all times in the future. Prior to the commencement of owner and public consultation, a complete set of documentation will be provided for the Councillors Room. Because the MHI changes regularly, hardcopies must also be updated and for this reason the production of hard-copy prints of the Place Record Forms will be kept at a minimum. This will reduce cost, paper waste and most importantly, to ensure copies of the MHI are kept consistent with the electronic database at all times.

Associated Heritage Management Policies will assist during the consultation period in terms of on-going procedural, technical and administrative aspects of the MHI.

It is important that, over time, residents and users of the Municipal Heritage Inventory become familiar with referring to the complete Place Record Form on-line, which includes the critical information relating to the management categories and statement of significance, rather than a summarised list of properties. This is a cultural change in terms of Officer, Elected Member and public use of the MHI, but is considered to be for the long-term benefit of the MHI management, accuracy in service delivery, public awareness and appreciation.

Changes to the 2004 Consultant's Copy of the Draft MHI

The list of properties shown in the attached Table is the result of considerable review and amendments to the consultant's copy of the draft MHI, which was received by the Town in April 2004. This review by the Officers has included the following:

- grammatical editing;
- deletion of properties no longer meeting the threshold (that is, Category C, D and E places);
- cross-referencing, correction and updating of photographs;
- correlation of address details with the Town's rateable address database;
- amendments and additions to Historical Background and Physical Descriptions; and
- reconsideration of places already adopted in the past as MHI Category C; some of which have now been recommended to be included as Category B places and others which have been recommended to be removed from the MHI because they do not meet the threshold of Category A or B places. This is subject to a separate but related report to Council (Item 10.1.24 at the Ordinary Meeting of Council to be held on 23 May 2006).

Significant Changes to address details

Significant work has been undertaken to change the address details of places so that the address description in the MHI record correlates with the Town's rates database.

In many cases, property addresses as they appear on the street do not exist in the Town's rateable property database. This means the MHI information cannot be linked to accurate ownership details for correspondence or to the Town's electronic mapping system, 'Intramaps'.

Because the link to the rateable property database and the mapping system is essential to improving the communication with owners of MHI properties, the addresses have been changed to align with the rateable address details. To cite a well known example, the Alexander Building on corner of Walcott and Beaufort Streets appears on the street and in the 1995 MHI documentation as Nos.639-643 Beaufort Street. In fact, its rateable address is Nos.71-77 Walcott Street. In instances such as this, the MHI will reflect the rateable address and not the old or common street address.

This change may cause some confusion in the short term, however, these address changes are considered absolutely critical to the integrity of the forthcoming consultation with owners and the long-term information base which allows the MHI to be integrated successfully with the Town Planning Scheme maps and rates database. As a precautionary measure, the common or previous address details have been retained in MHI on-line database as a secondary address, which can be used to cross-reference between the two.

A map is also shown as an attachment to this report and shows existing MHI places and those new places nominated for inclusion. This map has some inaccuracies and will be finalised once a Draft MHI list of properties is approved by the Council. It will be used as a tool for the owner workshops, consultation and will eventually be provided as an accessible document on the Internet. It has been included in this report to show its completion and the benefit of correlating rateable addresses with nominated and listed properties, which has enabled the electronic mapping to take place.

CONSULTATION/ADVERTISING:

This report seeks approval for consultation and advertising of the Draft Municipal Heritage Inventory documentation according to the attached list of properties. The attached list is to remain confidential until the owner letters have been posted and public consultation commences.

LEGAL/POLICY:

Section 45 of the Heritage of Western Australia Act (1990) states that each local government shall compile and maintain a Municipal Inventory of Heritage Places and that this inventory is updated annually and reviewed every four years after compilation. Specifically, section 45(4) of the Act states that *'a local government shall ensure that the inventory required by this section is compiled with proper public consultation.'* There is no statutory or guideline provisions relating to the length of time that consultation should occur in relation to changes to a Municipal Heritage Inventory. A copy of the inventory is also to be given to the Heritage Council of Western Australia upon completion.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010:

Key Result Area 1.2 *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL/BUDGET IMPLICATIONS:

Funding in the 2005/2006 Budget has been allocated for the undertaking of the formal consultation of the Draft Municipal Heritage Inventory. This includes local newspaper advertising, printing of owner information packs and facilitated workshops for owners.

COMMENTS:

The attached list of properties represent places identified as having sufficient heritage value in accordance with the adopted criteria, to warrant consideration for inclusion on the MHI.

The consultation period will offer an opportunity to receive input from owners and the general public on the content of the Draft MHI. Following this period of consultation, the Council may choose to add or remove places from the list before resolving to adopt the new MHI.

The formal consultation strategy, already approved by the Council at the Ordinary Meeting of Council held on 28 March 2006), allows for a variety of input and discussion with owners and others who may want to comment on the proposed Draft MHI including:

- Opportunity for affected owners to meet personally with Officers to discuss the MHI nomination;
- Opportunity for affected owners to attend dedicated workshops tailored specifically and exclusively for owners based on local precinct areas;
- Opportunity for the general public to view the document and provide submissions during the designated consultation period; and
- Opportunity for the Heritage Council of Western Australia to comment.

Places chosen for inclusion on any MHI should connect closely with the Thematic Framework. This means that the MHI should contain a range of places which represent key phases in the history and development of the district.

Improved Data

On the whole, most of the major themes and development phases in the Thematic Framework are represented in the proposed list shown in the attachment. One area of weakness is post-war houses of the 1950s and 1960s, of which the Town has few. There is a greater representation of architectural styles than previously. Physical descriptions and historical background information has been improved significantly, in addition to address and location details.

It is important to note that the intent of an MHI is not that it become a finite document, but that it evolves and refines itself as more information is gathered and as the built environment changes. The conversion of the Town's MHI to an electronic database will now allow the Town to improve the accuracy and content of the MHI as an on-going process and to integrate it more closely with statutory and strategic planning tools. The database, along with the Heritage Management policies, also creates greater access and transparency for owners and other users.

Difficult properties/owners

As with most Municipal Heritage Inventories, there will be a small number of properties which present themselves as particularly challenging, namely in relation to condition and location. However, the attached list contains places which **present a significant level of cultural value** warranting considered debate during the consultation period. The consultation period has been designed to accommodate a broad range of concerns and reactions to the MHI, in the most constructive and open process possible within the reasonable confines of the Officers and the Budget.

The Town has undertaken the steps identified in the Glew Corporate Communications Strategy and Glew Corporate Issues/Crisis Response Paper, which addresses likely situations of negative reaction. Due process of consultation will allow the Council to consider these places after the consultation period has closed.

Recommendation

To prepare for consultation, Officers have assigned time and resources according to the adopted timeline and the allocated dates for the contracted facilitator to undertake owner workshops. Delays to the roll-out of this program will have further significant financial and strategic implications.

Officers now seek a definitive list of places recommended by the Council to form the Draft MHI, before completing any more of the remaining tasks needed for a mid-June consultation.

These tasks include preparation of certificates, mailing address for owners, designing of workshops for owners and a range of specific tasks contained in the Glew Corporate Communications Strategy and Glew Corporate Crisis and Issues Response Strategy. Property details and ownership is required to finalise these preparations; hence the Council's support for the attached list is sought.

The Officers are confident that the Draft MHI represents an improved document and it is recommended that the Council approves the attached list as a means of proceeding with the final preparations for consultation, in accordance with the adopted timeframes and tasks.

At 10.59pm **Moved** Cr Messina, **Seconded** Cr Chester

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre had left the meeting.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 11.00pm with the following persons present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Bee Choo Tan	Acting Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 May 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006